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PROCEEDINGS OF THE NATIONAL ASSEMBLY

The House met at 14:01.

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

**CONSIDERATION OF REPORT OF AD HOC COMMITTEE ON REVIEW OF
POWERS, PRIVILEGES AND IMMUNITIES OF PARLIAMENT AND PROVINCIAL
LEGISLATURES ACT - POWERS, PRIVILEGES AND IMMUNITIES OF
PARLIAMENT AND PROVINCIAL LEGISLATURES AMENDMENT BILL**

There was no debate.

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

Report accordingly adopted.

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**POWERS, PRIVILEGES AND IMMUNITIES OF PARLIAMENT AND PROVINCIAL
LEGISLATURES AMENDMENT BILL**

(Second Reading debate)

Mrs J D KILIAN: Deputy Speaker, based on the presentation of the report, I would like to make a few comments to the House.

Firstly, I want to say that the process followed by the ad hoc committee was very thorough, and participating members also found it very informative. It is appropriate to thank all members for their participation and also the staff for their support, in particular Parliament's Constitutional and Legal Services, for their commitment to the process, for scrutinising the Act, and for also scrutinising other provisions that may require some adjustment so that we can effect all additional technical corrections to the Bill.

The ad hoc committee was established after the Constitutional Court ruled in the matter brought by the DA about the possible unconstitutionality of section 11 of the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act,

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Act 4 of 2004. The committee was established and held the first of eight meetings on 27 May 2016. The committee received a briefing on its terms of reference, the key findings of the Constitutional Court judgment and the implications for the Act. It agreed to review the Act beyond the implications of the Constitutional Court judgment and to consider other sections of the Act for possible review.

The committee requested a comparative study on international best practices and conventions relating to parliamentary powers and privileges. Countries' conventions consulted include Kenya, the United Kingdom, Canada, Australia and New Zealand. Moreover, the committee also received and discussed the presentations on the majority and minority judgments by the Constitutional Court in order to assess the views expressed by all the judges. The committee had a presentation of the entire Act, thus including all possible other sections to be reviewed. We duly reviewed the sections and then asked for public comment. We were a little disappointed that we only received one public comment but ascribed it to the fact that this was actually of a very technical nature, this review of

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the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act.

The Constitutional Court judgment was concerned with the constitutional validity of section 11 of the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act. Section 11 of the principal Act states the following:

A person who creates or takes part in any disturbance in the precincts while Parliament or a House or committee is meeting, may be arrested and removed from the precincts, on the order of the Speaker or the Chairperson or a person designated by the Speaker or Chairperson, by a staff member or a member of the security services.

The Constitutional Court was to determine whether the word "person" in section 11 grammatically included reference to a Member of Parliament. In comparing section 11 to section 27 of the same Act where reference to a person is clearly stipulated and words are used to include a member, the court found that the reference to a "person" in section 11 could only have one

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meaning, and that is that it includes a member, which would render the section unconstitutional. After making it clear that "person" in section 11 includes a member, it had to determine whether the rest of section 11 - removal and arrest of persons - could possibly limit freedom of speech, a privilege explicitly protected in section 58(1)(a) and section 71(a) of the Constitution of the Republic of South Africa for the National Assembly and the NCOP respectively.

The court concluded that section 11 was indeed constitutionally invalid, in that it does limit the privileges and immunities contained in sections 58(1) and 71 of the Constitution, which are absolute rights for Members of Parliament. This is contrary to section 58(1)(a) and its equivalent in section 71(a) which may be limited only in terms of the respective Houses. Section 11 of the Act is therefore unconstitutional, as it includes members and infringes the immunities from criminal proceedings, arrest, and imprisonment enjoyed by Members of Parliament.

The key findings of the judgment relating to section 11 are as follows: that members' freedom of speech contained in

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sections 58(1) and 71(1) may only be limited by the Rules and Orders of the Houses of Parliament; that the word "person" in section 11 of the principal Act includes a member and, as a consequence, allows for the arrest of a member which would infringe upon the immunities of Members of Parliament, as per the Constitution. Section 11 of the principal Act was constitutionally invalid therefore to the extent that it applies to Members of Parliament but that it will continue to apply to nonmembers. Lastly, the court found that, in the interim, they remedied this situation by including the words "a person other than a member" - just those few words after the word "person".

The judgment further dealt with the limitation of free speech of Members of Parliament and whether the removal of Members of Parliament from the Chamber as the result of a disturbance could constitute a limitation on the right of freedom to speech. The court acknowledged that sections 57(1) and 70(1) give Parliament the power to determine and control its internal arrangements, proceedings, and procedures and to make Rules and Orders concerning its business with due regard to representative and participatory democracy, accountability,

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transparency, and public involvement. Sections 57(2) and 70(2) of the Constitution contain further peremptory provisions.

The Constitutional Court thus ruled that Parliament has the powers to remove members forcibly in terms of its Rules, and it therefore held that the declaration of the constitutional invalidity of section 11 would not leave Parliament unable to deal with members who cause or take part in disturbances.

[Interjections.] The Constitutional Court further considered what constitutes a disturbance in the House and to what extent it should be further explained. The court concluded that the disturbance must be of such a nature that it incapacitates Parliament from conducting its business.

Being a developing constitutional democracy, this House should welcome the Constitutional Court judgment and the resulting Amendment Bill before us today. The House should also acknowledge that version nine of the National Assembly Rules of Parliament already contains elements of this judgment, ensuring that the Rules of this House is, in fact, in line with the principles contained in the majority ruling by the Constitutional Court. The Constitutional Court has therefore

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concluded that freedom of speech of Members of Parliament is subject only to the relevant House Rules and Orders and nothing else. Furthermore, the Constitutional Court ruling has confirmed that this Parliament and this House have the powers to adopt its own Rules and Orders and that the presiding officers of this House may have members removed, if necessary forcibly, if they make it impossible for Parliament to conduct its business in an orderly manner. I thank you. [Applause.]

Dr A LOTRIET: Deputy Speaker, although we must think that this are just a few amendments and of not much importance, it is actually the opposite. This is extremely important for our work here in Parliament.

The background to this Bill relates to the events of February 2015, when the EFF were asked to leave the Parliamentary Chamber by the Speaker. After having refused, they were forcibly removed in terms of section 11 of the Powers and Privileges Act.

An important point to note was that the forced removal was done by the members of the SA Police. This was confirmed by

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the Chairperson of the NCOP who was in the chair at that point when the issue was raised. The DA contended that the forced removal was unconstitutional and amounted to a breach of the separation of powers as enshrined in the Constitution.

The DA then took the matter to the High Court seeking a declarator that sec 11 is constitutionally invalid. One of the issues raised was whether the reference to person in section 11 included Members of Parliament.

The High Court held that it was reasonable to construe that "person" as referred to in sec 11, to include a Member of Parliament. Furthermore, the definition of "disturbance" in the Act was so wide that it detracted from members' parliamentary privilege of free speech.

The High Court consequently found section 11 to be constitutionally invalid, to the extent that it permits a member to be arrested for conduct that is protected by sections 58(1)(b) and 71(1)(b) of the Constitution. The High Court also ordered that this be referred to the Constitutional

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Court for confirmation whether section 11 is constitutionally invalid.

The Constitutional Court grappled with a number of important issues: The first of these relates to freedom of speech. Freedom of speech is one of the cornerstones of any democratic dispensation. The parliamentary privilege of freedom of speech goes back as far as 1689 in the Parliament of England where there was a struggle between King and Commons. Freedom of speech was then affirmed in the Bill of Rights. Today, it is present in most democracies by way of legislation, codes or conventions.

South Africa is a constitutional democracy and free speech forms the basis of this democracy. As such each Member of Parliament has a right to full and meaningful participation in the parliamentary decision-making and legislative processes. This can only be done if provision is made for robust debate and expression of different ideas, and where all views are given the opportunity to be considered.

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Section 58(1) (a) of the Constitution affirms that members have freedom of speech in the Assembly and its committees, subject to the rules and orders, and in 58(1) (b), they are not liable to civil or criminal proceedings, arrest, imprisonment or damages for anything they have said in, produced or submitted before or submitted to the Assembly or any of its committees.

However, the subsequent question to be answered is whether free speech that is within the provisions of section 58 of the Constitution can be limited? The Constitutional Court stated that the privilege of free speech as contained in section 58 can never go so far as to give members a licence to disrupt the proceedings of Parliament to such an extent that it may be hamstrung and incapacitated from conducting its business. That is why section 57 of the Constitution provides that the National Assembly may determine and control internal arrangements, proceedings and procedures, and make rules and orders concerning its business. Without any such mechanisms of control and discipline, the National Assembly would not be able to maintain effective discipline and order during debates.

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This then means that rules and orders may, within bounds that do not take away the essence of privilege, limit parliamentary free speech.

It is however, important to note that section 58 (1) (a) is very clear in its wording. It makes freedom of speech in the National Assembly and the NCOP subject to the rules and orders of the respective Houses. It does not include limitation by way of an act. Only rules and orders may limit freedom of speech in Parliament.

Before turning to whether section 11 includes Members of Parliament, attention must also be given to what constitutes a disturbance as referred to in the section. In the principal Act, disturbance is defined as any act which interferes with or disrupts or which is likely to interfere with or disrupt the proceedings of Parliament or a House or committee.

The Constitutional Court expressed itself on this definition by stating that it cannot be all conduct that annoys and tests the patience of the presiding officer and some in Parliament that amounts to interference or disruption. Robustness,

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heatedness and standing one's ground is inherent in the nature of parliamentary debate. To warrant removal from the Chamber, interference or disruption must go beyond what is the natural consequence of robust debate. Judge Madlanga goes on to state that if this is the case, the very idea of free speech may be eroded and if that is the intention of section 11, it would be constitutionally invalid for impermissible over breadth.

For a disruption to result in the actions permitted in terms of section 11, it has to be of such a nature that it prevents and incapacitates Parliament from conducting its business, and one would add, prevents other members from exercising their constitutional obligations and rights.

To answer the question whether section 11 includes a Member of Parliament, an analysis must be made of what section 11 states, and briefly I will quote: "A person who creates or takes part in a disturbance in the precincts while Parliament or a House of Committee is meeting, may be arrested and removed from the precincts, on the order of the Speaker or the Chairperson or a person designated by the Speaker or

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Chairperson, by a staff member or a member of the security services”.

Section 11 in the principal Act can be interpreted to mean that any member taking part in the disturbance in the House is guilty of a criminal offence and may consequently be arrested, detained, charged and convicted. The Constitutional Court found that this could have a chilling effect on robust debate and as such then limit free speech.

Unlike section 58(1)(a) of the Constitution, the immunities provided in section 58(1)(b) are absolute and are not subject to rules and orders.

The inclusion of Members of Parliament in section 11 would therefore mean that the immunities provided for in section 58(1)(b) would be infringed directly by this section.

Based on this, the Constitutional Court found in the majority judgement that section 11 not to be constitutionally invalid, but that the omission of the words other than a member after the word person is declared inconsistent with the

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Constitution. The words other than a member, therefore, have to be read in after the word person at the beginning of the section.

The Ad Hoc Committee on Review of the Powers and Privileges Act deliberated on the findings and the ruling of the Constitutional Court and amended the Act to read the above stated words in.

Although section 11 does not include members in terms of this amendment, the reference to disturbance is still relevant.

Section 7 which refers to persons, is not amended but it does refer to disruption in section 7(e). Therefore, it is prudent to attend to the definition. Based on the arguments relating to the interpretation of disturbance in the Act, the committee then also amended the definition in Chapter 1 of the Act.

The amendment cures the possible unconstitutional overbreadth of the definition, as it now reads, disturbance means any act which interferes with or disrupts or which is likely to interfere with or disrupt the proceedings of Parliament or a House or committee, and then with the new addition, but does not include an act committed by a member in the exercise of

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his or her privilege contemplated in sections 58(1) and 71(1) of the Constitution.

Hon Deputy Speaker, the protection of our privilege of freedom of speech is the mainstay of our democracy.

As the court held in Dikoko versus Mokhatla, immunising the conduct of members from criminal and civil liability during deliberations is a bulwark of democracy. It promotes freedom of speech and expression. It encourages democracy and full and effective deliberation. It removes the fear of repercussion for what is said. This advances effective democratic government. The DA supports the Bill. [Applause.]

Ms H O MKHALIPHI: Deputy Speaker, the Fifth Parliament of South Africa has been one of many highs and many lows. It saw the entering of the EFF, an organisation that gives new life to our democracy, into Parliament. The EFF also ensures that Parliament is not just a rubber stamp for the ANC deployees, but is an institution where the executive is held accountable for their actions, and laws are made.

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However, the Fifth Parliament also saw the institution of Parliament turned into a partisan tool for the ANC to shield Jacob Zuma and his Ministers. Rules were used illegally, deliberately misinterpreted, and changed to protect Jacob Zuma. We also saw the militarisation of the parliamentary precinct by the army and police.

The EFF continued to demand that Parliament hold the then President accountable for his corruption, abuse of state resources, and his facilitation of state capture for the Guptas. For this, we were beaten up by parliamentary bouncers at the order of the Speaker and her House Chairpersons, but our efforts yielded the necessary results because Zuma is history. Zuma is gone.

However, while many thought this unconstitutional and illegal behaviour and attitude was a thing of the past, we continue to see it, over and over again. When the current President was taking questions in Parliament, a young man in the gallery stood up and held a poster calling for the President to pardon all students involved in the Fees Must Fall protests. Instead of asking him to sit down or allowing him to make a political

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point, he was manhandled by parliamentary security and thrown out of Parliament.

This amending Bill will place greater power in the hands of the Speaker. However, this is concerning, given the track record of the Speaker of this Parliament, who has been neither impartial nor fair, in the past. She has also used the power she has been assigned by Parliament to protect the ANC-led government and its President from being held accountable by this Parliament.

It is also important to note that this amending Bill does not only apply to National Parliament. It applies to provincial legislatures, as well, and while the behaviour of the Speaker in the National Parliament has not always been fair, it is even worse in provincial legislatures with less media attention. There, Speakers of the various ruling parties act as a law unto themselves. They misuse or simply ignore the Rules in order to sabotage the efforts of the EFF and protect provincial governments - where so much of our corruption takes place - from being held accountable by the legislature.

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Our ability to hold the executive accountable is often facilitated by the Speaker, and this legislation, which places even more power in the hands of national and provincial Speakers, is one that is easily open to abuse. We therefore reject this amending Bill, Deputy Speaker. Thank you.

The DEPUTY SPEAKER: The hon Singh.

An HON MEMBER: Malibongwe!

Mr N SINGH: Thank you, Deputy Speaker. I have a fan club out there!

This House has always been characterised by robust debate and as an arena of critical thought and engagement on the issues and challenges that we face. As a Parliament, we continue to labour for the socioeconomic upliftment of all our citizens. Whilst we enjoy certain constitutional freedoms of speech, as do all South Africans, it remains paramount that we, as elected representatives of the people, have greater freedom of speech and opinion, as contained in the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act; and

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also that we are free to express our views in this House and its various portfolio committees.

As we all know, however, with greater freedom comes greater responsibility. This has, so unfortunately, been lacking in this Fifth Parliament. On many occasions, this Parliament has devolved and been denigrated into nothing short of a circus, more entertaining for most of our citizens than daytime television shows. Disorderly conduct has become the order of the day. It is high time that we address and correct such conduct as we near the end of this Fifth Parliament, lest it continue and worsen as we enter the Sixth Parliament of our free and democratic South Africa.

This Parliament has Rules, which we are constitutionally mandated to create, in order to self-regulate our conduct and behaviour. This places upon all of us an obligation and duty to ensure that not only our Rules, but also the framework legislation dealing with such Rules - such as this Act - is adequate to the task of not only providing the platform from within which issues of national import can be discussed, but also in delineating the boundaries of such discussion, and

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more importantly, regulating the conduct of members, in general, and towards each other, in particular.

Unparliamentary behaviour, which includes the hurling of insults, mudslinging, and character and personality assassination, not only denigrate this House, but are also socially destructive and sow such division in the greater public arena. In short, none of this takes us forward. Nor is it constructive to the nation we are trying to build and should, accordingly, not be tolerated, at all. Likewise, public participation in the gallery, whilst welcomed, must be controlled. The audience must not be allowed to become embroiled in or actively take part in matters of debate.

In conclusion, the IFP supports the amendments that have been brought here and the good work done by the ad hoc committee. Thank you.

The DEPUTY SPEAKER: Hon Singh, please, in future, stick to your time - and I am wondering if it is still a club if the only member screaming support is the hon Hlengwa.

[Interjections.] [Laughter.]

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Prof N M KHUBISA: Hon Deputy Speaker, I would like to concur with the previous speakers. The amendments here appear to be only a few, but they do state a lot about what is involved in the Bill.

Parliament, by its very nature, has a duty to do its work; has a duty to conduct its work in a transparent manner; and has a duty to do oversight over the executive. As such, the executive has got to account to this House. Therefore, this instrument is very important, because it deals with the conduct of Members of Parliament and also those who visit this House as part of public participation to ensure there is transparency in this House.

I understand that the amendment followed the Constitutional Court judgment on the matter, *Democratic Alliance v Speaker of the National Assembly and Others*, (CCT86/15) [2016] ZACC 8. As was said earlier, the ad hoc committee was formed to deal with the matter of inconsistency - not only that, but to bring about checks and balances.

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The matter of inconsistency occurred due to the omission of the words "other than a member" - in other words, the conduct of a member and those who come here. It has happened that, in the past, people have come to this Parliament as part of public participation, but they have disrupted the work of committees and other meetings they were attending. Therefore, this legislation and the amendment come with a caveat that will deal with that matter. It aims to align the Act with Rule 253(1) of the National Assembly. Suffice to say, Parliament has got to be robust in its actions. We have got to debate issues freely.

Our people are affected by a plethora of socioeconomic ills. Poverty alleviation should be key among all of us. As such, this legal instrument is therefore broad enough. The majority of the judges saw it fit that there should be an insertion, now that the word "person" in section 11 of the Act includes a member.

The Constitutional Court corrected this defect and limitation - because a member could be arrested for what he or she said in the House. So, it allows us to be robust in the House and

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not open to being arrested at any time for what is said here. One finds one has to say things here because one deals with the people out there, so the issue of names comes up. For example, we have dealt with the matter of state capture and one finds one is arrested for that.

The court cured the defect by inserting the words "other than a member" after the word "person" in section 11 of the principal Act, to ensure that the section does not apply to members only. Thank you very much. [Time expired.]

Mr M L W FILTANE: Deputy Speaker, good afternoon, I have had to stand in for hon Nkwankwa - because of certain situations around him. For a multiparty democracy to thrive and give practical meaning to the lives of the ordinary citizens, there must be no hindrance on the extent to which their representatives can put across their wants. People must be represented without fear to be held liable in civil or criminal proceedings, arrested, imprisoned or for that matter, even sued for damages or anything as they discharge their mandate from the electorate.

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Freedom of speech is a cornerstone of a thriving multiparty democratic parliamentary system. It hinges amongst others on an absolute right to the freedom of speech without any fear or favour, but with the people at the apex of that system. Each party and each member of this House and other legislatures for that matter, is elected to represent and give full meaning to participatory and representative democracy that our nation has elected as best method to ensure freedom.

Legislative bodies must inherently be deliberative and must conduct their business in the interest of the people as a whole. In order for this to happen there must be no unwarranted limits and scarecrows. We must be a robust and frank discussing House. It is when we enjoy both on paper and in practice the right to be robust, standing one's ground that we shall be able to hold the executive to account and thus contribute to the creation of a better and winning nation.

It is in this context that the UDM will always - not oppose this Bill but, instead, support the removal of any form and or mechanism that will prevent any member of this House from

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representing the people of South Africa. The guidance by the Constitutional Court has helped us to navigate through the amendment path that we have traversed. We shall ensure that, that guidance reign supreme as we debate this Bill. We support it. Thank you.

Ms D CARTER: Deputy Speaker, at face value, the Bill before us today proposes amendments to the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act, 2004, in order to give effect to an order of a Constitutional Court and apart from other amendments formulated as a consequence of a review of an act as a whole.

What is more concerning to Cope are the circumstances and the threat to our constitutional democracy that precipitated the ruling of the Western Cape High Court and for subsequent order by the Constitutional Court.

Deputy Speaker, it would be recalled that what should have been a proud and solemn affair in the life of our nation and our constitutional democratic order, that is the annual opening of Parliament and the state of the nation address by

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the President of the country - But it turned out to be as some commentators described it as "the day our country broke".

