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***PROCEEDINGS OF THE NATIONAL ASSEMBLY***

The House met at 14:01.

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

**RE-ESTABLISHMENT OF AD HOC JOINT COMMITTEE ON PARMED**

(Draft Resolution)

The CHIEF WHIP OF THE MAJORITY PARTY: Speaker, I move the draft resolution printed in my name on the Order Paper, as follows:

That the House —

(1) notes —

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- (a) the resolution adopted by the National Assembly on 23 November 2017, which established an Ad Hoc Joint Committee on Parliament and Provincial Medical Aid Scheme, Parmed, and a similar resolution adopted by the National Council of Provinces on 7 March 2018;
- (b) that the ad hoc joint committee was initially set to report on 30 May 2018, and the National Assembly extended this deadline to 28 September 2018;
- (c) Joint Rule 138(5)(b), which provides that an ad hoc joint committee ceases to exist when the date for completion of the task has expired; and
- (d) that the ad hoc joint committee had ceased to exist after 28 September 2018, when the date for the completion of the task expired;

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- (2) resolves, subject to the concurrence of the National Council of Provinces, to re-establish the Ad Hoc Joint Committee on Parmed with the same composition, membership, mandate and powers as its predecessor;
- (3) instructs the committee to incorporate in its work the proceedings and all the work of the previous committee, including work done after 28 September 2018; and
- (4) sets the deadline by which the committee must report to 30 November 2018.

Motion agreed to.

**EXTENSION OF CONSTITUTIONAL REVIEW COMMITTEE DEADLINE**

(Draft Resolution)

The CHIEF WHIP OF THE MAJORITY PARTY: Speaker, I move the draft resolution printed in my name on the Order Paper, as follows:

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That the House, in concurrence with the National Council of Provinces, extends the deadline by which the Constitutional Review Committee has to report, to 30 November 2018.

*Declarations of vote:*

The CHIEF WHIP OF THE OPPOSITION: Madam Speaker, the House will recall that when the original motion was put before the House, we voted against it.

I want to say that we will not be voting against this motion before the House, today. However, I want to put it on record that it is our analysis, and certainly that of experts, the High-Level Panel report, as well as constitutional lawyers, that the impediment to meaningful land reform in South Africa is not the Constitution of the Republic of South Africa.

The impediment to land reform and meaningful ownership and a realignment of ownership patterns in South Africa, which no party in this House can honestly put its hand on its heart and say are not skewed and are not biased in a certain way because of decades and centuries of legislative dispossession, as well

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as other forms of dispossession – and it is something we need to address. However, there is a misdiagnosis that it is the Constitution that is an impediment to meaningful land reform in South Africa.

In its report to Parliament, which Parliament has been engaging with over the course of the last few months, the High-Level Panel makes it very clear: There has been a complete failure of policy for the last two decades under the ANC. This has meant there is a fractured, a disunited and an incoherent mechanism for us to have both redress and restitution processes that are efficient and fair ...

[Applause.] ... thank you – and which put more property in the hands of previously disadvantaged South Africans and to change the patterns of land ownership in South Africa.

It has also shown very clearly that there has been a lack of financial will of this government for the last 24 years to put their money where their mouth is. So, it is very convenient to come before an election and say that the land is a big issue for us and a priority, when for the last 24 years – and, ironically, since the tenure of Mr Jacob Zuma in 2009 and up

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to now - there has been a declining spend on meaningful land reform in South Africa.

To put it into perspective, the executive of this government spent more money last year on VIP protection services for Cabinet Ministers than they did on the entire land reform process in South Africa. [Interjections.] That shows you where the priorities lie.

So, if you're serious about land reform, let's start cutting the fat, let's start cutting back on those VIP protection services, which actually, are increasing in this next budget period, and let's start spending money where it matters most. Let's also start getting serious about land reform.

The third major impediment which the High-Level Panel report identified is what is called, in the report, "elite capture". Now, for those watching at home, this is a fancy way of saying "stealing and corruption" - because that is exactly what's happened. We have seen it at Vrede Dairy. We saw what happened with the individual from this party's headquarters at Luthuli House, Mr Present, who received a farm from the former

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Minister - R92 million to the farm - rent-seeking of the worst kind. Instead of farms and land being given back to the true beneficiaries to have meaningful restitution and redistribution in South Africa, it's been restituted and redistributed to the rent-seekers in the governing party.

[Applause.]