The day Parliament was violated by the country's executive and clearly with support from within Parliament, by the unauthorised, unconstitutional and unlawful signal jamming of cellular telecommunication in Parliament by state security and the violation of a sanctity of Parliament by the use of police officers disguised as parliamentary ushers to physically manhandle, assault and eject with violence Members of Parliament with other armed SAPS members entering this very House.

It will be recalled at this stage that the ruling party were using their majority in the National Assembly to attack the integrity of the status of the office of the Public Protector and to protect Zuma from scrutiny and being held to account generally and in respect of the Nkandla scandal.

What was becoming apparent by this time was that much of the state has been purposely infiltrated by operatives that the ruling party of O R Tambo, Mandela and Sisulu had been

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captured by cohorts of criminals with Zuma at its apex. That much of a state had already been captured and repurposed to facilitate looting and to protect Zuma and his cohorts.

Today, we face a crisis of unparalleled proportions as evidence by the failing state that is complicit in corruption that presides over rampant unemployment and stagnating economy, that has failed to give meaningfully effect to healing the divisions of the past and the attainment of social justice and a better life for all.

The amendment Bill represents, but one small step in rebuilding our institutions, ensuring good governance, creating conditions conducive to growth and fixing our broken country. Cope supports. Thank you.

Mr M P GALO: Deputy Speaker, the review of Powers, Privileges and Immunities of Parliaments and Provincial Legislatures Amendment Bill, follows the Constitutional Court ruling in *Democratic Alliance v Speaker of National Assembly and Others*, which was decided on the 18th of March 2016.

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Section 11 of the Principal Act was at the centre of the Court's judgement, in so far as it impermissibly allowed the arrest and the removal of the Members of Parliament who took part in any disturbance in the precinct on the order of the Speaker or the Chairperson.

The role of Members of Parliament is central to our constitutional democracy. In Paragraph 11 of the DA judgement, Justice Madlala stressed out the significance of unrestrained debate in Parliament. He wrote shortly that "For deliberation to be meaningful and members effectively to carry out those functions, it is necessary for the debate not to be stifled".

The challenge of stifling free speech in Parliament is the resultant effect of - it has on curtailing robust debate and executive accountability. Justice Jafta in Paragraph 123 warned that "the arrest and removal of Members of Parliament from parliamentary precinct infringes their rights to freedom and security of persons. The very essence of freedom of speech is manifest in the manner in which the spirit of Powers, Privileges, and Immunities of Parliament and Provincial Legislatures Act, was enacted.

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The founding provisions of the Principal Act recognises the significance of privilege and immunity granted to Members of Parliament with a view to protecting the authority, independence and the dignity of the legislatures and their members and to enable them to carry out their constitutional functions.

This judgement requires Parliament to protect and promote free speech by allowing Members of Parliament to robustly engage one another without fear, favour or prejudice. [Time Expired.] Thank you, Deputy Speaker. The AIC supports the Bill.

Mr M S BOOI: As we deliberate on how to improve our democracy, we as the ANC are quite glad that this Bill and these improvements have come from the Constitutional Court. What was important to us was that it clearly shows that not the whole amendment or the ... [Inaudible.] ... Powers, Privileges and Immunities of Parliament and Provincial Legislatures Amendment Bill is wrong. So it was important and essential that we ensure that we guide Members of Parliament, MPs, and we give them their privileges. But they must not abuse them in Parliament and turn Parliament into a fighting kraal.

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Parliament must be treated as part of that constitutional arm of government, so that democracy through Parliament is exercised. That is quite important here.

So, if you say this is a constitutional democracy, it automatically means that the exercise of democracy doesn't mean that the privilege that we all exercise and the need that is needed in Parliament ... Listen to the other MP and when you get answers allow him to go ahead. Don't abuse that privilege when it's your opportunity. Don't howl him down as an MP.

These are the things that are here to assist in improving, so that as we sit here, MPs might be protected, and we might be able to say we do have different views but accommodate those that have different views. This is what this legislation has been trying to improve.

This is where we are ... that throughout the 25 years of democracy ... When we find this particular development we don't say no, no, the DA is wrong to go to court. It's a view. We say go to court, test it and come back with it.

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So, as the ANC we accept this amendment and we get excited when we see that those amendments are not fundamental. They are not here to destroy what we have been trying to build into ... that MPs themselves should be able to be asked to behave and to follow the rules that are being created, so that we don't sit here and kick out the rules as if there's nothing that has ever happened. It has been happening, it's acceptable and it's quite clear what the Constitutional Court says. Look at the rules, follow the rules and behave within the rules themselves. This is the privilege that we feel ... and what we feel has been done.

Have we in the ANC been absent-minded in how we hold the executive accountable? We have never been absent-minded. We have been very clear. We have been engaging with the executive. We have been taking the executive because, as hon Mondli Gungubele once said, if we as the ANC don't act and don't show the strength of the things that we are critical about, it's always going to be difficult for other opposition parties just to act without the ANC. That's what Mondli said.

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However, at the end of the day what we as the ANC are saying is that as MPs we are not ignorant about holding the executive accountable. We have been very consistent about that. We have been able to say, look at the rules and play within the rules. Don't howl, because howling is not going to help us to understand you. If you are rude and shout down other MPs you are not making it possible for us to have a common understanding of the issues that you are raising. That's not how you must conduct yourself as an MP. You need to be able to follow the rules. You cannot allow anarchy to be promoted inside the House. We are supposed to be symbolic to society. We are supposed to be a good example to society of how we should conduct ourselves.

That is what this amendment is about. How do you respect the member who is seated next to you? There is no other way where it says you are better than the other one. It says we are all MPs and the privileges that are to be exercised have to be followed through. It emphasises that if you misbehave as an MP we can't ignore you. It's not absolute. You don't have that privilege or that immunity which says it's absolute, and you can do and behave as you like in Parliament. It's not what it

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says. It says keep the discipline and follow the rules. If you are not regulated as a member it will create a problem for the institution and that's the type of example that we don't want to see.

We never expected to have arrived at this particular level where powers and privileges would have to be enforced to guide members on how they must conduct themselves within the institution. This is what we didn't want to do but because of certain developments within the House we had to revisit ... open courts ... to be able to see to members. This is how you handle issues within the parliamentary precinct. This is how you don't ignore other MPs. You give them the respect. You listen to their voices and then you oppose their voices in a very reasonable manner that would show respect to the next member.

We have always had hon tata Buthelezi, who always says, give us the opportunity to hear what the other member is saying. And after having listened to that opportunity we will respond. That is the type of discipline that we are emphasising here.

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That type of lesson was a very good lesson. Respect the member who is seated next to you. He might not have the same opinion as you but he might be able to come up and say what he thinks. But in the noise making and shouting you make it very difficult for us to be able to listen to each other and be able to remain good examples to society of how to exchange and talk to each other within the National Assembly.

So, what we are saying here ... wouldn't have been able to start saying, go and deal with such an MP. As the ANC we don't get any excitement in having to deal with another MP. What we are saying is that when we have seen such a lesson ... the Constitutional Court re-emphasised that particular development.

We don't see ourselves here as people who are coming to monitor the activities of other members. Within that, the Speaker has remained very resolute. She has been very clear and she has made it clear that she conducts the business of Parliament in terms of the rules. She has never easily gone and said, remove so and so. We always know that she engages and she gives her mandate on the basis of the rules and what

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the guidance is. We say that her neutrality is based on the work that she has been able to do, and she has done that very consistently. She has never been able to be unbiased to those that are here. She has been trying to say, members give us the opportunity. Let's hear what the other member is saying. If there is opposition from other members in the House she conducts herself in terms of that. We are glad about the fact that this rule ensures that you remain improved and you remain focused on the work that you are doing.

Parliament is an important institution. It's a constitutional institution. It's written in the Constitution and that's how we conduct ourselves.

You see, when you don't attend the Rules Committee meetings, you ignore the rules. Institutions and committees are created for you to participate in so that you can hear your voice. You assume that you come into the House where there's a TV ... you shout at us. It's not how we should conduct ourselves. The way to conduct ourselves is to ensure that in the different committees that have been constituted in Parliament in terms of our Rules Book ... are being followed.

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Yes, when there's a TV you can shout as much as you can but at least show respect to Parliament and show respect to other colleagues within the institution. Attend their meetings and listen to their different points of view. When you come to the House you must be able to say, I have stood up and I've objected.

If you read the report ... I respect hon Lotriet for what she has done. In the committee she said that it's important that the DA's point of view is taken note of. I must go back and consult our party and make sure that I come across like that. That's the consistency we appreciate. [Interjections.]

However, what we wouldn't appreciate ... the EFF agreed with us in the committee and adopted the report. Today we get a totally different summary ... that we object and we are not going to vote. Now you see that is a little bit of a problem because it then means that there's no consistency. Why do you send members to the committee to come and talk to us and agree with us about what is supposed to be done, and when you now realise that its going to be adopted you turn around and bring

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a different point of view? It's not recorded in the minutes. It is here.

So, I'm saying that at the end of the day we as MPs should always be consistent about how we want to appreciate and show democracy at work. It's not just good to say that it's a constitutional democracy. Let's all agree with it. There are rules and those rules have to be respected.

There are committees in Parliament. Participate in those committees. Be active and what you say must be consistent with what is being said. Don't preside over ... allowing us to agree with you and when you come to the institution where there is a TV you say, I don't agree. That's not how we should conduct ourselves. It's not how an institution is supposed to be run.

That is why when we say, we call the Rules Committee, we call the subcommittee of the Rules, it's to be able to polish up so that if there is consensus we agree with each other. But still within that we always recognise the fact that opposition parties do have a different voice and different views.

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But we have never shouted down anybody. We show respect to each member because it shows consistency, and we would never introduce the white shirts in Parliament if ever that consistency was maintained.

All these developments that we are talking about or the negativity that was attracted in this particular way is due to the conduct of members themselves. We hold the executive accountable. We are not against that. We are not going to abuse it. We will always make sure that we follow procedure to the letter because it's in the interest of democracy. It's in the interest of constitutionalism that each and every member who has a responsibility must be protected in this House.

There is no way that we are going to allow a situation where certain members feel more privileged than others or more above others, and they can just shout at particular members and then expect the Speaker or the presiding officer to feel, no, I can't touch them ... they are untouchable. Society doesn't work like that. There is responsibility here. We are equal and we should be able to be respected and be given protection as

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expected of all members. We can't be treated differently. This is all we want to say as the ANC.

As we welcome the changes and amendments that have taken place in the Powers, Privileges and Immunities Act, we are very privileged, and more than privileged, that the unitarism of the state is being maintained. We have been able to ... what has been decided by the Constitutional Court to assist to influence what should happen in provinces so that as a unitary state that influence must be able to go down to our own provinces, and when the Constitutional Court says what to do at the National Assembly its what should happen in the National Council of Provinces.

To us it's a very important development. It shows the strengthening of our democratic practices and it shows how far we should be able to go. Deputy Speaker, thank you.

[Applause.]

Debate concluded.

Bill read second time.

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NATIONAL FORESTS AMENDMENT BILL

(Consideration of Report)

There was no debate.

Mr P D N Maloyi moved: That the Report be adopted.

Motion agreed to (Economic Freedom Fighters dissenting)

Report accordingly adopted.

NATIONAL FORESTS AMENDMENT BILL

(Second Reading debate)

Ms M R SEMENYA: Hon Deputy Speaker, the Deputy President of the Republic, hon members of the august House, good afternoon.

The National Forests Amendment Bill was introduced in Parliament and referred to the Portfolio Committee on Agriculture, Forestry and Fisheries in 2016. The Amendment Bill, which has been classified by the joint tagging mechanism

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as a section 76 Bill, was adopted by the portfolio committee on 29 May 2018.

The objectives of the National Forests Amendment Bill are: to amend the National Forests Act of 1998, Act 84 of 1998, so as to provide a clear definition of the natural forest and woodlands; provide for the public trusteeship of the national forest resources; increase the promotion and enforcement of suitable forest management; increase the measures provided for in the Act to control and remedy the deforestation; provide for the appeals against the decision taken under delegated powers and duties; reinforce the offence and penalties; and promote equity by inclusion of youth and women in the National Forests Advisory Council.

While the National Forests Act of 1998, which is the principal Act, addresses the protection and management of the forests, the National Forests Amendment Bill extends the protection of all the indigenous vegetation within and in the forest area which is very important and significant for the country's biodiversity.

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Sesotho:

O sele wena. (off mic)

English:

The Amendment Bill also promotes equity in the forest sector by making provision for the inclusion of women and youth in the appointment of the National Forests Advisory Council, and further makes clear provision for appeals against the decision or action taken by the delegated officials. The National Forests Amendment Bill [B 11B - 2016] Report is hereby introduced to the National Assembly with amendment. Thank you, Deputy Speaker.

There was no debate.

Declarations of vote:

Afrikaans:

Mnr H C C KRUGER: Agb Huisvoorsitter, die beskerming van Suid-Afrikaners se erfenis is baie belangrik. Hierdie wysiging poog daarin om woude, aangeplant of inheems, volhoubaar vir ons nageslag te bewaar en om dit tot voordeel van al die inwoners

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van Suid-Afrika te bewaar, maar veral tot voordeel van die gemeenskappe om en in hierdie woude.

Hierdie voorgestelde veranderings aan die wet is dan uit die aard van die saak 'n verbetering op die Wet van Nasionale Bosse, wet 84 van 1989. Die Departement van Landbou, Bosbou en Visserye is verantwoordelik vir hierdie wet. Die wet poog om die volhoubare bestuur en ontwikkeling van bosse te bevorder en maak voorsiening vir die beskerming van sekere bosse en bome.

Dit is gevolglik van kritiese belang om te verseker dat die veranderings wat aan die bestaande wet aangebring word, nie volhoubare bestuur van bosse belemmer nie. Ons almal is bewus van hoe rompslomp deur onduidelike en onnodige regulasies en wetgewing vooruitgang kan stuit.

Landelike gemeenskappe in en om woude en bosse is meestal arm en kwesbare huishoudings en maak vir hul bestaan, op bosbou staat. Die toets of die voorgestelde wetgewing tot voordeel van Suid-Afrika sal wees, lê daarin dat die wysigings ook tot voordeel van hierdie gemeenskappe moet wees.

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Ek wil tog onder die Huis se aandag bring dat daar verseker nie genoeg gekonsentreer word op die insluiting van kleinsake, kleiner kwekers en kleinskaalboere nie. Gemeenskappe word deur die groot organisasies in die bosboubedryf geboelie. Beloftes wat jare gelede deur die staat gemaak is en deur maatskappye wat aangestel is om bosse en woude namens die werklike eienaars, naamlik Suid-Afrikaners te bestuur, word doodeenvoudig geïgnoreer.

Die waardeketting in die bosboubedryf hou duisende geleenthede vir kleinsake-ontwikkeling in, maar die big brothers [groot maatskappye] ontnem dit van die kleiner entrepreneurs.

Tydens 'n onlangse uitgebreide oorsigbesoek na verskeie provinsies om die insette of die wysigings van hierdie wetgewing vanaf die gemeenskap aan te hoor, het dit duidelik geblyk dat hierdie gemeenskappe genoeg gehad het van die geboelie van die big business [groot maatskappye].

'n Verslag deur die Industrial Development Think Tank van die Universiteit van Johannesburg in April 2018, wys daarop dat kleinsake-eienaars sukkel om deel te word van bedrywe wat deur

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groot besighede beheer word. Bosbou is een van daardie bedrywighede en in hierdie wetsontwerp is die poging om die gemeenskappe te bemoedig om deel te word van die bedryf, duidelik beperk.

Dit het tyd geword dat die politiese retoriek en praatjies van die ANC omgesit word in praktiese oplossings, sodat elke Suid-Afrikaner in en om plantasies en woude deel kan word van die bosbouekonomie, om sodoende 'n waardige lewe te kan lei.

Soos in menige ander bedrywe, word ons boscense ook oor die hoof gesien en is die rykdom wat in ons natuurlike hulpbronne opgesluit is, net beskore vir dié met die regte konneksies. Gemeenskappe wat in en om die bos woon sukkel geweldig met die groot maatskappye om te verseker dat hulle veë veilig gehou word en daar is 'n versoek dat weiding aan kleinboere verskaf moet word.

Ongeveer 1,6 miljoen hektaar bosbougrond behoort aan die staat en 500 000 hektaar word deur die South African Forest Companies Limited namens die staat bestuur. Die geleenthede vir kleinsake is duidelik onbeperk en duisende werksgeleenhede

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kan geskep word met die regte regering aan bestuur, om nie eens van die grondhervormings-geleenthede wat daarin opgesluit is te praat nie.

Ongelukkig word daar steeds duisende hektare indringende bome jaarliks op staatsgrond aangeplant, wat ons inheemse plantegroei bedryg. Hoewel die wet duidelik hieroor is, wil dit blyk dat die rentmeesters 'n veer omgee in hierdie verband. Black wattle is die vernaamste indringer en die aanplant hiervan moet dringend aangespreek word.

Die vernaamste oogmerke van die wetsontwerp sluit die volgende in: duideliker definisies van terme; die bevordering van volhoubare bestuur van plantasies, bosse en woude; die beheer en herstel van ontbossing; appelprosedure teen besluite of aksies wat geneem word as gevolg van die wetgewing; en die bevordering van deelname deur kwesbare en agtergeblewe gemeenskappe.

Die wetsontwerp is in die regte rigting, maar die departement moet meer aandag gee aan die opheffing van die verlore gemeenskappe in en om ons plantasies. Die Demokratiese

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Alliansie sal die vordering in hierdie verband baie fyn dophou. Die DA bevorder geleenthede ... [Tyd verstreke.]
Dankie, Voorsitter.

Die ADJUNKSPEAKER: Kry asseblief jou storie reg oor wie hier in die stoel sit.

Declarations of vote:

Mr Z R XALISA: Hon Chairperson, we have missed a rare opportunity to use this amendment Bill to legislate for a thorough going process towards transforming the forestry industry into truly a representative of our people.

One of the most foolish mistakes made by the ANC government was the move to privatise state-owned forest from 1998 onwards, reducing the role played at the time by the South African Forestry Company Limited, SAFCOL. This move donated for almost next to nothing under the disguise of the long term forestry lease agreements that hold the state forestry a few white timber companies namely: Amathole Forestry Company (Pty) Ltd, Singisi Forest Products (Pty) Ltd and MTO Forestry in the main.

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These companies control about 11% of forestry land in South Africa that was previously under SAFCOL. They exploit our forestry resources injudiciously without care for the environment and the communities around these forests.

This Bill could have therefore been used to reverse that partial privatisation of forestry resources and hand these forests back to SAFCOL and then strengthen the capacity of SAFCOL to manage these in a progressive manner on behalf of the people.

This could give cogent and practical expression to the notion of public trusteeship as highlighted in this amendment Bill, otherwise how do endanger the principle of public trusteeship of forestry resources when 50% of all forestry land is owned by private companies, monopolised in the main by Sappi, Mondi, Yorke and Hans Merensky.

The commercial farmers control 17% and forestry land and SAFCOL, our state-owned entity controls about 10%. The municipalities control 7% and small growers only 3%. It will therefore not be an expensive exercise to take back the

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SAFCOL, with its 11% of the forestry land leased out to these white companies.

This Bill also ought to have transferred the 7% of municipal owned forest to SAFCOL too. The basic principle here is that forestry resources are too important to livelihood of the people, such that the state must be the driving force behind ensuring that these resource benefits the people. The SAFCOL can be useful mechanism towards achieving that goal. This Bill does nothing of the sort.

Secondly, while we support the provision to tighten the protection and conservation of our forestry resources as provide for in the amendment Bill, we fear with the reason that this will only be used to further tighten the draconian manner in which communities closer to forest has been treated in the past.

Under the disguise of protecting the forest, rangers have been shooting at people in areas managed by Amathole Forestry Company (Pty) Ltd in the Eastern Cape for instance and in

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other areas managed by conservation agencies such as Dwesa and Cwebe in that province.

The department has done nothing, however to reign in companies that destroy natural forest, when we brought to the attention of the department that Amathole Forestry Company (Pty) Ltd was destroying natural forest at Izingcuka Forest without any authorisation from the department.

We have every reason to believe that there is collusion between these companies and the department, particularly Minister Zokwana, who is prone to asking bribes from companies. We therefore, reject this Bill. It is not merely enough to transform the forestry industry. Thank you very much, Chairperson.

Mr P D N MALOYI: On a point of order, Deputy Speaker, the gentleman must come back and withdraw a statement that says the Minister is prone to bribes. He can't make such a statement.

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The DEPUTY SPEAKER: No, no, he doesn't have to come back and turn to be ... Hon member! Please, take your microphone there and withdraw the statement you made.

Mr Z R XALISA: Chairperson!

The DEPUTY SPEAKER: Withdraw that statement, please.

Mr Z R XALISA: Which one, Chairperson?

The DEPUTY SPEAKER: The one you are alleged to have said here in front of the House - about hon Zokwana. What did you say hon Zokwana is prone to?

Mr Z R XALISA: I don't remember, Chairperson. [Laughter.]

The DEPUTY SPEAKER: You don't remember?

Mr Z R XALISA: Yes.

The DEPUTY SPEAKER: Hon member, you have been heard. Did you say what the hon member says you said?

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Mr Z R XALISA: Remind me, Chairperson. I can't remember.

The DEPUTY SPEAKER: Hon member! Just hold on. Hon member, you are said to have said that the hon Minister is prone to asking for bribes. Did you say that?

Mr Z R XALISA: Let's check the Hansard.

The DEPUTY SPEAKER: Hon member, no. I was asking you to confirm or not because I am asking you to withdraw that statement straight away.

Mr Z R XALISA: I never said so, hon Deputy Speaker.

The DEPUTY SPEAKER: You never said it?

Mr Z R XALISA: I never said so.

The DEPUTY SPEAKER: Okay, take your seat. We will go and check Hansard.

Mr Z R XALISA: Thank you very much, Chairperson.

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The DEPUTY SPEAKER: If we find that you said so, it's going to double your problem.

Ms H O MKHALIPHI: Order, Chairperson.

The DEPUTY SPEAKER: Yes, hon member.

Ms H O MKHALIPHI: Chairperson, but that's a threat to a member.

The DEPUTY SPEAKER: Yes, it is a threat. If want to put it that way ...

Ms H O MKHALIPHI: But you can't do that, Chairperson.

The DEPUTY SPEAKER: Hon member, no, take your seat.

Ms H O MKHALIPHI: But you can't threaten a member in Parliament.

The DEPUTY SPEAKER: Hon member!

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Ms H O MKHALIPHI: No, you must withdraw that delela too.

The DEPUTY SPEAKER: Hon member, it's your own language. You know what it means. You know it is not a threat. He asked us to check Hansard. I am going to carry out his promise. That's all I am saying. I will fulfil your promise, Sir. Thank you very much.

Inkosi E M BUTHELEZI: Deputy Speaker, the IFP supports the view that, it is the responsibility of the government of all levels to actively promote sustainable environment development. It is the responsibility of all South African to safeguard our environment and this must be a shared responsibility.

Our forest together with our oceans are effective carbon sinks and in this regard is just one of the many reasons as to why we should develop forest rather than destroying them.

We as the IFP welcome this Bill and seek to expand certain definition as to bring clarity to natural forest and woodlands; to provide for public trusteeship on the nations

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forestry resources; increase sustainable forest management and its promotion and to remedy deforestation and provide mechanisms for appeals and reinforced penalties of offences committed under this Act.

The provision of this Act provide a framework that would enable the department to ensure that all South Africans participate in our nations forestry resources.

The past environmental policies have failed to be effectively and efficiently implemented. Therefore, the IFP hopes that with the passing of these minor amendments to the principal Act, this would effectively deal with the management of our nation's most precious resource. The IFP supports this Bill. Thank you.

Mr L M NTSHAYISA: Chairperson, I am sorry that I came before NFP that have more seats I didn't see but I wanted to spoil his day. Deputy Speaker, for the purpose of achieving the most required results the Committee on Department of Agriculture, Forestry and Fisheries deliberated an amendment; the National Forests Amendment Bill. Certain clauses were amended to be in

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line with the Constitution of the Republic of South Africa. Changes were effected in clauses 1, 3, 6, 15, 17 and 18.

In accordance to this Bill the Minister must appoint relevantly qualified people to the Appeal Committee to do work efficiently. People with criminal records cannot be appointed into this committee. Anyone with any grievance can appeal to the Minister, the decision taken by the delegated official and no one with personal interest can be appointed. Again, this Bill seeks to prohibit any destruction of forests and indigenous trees.

Deputy Speaker, as we were going around conducting public hearings on this Bill, we could discover that the farm dwellers and farm workers were complaining about low wages, ill treatment and accommodation afforded by the farm owners. They were saying that their views were not properly catered for in this Bill. AIC supports this Bill. I thank you.

Mr S C MNCWABE: Thank you, hon Speaker ... [Interjections.]

The DEPUTY SPEAKER: ... Deputy!

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Mr S C MNCWABE: Hon Deputy Speaker, hon Ntshayisa for the fact that my wife comes from Matatiela, I will forgive you on that basis. The National Freedom Party welcomes the amendment of the Forestry Bill with the hope that the aims and the objectives that the Act seeks to achieve will indeed be achieved. The NFP is happy that the portfolio committee has embarked in a series of public hearings before bringing this report in this House. In our view the amendment to this Bill will go a long way in addressing the discrepancies and imbalances of the past in this field of business.

During the public hearings the communities surrounding the forests expressed a number of concerns regarding the forestry business including benefiting from this kind of business. Forestry owners were also given a chance to express their own issues but most importantly to note is that communities supported the amendment to the Act with the hope that once the Act comes into operation it will not only give proper and meaningful sense to the legislation but it will also address their concerns and wishes regarding the forestry industry. The NFP supports the amendment and we hope that the House will support the Bill. Thank you.

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Mr M L W FILTANE: The UDM welcomes the report of the committee. We are debating on adopting this Bill at a time when there is more global important a set of aims than the ones behind the sustainable development goals herein referred to as the SDGS. The United Nations sums up their scope and ambition on this matter as, and I quote:

... a universal call to end poverty, protects the planet and ensures that all people enjoy peace and prosperity.

It is in this context that the South African forest industry is of great national importance and has considerable potential to continue to grow and bring with it significant economic benefits for all to enjoy.

Our policy framework requires that the benefits derived from further growth in the industry should be balanced not only against environmental and resource use implications but also its social impacts. There must be a consistent relationship between the forest industry and the surrounding resident rural communities that must at all times be characterised by synergy and mutual access to resources principally land. This

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relationship must be grounded on the recognition by forests owners as well as the rights and aspirations of the affected communities. The current national dialogue on the land question will hopefully further bring an innovative and sustainable approach to resolving the inherent conflict between the forest industry and rural stakeholders including land ownership, land usage, other resources as well as the development of a commercial relationship between the users of forests.

The Sustainable Development Goals, SDGs, as adopted in 2015, embodied what is known as the 2030 agenda. This is a global commitment to a better and sustainable future for people and planets alike. Through this Bill South Africa can be better positioned to locate itself within the global movement for safer and supported forests as habitats to millions of animals. We must at all times ensure that we continue to appreciate and protect them with all that we can. These things having been said, the UDM supports this matter. Thank you.

Mr W M MADISHA: The Congress of the People knows that the Department of Agriculture, Forestry and Fisheries has a

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responsibility to protect, conserve, develop, regulate, manage, control and utilise the nations' forestry resources in a sustainable and equitable manner for the benefit of all in accordance with the constitutional and developmental mandate of government. Cope understands that the purport of the Bill is to increase the promotion and enforcement of sustainable forests management, to increase majors to control and remedy deforestation and to promote the participation of vulnerable and the previously disadvantaged groups in the National Forests Advisory Council, many of whom rely on forestry for their livelihood.

Now, whilst there maybe merits in the purport of the Bill, what concerns Cope is that the increased regulations of our forests as envisage by this Bill places a greater burden and responsibility upon the department to give effect thereto. However, as a High Level Panel report and the National Development Plan, NDP, concludes that there is ample evidence of weaknesses on the part of government to execute and enforce policy and legislation. We simply don't have a capable state, let alone a developmental state and the Department of Agriculture, Forestry and Fisheries has a less than

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satisfactory a track record. Consequently, we have real concerns as to whether that intend of the Bill will be realised and enforced by the department.

Further hereto, increased regulation results in increased power and authority, and we know how under the ANC administration power and authority is abused for corrupt ends. We know that this has been prevalent within this department as well. As a consequence, Cope is hesitant to support this Bill. Thank you.

Ms M P CHUEU: Chair of Chairs and Deputy President of the country, to hon Kruger, you know that we have had public participation in the areas affected and the advisory committee has started briefing the committee. When dealing with the legislative amendments in the forestry sector, the ANC's primary objective is to ensure that whatever amendments we bring before the House deal with the challenges of strategic intervention to fully utilise the potential of South Africa's forestry sector and drive empowerment, transformation and economic growth and decent work.

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The ANC as government is concerned with far wider issues that impact on the lives and wellbeing of our people and forestry policy and legislation must reflect these concerns. Forestry has at least two main streams of endeavour. The older of this is the protection of the natural forest resource as part of our natural heritage. Out of this has grown the science of commercial forestry to fix the world's growing population for wood as a raw material.

There is a third stream in South Africa at the present week, but of major importance in South Africa's development. It is the new stream of community forestry and agro-forestry supplementing commercial forestry by endeavours nearer to the people's needs. It aims to improve the living condition of all our people through projects such as school nurseries, urban and peri-urban tree plantings, individual's fruit and shade tree plantings and transporting surplus wood to needy areas. It is common cost that the most deprived sections of our people are those in rural areas. They have little or no land, little or no fuel, little or no income and struggle daily with the burden of poverty.

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Forestry is rurally based and there is a natural link between it and the rural population. It can provide employment, building materials, fuel and craft materials. It can provide opportunity and hope and can add dignity to the environment. Therefore, the broad aim of forestry policy and legislation is to put together the three strains of conservation forestry, commercial forestry and community forestry. The overall goal of the ANC is to promote a thriving forestry sector for our economy, but equally utilise it for the lasting and sustain benefit to the total community around the forest. This goal incorporates a developmental and managed approach to protect and to improve environment.

The ANC believes that regardless of which form of ownership of the forestry sector and its land be it state or private or communal, we must foster a spirit of stewardship for the nation, forestry communities and for the prosperity. We are dealing with assets that bring with ownership wider responsibilities than the narrow objectives that have been accepted in the past. Inherent in this philosophy of stewardship is the concept of sustainability. Sustainability is, of course, the essential norm for the entire spectrum of

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endeavours that are part of forestry. There should be no longer being exploitation of any of our assets, human or material for short-term advantage which ignores the future.

Therefore, we are looking at the amendment Bill the logic which underpins the state as public trusteeship of the nations' forestry resources. It is well suited to the ANC philosophical perspective on future on our forestry sector. This relates to how we conceptualise sustainable forest management. The matters of trusteeship are keen to those of management and control. Such public trusteeship of nations' forestry resources includes all other indigenous forest vegetation, other than trees within the protection or the natural forests. This amendment Bill will equally protects state forest as well from illegal loggings and the unlicensed grazing on the state forest land which disturbs and interrupts the sustainability of the state forest resource that is required for various economic benefits to the country and communities.

The amendment will largely deal with illegal loggings assist and empower law enforcement agencies to effectively combat

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this crime within the framework of penalties that are outlined in the principal Act. Assignment will strengthen the constitutional validity of organs of state to manage the state forest in terms of section 99 of the Constitution and must be welcomed.

In conclusion, forestry is a strategic industry in which timber is a strategic resource and a national asset. Forestry has the potential to provide varied job opportunities, especially in rural areas. Whilst challenges remain, ours must be to ensure that sustainability of the forestry industry is to the economy and the rural economy and communities. Treating the forestry sector as a strategic industry will provide much needed funding and government support for the industry which can contribute significantly to the objectives of job creation and poverty alleviation.

Forestry industrialisation needs to be implemented in order to achieve the objectives of increase participation of the poor and the vulnerable in the rural areas of the economy as well as job creation and support the objectives of the proposed amendment Act. The ANC support the Amendment Bill. [Applause.]

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Bill read a second time.

The HOUSE CHAIRPERSON (Mr C T Frolick): The Bill will be sent to the NCOP for concurrence. Hon members, before we get to the next item on the order paper, I would like to recognise in the gallery the learners and teachers from Kokand Primary School from Limpopo, Vhembe District. Welcome to parliament!

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON POLICE -
CRITICAL INFRASTRUCTURE PROTECTION BILL**

Mr P D N MALOYI: Hon Chair, I move on behalf of the Chief Whip that the Report be adopted.

There was no debate.

Motion agreed to.

Report accordingly adopted.

CRITICAL INFRASTRUCTURE PROTECTION BILL

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(Second Reading debate)

The MINISTER OF POLICE: Hon Chair, the Critical Infrastructure Protection Bill 2017 seeks to replace National Key Points Act 102 of 1980 and corresponding laws of the former Transkei, Bophuthatswana, Venda and Ciskei, TBVC, states which used to be administered by the Minister of Defence. The National Key Points Act is presently administered by the Minister of Police.

The National Key Points Act is the product of the apartheid era and the principles provided for the National Key Points Act has been revised and aligned with constitutional imperatives. It has, as its main focus, the safety of the Republic and possible prejudice to it and has been criticised as old legislation. The Bill responds to international developments relating to the protection of critical infrastructure.

The modern definition of the critical infrastructure is wider than safeguarding, which was an objective of the National Key Points Act. It is widely accepted that the protection of the

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critical infrastructure has become a much broader concept with the distinctively new focus in that the concept increasingly refers to preventative security measures as well.

Internationally, a common thread running through the approaches of different nations is the adoption of all-hazards approach aimed at improving their ability to anticipate vulnerabilities for current and future threats. It is also necessary that the Bill is harmonised with other legislations such as National Strategic Intelligence Act and many other Bills that it is aligned with.

In order to improve the statutory framework regarding the protection of the critical infrastructure, the National Key Points Act is to be repealed by the constitutionally friendly Bill that is harmonised with other legislation, to provide for the security issues related to the physical protection of critical infrastructure. The Bill was widely consulted with interested parties, including the National Economic Development and Labour Council, Nedlac.

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The Bill seeks to provide for the identification and declaration of infrastructure. The Bill provides for certain offences in respect of infrastructure. The offences aim to prevent damage to and disruption of critical infrastructure as well as the endangerment of the security measures.

It is only those with truly unlawful intent that will be prosecuted in contrast to the National Key Points Act where innocent persons could be charged with such offences. The need to review the National Key Points Act has not only been expressed by the government, but also by other groupings and the High Court. The Bill has proceeded through the relevant committee where it was rigorously debated amongst both the members as well as civil society.

In closing, I would like to mention that the United Nations Counter-Terrorism Committee which visited South Africa from 7-9 May 2018, was very impressed with the Critical Infrastructure Protection Bill and described it as a very positive development in South Africa, which will give effect to the United Nations Security Council Resolution 2341(2017) on Protection of Critical Infrastructure Against Terrorist

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Attacks. The United Nations Committee indicated that the Bill could serve as a best practice to be considered by other member states. I thank you.

Debate concluded.

Bill read a second time.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon members, can I just request you to keep the noise level down, please!

Mr F BEUKMAN: Hon House Chairperson, hon Deputy President of the Republic, hon members and fellow South Africans, thank you also for the opportunity on behalf of the ANC, to support this specific Bill and the committee report that was published in the Announcements, Tablings and Committee, ATC, reports on Wednesday, 15 August 2018.

The Critical Infrastructure Protection Bill will replace the National Key Points Act of 1980 as the Minister of Police indicated. The National Key Point Act was initially

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administered by the Minister of Defence and Military Veterans, but later transferred to the Minister of Police.

The Key Points Act has become outdated and obsolete and was the product of a pre-democratic era and not relevant and applicable to a rights-based democratic dispensation.

The 1996 Constitution of the Republic of South Africa provides that all spheres of government and all organs of state must secure the wellbeing of the people of the Republic. The Constitution provides for the right of access to information, subject to the limitations provided for, in section 36 of the Constitution.

The Bill that is before the House today is also responsive to the international developments relating to critical infrastructure. It is accepted that the protection of critical infrastructure has become a much broader concept with a distinctly new focus on preventative security measures as well.

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Jurisdictions have different approaches to the protection of critical infrastructure. In the People's Republic of China, the approach to critical infrastructure is viewed as an attempt to reconcile the internal security endeavours of the state with the necessity of economic modernisation about information technology.

India drew up a dedicated action plan that statutorily mandated the establishment of dedicated organisations and guidelines for the area of information technology, IT, security. In the United States, US, the Department of Homeland Security is co-ordinating all the governments critical infrastructure protection at government level. Canada had incorporated information and communication in its all hazard approach. The Minister also referred to the fact that many nations have adopted an all hazard approach aimed at improving the ability to anticipate vulnerabilities to current and future threats.

In the South African context, the protection of critical infrastructure is essential for public safety, national security and the continuous provision of basic public

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services. It is also essential that objective criteria about the identification and declaration of critical infrastructure be followed to avoid arbitrary decisions based on unsound criteria.

It is also necessary that the Bill is harmonised with other legislation such as the Disaster Management Act, the Promotion of Access to Information Act and the Promotion of Administrative Justice Act.

The portfolio committee on 27 October 2017, through public adverts called for public submissions on the Bill, with a closing date of 17 November 2017. The committee extended public comments and submissions to 24 November 2017. A whole host of organisations gave submissions including Gautrain, the National Energy Regulator of SA, the Banking Association of SA, Social Justice Coalition, African Policing Civilian Oversight Forum, APCOF, as well as Cosatu, Eskom, and the SA National Editors Forum.

The committee proceeded to have public hearings on 30 and 31 January 2018, where most of the organisations mentioned were

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invited to make oral presentations. The committee has deliberated on the Bill on dates in February as well as in March.

The committee also considered amendments to the Critical Infrastructure Protection Bill on 25 April 2018 as well as on 4 and 30 May 2018.

What is in a nutshell the framework of the Bill? The new Bill provides for the identification and declaration of infrastructure as critical infrastructure; it provides for guidelines and factors to be considered to ensure transparent identification and declaration of critical infrastructure; it also provides for measures to be put in place for the protection, safeguarding and resilience of critical infrastructure; it also provides for the establishment of the Critical Infrastructure Council and its committees; it also provides for the administration of the Act under the control of the National Commissioner as well as the functions of the National Commissioner in relation to the Act; it also provides for the designation and functions of inspectors; and it provides for the powers and duties of persons in control of

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critical infrastructure as well as reporting obligations and transitional arrangements.

House Chairperson, one of the innovations in the Bill to advance transparency and accountability is the establishment and composition of the Critical Infrastructure Council that must consist of 13 members, appointed by the Minister of Police. The Council will consist of a mix of eight state officials and five persons from the sector and civil society. The members of civil society must be appropriately qualified, knowledgeable and experienced in fields that include critical infrastructure protection, risk management, disaster management or basic public services.

The National Assembly will approve the shortlist of private sector candidates that will be referred to the Minister of Police for appointment.

The reporting duties of the Critical Infrastructure Council will also ensure transparency and public scrutiny. The annual report of the Council must include the following: The activities of the Council during the preceding year;

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particulars pertaining to the number of declarations as critical infrastructure; particulars pertaining to any decision by the Council to depart from the publication of a notice; and particulars pertaining to any limitations or revocation as critical infrastructure; the level and the extent of public private sector co-operation; and any other matter that may impact on the protection of critical infrastructure or the functioning of the Council.

We believe from this side of the House that the Critical Infrastructure Protection Bill will provide for an adequate framework for the roles, responsibilities and accountability of parties about the protection of critical infrastructure to be defined and for the enhancement of public confidence and awareness in respect of the protection of critical infrastructure.

We also want to thank all members of the committee for their contributions and inputs with regard to the finalisation of the Bill as well as the legal team from the SA Police Service, as well as the Civilian Secretariat for their contribution. I thank you. [Applause.]

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Mr Z N BHELE: Hon Chairperson, today's debate of the Critical Infrastructure Protection Bill represents a significant milestone in the long-delayed process to rectify the security regime for key infrastructure, currently known as National Key Points, in order to make it constitutionally compliant. At the outset, I would like to start with two quotes – the first is from 19 century American lawyer, newspaper editor and politician, Gideon J Tucker, who wrote that "no man's life, liberty or property are safe while the Legislature is in session" and the second is from early 20th century American actor, Will Rogers, who said, "The country has come to feel the same when Congress is in session as when a baby gets hold of a hammer."

While these words should serve as light-hearted reminders for us to always remain humble as legislators, they also make a more serious point which is that lawmakers do a great disservice to the public when they make and pass bad or ill-conceived laws – laws that could, to borrow a phrase, become a hammer in the hands of a baby. But I believe that we have largely avoided that mistake with this Bill and have struck an adequate balance between the legitimate need for a reasonable

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degree of confidentiality pertaining to the security measures of certain categories of facilities and infrastructure, on one hand, and the constitutional imperative for transparency and accountability, on the other hand, within a framework of rational and fair procedure.