We can have meaningful land reform in South Africa. We can have social justice and restitution, but what we can't have is this party in charge of the process because they have betrayed the mandate of the last 24 years. So, let's get serious about land reform. Let's stop making a scapegoat of the Constitution of the Republic of South Africa. Let's get down to the brass tacks of putting money where our mouth is, making sure we have a legislative programme that ensures we can have meaningful land reform in South Africa - and let's start giving land to the people who actually deserve it, and not the rent-seekers on the government benches. [Applause.]

*Declarations of Vote (contd):*

Dr C P MULDER: Hon Speaker, the motion in front of the House is that we should extend the deadline by which the

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Constitutional Review Committee should report back to Parliament. At this very moment, the committee is in session in Room 475. I spent the whole morning there and I am supposed to be there at the moment as well. [Interjections.]

The point I am making is: Anybody who has been part of this whole process in the Constitutional Review Committee up to this point - if you have been part of that process - will understand the complexities of this whole issue. Now, we have got a choice. We can play easy politics with the elections in mind and try to force the deadline of 30 November 2018.

I can give you a guarantee now that the committee will not be finished by 30 November 2018. We can play easy politics and try to make an election issue of the whole land issue; or we can seriously address the land issue of South Africa once and for all. But then, we need to elevate that discourse above petty party politics.

So, you have got a choice. We can now bring this deadline and we will not oppose the deadline. That is what we are voting about today: To extend the deadline. The fact of the matter is

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that if we seriously want to address the land issue, we have to take this way beyond 30 November 2018. However, let's stop for one second: We have been told by some members of different parties in this House that the great huge question is a land issue. That is the major issue but the facts indicate differently.

We all know what the problem really: We have got a problem of poverty and of unemployment in South Africa. People don't have jobs. If you look at the records of government, with all due respect, then you find that land reform has never been a priority of the government. Just think for one second: How serious can a government be if you spend more money on the protection of the executive than an issue like land reform?

You can't have it both ways. You can't come here as a government or an opposition party and tell us that the land issue is the most important issue but in terms of the prioritisation in the budget, it comes below VIP protection for the executive. It doesn't make sense and people understand that and can see beyond that.

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So, let extend the deadline until 30 November 2018, but if we want to really seriously solve this issue, we have to take it way beyond and really address it in a sincere manner. I predict we will back again to extend the deadline because its work cannot and will not be finished. Not because somebody is playing games because it is such an important, such an emotional and such dangerous issue if we do not handle it correctly. All of us know that the choice is ours. Thank you.

Mr G A GARDEE: Madam Speaker, we take this opportunity to address the country and the continent on the issue of land is very important to our indigenous people. The land was forcefully occupied and genocide was committed against African people when it was forcefully taken from them. Today, bodies and parts of the bodies of our kings are not where to be found because the white man forcefully took the land and killed our kings and queens and many of our African people.

If it must be that we should extend the reporting date of the Constitutional Review Committee, we should so. But we know for a fact that our people have spoken in more than 40 public hearings that have been held by the Parliament outside this

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House. Our people cannot wait any longer. If it was for the EFF, we would have actually requested the committee to come and report now because any hour and day furthermore is a delay on the economic freedom of our people.

It is true, hon member Mulder that our people are poor. The problem of South Africa is poverty. The poverty is caused by the lack of access to land by the African people. With access to land by our African people, the issue of poverty will be history because they will build houses on the land. They will plant on the land. Everything is on the land. Hence, you say it is so dangerous and hitting up the drums of war about how dangerous and emotive the issue of land is. As emotive as it is to white Afrikaners, so it is to our indigenous African people. We shall not be intimidated by the beating of drums of war, telling us how dangerous it is. We are more than capable to stand up to that danger. We do support the extension of the reporting time of the Constitutional Review Committee, and we look forward to the land of our people being return. The land is ours. Amandla! [Applause.]

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Mr N SINGH: Hon Speaker and hon colleagues, I am certainly not going to speak on issues that are before the committee as they consider this matter. I don't think it is ... [Interjections.]

The SPEAKER: Hon members, what is the problem?

Ms H O MKHALIPHI: Sorry Speaker! Sorry, Speaker to disturb you. [Interjections.] It is this black caucus of the DA. They want to resign now because five councillors of the DA here have resigned. So, they want to resign here as well. [Interjections.]

The SPEAKER: No! That is not the issue before us right now. Hon Steenhuisen, what is the issue on which you are standing?

The CHIEF WHIP OF THE OPPOSITION: Madam Speaker, racial stereotyping is not allowed in the House. However, I will say our members resigned; 63% of your caucus have been fired because they don't agree with your Chief Whip and your Commander-in-Chief! [Applause.]