The establishment of the Critical Infrastructure Council will constrain and condition the exercise of ministerial powers, in contrast to the *carte blanche* given to him or her under the current National Key Points Act, by ensuring that the declaration of critical infrastructure can only happen on the recommendation of the council, which itself must ensure that certain objective requirements are met in making their recommendations.

In addition, any declaration must have started with an application by a person in control of infrastructure, which application must be published in the *Gazette*. This provision is crucial against the backdrop of the past abuse of the National Key Points Acts to try concealing information about the so-called security upgrades at the Nkandla private residence of the former President Zuma. On each of the

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requirements, Nkandla would never have qualified. To quote a few examples, clause 16 (1) (a) infrastructure qualifies for declaration as critical infrastructure if the functioning of such infrastructure is essential for the economy, national security, public safety and the continuous provision of basic public services. Under these requirements would Nkandla have qualified?

IsiZulu:

Ngeke!

Afrikaans:

Nooit!

English:

To quote: clause 16(1) (b) Infrastructure qualifies for declaration as critical infrastructure if the loss, damage, disruption or immobilisation of such infrastructure may severely prejudice the functioning or instability of the Republic, the public interest with regard to safety and the maintenance of law and order and national security. Under these requirements would Nkandla have made the cuts?

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IsiZulu:

Ngeke!

Afrikaans:

Nooit!

English:

Finally, clause 16(2) (a) the infrastructure must be of significant, economic, public, social or strategic importance. Would Nkandla have made the cuts under these requirements?

IsiZulu:

Ngeke!

Afrikaans:

Nooit!

Chairperson, we also welcome the role of parliament in various aspects of the implementation of the critical infrastructure regime: Firstly, a parliamentary committee will conduct the interviews for the short listing of private sector and civil society candidates to be members of the council, from which

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shortlist the Minister can make appointments; secondly, Parliaments must receive a report twice a year on the activities of the Critical Infrastructure Council, including the number and names of the declared critical infrastructure, as well any deviations in the application process; and thirdly, Parliament must receive any draft ministerial regulations for scrutiny in line with its oversight mandate.

The committee indeed heard that as our Chairperson said a rigorous, comprehensive and thorough deliberation process for which I must thank the Chairperson for his capable facilitation and guidance of that process also give thanks to fellow committee members all of who made substantive and varying contributions to the process. Also a big thank you to all the stakeholders from civil societies and the private sector, who made invaluable inputs that enabled us to reform and revise the Bill in many respects to make it substantive. Also a big thank you to the drafters from the SA Police Service, the SAPS, as well as the civilian secretariat in particular - I see them in the gallery. The Brigadier and the Advocates thank you very much for your contributions. Also to mention the parliamentary legal advisers as well as the committee support staff, who

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also played an invaluable role in supporting the members, to shape and recraft the Bill in its current form.

Chairperson, our only dissatisfaction with the Bill is the absence of an explicit public interest defence provision as was proposed by Amabhungane; nonetheless, we are satisfied that the limitation of culpability of media practitioners for legitimate reporting on corruption, fraud and financial misconduct with regard to security measures goes some way to allay the concerns about freedom of media reporting. I believe that the products that the committee has collectively arrived at as well as the process that be followed, which was thorough, wide ranging, rational and fair on all accounts sets a model for how committees should operate in this Parliament in exercising their duties as well as fulfilling our mandate as lawmakers.

In conclusion, we believe that the Bill is in line with the DA's policy stance championing a transparent and rational security regime for the protection of critical infrastructure that is constitutionally compliant. The DA will support the Bill. I thank you. [Applause.]

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Mr S P MHLONGO: Every state has the responsibility and obligation to protect the critical and essential infrastructure at its disposal, and under its custodianship, against any possible threat that may hinder its ability to deliver quality services to its people in an effective manner, without compromising the security of its people.

In all such instances however, especially when a legislative framework is needed, as is the case for the Critical Infrastructure Protection Bill, we must always be on guard against the abuse of such legislation to create a state run by secure-crats, which will, in the long run, undermine our constitutional democracy. Or to allow such legislation to cover-up or justify corrupt activities as was common during the Presidency of Jacob Zuma, who used the declaration of his home as a national key point to justify irregular and corrupt security upgrades at Nkandla.

For this Bill all possible avenues which government would have the potential to abuse have been closed, and have been accordingly addressed through a process of consultation with

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various stakeholders. Thank to you Chairperson and all members who participated in the crafting of this Bill.

The input of these stakeholders, and the views that they expressed during the drafting, find expression in the bill, ensuring that this bill meets the requirements of the master of the courts. The oversight organs which have been put in place through this bill are sufficient, and will help guard against abuse, and political manipulation at all cost.

But, it is the duty of this Parliament, and the public at large to be vigilant so that the people appointed to preside over the institution are credible and have interests of this country and its people at heart. We say this because, despite our agreement with the bill, so many issues in South Africa are not a problem of legislation, but rather a problem of implementation and governance.

We must ensure that the police officers assigned to handle the processes which are required for this bill at an administration level do not veer from the dictates of the bill, and are manipulated by politicians. We must ensure that

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parliament is always able to hold the Minister accountable at all material times.

We must be aware of any attempts to use this bill to hide or justify corruption. But, we are conscious of the need for this bill, as the National Key Point has become obsolete under the given circumstances.

The EFF therefore support this bill, and would like to thank all committee members, technical staff members and everyone who contributed meaningfully to the Bill and we expect that every member of this august House must do exactly what this committee did to ensure that we don't compromise the role and supremacy of Parliament in running the oversight role over the executive. I thank you House Chairperson.

Inkosi E M BUTHELEZI: Honourable House Chairperson, the IFP supports the passing of this Bill as it replaces an apartheid era commonly known as the National Key point Act.

Our country, like many others around the world, is open to a vast number of threats from terrorism and cyber-attacks to

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accidents and natural disasters. It is absolutely vital that we keep state assets safe and secure. Now more than ever, we find ourselves in a technological era which as the state we should be ahead of this curve, thus it is important that this House legislates for the time it finds itself in.

Critical infrastructure is everything that is needed to keep society working and keep our economy up and running. With that said chair, the IFP is of the view that while we encourage the protection of all state apparatus to keep our citizens safe and secure – we cannot encourage the muffling or encroachment of our hard-won civil liberties enshrined in our Constitution.

I am pleased to see that we have adequately addressed a number of concerns from civil society and concerned members of the public by including, for the very first time, a Critical infrastructure council made up of all sectors of our society who are particularly concerned with matters of safety and security.

This council, which will report to this House, provides us with the comfort of knowing that all matters related to in

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this Bill will be dealt with in an open, transparent and will empower the members of this House with the mechanisms of enacting accountability. The IFP supports this Bill. Thank you.

Mr S C MNCWABE: Honourable House Chairperson, the NFP welcomes the Critical Infrastructure Amendment Bill. The amendment is long overdue given the fact that the National Key Point Act 102 of 1980 was first enacted by the apartheid regime to suppress our people. It strengthened the apartheid state giving the Minister of Defence broad authority and powers to declare any place in South Africa a national key point.

The proposed Bill seems to protect infrastructure to the national security of the country consistent with the Constitution. Presently, the National Key points act can be used to benefit or protect partisan agendas or conceal corrupt activities.

The Bill, when passes, will ensure parliamentary oversight which will be two fold: One for public consumption and for the parliamentary committee. It requires the Minister to provide

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quarterly reports; it further requires that a register be maintained of all critical infrastructures; and places restriction on the formulation of regulations which current ministry enjoys.

This process will now be conducted in consultation with National Assembly. The proposed Bill, if passed, will repeal the National Key Points Act and apartheid instrument. The NFP supports the Bill. Thank you.

Mr M L W FILTANE: Hon Chairperson, the National Key Point Act of the former government, with the extensive additions made to include Mr Zuma's Nkandla homestead, built with public funds, must be replaced with a more democratic Bill. The current Critical Infrastructure Protection Bill is therefore a necessary tool to bring sanity to this matter of national importance.

There is definitely a great need for infrastructure, critical to the operation of the state and functioning of the economy to be protected. It does not only apply in times of war, but also in supposed times of peace when an assortment of

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irregular forces and armed groups can cause immense disruption and damage to the country.

Critical infrastructure includes airports, railway stations, power stations, water treatment plants, harbours and refineries, but it is not confined to this list only.

However, we must make the point that this Bill must not be abused to avoid accountability and transparency, like in the case of Nkandla, to the extent that it can be exploited. We want no political meddling in the execution of any of the provisions of the Bill. I hope the ANC is listening.

In particular, we will strongly object to any cadre deployment to the Critical Infrastructure Council. Parliament must still be able to have an overall evaluation, monitoring and review of the implementation of policy and legislation related to the protection of critical infrastructure.

The recent abuse of the outgoing National Key Point Act has taught us a hard lesson. We are more alert now, and this House must be more vigilant. We do support this Bill. Thank you.

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Afrikaans:

Dr P J GROENEWALD: Voorsitter, dis vir my baie interessant om hier te hoor dat ons nou 'n nuwe wet het, omdat die Wet op Nasionale Sleutelpunte 'n apartheidswet was en daarom moet ons nou wegdoen met 'n apartheidswet. Hoe ironies? Dit is juis die ANC-regering wat daardie apartheidswet misbruik het, waar die betrokke Minister self besluit wanneer 'n bepaalde infrastruktuur 'n nasionale sleutelpunt is, al dan nie.

Ons weet mos van die Nkandla-sage. Eers hoor ons dit is wel 'n nasionale sleutelpunt en die volgende oomblik is dit nie 'n nasionale sleutelpunt nie. Die ANC-regering het die vorige wet misbruik om inligting te weerhou van die publiek oor waar en hoekom 'n bepaalde infrastruktuur 'n nasionale sleutelpunt was.

Dit was die Right to Know campaign se poging en hulle moes hulle tot die hof wend om sekere inligting te kry, om die regering van die dag te beweeg om 'n nuwe wet op te stel, naamlik die Wet op Kritieke Infrastruktuur.

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Laat ek ook dadelik sê dat die Vryheidsfront Plus die wet ondersteun. Ek dink die belangrikste aspek is dat die arbitrêre besluit van 'n bepaalde Minister, in hierdie geval die Minister van Polisie, nou nie meer kan plaasvind nie, want hy het nou 'n raad wat hy moet konsulteer. Daardie raad bestaan basies uit agt amptenare van verskillende departemente en vyf lede van die publiek, meer spesifiek, uit die sekuriteits- of sekerheidsgebied.

Ek wil dit ook baie duidelik stel dat die regering en veral die agb Minister van Water en Sanitasie, die agb Nkwinti, wat hier sit, gesê het dat die rioolwerke van Sedibeng, byvoorbeeld, wat die hele Vaalrivier besoedel, nou ook deur hierdie wet as 'n kritieke infrastruktuur verklaar kan word.

Minister, hierdie wet gaan nie help dat onbevoegde amptenare en swak bestuur van 'n plaaslike regering die rioolwerke gaan laat werk nie. Dit gaan niks help nie. Met hierdie wet word daar sekuriteit gegee. Dit is nie dat Sedibeng se rioolwerke gesaboteur word nie. Dit is nie die probleem nie. Dit word nie behoorlik deur die amptenare bedryf nie en daarom is dit 'n

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bedreiging vir Suid-Afrika se waterbronne, maar die ergste, 'n bedreiging vir die natuur.

English:

So, hon Minister, please ensure that those works are working, to prevent further pollution and don't go to the hon Minister of Police because he will not be able to help you. [Time expired.]

Afrikaans:

Me M A MOLEBATSI: Die agb Groenewald het amper mooi gepraat.

'n AGB LID: Hy het baie mooi gepraat!

Me M A MOLEBATSI: Amper. Amper.

English:

Hon Speaker, hon Deputy President, hon members, the ANC supports the Critical Infrastructure Protection Bill. The Bill aims to provide our young democracy the opportunity of taking control of its critical infrastructure complexes and those declared. A Critical Infrastructure Protection Bill provides

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for a process for the identification and declaration of infrastructure as critical infrastructure, a process that is transparent in declaration of critical infrastructure as critical infrastructure.

Chairperson, for the first time, we as a country, will have the opportunity to move away from the old apartheid National Key Point Act to a more inclusive democratic means to protect our critical infrastructure. The Act provides for various functions and obligations of the National Commissioner of Police.

Regarding the functions of the inspectors and reporting for the Minister of Police, the Bill provides for the National Commissioner of Police to establish and maintain the administrative system and procedures necessary for the implementation of the Act. He should support the Critical Infrastructure Council and the Minister in the administration of the Act.

In addition to this, the National Commissioner should consider an application from the person in control of an infrastructure

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for declaring the infrastructure as critical infrastructure. And, he should conduct or facilitate any physical security assessment of critical infrastructure or potential critical infrastructure. Also, make recommendations to the council on the declaration risk categories of such critical infrastructure or potential critical infrastructure. Evaluate, monitor and review the application and operational effectiveness of policy.

Hon members, there is an accountability provision in the Bill that was not in the National Key Point Act and; that is the accountability of the National Commissioner as he or she should compile quarterly report to the council which should include particulars of the activities of South African Police Services during the preceding quarter. The ANC government is aware of the strong accountability needed when dealing with matters of critical infrastructure. We have heard the submissions of our people and we have answered. We have designed the role of inspectors into the Critical Infrastructure Bill so that independent compliance with the provisions of the Act should be strongly policed.

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The Bill provides for inspectors who are police officers, who have the required security clearance certificate and are warrant officers in rank to be appointed by the National Commissioner as inspectors. The role of inspectors is to make sure that physical security assessments of critical infrastructure are undertaken and to verify whether the person is in control of that critical infrastructure took the steps to secure the critical infrastructure contemplated in section 24(1).

The role of the Minister of Police is to take steps on the reports by the inspectors or when the security of the critical infrastructure is threatened. And, to make sure that a person is in control of the critical infrastructure complies with the security of the critical infrastructure. The Bill provides for the Minister to extend powers contemplated in the Bill after consultation with the head of a public entity or statutory body to any competent person employed by the public entity contemplated in section 1 of Public Finance Management Act.

Lastly, the Minister is to report on an annual basis. He must table a Report to Parliament on the activities of the critical

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infrastructure. Chairperson, hon members, the intention of the Critical Infrastructure Protection Bill is to ensure that we, the people of South Africa, control our destiny through controlling our own critical infrastructure. The ANC supports the Bill. I thank you.

Mr M W MADISHA: Chairperson, in Cope's view, this Bill is reformative in nature. In that, it replaces the apartheid era, National Key Point Act that was not aligned to our new constitutional and legislative order. Secondly, modernises and aligns our approach to such legislation in line with the international trends towards the protection of critical infrastructure with a view to improving the country's ability to anticipate vulnerability to current and future threats in all hazards approach.

We welcome the provision for the establishment of a Critical Infrastructure Council which provides for the appointment of private sector and civil society members to this council. We trust that this will not be viewed as another opportunity for cadre deployment. Furthermore, we welcome the intended establishment of a cyber response committee to provide the

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council with advice relating to National Critical Infrastructures given the growing importance of the ITC and the need for its security.

Whilst we welcome this Bill in principle, we trust that the power and authority that it gives to various role players will not be abused and that; given the white-anting of the capabilities of the state, government will have the capacity and the means to give meaningful effect to this.

Now as I go - I want to say - Deputy President and the Minister through you Chair, because we are talking about the police, security etc, kindly look into this problem that the police face. For more than 14 years, they have been getting only R400 per month for overtime. So, nothing has been happening and I therefore beg you and say, although we are looking at this and we are saying we must move together, please go and look at those poor people and say, let us correct this particular problem. Other ways, we shunt go anywhere.

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Mr L RAMATLAKANE: House Chairperson, Deputy President, Ministers, hon members, I rise to support the Critical Infrastructure Protection Bill as proposed by the ANC.

We have come to a time and place where we make sure that our national critical infrastructure must be protected in accordance with our Constitution.

When the Fees Must Fall Movement shook the conscience of our nation, with their protest at the Parliament in October 2015, there were debates about the apartheid provision and the constitutional limitations of the National Key-Points Act. There were calls to replace this National Key-Points Act 102 of 1980. This Critical Infrastructure Protection Bill answers these calls.

Hon Chairperson, the Portfolio Committee on Police interrogated the provisions of the Bill and went beyond the bounds of the duty to accommodate the concerns of civil society, business and departments who made the presentation to the committee.

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We are confident that this Bill will be able to protect the critical infrastructure in the country as the processes had been agreed by all parties after an extensive research debate and deliberation.

Our people are entitled to fair processes. We have taken into account that the definitions of Critical Infrastructure Protection Bill have become broader than previously anticipated. Of course, this Bill is harmonised in terms of other legislation such as; the National Strategic Intelligence Act of 1994, the Regulation of Gatherings Act of 1993, Promotion of Access to Information Act of 2000, and the Firearms Control Act of 2000.

We acknowledge that the court order of the High Court in the publication of the National Key Point wasn't necessary, and this Bill makes provision for declaration of infrastructure as a critical infrastructure.

Furthermore, it excludes the infrastructure under the control of the Department of Defence. We have listened to the submission from civil society and involved private of the

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public partnership in a form of the critical infrastructure council.

The Bill provides for the establishment of the composition of the critical infrastructure that must consist of 13 members as appointed by the Minister.

We are happy that the declaration of infrastructure as a critical infrastructure will be handled correctly with the transparent role and the critic by the council itself. For continuity the members will be appointed for five years.

I want to state that the ANC is leading in its commitment to all South Africans by accommodating views, listening and tabling this good Bill today. In it, we now have the better sense of the peculiarities of the critical infrastructure by making declaration that is more transparent.

Having said that, as the ANC we are not abdicating our responsibility to protecting our critical infrastructure and national security interests; we would not do so to appease anyone at the expense of the national security imperatives. We

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have the responsibility even to those who make noises or those who are obviously interested from the soundbites.

We have heard about their views, that has been raised by the UDM, EFF - those are past tense. We have the Act here that we have talked about. There is no room for any abuse that you are talking about. There are exemptions and restrictions of a certain person to enter the critical infrastructure.

These exemptions do not apply in respect of members of security services who in fact, are appointed in terms of the Constitution - section 199 of the Constitution in the performance of the critical infrastructure function.

Chairperson, we spoke with the Trade Union Movement, business, civil society and government departments on crafting this piece of legislation. We listened to legal opinion, we deliberated and we are convinced that we are here. We have a piece of legislation that will serve the South Africans in the best interest, and we agree that this Bill, will be far more as a process that already members has spoken about.

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We have changed the clauses, which did not allow for photographing such as critical infrastructure; change the offences and penalty sections, and we were guided by the number of clauses in this Bill, that of course were going to possibly infringe the constitutional rights.

I want to note that there is a role for the Minister of Police and of course the Commissioner itself. Their role will be obviously monitored by the committee. There is a specific process in terms of declaration of the critical infrastructure by the Minister; and that infrastructure only happens after the recommendations by the council itself.

Chairperson, the process is fair to all the parties concern, and the process is transparent. There is no offence, which is intended; the only offence that is intended is for those people who are going to be breaching what is not supposed to be making public.

I want to state that we have taken into account very long, a strong argument from organisations who argued that the public interest defence should be allowed. We have considered the

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legal opinion, opted to attend to in redrafting the offences and penalties section.

Hon Chairperson, we are satisfied. We have a strong legislation here. We have a strong piece of legislation as agreed. The ANC supports this Critical Infrastructure Protection Bill.

The hon Mbhele spoke about the only problem, the one problem being that the AmaBhungane legal opinion was not necessarily ascended to. There has been a consideration on that. It has been accommodated, and in fact, the AmaBhungane did receive a legal opinion about their concern that there is nothing wrong with the Bill as it, in fact, stated today.

Let me end of by saying, thank you very much to all members who has in fact participated, and of course demonstrated the support of the Bill today here but, let me say that all of that you said hon Groenewald, that this is a problem, I think we invite you to support and monitor this Bill as it get implemented. Yesterday is dead and buried, we are embracing tomorrow. Here is the Act, all of those who are speaking about

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the problem of Nkandla that is dead and buried. It is the soundbites that you like to talk about and that we are not interested in the soundbites, but what we can do for the South Africa in terms of this Act. Thank you. [Applause.]

The MINISTER OF POLICE: Thanks very much. There is nothing much to say, hon Chairperson, not that nothing can be said. We appreciate the good work done by members. I'm sure there are enough checks and balances of the Bill and the council.

I hope that people that are capable will be part of this, including cadres that are capable. If they fit to the Bill they will be elected and selected the way that it is supposed to be going forward.

So, not necessarily as the hon Mr Mbhele said that it is only the DA that is satisfied. It must also be remembered that the government when this was introduced by the Minister at that time and the court, all people have pulled together.

It is a good time that we all celebrate this Bill as this House; but maybe in the spirit of transparency I would love to

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thank for the message I received from the DA in the Western Cape, where they were thanking the Operation thunder that is doing wonders in reduction of crime in this province. Thank you very much. [Applause.]

The HOUSE CHAIRPERSON: Mr C T FROLICK: Thank you hon Minister.

Debate concluded.

Agreed to.

Bill read a second time.

MONEY BILLS AMENDMENT PROCEDURE AND RELATED MATTERS AMENDMENT

BILL

(Consideration of Report)

There was no debate.

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The HOUSE CHAIRPERSON: Mr C T FROLICK: Hon Tobias, can you just take your seat in the waiting bench, please? I now recognise the hon Chief Whip of the Majority party.

The ACTING CHIEF WHIP OF THE MAJORITY PARTY (Ms D Z Rantho): Chair, I would like to announce that the Bill be agreed to.

The HOUSE CHAIRPERSON (Mr C T FROLICK): No, we are dealing with the report now.

The ACTING CHIEF WHIP OF THE MAJORITY PARTY (Ms D Z Rantho): The report be agreed to! Thank you.

The HOUSE CHAIRPERSON (Mr C T FROLICK): The motion is that the report be adopted. Are there any objections?

HON MEMBER: Yes!

The HOUSE CHAIRPERSON (Mr C T FROLICK): There are objections.

Question put.

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

Report accordingly adopted.

MONEY BILLS AMENDMENT PROCEDURE AND RELATED MATTERS AMENDMENT

BILL

(Second Reading Debate)

The HOUSE CHAIRPERSON (Mr C T Frolick): I now invite the hon Tobias to the podium.

Ms T V TOBIAS: Hon Deputy President, hon Chairperson, members, good afternoon. I should say upfront that it is very fascinating to hear the DA objecting to this Bill because this gives in fact the powers to Parliament to amend Money Bills, something that gives Parliament a tool to be able to tell the executive how to do the budgets and so on. So, it is very amazing. The DA is a very strange organisation but let me proceed.

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On 19 May 2016, the NA adopted a resolution noting that a number of technical challenges have become apparent with the implementation of the Money Bills Amendment Procedure and Related Matters Act 9 of 2009. The National Assembly therefore instructed the Standing Committee on Finance to review the Act with a view to introduce amending legislation if necessary.

The resolution of the National Assembly requires that committee to:

- (a) Evaluate the application of the legislation, including but not limited to the time frames and sequencing associated with the different financial instruments and Bills. The procedures are to be developed in the rules;
 - (b) to report on any other matter related to the implementation of the Act;
 - (c) confer with the Standing committee on appropriations;
- and

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(d) report to the National Assembly on progress by 30 September 2016.

The committee reported on its progress by 27 September 2016, based on the announcements and thus the report sets out the background to the resolution of the National Assembly as is referred to be law for ease of reference.

The review of the Act presented an opportunity for the committee to engage stakeholders on the technical challenges in implementing the Act. However, this initial aim revealed further challenges in engaging the public in a meaningful way in the budget process. The committee considers this report as the first step to deepen the engagement between Parliament and the public when processing the budget. Was the step primarily focused on the technical challenges? A second review needs to be conducted, focusing specifically on the enhancing public consultation in the Budget process.

The Act came in to operation on 16 April 2009 and the procedure to amend Money Bills in terms of the Act corresponds to the annual budget cycle and is aimed at effective oversight

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of the Budget process. The Act sets out a procedure to amend the fiscal framework, Money Bill, including Taxation and Revenue Laws, and the Division of the Revenue Bill.

However, the technical challenges referred to in the resolution became apparent during the initial stages of implementation of the Act. Therefore, the National Assembly, in similar wording as the resolution referred to above, noted the challenges and instructed a review of the Act on 24 May 2012.

The then Standing Committee on Finance reported on progress on 20 September 2012. Due to the workload of the then committee and the national and provincial elections in 2014, no final report was submitted and no amending legislation was introduced. The resolution of the National Assembly of 19 May 2016 revived the process of review.

The committee received briefings from the parliamentary legal advisors and deliberated on the technical challenges inheriting the Act on 2 September 2016, June 2017 and subsequently on 6 February 2018. The latter four meeting were

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attended by the Standing Committee on Appropriations and the Select Committees on Finance and Appropriations.

In view of the staggering legislative and oversight workload of the committee and the challenges in bringing four committee together and the need to confer among other committees, the Finance Committee has not been able to finalise this first phase of the review of the Act until now.

The technical challenges that were identified are as follows: The times frames pertaining to reporting on different financial instruments and Bills that collectively constitute the annual budget and the adjustment budget are very difficult to implement and reduce the prospects of meaningful public engagement on very important Bills.

The establishment of the Parliamentary Budget Office, in terms of section 15 of the Act has not been fully completed.

Planning, budgeting and financial management and reporting proceeds through the administration of the Parliaments as provisions of section 15 are not adequate to create an entity at arm's length from Parliament's administration. T

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Therefore the committee review to section 15 of the Act, with the aim of ensuring compliance with the Act, creating an entity with its own accounting officer responsible for the use of funds received through a transfer from Parliament's funds. The amendment ensures an alignment with the provisions of the Financial Management of Parliament Provincial Legislatures Act of 2009.

Section 16 of the Act reads, "With the schedule to the Act, provides norms and standards for provincial legislatures". Section 123 of the Constitution provides that provincial legislatures must pass provincial legislation to set out the procedure to amend provincial Money Bills. Section 116(1) of the Constitution provides that a provincial legislature may control and determine its internal arrangements, proceedings and procedures. Therefore the committee reviewed section 16 of the Act to ensure constituency with the Constitution.

Lastly, the committee improved the language of the Act to be consistent with the language used in parliamentary processes. For example: Definitions. To effect certain corrections, e.g.

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Section 114(c); and to delete certain obsolete provisions, e.g. Section 3.

Challenges in co-ordinating the business of different committee involved in the budget process must be addressed in the roles of the respective Houses. The committee's conferring with the Standing Committee on Appropriations and the Select Committee on Finance and Appropriations then developed a draft Bill and invited public comments in national newspapers on 7 July 2017, in all official languages.

The committee held public hearing on 2 August 2017. The main issues in the comments were:

- (1) The amendments making revenue proposals part of the fiscal framework is unobjectionable - however, the tensions between the in-principle approval of those proposals with the passing of the associated legislation much later in the year, remains;

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- (2) support for the strengthening of the institutional status of the Parliamentary Budget Office as the juristic person, with its own accounting officer;
- (3) the inclusion of a fit and proper requirements for the appointment of the Director of the Parliamentary Budget Office was accepted, hon Lees;
- (4) timorous access to information requested by the PBO was accepted, although the prescription of the format of such information was rejected;
- (5) the oversight of the PBO as the advisory board was supported by some and comments critical of this change, replacing the role of the Standing and Select Committees on Finance and Appropriations were rejected; and
- (6) the constitutionality of the schedule of norms and standards is welcomed.

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On recommendations, the committee further recommends that a further review of the Act needs to be considered through the following:

- (1) Establish whether a process for tabling and consideration of the Revenue Bills is required;
- (2) how to enhance meaningful public participation in the budget process; and
- (3) finally adopting the Money Bills Amendment Procedure and Related Matters Amendment Bill.

Hon members, the DA reserved their position on this Bill. So, we will not be surprised about the inputs they are going to make now. So typical of the losers! We request the House to consider the report. I thank you. [Applause.]

IsiZulu:

Mr R A LEES: Izambane likhona!

English:

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Mr Chair, fellow South Africans, the Money Bills Amendment Procedure and Related Matters Act was introduced in 2009 with one of its aims being to ensure that the Money Bills passed by Parliament were properly considered and were not simply presented to Parliament as a *Feite accompli* for Parliament to rubber stamp.

Money Bills may only be introduced by the Minister of Finance, which meant that prior to the introduction of the Act, Parliament had no way to amend Money Bills. Parliament was therefore given certain authority to amend Money Bills together with a somewhat constraint timeframe within which to do so. The National Budget of South Africa consist of over R1,3 trillion with South Africans taxpayers' money plus an additional R180 billion borrowed from ever reluctant lenders at ever increasing interest rates.

There is an immense responsibility given to Parliament to ensure that the considerable amount of money of R1,5 trillion is used in a way that not only provides services to all South African but which also creates an environment for a high level of economic growth in order to give jobs to the nearly

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10 million South Africans who have no jobs and who by and large have given up hope of ever getting gainful employment.

Any amended to the Act must strengthen the ability of Parliament to hold the executive to account, to maximise public participation, to maximise the participation of the Finance Committees and to ensure that R1,5 trillion of the budget is used in the best interest of all South Africans.

Since the Act was passed in 2009 it has become evident that the timeframes contained there were difficult to adhere to and did not do justice to the process. What the timeframes that were introduced with the Act have accomplished in practice has been to largely perpetuate a rubber stamping of Money Bills. Time and again, since the DA started proposing amendments to the Appropriation Bills, the ANC have used the process constraints of the Act as an excuse for rejecting DA proposed and imminently sensible amendments such as increasing child grants to at least meet minimum poverty levels.

Despite what were good intentions, the Bill before us today does not go far enough to enable Parliament to easily amend

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Monet Bills. Rather than introducing more practical but still rigid timeframes, the Bill is set to relax time constraints for committees of Parliament by introducing the phrase "Or as soon as reasonably possible thereafter." This could bring an uncertainty about the budget process and create a new budget risk which could result in a negative impact on South Africa's foreign credit ratings.

Whilst the Standing Committee on Finance cannot be faulted for the extent of public participation it entertains, the space for full public participation in the true sense of the word remains somewhat unfulfilled. In practice, the public participation of the NA and the NCOP has been collapsed into joint hearings. Whilst this would seem to make for efficient operations, what it also achieves is to prevent interested parties from exercising a second opportunity in the NCOP process to influence the contents of Money Bills. It further prevents the second House of Parliament from an independent review of the budget based on section 42(4) of the Constitutional mandate. It also prevents the NCOP from holding separate public hearings at venues other than in Cape Town and

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which would be accessible to more South Africans who do not have the means to travel all the way to Cape Town.

Hon Chair, Clause 11 of the Bill changes section 12(1) of the Act from the current mandatory tabling of a national adjustments budget by the Minister of Finance to a discretionary tabling. This may well be in line with the Public Finance Management Act but in effect could make it impossible for Parliament to make any mid-year adjustments to budgets in the event that the Minister of Finance chooses not to introduce any adjustment budgets at all during a particular year.

This possibility is brought about by the change of the word "must" to the word "may" in section 12(1). Instead of amending the Act it would seem to be preferable to amend the Public Finance Management Act, PFMA, to ensure that the Minister of Finance is forced to at least once per year at the time of the Medium Term Budget Policy Statement to introduce an adjustments budget that takes into account what has happened during the six months since the main budget was introduced as well as to give Parliament at least one mid-year opportunity

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during each year to deliberate on possible adjustments to the budget.

One of the other primary aims of the Act was the establishment of the Parliamentary Budget Office. The potential for this office to play a vital role in the parliamentary process is enormous. However, to do so it must be independent and must service all Members of Parliament.

The Bill goes some way to improve the independence of the Parliamentary Budget Office, PBO, but falls short of dealing with all the constraints.

The composition of the Advisory Board for example, remains unchanged and consists of only the chairs of the four Parliamentary Finance Committees who all represent the governing party. The constitutional injunction for proportional representation is not applied to the composition of the Advisory Board and consequently it has no opposition party representation.

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One of the most restrictive issues associated with the PBO is the requirement for any requests for it to do work for Parliament to emanate from one or more of the Parliamentary Finance and Appropriations Committees. What this means is that individual Members of Parliament, opposition members in particular, are severely constrained in being able to obtain assistance from the PBO. This is an unnecessary restriction of access by Members of Parliament to the services of the PBO.

The DA welcomes efforts to improve the practical application of the Money Bills and Amendment Procedure and Related Matters Act Amendment Bill [B28-2018].

Whilst there are portions of the Bill that we are in support of, there are others that we are not able to support. What we do welcome is recommendation that the Act be further reviewed in the next Parliament when we hope that the issues that we currently have may be dealt with.

Thank you very much. [Applause.]

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Mr T E MULAUDZI: House Chair, when the Fourth Parliament passed the Money Bills Amendment Procedure and Related Matters Amendment Bill in 2009 the idea was to ensure that Parliament must not just rubber-stamp the National Treasury's proposed budget. Even in this day and age we still hear Members of Parliament saying, we must go to National Treasury and ask for money, including ANC members. National Treasury does not decide on how much is spent for what, all they do is propose a fiscal framework and as lawmakers we decide, finalise and pass legislation on how the money is spent. But because of collective incompetence and lack of insight in the ruling party benches, such an important role of lawmakers has been reduced to few individuals who treat National Treasury as their own spaza shop. If it is said by Ismail Momoniat and National Treasury it must be gospel and we must not challenge it, like good followers we must do likewise. The Standing Committee on Appropriations and the Standing Committee on Finance has been rendered unnecessary because all they do is take that gospel, use their majority and rubber-stamp a fiscal framework. Instead the Money Bills Amendment Procedure and Related Matters Act has not changed anything, in fact, as legislation it has achieved the opposite by putting

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unrealistic demands and timelines when proposals and reports must be processed, submitted to the National Assembly and passed the Appropriation Act. Since the Fourth Parliament passed the Money Bills Amendment Procedure and Related Matters Act, Parliament has not been able to amend and pass a budget different to what the National Treasury has proposed.

Parliament has failed to change the increase on VAT from 14% to 15% even when the Money Bills permit. Parliament has failed to change the higher education budget to allocate enough budgets for free, quality, decolonised education. Parliament has failed to use its powers to reduce the amount of money South Africa pays to service all loans which are too high because of misguided neoliberal policies. Parliament has failed to use its power as per the Money Bills to ensure that there is enough money for hospital, clinics, schools, agricultural projects and all other functions which will improve the lives of our people. Even the Parliamentary Budget Office which was supposed to be independent with the capacity to offer well-researched input to inform Parliament to make amendments, instead that office has become a function the Speaker's Office and they act as secretaries to the Standing

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Committee on Finance. Unless Parliament starts to use its legislative power to pass a budget which we can claim as our own as Members of Parliament to change the lives of our people the Money Bills are more symbolic than anything. We therefore reject this Bill as the EFF.

IsiZulu:

Mnu M HLENGWA: Sihlalo, sanibonani ... [Ubuwelewele.]

USIHLALO WENDLU (Nk A T Didiza): Sawubona!

English:

... at the outset it must be clear to all to all of us that the primary responsibility of Parliament is to take care of the collective interest of the people and therefore if Parliament becomes a rubber-stamping institution of the executive then we are abdicating on our primary duty and responsibility. So, albeit there are changes and some of them may be classified as piecemeal, let us continue on this trajectory of seeking the change which this Bill seeks to provide because the situation wherein Parliament really just receives a budget and we go through the motions and tick the

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boxes is an abdication of our duties and responsibilities but it is all good and well for us to complain about us receiving a budget from the executive. If Parliament is not going to build up its own internal skills and expertise in terms of a budgetary process then our lamentations are in a vacuum. We need to build up capacity for Members of Parliament to be able to interrogate wholeheartedly meaningfully the budget so that then we can effect the necessary changes that we may want to make. So I think the ball in this regard falls in the court of Parliament in the main to say, more work still needs to be done and the concerns around the Parliamentary Budget Office, PBO, are legitimate at this point in time and we do not do it any favours if we create it like a laager for the purposes of some and not for all Members of Parliament.

The previous scope for amendment was unreasonable and in fact resulted in what was a rush job in terms of the budgetary process. I must concur with the sentiments that have been expressed by hon Lees that the joint committee public hearing system grinds against the grain of Parliament's internal checks and balances and it is something that should be done away with because once that one process is done then that is

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the end without providing an opportunity for a retake in terms of what needs to be done.

IsiZulu:

Kodwa esifuna ukugcina ngakho wukuthi, akusizi ukuthi silokhu sizophikisa yonke into lapha yize noma izinselelo zikhona besingasitholi isiteki esiphelele kodwa asivumele ukunikezwa leli qatha okwamanje ngethemba lokuthi iPhalamende leSithupha lizokwazi ukuthi lenze omunye umsebenzi phezulu kwalo.

English:

A solid foundation has been laid. Let us work on it. Let us build on it but we must express that it is not enough, far more work still needs to be done. So ...

IsiZulu:

... asingathathi ama-chance, singathathi ama-short cut kodwa sikwemukele lokhu okuncane enisnikeza khona. [Ubuwelewele.]

USIHLALO WENDLU (Nk A T Didiza): Asibonge-ke mhlonishwa uHlengwa, isteki mhlawumbe sebeyosithola ngokulandelayo. Siyabonga. [Ubuwelewele.] Okwamanje ababambi qatha.

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Usolwazi N M KHUBISA: Sihlalo ... kuzoba yiqatha?

English:

The budgetary processes are a very important process and the NFP therefore welcomes the Money Bills Amendment Procedure and Related Matters Amendment Bill tabled here today and given the fact that many technical challenges exist in the implementation of the Money Bills Amendment Procedure and Related Matters Act. It has become a necessity to amend the Act so as to ensure effective implementation.

The committee engaged different stakeholders on the technical challenges in implementing the Act but suffice to say that we need to consolidate the House so that Parliament will be able to do its job with justice. The current Bill limits the participation of the public in budgetary processes. The proposed amendment to this Act will ensure meaningful engagement between Parliament and the public. Whilst the Act sets out procedure to amend the fiscal framework, Money Bills including taxation and revenue laws and the Division of Revenue Bill, the technical challenges remain a hindrance. We note the findings of the committee, which include, the

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timeframes for reporting on the different financial instruments, the Parliamentary Budget Office not being fully completed, which the NFP says is the duty of Parliament to ensure that that we exercise oversight and as such the Parliamentary Budget Office should be well-resourced for us to be able to do our job, the norms and standards for provincial legislatures etc. Now, the amendment to revenue proposal Bill is welcomed. The role of the parliamentary office in the budget process needs to be strengthened, as such, with these few proposals; the NFP will support the Bill.

Mr W W WESSELS: Hon House Chair, it is unfortunate that Parliament and provincial legislatures has become nothing more than rubber stamps and that is the status quo. This Act is a step in the right direction but will not break the spiritual hold of Treasury on Parliament. The procedures set out in the Bill to amend the budget or any money Bill proposed by Treasury is so time-consuming that this Parliament will most probably just go through the motions and nothing will change - the status quo will remain. The legislative role of Parliament is being undermined. It is becoming more prevalent that the

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executive is the one waving the tail, which is this Parliament and not the other way around

This Act is not enough to promote democracy and to actually ensure that this Parliament and that all legislatures fulfil their democratic and legislative roles. We need much more and hopefully the next Parliament will go deeper. It is a step in the right direction that there is the establishment of a budget office and a committee support system but that is not going to address the actual concern. In this House, during the Budget Vote process, we heard a member of the ANC saying that he agrees with the opposition with a lot of suggestions that were made and that was specifically with regards to the Independent Police Investigative Directorate, IPID. It was said that if we could change the budget, those considerations could be considered.

It is unfortunate that we are only now introducing and taking note of this important role that Parliament should play. We cannot just be a rubber stamp. We cannot sit here, eat our lunches and have a talk shop and not actually be involved in what the Constitution is saying to provide an oversight role

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and a legislative role. The seats are warm but nothing is actually being done. A lot can be done. This Bill is only a step in the direction but it is actually not addressing the whole issue. The FF Plus is against this Bill. I thank you.

Mr W M MADISHA: Chair, this Bill has its intention to address and impart technical challenges encountered and identified, with the implementation of the Money Bills Amendment Procedure and Related Matters Act. Cope supports the resolution of these technical challenges, more so, however, Cope supports the reformation of the parliamentary budget office, PBO, particularly the strengthening of its independence from Parliament and the bolstering of its institutional status as a juristic person with its own accounting officer.