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The SPEAKER: Hon Singh, please proceed and make your declaration.

Ms E N NTLANGWINI: On a point of order, Speaker!

The SPEAKER: What's the point of order?

Ms E N NTLANGWINI: Speaker, I want you to pay attention to the massive abuse that the DA constantly have whenever we come from that podium. Another point is that we also have the white caucus *WhatsApp* groups, where they discuss the black caucus. So, they must just keep quiet. [Interjections.]

The SPEAKER: Please, let's just stop this white and black: We are all hon members elected by the people of South Africa to come and do our jobs here. Hon Singh, please proceed.

Mr N SINGH: Thank you, hon Speaker. I will start from the beginning. I am not going to speak to issues that are before the committee. I think we have got capable members on the committee, including our member, Inkosi hon Buthelezi, who are dealing with the issues of the committee. I don't think it is

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fair that we should speak about of the matter that is before the committee. However, I understand from my hon colleague that serves on the committee that there are still a number of submissions to be considered, oral and written.

Whilst we approve today an extension to 30 November 2018, we personally don't believe that the work of the committee will be completed by that time. We should not rush them to completing their word. However, we have got to put some time frame. We can consider that time frame as we get reports from the committee.

WE must not act in the interest of expediency, but we must act in the interest of all the people of South Africa. The land issue must certainly be dealt with rather now than later. Otherwise it will become a festering sore. At some time, Parliament will have to take a decision on how we deal with land restitution and restoration of the land.

However, the order of the day is two things: The fears that people who own land have, that their land can be taken willy-nilly because there don't seem to be any rules or regulation

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or legislation that prescribe how land can be and should be expropriated, and whether there will be costs or not.

We, in the IFP, believe in expropriation but with compensation. We made that clear over and over again, and that is the position that our member is espousing in the committee. On the hand, unfortunately, the aspirations of people who want the land as of yesterday and are being encouraged by certain political parties to occupy land wherever land is vacant doesn't help the situation. [Interjections.]

It really doesn't help the situation of causing instability in South Africa. What is required from all of us is cool heads and calm minds because we've got to look to the interest of the future of South Africa. We would however support the extension to 30 November 2018 for now. Thank you very much.

[Applause.]

Prof N M KHUBISA: Hon Speaker, I thought if the hon Deputy Speaker was here, Chief Whip of the Majority Party, he would concur with me that I raised this matter at the Chief Whip's Forum and also at the NA Programme Committee, NAPC. I was

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asking about the committee reporting and because we are awaiting a report. From time to time, there have been reports that have been coming by the sideways.

We said, from the very onset that we don't need those sideways reports; we want a report submitted to this House as it was the resolution of this House. Now, I feel therefore that it is opportune that we support the motion and the resolution as given to us, raised by the Chief Whip of the Majority Party that the ad hoc committee reports by the end of November.

We want this committee to do some thorough job because the land issue is a very serious one. Our people have waited so long for the land. Just recently, the people of Abakhwanazi at KwaDlangezwe received their land - over 4 000 hectares of land. One could not imagine the excitement that was there and in other places as well.

People can be able to build. They can be able to farm: Subsistence farming; and commercial farming also. It is an emotive one because some of amakhosi were even incarcerated because of this issue of land. I even said in another debate

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that Isilo sa Mabandla, uMangosuthu, even went to jail for the land issue, as well as other kings.

So, we better attend to this issue but it should be done in a way that everybody in South Africa is canvassed accordingly so that it is not done in a chaotic way. Everybody needs land – South Africans need land – but it must be done in a correct order. That is why therefore we brought this matter here in Parliament so that it is done in a coherent systematic way.

Therefore, as the NFP, we say that this issue of land must be dealt with once and for all, but in a correct way that does not offend anyone. The reason why we brought it here is because we wanted it to be done in a Constitutional manner so that at the end of the day everybody will own the process.

We want this issue to be concluded. Land is needed. Our people need land. They want it for farming. They want it for commercial farming and many other ways. It brings dignity to our people. Therefore, let's bring back the land to our people. [Applause.]

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Ms M R M MOTHAPO: Madam Speaker, hon members, out of respect of the Rules of this National House, I won't get into the merits of the draft resolution as that will be pre-emptive. As I am speaking now, the Constitutional Review Committee is sitting in V475. I am just from there now, busy dealing with oral submissions.