We trust that these amendments will assist in realising the proper independence of the PBO; ensure the appointment of proper and fit for purpose person as its head; improve the accountability of the office; negate political and executive interference in the work of the office and make such interference reportable and ensure that it assist in the provision by the PBO of objective and professional advice and

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its analysis to Parliament to matters related to the budget and other money Bills.

Consequently, Cope supports this Bill on the proviso that the PBO receives resources commensurate to its role and responsibility. Furthermore, we support the further review of the Money Bills Amendment Procedure and Related Matters Act with a view to considering whether a process is required for a tabling and consideration of revenue Bills and how public participation in the budget process might be enhanced. Thank you.

Mr S N SWART: House Chair, Deputy president, the ACDP understand that this Bill is part of an ongoing process and ongoing review and that there is still further work to be done and we share some of the concerns that have been expressed. But if one looks at the stringent timeframes that were applicable in the past it seems that the consideration of the budget amounted to mere rubber stamping of the money Bills and there is now an additional period for committees to consider the budget.

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We also understand the parliamentary budget office that process is ongoing and when we travelled through Africa to Kenya we were there shown that in their case, members of parliament could approach the parliamentary budget office and we slightly concert now that there might be constraints upon us as Members of Parliament approaching the parliamentary budget office but we do understand that there are constraints in this regard and that looking forward, this process can be reviewed.

I would like to give a very practical example of the very efficiency of this Bill when it was passed. The Justice Committee approached the Minister of Finance in October last year to obtain additional funding for Legal Aid SA. We specifically recommended that funding then allocated to the Department of Rural Development and Land Reform who hired a private firm of attorneys to provide representation in land-related matters be transferred from that department to the Department of Justice and to Legal Aid SA. That was about R185 million that was being used by private attorneys that we felt that Legal Aid SA could have used and because of their financial constraints, they were not able to deal with land

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matters and we understood that a new contract was to be awarded.

We know that Legal Aid SA can play a key role in finalising our outstanding land claims and this delay has resulted in much frustrations and tensions around the land issue. May I just thank the Deputy President for last week, his engagement in Bela-Bela with various organisations. I have received very positive reports and I understand there is a lot of prayer and in that regard we will find a solution to the land issue. But I just want to commend you for your engagement in that regard.

Getting back to the issue, the Minister of Finance says that due to constraints, the fiscal outlook, he was not able to help us. Now, we then resolved to go to the Appropriations Committee and discuss this and this could have resulted in an amendment of that allocation to Legal Aid SA. The Justice Committee agreed on that provision but due to time constraints we were unable as the Justice Committee to approach the Appropriations Committee that would then have caught in the Portfolio Committee on Rural Development and then decide whether those funds should be shifted. There would be no

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change to the expenditure ceiling and no change to the fiscal framework but it would have been a shift in funds. This is how efficiently this ... [Time expired.]

Ms D G MAHLANGU: Hon Chairperson, Deputy President, Ministers and Deputy Ministers, hon members and our guests, good afternoon.

Hon Chair, South Africa has entrenched its reputation as a global leader in budget transparency. This is clear from the executive budget information that is published for public scrutiny each year as well as from South Africa's performance in international budget surveys.

The ANC in rode towards a developmental state viewed national budget as central to the creation of a state where all citizens will be treated equally and benefit from the country's resources regardless of race, gender or class.

According to the ANC's ready to govern document, "the beacons guiding these advances are equal rights, non-racialism, non-sexism, democracy and mutual respect."

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Hon Chairperson, the budget becomes a document that contains useful information with reference to government priorities, budgeting, costing of policies, expenditure and programme outputs and outcomes. This type of information is crucial in the midst of transparency and fiscal accountability; especially for parliamentary oversight in general.

Budget transparency has evolved steadily over time. In 1993 the budget review document was introduced in South Africa. It has become an extensive resource of around 235 pages; presenting an enormous amount of information of fiscal policy.

Hon Chair, the Money Bills Amendment Procedure and Related Matters Act, Act 9 of 2009, requires Parliament to conduct public hearings and to report on the Division of Revenue Bill. This Bill provides for the equitable division of revenue raised nationally among the national, provincial and local government for the 2018-19 financial year and the responsibilities of all three spheres of government.

The ANC remains committed to the goals set out in the Freedom Charter, the Constitution and the National Development Plan,

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NDP. These goals are ultimately aimed at addressing the triple challenges of poverty, inequality and unemployment. The ANC is committed to working with our people to address these challenges and move South Africa further forward towards the achievement of the vision of the Freedom Charter.

The Money Bills Amendment Procedure and Related Matters Act places great responsibility on Parliament and has begun to reframe the nature of the relationship between Parliament and the executive as the custodian of service delivery and representative of the people. Parliamentary oversight over the budget has become a critical and a continuous exercise - you can hear that we are speaking the same language.

Hon Chair, one of the regular criticisms about this process, like [Inaudible.], is that the timeframes are very short and that meaningful public engagement on very important Bills does not take place. In order to address this, the Standing Committee on Finance was tasked to review implementation of the Money Bills Act, specifically to look into the timeframes and sequencing associated with the different financial

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instruments and Bills, and the parliamentary procedures related to them.

A renewed sense of optimism has provided a much needed boost to confidence and investment. The economic outlook has improved since the ANC's 54th Elective Conference and government has expressed a new resolve to strengthen policy coordination. Yet this positive turn of events should not blind us to the enormous economic and fiscal challenges facing our country. Economic growth is far too low to reduce alarmingly high unemployment and inequality.

Hon Chairperson, the presidency of President Ramaphosa has brought with it an improved growth outlook. The ANC is committed to setting the country on a new path of growth, employment and transformation.

In the months ahead we will end policy limbo in key areas and address governance concerns with renewed vigour. We will build a social compact with business and labour to speed up investment and job creation. And we will continue to improve

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planning for major infrastructure projects to ensure value for money.

A budget outreach programme is rolled out every year after the national budget has been tabled, in which Parliament and Treasury take the budget discussion to forums around the country, hosted by universities. Civil society workshops are also held annually to present the budget as well as to solicit civil society organisations.

Chair, in the 2017 open budget survey South Africa achieved a score of 89 out of 100 in terms of transparency; an improvement from the score of 86 achieved in 2015. [Applause.]

The ANC is happy that the executive has established some mechanisms to identify the public's perspective on budget priorities, but these mechanisms are not adequate; the tips for the budget tool and the space established for community participation in the National Economic Development and Labour Council, Nedlac, also provides some access. In practice, however, the ANC calls for mechanisms that facilitate broad-based and effective participation.

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Budget openness and transparency also emphasise the importance of accountability and good governance. South Africa's international ranking emphasises civil society's interest in publishing information of this kind.

The ANC is proud that South Africa's efforts to deepen transparency in budget processes have been recognised internationally. [Applause.]

In the 2017 open budget index survey, out of 115 countries South Africa has been ranked first, a position shared with New Zealand. [Applause.]

The ANC remains committed to its 2009 manifesto policy framework where it promised "the creation and retention of decent work and sustainable livelihoods will be the primary focus of all economic policies of the ANC government."

Our fiscal and monetary policy mandate including interest rates and exchange rates need to take into account employment consideration, economic growth and other developments. Thank you very much, house Chairperson. [Applause.]

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IsiXhosa:

The HOUSE CHAIRPERSON (Ms A T Didiza): Siyakwamkela hon Nkwankwa, ndiyabona senisifumene isitshixo sikaBobani.

[Laughter.]

Mr M P GALO: Hon Chair, it is approximately two years since the National Assembly adopted a resolution noting a number of challenges implicit in the implementation of the Money Bills Amendment Procedure and Related Matters Act. Our contribution will focus on the establishment of the Parliamentary Budget Office.

Nearly nine years ago the Office of the Chief Justice was established alongside an independent budget structure outside of the Department of Justice and Correctional Services. The significance of this office was recently articulated by the Minister of Justice and Constitutional Development. The Minister noted that:

The establishment of the Office of the Chief Justice by the government illustrates our commitment to a democratic South Africa that is able to take its rightful place as a

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sovereign state in the global family of nations. This also reflects our commitment to cardinal democratic principles of judiciary independence and separation of powers of the arms of state.

Similar to the Office of the Chief Justice, an independent budgetary structure of Parliament would have an inordinate influence on how Parliament functions at an administrative level. The staff complement of Parliament has a greater role in deepening the efficient functioning of Parliament. Moreover, the oversight body of this office must exhibit the highest form of ethics including complying with best audit practices. We pin our hopes on this office and hope that it will reshape the work of Parliament. The AIC supports the Bill. Thank you very much.

Mr Y I CARRIM: Madam Chairperson, comrades and colleagues, the first thing to say is that this is one of the few debates where we can have a rational exchange with the opposition members, the DA in particular. Mr Acting Deputy Chief Whip of the DA, you might to wonder whether it is not because a

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certain person is not taking part in this debate from your party, but another person who is rational is participating.

We don't agree with everything you say Mr Lees, but it is a very temperate, sedate, calm, reasonable set of problems you have. In fact, many of them at least some or most of us would agree with. The other member you bring here would say, there is a civil war coming and you know, this is really a dreadful Bill. It is Mr dooms day Maynier that doesn't help to have a rational discussion.

However, now that we have rational people from the DA for once in this debate, let me put this to you Mr Lees. Actually, we agree with several of the things you say. The first is that, this is by no means a perfect Bill even in the established democracies, right. A Bill that you process, not matter how many hours you spend on it, is never fully complete because things change. But most importantly, especially in emerging democracy, what happens is that you learn through practice. We have discovered since 2009 and in fact, a culprit by the way, is the very Minister of Finance who is currently seated here. He could not have known anymore than we could have that some

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of the practical problems that will arise, have arisen. We are now addressing them. So, I think we also have made it very clear in our report - not I think - we have, in fact, very clearly said that these are the issues we need to address for now. There are many other issues that need to be addressed over the next five-year term.

Therefore, let us deal with the adjustments budget becoming unlikely if you use the word 'may'. Maybe that's something we need to look at, Comrade Thandi. Maybe we need to amend the PMFA. However, 'may' as you know with lawyers - and I can only speak for somebody who has been chairing committees since 1998. Astonishingly, still they might confirm. Astonishingly, 'may' can sometimes be 'must'. In other words, I'm told that a court of law - I am merely repeating what lawyers have said repeatedly - that a 'may' can be a 'must' in the circumstances. It is very unlikely that a Minister would not have an adjustments budget. If he or she does, hopefully the ANC will challenge that, let alone the DA. Maybe we need to look at that.

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On the advisory board, there is no principled opposition to having a multiparty structure. But what I have repeatedly said as somebody who, for my sins, has to serve on that board, it is an immensely administrative issue. It is an immensely boring set of meetings. All we do is to say, Professor, what is it you are doing next month? And then he'll say, okay, fine; can we change the date because it is clashing? There is no major political decision-making made there and the oversight is very normal. There is nothing there to contest. Mr Maynier won't fit in there with his temperament. Mr Lees may not even fit in there but that is not something we are opposed to. It is something that, in the new five-year term, should be looked into.

On individual MPs not getting advice Mr Lees, that has been explained. We are not opposed to this. Mr Lees, it's fine and perfectly acceptable. That's fine. You have a right to say that in a democracy. But Mr Lees, you are right. There is a difficulty of individual MPs going to the Parliamentary Budget Office, PBO and saying, we want work done. It has to go through committees. Again, the ANC has never ever said it's opposed to that. The issue is a practical one. They have a

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small staff and it's a new Parliamentary Budget Office. They cannot attend to the plethora of individual requests they would get. In fact, in terms of the law, they can serve primarily the four committees, i.e. two committees on the NCOP side and two committees on the NA side. That is something we agree with in principle and need to look into. That is not a matter to address in the Bill or the Act unless we have the resources to do so. But in principle again, fine. We have no problems with that. However, it is something should be done in future given the resources.

Many of the comments made are less about the amendments to the Bill than about other issues, i.e. the lack of resources. Coming back to individual MPs having to deal with the committees, let me remind you Mr Ross that you were the first person to come the Standing Committee on Finance with the request that the PBO looks into investment policies, and we agreed to that. There was a second request either by you or Mr George, if I am correct. As I recall it, it got encapsulated in the ANC's request for the same issue that would have been prompted by the DA.

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Thirdly, if you look at the request and VAT, it came from all parties. So, it is not as if the ANC imposes itself and say, do this because, Deputy President, the ANC, NEC, NWC or the office bearers have instructed us. It happens because it is rational. Often when the ANC goes to the committee and say, let's do this and asks the PBO to do it, it's partly because you've prompted it as the DA, EFF or whoever.

On the matter of the EFF representative, I am sorry that you had to speak the way you did. You were never in any committee meeting. You were out of your depth; out of touch; and quite frankly, Mr Shivambu or whoever was meant to be here should have written your speaking notes. Many of the things you said were just so wrong that it was embarrassing. I don't think it is your fault and therefore, I won't reply to you to save time.

On the issue of Mr Hlengwa, actually - you know what - everything you said, we agree with. In fact, you pointed to the issue that really, it is about resources; and it's about support given to the PBO. You can have the best law passed here. Remember - let me remind those of you in the DA who were

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howling unnecessarily because by the standards of the Standing Committee on Finance debate, this is a very tame and temperate debate. Because Mr Maynier is not here, I and Thandi don't have to get heated up. So, on this issue of building the capacity of the PBOs, you are absolutely correct! But the PBO doesn't - unless I misunderstood you - have the responsibility to build our capacity. That's where Parliament comes in. So, it's fine to get the best technical advice. However, if we are not empowered through - I hope you listening Madam Chair ...

The HOUSE CHAIRPERSON (Ms A T Didiza): I am listening to you.

Mr Y I CARRIM: ... because you deal with members' interests in particular and the right person to chair this, if I may say so. We need to be empowered. Don't blame the PBO because Parliament doesn't have the resources to empower us. But there is no conspiracy here before somebody like - whoever it is I am referring to is not here - will think it is a conspiracy. They'll say it's a conspiracy that we are not empowered so that we can't hold the executive to oversight. That is not true. We also have to do ... We can't rely solely on

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Parliament. We can't rely solely on the PBO. We have to do our own share of our self-development.

On the issue of the PBO's independence, this Bill and set of amendments have substantially empowered the PBO to become far more independent of the administration. In fact, it is regrettable that this has not panned out the way it should have when the original Bill was passed by Parliament. We have rectified that. But we are also utterly clear that the provisions on public participation need to be improved. We have repeatedly said in this House that, what our committee does - and I am pleading with the Deputy Speaker and the Deputy President in his role as the ANC. What we do is that every proposal, whether we agree or disagree in the public hearing, is put into a grid or table.

When we go through the Bill, we look at clause (14)(1)(a) and check what did so and so say. We then allow you to make further submissions. Up until the day, within reasonable limits, we vote on a Bill, we allow submissions. In fact, you would recall, Thandi Tobias Pokolo, how, once representations were made to us on the day we were voting on the Tax Bill and

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there were things we had not actually seen. So, up to the day we vote on the Bill, we accept submissions. We allow people to make written representations and often, in fact, let's look at the VAT Bill as it's called the Rates and Monetary Bill. We initially had a briefing through the Fiscal Framework and public hearings. Then we had a further briefing and public hearings. Now, we have the VAT Panel reporting this morning and we are having public hearings. That notion doesn't come from the DA or anybody else but from the ANC; the notion of a national democratic Parliament; and the notion of Parliament being a popular organ of people's power.

The ANC must remind itself comrades that we need to do what our theory, strategy and policy requires us to do. This Parliament must be embedded in the people in the way it was in the first 10 years, Deputy Chief Whip. Let's go back to that. Of course, we are not threatened by public hearings. Most of those people who appear here in public hearings are actually our constituents in the general public hearings. But in the way we function - let's be fair as Dikeledi Mahlangu said - it is the DA that benefits the most because big business and big capital have parliamentary liaison offices here and are able

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to come all the time. So, I am pleading with you, Chairperson, to give more funds for public participation. More funds for public participation in the way we used to do in the first 10 years. Thank you very much and for once, thank you DA. [Time expired.] [Applause.]

The HOUSE CHAIRPERSON (Ms A T Didiza): Thank you very much, hon Carrim. I am sure the Deputy Speaker and Deputy President have heard you. I also heard you and I am happy that here I already have resource people who'll be able to even give that orientation to the new members who will be part of the Standing Committee on Finance in the next Parliament. It is the parties that will decide who comes back and who doesn't, not us seated here. Thank you very much.

Debate concluded.

Question Put: That the Bill be read the second time.

Bill read a second time (Democratic Alliance and Economic Freedom Fighters dissenting).

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**KUMI NAIDOO APPOINTED AS SECRETARY-GENERAL OF AMNESTY
INTERNATIONAL**

(Draft Resolution)

Mr M S A MAILA: House Chair, the ANC moves without notice:

That the House -

- (1) notes with pride that Kumi Naidoo, an anti-apartheid struggle activist and social justice campaigner, has been appointed the Secretary-General of Amnesty International which is the world's largest human rights movement;
- (2) further notes that he was an eco-warrior and executive director of Greenpeace;
- (3) recalls that in 2011, he spent a week in prison after scaling a Greenlandic oil rig to hand deliver a petition protesting against drilling in the Arctic;

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- (4) further recalls that in 2012, he led a group that occupied a Russian oil rig in the Barents Sea;
- (5) acknowledges that last month he was part of the Nelson Mandela Foundation's expedition to Mount Kilimanjaro, summiting on Madiba's birthday;
- (6) shares his commitment and passion to address social justice issues; and
- (7) congratulates Kumi Naidoo on his appointment and for flying the South African high and proudly.

NINETY SEA VISTA RESIDENTS RECEIVED TITLE DEEDS

(Draft Resolution)

Dr M J FIGG: House Chair, I hereby move on behalf of the DA:

That this House -

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- (1) notes that early this month, some 90 Humansdorp residents from Sea Vista received title deeds to their houses;
- (2) further notes that these beneficiaries received their homes more than 10 years ago and that the previous ANC-led government withheld their title deeds;
- (3) acknowledges that the DA-led Coega government will rectify the appalling failure of the ANC;
- (4) also acknowledges that the Sea Vista title deeds are amongst the 2 000 title deeds that the ANC council had failed to hand over to housing beneficiaries; and
- (5) applauds the DA-led municipality believing in giving people their title deeds for giving these residents their rightful ownership and a means of becoming actively involved in the economy.

REMOVAL OF THE FORMER MAYOR OF NELSON MANDELA BAY, ATHOL

TROLLIP

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(Draft Resolution)

Mr S P MHLONGO: House Chair, I hereby rise on behalf of the EFF:

That this House -

- (1) notes that the black people of Nelson Mandela Bay and South Africa can be rest assured that the land will be returned to the people and be distributed equally;
- (2) further notes that anyone who stands against the genuine demand for land expropriation without compensation will pay the price;
- (3) also notes that the removal of the former mayor of Nelson Mandela Bay, yesterday, is a clear indication of how South Africans should deal with white supremacy, arrogance, racism and bigotry;

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- (4) recognises that the call for land expropriation without compensation is just overdue and cannot be derailed by white supremacists, who are entitled and think they will govern through arrogance to maintain the status quo and reduce black people to secondary citizens;
- (5) welcomes the removal of the former mayor of Nelson Mandela Bay, Athol Trollip;
- (6) wishes the new mayoral committee well; and
- (7) further wishes that services must be prioritised to the people regardless of who is in government. They must be held to the same standard of governance and accountability.

I so move

DEATH OF HANOVER PARK PEACE AMBASSADOR

(Draft Resolution)

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Mr T MAKHONDO: House Chair, the ANC moves without notice:

That the House -

- (1) notes with sadness the death of Keagan de Silver, who was short at a spaza shop in Hanover Park, Cape Town, on Wednesday, 22 August 2018;
- (2) understands that the Grade 11 Keagan from Mount View High School was caught in a gang shoot-out while at the shop;
- (3) recalls that as part of a group of peace ambassadors in Hanover Park, the 17 year old Keagan was involved in educating his community about the benefits of peace;
- (4) further recalls that he joined the young peace ambassadors initiative because of the prevalence of gang violence in the community;
- (5) acknowledges that living conditions in Hanover Park are becoming a breeding ground for gangsterism;

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- (6) further acknowledges that Keagan was a warm-hearted person who was very respectful to the community and his school teachers;
- (7) believes that Mount View lost a very good student who was an inspiration to many in his community, genius and very optimistic; and
- (8) conveys its condolences to his family, teachers and students of Mount View.

I so move.