Therefore, this request to say that, we request to make an extension of deadline to 30 November this year, thus carry water, hon Speaker. As the ANC, we fully support that because there are still oral submissions which are being listened to. It's really naive and hypocrisy of the highest order from DA to come here and grandstand ... [Interjections.] ... hon Steenhuisen, by getting into the merit and integrities of the whole debate. Before us here, is the request for extension of period to come and report on 30 November. Therefore, as the ANC, we fully support this draft resolution. Thank you. [Applause.]

Motion accordingly agreed to.

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**ALLOCATION OF TIME TO A MEMBER OF EACH PARTY FOR MAKING A  
DECLARATION OF VOTE**

(Draft Resolution)

The CHIEF WHIP OF THE MAJORITY PARTY: Speaker, I move the draft resolution printed in my name on the Order Paper, as follows:

That the House notwithstanding Rule 108(2) which provides that the time allocated to a member of each party for making a declaration of vote must be determined by the Rules Committee taking into account the proportional strength of the parties, limits the time allocated to a member of each party for making a declaration of vote on any Budgetary Review and Recommendation Report to not more than two minutes for the remainder of this annual session.

Motion agreed to.

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**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON JUSTICE AND  
CORRECTIONAL SERVICES – REGULATIONS TO GIVE EFFECT TO  
RECOMMENDATIONS OF NATIONAL FORUM ON LEGAL PROFESSION, MADE IN  
TERMS OF SECTION 109(1) (bA) OF LEGAL PRACTICE ACT, ACT 28 OF  
2014**

Ms M R M MOTHAPO: Madam Speaker and hon members, this is the report of the Portfolio Committee on Justice and Correctional Services, giving effect to the recommendation of the National Forum on the Legal Profession made in terms of section 109(1) (bA) of the Legal Practice Act, Act 28 of 2014. The Portfolio Committee on Justice and Correctional Services, having considered the regulations to give effect to the recommendations of the National Forum on the Legal Profession made in terms of said Act, recommends that the National Assembly approve the regulations.

Further, the committee reports as follows. Section 94(1) of the Legal Practice Act, Act 28 of 2014 provides that the Minister, where required in the circumstances, must make regulations relating to several aspects. The Legal Practice Amendment Act, Act 16 of 2017 amended sections 97 and

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109(1) (bA) of the Legal Practice Act by extending the National Forum on the Legal Profession's terms of reference so that it must also make recommendations to the Minister for purposes of making the regulations contemplated in section 94 of the Act. The regulations are made in terms of said section, read with sections 97(6) and 94(1) of the Act. Sections 94(3) and 109(1) (c) of the Act require the Minister to submit the regulations to Parliament for approval.

The regulations were referred the committee for consideration and report on 21 August 2018, and the committee was briefed on the content of the regulations on the same day. The recommendation therefore is that the committee, having considered the regulations, recommends that this august House approve the regulations. Thank you. [Applause.]

Debate concluded.

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

*Declarations of vote:*

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Mr W HORN: Madam Speaker, whilst we rise to support this report and these regulations, the following must be placed on record. These regulations, as is the norm with this ANC-led government, are tabled today, months after the deadline of 30 April 2018 – just another example of the inept, clumsy manner in which the Ministry has been dealing with justice matters since 2014.

In the present case, all of the risks have materialised that were identified during the process in which the Fourth Parliament, towards its end, rushed through the then Legal Practice Bill – because as the then member of the portfolio committee and now Deputy Minister put it, this Parliament will soon come to an end, and we must finalise this Bill and will deal with remaining issues later. Maybe it is a sign of things to come towards the end of this Parliament.

Warnings that one super regulator will end up in a power struggle with attorneys and advocates were not properly considered then. The then ordinary member of the committee, Mr Jeffery, brushed aside sensible comments that the then Bill did not properly address transformation but rather focused in

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a naïve manner on regulation without addressing the historical divisions in the legal profession and the impact it has on access to justice. At the time, he boldly declared that the only real issues that would be settled on would be admission requirements and disciplinary procedures, only to be bogged down – ironically – as the Deputy Minister with an inordinate delay in the National Forum on the Legal Profession on the issue of vocational training and only to settle the matter, ultimately, by both professions maintaining their own training regimes, as in the past.

Therefore, gone is the idea of fusing the profession by stealth, as the late Dene Smuts so aptly described it at the time when warning of all of the deficiencies in the Legal Practice Bill. So, whilst we support these regulations, let it be clear that we do so to enable the wheels of the legal profession to keep on turning, not because we are of the view that the manner in which this Ministry has dealt with the Legal Practice Act during this Fifth Parliament has covered it in any glory. I thank you. [Applause.]