Mr M HLENGWA: House Chair, on behalf of IFP, I move without notice:

That the House -

- (1) wishes His Excellency, IFP, President, Prince Mangosuthu Buthelezi a happy 90th birthday, which he celebrated on Monday, 27th August 2018;

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- (2) notes that this is a milestone for the IFP veteran leader, who has unrelentingly provided bold leadership in the fight against poverty in our country that informs part of the generation that worked tirelessly to ensure our people are free;
- (3) further notes that the celebrations were held at the Prince Mangosuthu Buthelezi regional stadium - formerly Ulundi regional stadium, yesterday, which was recently renamed to mark the milestone and where thousands people were in attendance including many dignitaries and loved ones of His Excellency;
- (4) acknowledges that this was the one leg of a series of celebrations on behalf of the IFP leader, which began with a thanksgiving service in his honour and will be followed by a prestigious event that will be held at the Inkosi Albert Luthuli International Convention Centre on August 31; and
- (5) celebrates with us as we recognize Shenge's immeasurable contributions to this country - Prince

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Buthlezi is a true statesman with astute leadership qualities, he is the epitome of decorum, humility and servant leadership; a true South African patriot who loves our country deeply.

POLICE OFFICER GUNNED DOWN AT KWAMASHU

(Draft Resolution)

Prof M M KHUBISA (NFP): House Chairperson, I move:

That this House -

1. notes with sadness and pain the ruthless killing of the KwaMashu Police Officer, Constable Mbiko Buthelezi;
2. observes that Constable Buthelezi and his colleagues went to do an investigation at the KwaMashu hostel after hearing some gunshots;

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3. recognises that Constable Buthelezi and his colleagues noticed two suspects fleeing when they arrived at the hostel;
4. believes that Constable Buthelezi and his colleagues chased the suspects as the latter ran into an informal settlement which is close to the hostel;
5. detects that gunshots were fired and Constable Buthelezi was fatally shot in the head and his colleague was shot in the thigh and is recovering in the hospital;
6. recognises that the deceased Constable Buthelezi was a breadwinner in his family and has three children; therefore,
7. conveys our heartfelt condolences to the Buthelezi family and wishes Constable Buthelezi's colleague a speedy recovery; and

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8. calls upon the police to do their utmost best to ensure that the perpetrators are speedily arrested so that they face the full might of the law. I so move.

Agreed to.

CONGRATULATION TO 85-YEAR-OLD RIVONIA TRIALIST

(Draft Resolution)

Ms S MCHUNU: House Chairperson, I move without notice:

That this House -

- (1) congratulates the 85-year-old Rivonia trialist and struggle veteran, Denis Goldberg on receiving an hon Doctorate from Herriot-Watt University of Scotland on 23 August 2018;
- (2) notes that the Scottish University honoured Goldberg for his significant contribution towards ensuring that

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all had access to education, and for his role in the struggle that led to South Africa transforming from an apartheid state to a democratic society;

- (3) understands that Goldberg received this award at the Hout Bay Museum where he committed to build an arts facility that catered for the youth of Hout Bay, and in which Goldberg's art collection could be exhibited;
- (4) hails that the event was attended by many local residents, organisations associated with the Denis Goldberg Legacy Foundation Trust;
- (5) remembers that Goldberg worked as an engineer before he was dismissed from his job because of his political activism;
- (6) admits that along with Nelson Mandela he stands out as someone who set aside personal risk for the greater good;

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- (7) recalls that he educated himself through distance learning despite the most extreme of circumstances while in prison; and
- (8) congratulates Denis Goldberg on receiving such an accolade. I so move.

Agreed to.

SHORTAGE OF DOCTORS IN GREY HOSPITAL - EASTERN CAPE

(Draft Resolution)

Ms C N MAJEKE: House Chairperson, I move without notice:

That this House -

- (1) notes that the Department of Health in the Eastern Cape, through its spokesperson has admitted that it has a shortage of Doctors in these Grey Hospital and cannot adequately attend to its patients;

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- (2) regrets that the Eastern Cape is a province that has a rapidly decaying health system when I spoke last week about the lack of ambulances and now we find that Grey Hospital is in dire need of staff to attend to the most vulnerable of our society;
- (3) concedes that government should act swiftly and address the vacancies and shortages of doctors;
- (4) calls on the parliamentary committee to cover more areas when conducting oversight on all Eastern Cape health infrastructure centres to help address the challenges the province is facing. I so move.

Agreed to.

**CONDOLENCES TO FAMILIES OF TWO YOUNG MEND WHO DIED AT
KLEINZEE, NORTHERN CAPE**

(Draft Resolution)

Ms V VAN DYK: House Chairperson, I move without notice:

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That this House -

- (1) expresses its condolences to the families of the two young men who died while digging illegally for diamonds at Kleinzee, Northern Cape on Sunday, 26 August 2018;
- (2) notes that it cannot condone illegal mining;
- (3) acknowledges that I wrote to the Northern Cape provincial Commissioner of police, Lt-Gen R P Shivuri, based in Kimberley, to request an urgent intervention into the illegal mining activities, including engaging his national counterpart to deploy additional police to patrol the area and enforce the law to prevent a repeat of Bontekoe Mine disaster;
- (4) concerns that despite my request fatalities will continue to grow because the people of Namaqualand have no real economic opportunities leading to job creation, resulting in families turning to illegal mining;

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(5) condemns the fact that the national government only pays attention to this issue when people are losing their lives; and

(6) marks that the ANC-leg government is failing the people of the Namaqualand constituency. I so move.

The HOUSE CHAIRPERSON (Ms M G Boroto): Are there any objections to the motion? Yes. In light of the objection, the motion may not be proceeded with. The motion without notice will now become notice of a motion.

**STUDENTS TIED ON THE HIP FOR IN-SOURCING OF ALL WORKERS AT
INSTITUTION OF HIGHER LEARNING**

(Draft Resolution)

Ms H O MKHALIPI: House Chairperson, I move without notice:

That this House -

(1) notes that the student struggle for free and quality higher education was tied at the hip with the demand

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for in-sourcing of all workers at institutions of higher learning;

- (2) further notes that the management of the Cape Peninsula University of Technology has been selective in its application of their in-sourcing decisions, and have in the process left out 8 security personnel who are now struggling to make ends meet;
- (3) realises that these security personnel were previously employed by fidelity, and during the height of the fees must fall protests, got fired for working with the students;
- (4) recognises that one of them got fired for being depressed after seeing a person getting shot where he was guarding;
- (5) takes seriously the plight of workers at institutions of higher learning to ensure that they are not left behind.

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LERATO SENAKHOMO SCOOPS 2018 YOUNG FARMER AWARD

(Draft Resolution)

Mr N CAPA: Chairperson, I move without notice:

That the House -

- (1) notes that the 27-year-old, Lerato Senakhomo, a fulltime commercial and multiaward-winning woman farmer, is the winner of the 2018 Young Farmer Award;
- (2) understands that Senakhomo was introduced to farming in 2006, by her parents who are dairy farmers and completed various agricultural skills courses;
- (3) acknowledges that her rise in the agricultural sector is evidenced by the variety of awards, prizes and nominations she garnered since creating Senakhomo Farming in 2016;

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- (4) remembers that her output in her first year was 366 tonnes of maize harvest, and earned her status and recognition in the farming community;
- (5) further remembers that after winning the MEC Special Award in 2017, Ms Senakhomo grew her enterprise and caught the attention of the adjudicators in 2018;
- (6) recalls that today, she farms 300 Boerbok goats, 72 nguni cattle, 150 sheep and 80 hectares of sugar beans;
- (7) believes that Senakhomo's farm success is an inspiration to other young people to realise that there is space in agriculture for them; and
- (8) congratulates her for winning the 2018 Young Farmer Award.

Agreed to.

HUNTER MITCHELL SCOOPS 2018 INTERNATIONAL YOUNG ECO-HERO AWARD

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(Draft Resolution)

Ms N R MOKOTO: Chairperson, I move without notice:

That the House -

- (1) notes that on Monday, 20 August 2018, 10-year-old Hunter Mitchell from Cape Town was named a 2018 International Young Eco-Hero by the environmental organisation Action for Nature, for his activism in support of African rhino conservation;
- (2) remembers that in 2015, Hunter heard about a baby rhino abandoned in the middle of the night by its mother and decided to help;
- (3) recalls that he started using his own pocket money, and then began raising funds from family and friends, and later set up a *Facebook* page in order to assist the baby rhino;

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- (4) further recalls that while assisting the baby rhino, he learnt about the poaching crisis and felt compelled to do more;
- (5) understands that his love of rhinos shines through when he visits the Aquila Private Game Reserve founded by Searl Derman, and opened the rhino orphanage that cares for rhino orphans;
- (6) commends the young Hunter for turning his family into rhino warriors; and
- (7) congratulates him for receiving international recognition for his good work.

Agreed to.

TSHWANE UNIVERSITY OF TECHNOLOGY CHAOS CLAIMS ONE LIFE

(Draft Resolution)

Mr R T MAVUNDA: Chairperson, I move without notice:

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That the House -

- (1) notes with shock the death of a student at the Tshwane University of Technology, Soshanguve campus;
- (2) further notes with deep concern the allegations that the police may have used live ammunition during the shooting incident in which the student was killed;
- (3) believes that our institutions of learning must be homes for political tolerance and free democratic engagements;
- (4) urges students and university authorities alike to ensure that elections for student representative councils are conducted peacefully and with integrity;
- (5) further urges authorities to respect students' right to legitimate protest;

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- (6) also believes that freedom of expression and the right to protest must also find practical expression at these institutions of higher learning;
- (7) calls upon law enforcement agencies to leave no stone unturned in investigating the circumstances surrounding this sad incident and conclude their investigation with utmost urgency; and
- (8) conveys its deepest condolences to the grieving family and the entire Tshwane University of Technology, TUT, community for this tragic loss of life.

Agreed to.

DURBANVILLE PRIMARY SCHOOL CHOIR WINS C1 - YOUNG CHILDREN

(Draft Resolution)

Ms T GQADA: Chairperson, I move without notice:

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That the House -

- (1) commends and congratulates the Durbanville Primary School Choir who took the Championship Gold Medal in the C1 - Young Children's Choir division at the World Games held in Tshwane from 4 to 14 July 2018;
- (2) notes that Ms Annemarie Dippenaar led this choir; and
- (3) further notes the pleasure of the parents who accompanied these kids to this wonderful competition.

Agreed to.

NQUTHU SHOOTING CLAIMS FOUR LIVES

(Draft Resolution)

Ms D Z RANTHO: Chairperson, I move without notice:

That the House -

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- (1) notes with shock the death of four men and a woman injured in a shooting incident in Nquthu, KwaZulu-Natal, on Tuesday, 21 August 2018;
- (2) understands that the tragedy occurred after three men were sent on an errand by the Mabaso family to fetch some goods at Nquthu;
- (3) further understands that the men were travelling in their vehicle when they were approached by unknown suspects who shot all three of them dead;
- (4) recalls that their bodies were found near the road at Ntabezibomvu area in Nquthu;
- (5) further recalls that their vehicle was taken away by the suspects who proceeded to the Mabaso homestead where they allegedly shot another man and an elderly woman;
- (6) believes that the two suspects aged 35 and 42 were arrested in connection with the murders;

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- (7) condemns this barbaric act in strongest terms;
- (8) calls for heavy punishment to those found responsible for this barbaric act; and
- (9) conveys its condolences to the families of the deceased.

Agreed to.

ANALYSIS OF IPSOS 2018 POLL RESULTS

(Member's Statement)

Mrs V BAM-MUGWANYA (ANC): House Chairperson, the ANC acknowledges the initial analysis of the Ipsos 2018 poll results, which indicates the support amongst South Africans for the ANC remains around 60% of the voting population. This also includes the high rating of its President and President of the Republic, Cyril Ramaphosa.

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We are encouraged as this exhibits the confidence that the majority of people continue to have in the ANC, as a movement that represents their aspirations for their future.

The ANC will always work towards ensuring that all South Africans and their concerns will be addressed. We also thank our supporters for their continued confidence in their movement. Thus, the ANC calls upon all South Africans, both black and white, young and old to rally behind the banner of the ANC, support it at the ballot to ensure that the ANC retains power in order to pursue its historical mission of bringing about a nonracial, nonsexist, democratic and prosperous society and a better life for all. Thank you.

[Applause.]

REMOVAL OF LAWFUL ELECTED MUNICIPAL GOVERNMENT FROM OFFICE IN

NELSON MANDELA BAY

(Member's Statement)

Mr K J MILEHAM (DA): House Chairperson, what happened yesterday in Nelson Mandela Bay can only be described as a

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coup d'etat. A lawful elected municipal government was ejected from office at an illegal meeting convened under the auspices of the MEC for Co-operative Governance and Traditional Affairs. It was a mock council meeting that elected a mock government.

Under the DA-led coalition, Nelson Mandela Bay's metro police force was established, putting 135 officers on the street. The city is now liquid, with R2 billion in the bank, and has received a triple-A credit rating. The Integrated Public Transport System, IPTS, busses are on the road and more than 5 400 Expanded Public Works Programme, EPWP, jobs were created.

The alleged "election" of Mongameli Bobani and his team of ANC cronies have opened the door for the looting of the municipal Treasury. It is the UDM and the EFF that have enabled it, the supposed champions of the fight against corruption. This alliance is an alliance of the venal and a coalition for corruption.

How else do you explain that the criminally convicted Andile Lungisa, who has not attended a single committee meeting since

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he was elected as a councillor is suddenly catapulted into the office of MMC for Infrastructure or the appointment of the new MMC for Safety and Security, Litho Suko, who admitted assaulting a woman after a car accident. Crispian Olva, whose book "How to Steal a City" described the ANC's looting of Nelson Mandela Bay, must be frantically preparing to write Volume 2. [Time expired.] [Applause.]

**ADMINISTRATIVE IRREGULARITIES, MISMANAGEMENT AND POOR
GOVERNANCE AT HEALTH PROFESSIONS COUNCIL OF SOUTH AFRICA**

(Member's Statement)

Mr T E MULAUDZI (EFF): House Chair, the Health Professions Council of South Africa, HPCSA, has collapsed, governance has collapsed, corruption is widespread and the Minister of Health has failed to provide much needed political leadership.

The Acting Registrar, Adv P Khumalo, was there when a lot of issues raised by the Ministerial Task Team to investigate allegation of administrative irregularities, mismanagement and

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poor governance. But somehow to the Minister, this was prior to his appointment.

The recommendations of the report even said that the council must institute disciplinary and incapacity proceedings against the management, including the General Manager of Legal Services, Adv P Khumalo.

The HPCSA awarded 10 contracts to Keabetswe Business Enterprises, which the HPCSA procurement officer, Ms Malope Fridah is a director to it. The Minister does not see anything wrong with that. The council revised their fees that according to the National Treasury should be paid per meetings. As per their determination, they want to be paid on a monthly basis without approval from the Minister. But the Minister does not see anything wrong with that again.

Professionals in the health sector are crying about the services they received from the HPCSA. As things stand, HPCSA is ineffective and professionals are on their own. [Time expired.]

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ANC COMMENDS ON FOUR PRESIDENTS OF ORGANISED AGRICULTURE

(Member's Statement)

Ms T M A TONGWANE (ANC): The ANC commends the presidents of the four agriculture organisations under the umbrella body of AgriSector Unity Forum on their commitment on land reform plan.

In a watershed moment, on Monday 27 August 2018, the Deputy President of the country, David Mabuza, met these four presidents of organised agriculture and witnessed them signing the statement of intent to develop a national strategy addressing transformation in the sector.

The organisations are, the African Farmers Association of South Africa, National African Farmers Union of South Africa, AgriSA and the Transvaal Agricultural Union of South Africa. They also confirmed that they will be hosting an indaba for their sector with the aim of coming up with a national development strategy for an inclusive and sustainable sector.

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Their comments followed the ANC's land expropriation announcement in its elective conference in December 2017 and the conclusion of 34 public hearings in nine provinces by Parliament's Joint Constitutional Review Committee.

The ANC thanked the organisations for working together and for being courageous and we can assure them of our ANC-led government's support. Ke a leboga. [Thank you.] [Applause.]

**RECENT SHOOTING AT TSHWANE UNIVERSITY OF TECHNOLOGY IN
SOSHANGUVE CAMPUS**

(Member's Statement)

Mr M HLENGWA (IFP): Hon Chairperson, it's so tragic that yet another student has had to lose their life at another tertiary institution in South Africa. The recent shooting at the Tshwane University of Technology, TUT, in Soshanguve campus, that left a member of student body fatally wounded is indeed unacceptable.

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An assault rifle is alleged to have killed the student, Katlego Andries Monareng. It is a direct indictment on the police and their capacity to contain riot situations. This speaks to the inadequacies of public order policing, which has manifested itself in many forms in our public discourse, whether it's Marikana, Andries Tatane or during the fees must fall campaigns.

It is crucial that the police find more effective and less dangerous devices to control demonstrations without the use of excessive force. Under no circumstances should live ammunition be brought to campus where students are protesting. The reckless loss of people's lives could have and should have been avoided and could have been handled better. This incident unfortunately, arose because of the fact that SA Students Congress, Sasco, chose to derail the SRC electoral process because they could not take that thought of losing an election.

Hon House Chairperson, the IFP calls for a thorough investigation to be done by Independent Police Investigative Directorate, Ipid, on all the circumstances surrounding this

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incident, as well a TUT management to investigate the electoral process, particularly the allegations of fraudulent ballot papers which were found to have been tempered with and the results. I thank you.

SUSPENSION OF NSFAS CHAIRPERSON

(Member's Statement)

IsiXhosa:

Mnu N L S KWANKWA (UDM): Sihlalo weNdlu, andisayi kuya tuu kule yenu into yaseBhayi niya kuyithetha nodwa, ndixakekile mna. Sifuna ukuqala sibulele kwaye siyibone ukuba le nto yokunqunyanyiswa kweGosa eliyiNtloko kwaNsfas, uMnu Steven Zwane iyenzeka. Eyona nto thina esikhwankqisayo yeyokuba kusandula ukubeka phantsi noSihlalo wakwaNsfas phaya. Loo nto ithetha ukuba ngoku ...

English:

... an institution which is critical and central to the human capital development and strategy of the country and to reduce levels of inequality...

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IsiXhosa:

...uzifumanisa ukuba akanazinkokeli nto leyo eza kuchaphazela ngakumbi abafundi aba sithi thina bahluphekile ukuze bakwazi ukufumana ithuba lokuya esikolweni.

Omnye umba ekufuneka siwuqwalasele ngulo wamakhadi abafundi abathenga ngawo ukutya nezinye izinto. Kuyafuneka sijonge ukuba asinakwazi kusini na ukuba singayifaki iVat kwiimpahla ezithengwe ngaloo makhadi. Sisenza ezi ziphakamiso nje kuba sisazi ukuba bahluphekile...

English:

... last weekend, I was at home in King William's Town. One of the things that happened there took me by surprise. We had a number of students lining up next to the cashiers who wanted people to buy using their vouchers so that they can get money that they can, in turn, use to buy alcohol over the weekend. It can't be. It needs - it requires - not only leadership ...

IsiXhosa:

... kubantu ababanika imali...

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English:

... but students themselves also need to provide leadership on this issue.

IsiXhosa:

The HOUSE CHAIRPERSON (Ms M G Boroto): Hayi ke ndiyaxolisa ixesha lakho liphelile ngoku.

Mnu N L S KWANKWA (UDM): Sihlalo, kukho nje umcimbi omncinci endifuna ukugqibezela ngawo namhlanje.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hayi ke ndiyaxolisa ixesha liphelile ngoku. Kuza kufuneka uthethe noMphathiswa ngaphandle.

Mnu N L S KWANKWA (UDM): I-ANC ibibhidekile kucaca ukuba oko ikhangela isitshixo sikaBobani. Yiyo le nto ingathi ibhidekile namhlanje.

English:

The HOUSE CHAIRPERSON (Ms M G Boroto): No, hon member! Take your seat, please. Thank you.

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COMPLETION OF CORNELIS RIVER DAM

(Member's Statement)

Mr D MNGUNI (ANC): Chair, the ANC rises to congratulate the Department of Water and Sanitation on the completion of the construction of the Cornelis River Dam near Warden in the Free State which commenced in June 2017. The dam will ease water challenges faced by the community of the Warden-Ezenzeleni area in the Phumelela Local Municipality. This dam is set to benefit 2 690 households and an estimated 10 674 people.

The Cornelis River Dam was constructed to ensure a sustainable and long-term solution for the water supply problems that had been experienced in the Warden-Ezenzeleni region. The construction and commissioning of the Cornelis River Dam is another way the ANC-led government is ensuring our people have a reliable and sustainable supply of water, as water is life and a scarce resource.

DISMAY OF ACDP AT PROPOSED CHANGES IN CIVIL UNION ACT

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(Member's Statement)

Mrs C DUDLEY (ACDP): Chair, the ACDP would like to place on record that we disagree with the motion of desirability on the Civil Union Bill that was adopted in the Home Affairs committee today, a decision that confirms Parliament and the department's intention to force officiating officers of civil marriage to violate their consciences.

The Bill proposed by a Cope Member of Parliament seeks to repeal section 6 of the Civil Union Act that provides for a marriage officer to be exempted from solemnising same-sex marriages on the grounds of conscience, religion and belief and, if passed, would allow the civil servants who are marriage officers to be compelled to solemnise same-sex marriages regardless of their religious beliefs. The ACDP expressed its concern in the committee today but was not given the opportunity to ask the department if it has tried to address this problem by means other than legislation, for example a special desk for civil unions, staffed by persons employed specifically for this purpose.

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We are a society that professes to value freedom of choice, yet we are becoming more and more selective about who gets to choose and who does not. We are using legislation to override people's moral consciences, which smacks of methods used during the apartheid era. Our Constitution protects freedom of conscience, religion and belief, and Members of Parliament have a duty to see people are not compelled to act against their conscience in the course of their work and that they are not discriminated against on these grounds. It should be noted that a significant number of South Africans are concerned ...

[Time expired.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Dudley, may I remind you of the Rule of anticipation and statements that are not allowed. I don't think ... because that agreement is not yet in the House, that report, we cannot speak on it. It is still with the committee, as you said. We just allowed you conclude, but the statement is in contravention of the Rule of anticipation.

MEETING BETWEEN MINISTER OF JUSTICE AND CORRECTIONAL SERVICES

AND #FEESMUSTFALL-CAMPAIGN ACTIVISTS

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(Member's Statement)

Mrs M R M MOTHAPO (ANC): Chair, the ANC welcomes the initiative taken by the Minister of Justice and Correctional Services in meeting with the #FeesMustFall-campaign activists on the instruction of President Cyril Ramaphosa on Friday, 24 August 2018 at the Union Buildings.

This followed a prior engagement the Minister had with similarly affected students who marched to the Presidency in Tuynhuys, on Wednesday, 22 August 2018. The student activists' intention was to request the Minister to intervene and pardon all students who were involved in the #FeesMustFall protests. The ANC fully agreed with the Minister's response that –

... in line with its respect for the principles of separation of powers and the rule of law, the executive branch of government had neither the mandate nor the inclination to favour any person or group of people with a specific or general reprieve outside the existing constitutional and legal framework.

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At the end of the engagement, the Minister undertook to guide the students in their applications to the National Prosecuting Authority for the review of prosecutorial decisions in cases of students who are already charged and whose matters are currently on trial. The Department of Justice and Constitutional Development stands ready to begin with the process as soon as the students submit their applications with the relevant information. The ANC is happy that the students are committed to working with the Minister of Justice and Correctional Services in moving forward. I thank you.

DA SUCCESS IN BY-ELECTIONS

(Member's Statement)

Ms A STEYN (DA): Chairperson, whilst the ANC relies on the Ipsos polls, the DA showed in recent by-elections that it has successfully retained wards in Siyanqoba and uMngeni, growing in both wards. In Khâi-Ma, the DA increased its share of the vote, contesting an ANC ward where the ANC also dropped votes.

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These successes follow the DA's triumph of winning a rural ward from the ANC in a by-election in the Walter Sisulu Local Municipality on 8 August. The DA grew by 13% in this rural ward, where the voters clearly showed they are tired of empty promises and would rather vote for change. What makes this achievement even more amazing is that voters still changed to the DA after the Eastern Cape government handed out school shoes, bicycles and school bags at schools in the ward.

[Interjections.] This happened merely two days before the by-election. I hope this will teach the ANC to stop treating poor voters as voting fodder just days before elections.

It is insulting for our people to be treated like children who can be bribed with sweets. The ANC's empty promises on land, jobs and service delivery are increasingly being rejected by the voters who are saying they will not be fooled again. Thank you. [Applause.]

IKWEZI LOKUSA SPECIAL SCHOOL IN MTHATHA APPALLING AND

DILAPIDATED

(Member's Statement)

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IsiZulu:

Nk M S KHAWULA (EFF): Siyi-EFF sishaqekile ngesimo sesikole sabantwana abakhubazekile esiseMthatha iKwezi Lokusa Special School. Lesi sikole nehostela yakhona ehlala abantwana ungafunga ukuthi ngaphakathi isibaya sezimbuzi. Ngaphakathi izindonga zingcolile, upende uyaxebuka. Iminyango yakhona iyawa, akukho ngisho namanzi ashisayo. Amakamelo okulala anemibhede eyakhiwe ngosamende oziwelayo kwawona nezingubo zokulala ezindala ezingcolile. Amakhabethe aphukile kanye namasudukesi amadala angcolile lapho abantwana befaka khona izingubo zabo.

Kwakhona emagcekeni esikole kugobhoza amanzi aze ayodlula eduze nehhovisi likathishanhloko wakhona. Sekuphele cishe unyaka wonke kungekho olungisa lesi simo salamanzi. Abantwana abakwazi ngisho nokuthola amanzi uma sekusebusuku ngoba umpompi wamanzi uyavalwa kuze achitheke wonke. Lokho kwenzelwa ukuthi amanzi angatholakali ubusuku bonke [24 hours.] ...

[Kwaphela isikhathi.]

WOMEN'S EMPOWERMENT PROJECT AT MAWEWE TRIBAL AUTHORITY,

MGOBODI

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(Member's Statement)

Ms H V NYAMBI (ANC): Chairperson, the ANC commits itself to investing in and developing a substantial pool of skills in the rural communities to focus primarily on the provision of social and economic rural infrastructure and job creation. We therefore commend the Department of Social Development for its launch of a women's empowerment project at the Mawewe Tribal Authority at Mgobodi village, Mpumalanga.

This project aims to empower and secure the livelihoods and rights of women living in rural areas. It seeks to synergise the department's efforts and partnership with both public and private entities to generate more lasting and wider-scale improvements in the livelihoods and rights of women. This ensures linkages in access for rural women and young girls to interventions, such as the prevention of and response to sexual and gender-based violence.

So far, the department has already committed itself to opening a White Door Centre of Hope in Mawewe before the end of 2018. The centre will provide psychosocial and empowerment services

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to victims of gender-based violence. The ANC believes that this project will have a profound effect on the sustainability of rural communities and will assist in job creation and the transformation of the rural economy. I thank you.

REMEMBERING DULCIE SEPTEMBER

(Member's Statement)

Ms G K TSEKE (ANC): House Chair, the ANC has produced many great daughters who lived lives of extraordinary activism in service to the people of South Africa. One, among the many women who left an indelible footprint in the history of our struggle and the whole of humanity, was the late Comrade Dulcie September.

Comrade Dulcie was assassinated on 29 March 1988, outside the ANC offices in Paris, where she was its chief representative. She had been arrested for her political activities in 1963, charged, and sentenced to five years in prison, which she served first, in Cape Town, and then, in Kroonstad.

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Upon her release in 1969, she was served with banning orders and after her banning orders ended, she went into exile in the UK, in 1973. There, she joined the anti-apartheid movement, and in 1976, started working fulltime for the ANC, firstly, for the ANC's Women's Section, and in 1981, at ANC headquarters in Lusaka.

At the end of 1983, she was appointed as ANC Chief Representative in France, a position she occupied until her assassination in 1988. Her assassination was discussed before the Truth and Reconciliation Commission, TRC, without any conclusion being reached.

The ANC and freedom-loving South Africans will continue to remember her contributions towards alleviating the plight of children, and the campaign for sanctions against apartheid South Africa.

MINISTER MASUTHA AND #FEESMUSTFALL PROTESTS

(Member's Statement)

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Ms D KOHLER (DA): Chairperson, the Minister of Justice and Constitutional Development, Michael Masutha, says there will be no blanket pardons issued to students arrested or charged for participating in #FeesMustFall protests. However, this Minister also says that he will "guide and assist students in making representations to the National Prosecuting Authority, NPA, without interfering in the legal process".

Now, the Minister cannot but interfere in the legal process when "guiding and assisting" students to make representations to the NPA. The Minister is a government office-bearer in the executive branch. This will have the effect of interference in the work of the judicial branch of government.

The Minister is further conflicted, as he is a representative of the state - the same state that is prosecuting the students concerned for crimes committed in terms of the laws of this country. The Legal Aid Board, as well as university legal clinics, will be able to assist students who have a fair case but who cannot afford legal representation.

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These protests cost this country R800 million, which will be lost to universities which could, otherwise, have spent the money giving students an education. The protests caused emotional and institutional damage that will be extraordinarily difficult to repair. What message is sent if there are no consequences for the trampling of the rights of others?

The DA believes there is absolutely no reason for this Minister to improperly involve himself in this matter.

UK PRIME MINISTER MAY'S INVESTMENT PLEDGE FOR AFRICA

(Member's Statement)

Ms T V TOBIAS (ANC): Chairperson, the ANC welcomes the support of the UK Prime Minister for President Cyril Ramaphosa's approach to land reform, and should note that Ms Theresa May believes it could potentially unlock further investment opportunities in Africa.

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Prime Minister May was addressing guests at the British High Commission in Cape Town, earlier today, where she pledged investments of £4 billion into African economies, particularly to create jobs for young people. She said that with 60% of Africans being under the age of 25, such a young population on the continent could enrich the world's economy.

Ms May pledged to become the G7's biggest investor in Africa, by 2022. She also brought with her a delegation of 29 business leaders, who will be looking for investment opportunities in South Africa.

The UK Prime Minister's approach is in stark contrast with the Tweets of the US President, Donald Trump, who regrettably, did not make any effort to ascertain the facts before he aligned himself with a radical right-wing group in South Africa. I thank you.

POLITICISING THE DEATH OF STUDENTS

POLICE OFFICERS ACQUITTED IN ANDRIES TATANE MURDER CASE

(Minister's Response)

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The MINISTER OF POLICE: Thanks very much, hon Chair. Indeed, it is sad and painful when people politically activate themselves and politicise the tragedy of the death of students, like which happened at the Tshwane University of Technology, TUT.

To be honest, the call that is made here is irrelevant because the following day the Independent Police Investigative Directorate, Ipid, was on the scene dealing with the matter.

Maybe to say that this government has put these structures ... to look after these things, unlike when students were killed at Ongoye and there was nobody looking after those things.

So, it's important that we should not use these events and should not use these bad things that have happened to make our political statements here and try to advance our political gain.

With regard to the Tatane issue, the court of law of the Republic of South Africa acquitted those police officers. So, if we respect the law, we should understand that the court

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itself has taken a decision of murder. Indeed, it was a terrible thing to happen. That's why we visited the family of Tatane. That's why we were part and we made sure that the police officers went to court, and they have been acquitted. I believe, thereafter, that we will respect the decision of the court.

MINISTER OF JUSTICE AND CORRECTIONAL SERVICES MEETS

#FEESMUSTFALL CAMPAIGN ACTIVISTS

(Minister's Response)

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Thank you, Chair, and let me thank the members who raised the issue relating to our engagement with the #FeesMustFall protest movement.

Let me start with the comments by the hon Breytenbach. Yes, we ... [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): It was hon Kohler-Barnard.

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The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Sorry; apologies. [Interjections.] You'll have to forgive my flat batteries. I rely on voice monitor. They have similar voices.

Let me indicate unequivocally and clearly that this government does not tolerate violence, period. [Interjections.] Alright? And we will not give an inch to violence, regardless of how legitimate the demands of those who indulge in violence may be. Alright?

However, what we will make very clear is that the equality clause, section 9, in the Constitution, says that all are equal before the law and have the right to equal benefit of the law. So, whatever dispensation we have created in the law and in the Constitution, everyone who qualifies to derive benefit out of that dispensation will not be impeded.

So, any convicted and sentenced person who wishes to apply for presidential pardon under section 84 of the Constitution will be given an equal opportunity to have his case heard.

[Applause.]

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VISIT OF UK PRIME MINISTER TO SA

(Minister's Response)

The MINISTER OF COMMUNICATIONS: Thank you very much, House Chair. In response to what has been raised by member Tobias, the visit has been primarily around consolidating the relationship between the UK and the Republic of South Africa.

Three areas have been of focus. The first is on the capacitation of young people who will be trained as scientists. The second is on the economic investments in the areas of energy, manufacturing and agroprocessing, with tourism being one of the key areas of the relationship between South Africa and the UK, with the UK actually giving us 450 000 tourists per annum.

But, of importance is the statement that was made by Her Excellency, Prime Minister Theresa May around the issue of land, and I wish to quote her. She said:

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We understand the need for a broad land reform process in South Africa which is transparent, legal and determined through democratic processes, and have supported this since it began in 1994. In many countries, including the UK, there are circumstances in which land can compulsorily be acquired by governments for public purposes, large infrastructure projects for example.

What is important is that there is clarity and certainty about the circumstances in which this can happen to allow business to plan and invest with confidence, but also to bring peace in South Africa, and that the overall impact is to promote economic growth. President Cyril Ramaphosa has set out how he wants to take this forward.

I ... [Applause.] ... therefore hope that, through this House, we will then appreciate that there are many nations that understand that the reconstruction of this country, the creation of a nation and the growth of our economy primarily lies on issues of land use management and land ownership.

[Applause.]

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ANC MONITORS IPSOS POLLS

NSFAS ADMINISTRATOR APPOINTED

(Minister's Response)

The MINISTER OF HIGHER EDUCATION AND TRAINING: Thank you very much, hon Chairperson. I wish to assure this House that, while the ANC certainly monitors and is aware of the Ipsos polls and other polls that will come in the run-up to elections, we are confident that we will retain the confidence of the majority of voters in our country ... [Interjections.] ... because they know fully well ... [Applause.] ... the work that has been done by this democratic government since the inception of democracy in South Africa.

We are also pleased at a number of by-election results where the ANC has done exceptionally well and we will continue to work on the road to ensure victory for the ANC in 2019.

With respect to the hon Chief Whip of the UDM, I wish to indicate that the intention in appointing an administrator is to address the very matters that he has referred to – matters

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related to the sBux system, as well as the slow processing of applications and the disbursement of allowances, and other matters that have begun to emerge in the first week of the work of the administrator.

So, we will continue to work with the administrator to ensure that we address all the systems issues. We will not let any opportunity to fully investigate what has been happening in the scheme rest. We intend to appoint a ministerial committee of inquiry to look into exactly why we had such very serious system failures.

So, all our actions are intended to ensure that our scheme efficiently and fully responds to the needs and interests of young people in our country. [Applause.]

IsiZulu:

USIHLALO WENDLU (Nk M G Boroto) Isikhathi ngisiphethe ningasolokhu ningibangela umsindo ningitshela ngesikhathi nasi lapha phambi kwami.

MINISTERIAL RESPONSES

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CONDITION OF SCHOOL FOR DISABLED IN THE EASTERN CAPE

(Minister's Response)

The DEPUTY MINISTER OF BASIC EDUCATION: Chairperson, I am really disheartened to hear about the conditions in a hostel. Indeed, we have a general responsibility to all our children - and a particular responsibility to children with disabilities. The conditions as described are quite alarming and if indeed the hon member could provide me with the statement, I undertake to immediately engage with the MEC for education.

What we could share with the esteemed House is that we have just completed drafting of special norms and standards for inclusive education for hostels where children with disabilities resides. We think that could go a long way in ensuring that the standards are appropriate and necessary are maintained, but I certainly undertake to immediately deal with the issue that has been raised. Thank you very much, hon Chair.

BY-ELECTIONS IN WARD

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(Minister's Response)

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS: House Chairperson, I just want to respond to one member from the opposition, who raised an issue of the Nelson Mandela Bay Metropolitan Municipality and used the words the effect that the "so called intervention", I got a sense that there was a feeling that the process that was embarked upon by the MEC Xasa of the Eastern Cape Co-operative Governance and Traditional Affairs was somehow being questioned.

In my case, I want to raise that the MEC acted in terms of the Municipal Structures Act Section 36, words which says that the municipal manager, MM, of the municipality or if the MM is not available a person designated by the MEC for the local government in the province preside over the election of a Speaker.

The MEC did receive a letter duly addressed to him which basically - I want to quote one part of it saying:

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We, the undersigned political leaders request your immediate interventions to assist in the process of electing a new Speaker of the Council. The majority of the Councilors removed the then Speaker, Lawack of the DA through a democratic process which was conducted in today's council on the 27th of August 2018. Mr Peter Mackler who is supposed to conduct the process in line with the Municipal Structures Act is refusing to continue with the council's business despite our objection as he does not have the mandate to perform the duties of the Speaker.

I want to then say that, as a result of that someone was then dispatched to go conduct the work as expected and that this is in line ... the MEC has assured me that he is satisfied with the process and those who have a question they will need to go to Court. And we will be observing if there is any problem in the municipality. Thank you.

NOTICES OF MOTION

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Ms J V BAM: Chairperson, I move on behalf of the ANC that in its next sitting:

The House debates intensifying and accelerating initiatives for the placement of youth in employment opportunities that generate skills and experience.

Afrikaans:

Me V VAN DYK: Ek gee hiermee kennis dat by die volgende sitting van die Huis ek sal voorstel dat die Huis die onwettige diamantdelwery wat in Kleinsee plaasvind sal debatteer, insluitend die gebrek aan daadwerklike optrede en intrede van die regering om na oplossings te soek om die probleem aan te spreek. Dankie.

Mr S P MHLONGO: I move on behalf of the EFF that in its next sitting:

The House debates usage of alcohol emblems and or logos in promotion of our national sporting codes or teams thus drowning our youth in alcohol and bringing about destruction of family values.

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Ms M MOTHAPO: I move on behalf of the ANC that in its next sitting:

The House debates effective measures to expand the mandate of the competition authorities to identify high levels of concentration with powers to act to de-concentrate levels of ownership and to open the market to new black-owned enterprises.

Mr K P SITHOLE: I move on behalf of Inkatha Freedom Party I move that at its next sitting:

The House debates police involvement in riot situations and the degree of force they are allowed to exercise in their efforts to contain protest situations.

Mr S C MNCWABE: Chairperson, I move on behalf of the NFP that in its next sitting:

The House debates and resolve to put a moratorium on all evictions from state-owned land, properties including farms in South Africa.

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Ms D D RAPHUTHI: I move on behalf of the ANC that in its next sitting:

The House debates the setting up of a sovereign wealth fund to ensure that the free-carry shares in mining and other resource sectors are retained by the state and acting as the custodian of the people as a whole.

Ms C N MAJEKE: I move on behalf of the United Democratic Movement that in its next sitting:

The House debates the lack of monitoring and standards of foods sold in rural areas, informal settlements, locations and spaza shops which often sell expired and substandard goods to our communities.

Mr M S F DE FREITAS: I move on behalf of the Democratic Alliance that in its next sitting:

The House debates the current and continuing shambolic state of the Passenger Rail Agency of South Africa, Prasa, the inaction by the Minister to resolve Prasa's

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problems, the Minister's inability to bring guilty parties to book and solutions to get Prasa back on track.

Ms H O MKHALIPHI: I move on behalf of the EFF that in its next sitting:

The House debates the scourge of rape and gruesome murder of women in institutions of higher learning with less response by universities and law enforcement agencies.

Ms T M A TONGWANE: I move on behalf of the ANC that at its next sitting:

The House debates building a society in which black poverty and white privilege are consigned to the past, replaced by respect, solidarity and nonracial equality.

Ms G K TSEKE: House Chair, I move on behalf of the ANC that at its next sitting:

The House debates intensifying the effort of building a non-sexist society in which the oppression and

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exploitation of women whether in the workplace, in communities or in the home is eradicated.

Ms H V NYAMBI: Chairperson, I move on behalf of the ANC that at its next sitting:

The House debates strengthening the organs of civil society, including street committees and other community-based organisations, understanding that they provide the means through which people can participate fully in changing their lives for the better.

Ms T STANDER: Chairperson, I move on behalf of the Democratic Alliance that at its next sitting:

The House debates collapsing the ineffective and inefficient Department of Women in the Presidency in favour of a move toward intersectional responsibility for gender equality and protection of women against gender-based violence.

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Mr D MNGUNI: House Chair, I move on behalf of the ANC that in its next sitting:

The House debates building an open and dynamic economy that embraces technological innovation, pursues higher productivity, creates jobs and improves the quality of life of all citizens.

The House adjourned at 18:30