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Mr T E MULAUDZI: Speaker, the EFF is generally supportive of the recommendations made by the National Forum on the Legal Profession and the regulations that ensued.

We are particularly happy with the transformative legislative changes brought about by the Legal Practice Act and the specific references to visible transformation of the legal profession. The transformation made by the Legal Practice Act is very good. The recommendations of the National Forum on the Legal Profession take this need to a new, tangible level. For instance, that the new South African Legal Practice Council must be constituted in a manner that reflects the national demographics is a bold recommendation that we support. This bold recommendation ought to be taken up by the different spheres of government to ensure that all legal contracts given by the state do reflect the national demographics. We cannot continue having the government brief only the predominantly white lawyers.

The only weakness in the recommendations is the lack of consensus on the training requirements for the candidate attorneys and pupils. This is the most exploitative stage in

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the legal profession. Candidate attorneys are paid peanuts by law firms. We would have liked to see at least the minimum wage payable to both candidate attorneys and pupils to ensure that they can, at least, sustain themselves whilst training to be fully admitted as attorneys and advocates.

Despite our reservation on the matter of training, the EFF supports the regulations. Thank you.

Inkosi E M BUTHELEZI: Speaker, at the outset, I would like to state the IFP supports the report and the section 94 recommendations contained therein. The section 94 regulations, which are prerequisites for the implementation of chapter 2 of the Legal Practice Act, require approval today before implementation can follow. We note that the committee worked to a tight deadline on this matter and congratulate, in this regard, all portfolio committee members on their dedication and spirit.

On 1 November, the Legal Practice Act will effectively repeal the Attorneys Act, Act 53 of 1979, and usher in a new era of legal practice in South Africa. The National Forum on the

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Legal Profession, which was established as a transitional body to oversee the transformation of the governing structures of attorneys' and advocates' branches is now at the end of its term. It has performed admirably a number of allocated tasks during this interim period.

However, the fraudulent and criminal practices in our courts remain of great concern to the IFP, whether people masquerade as attorneys or advocates. We have already referred one such instance to the Deputy Minister of Justice and Correctional Services and believe the Hawks are currently investigating such criminal activities. The rule of law, quality before law, and the right to due process of law remain vital to democracy. Legal practitioners perform key duties in this regard. The state must therefore ensure that practitioners are duly qualified before being allowed to represent the public, failing which all respect for the justice system will be lost.

The IFP supports the report. Thank you.

Mr G J SKOSANA: Speaker and hon members, good afternoon. The Legal Practice Act regulations give effect to the

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recommendations of the National Forum on the Legal Profession, tabled in terms of section 109(1)(c) of the Legal Practice Act, Act 28 of 2014. The ANC therefore rises in support of these regulations.

The slow pace of transformation in the legal profession has always been a concern to the ANC. The Legal Practice Act reflects the ANC's commitment to the adoption and implementation of transformative Bills and to the transformation of the legal profession and judiciary. The Act provides a transformation framework that is within the confines of the Constitution. The Act gives the Minister of Justice and Correctional Services and the unified legal profession the authority to drive the transformation of the legal profession, which is a prerequisite for the transformation of the judiciary itself.

The Legal Practice Council replaces the four provincial statutory provincial law societies that played the role of regulating and representing attorneys. Advocates and attorneys will now be regulated by the Legal Practice Council. The Bar Association will no longer have the responsibility to regulate

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the profession. They can, however, continue to exist as a voluntary association to advance any nonstatutory interests of the profession. The Legal Practice Act requires that the Legal Practice Council reflects the country's gender and racial demographics in all its structures. This excludes racial representivity with respect to advocates, as there are not enough advocates in all provinces.

On 8 October 2018, the National Forum on the Legal Profession announced the attorneys and advocates who were elected to serve on the Legal Practice Council. The successful candidates will be added to the list that has been made of nominees. Legal Aid South Africa, teachers of law and the university deans, as well as the Minister of Justice and Correctional Services are also entitled to nominations.

The Legal Practice Council is an important milestone in the transformation of the legal profession. Among other things, it will have the following benefits: the establishment of community service, through which aspirant and serving legal practitioners will be required to perform community service to increase access to justice, particularly to the poor and

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marginalised; the enhancement of the accountability arrangements of the legal profession through the establishment of Legal Services Ombud; and the transformed dispensation of the conferral of senior counsel status, or silk status, through the creation of a transparent nomination process, which is based on the expertise and experience of legal practitioners.

Among others, these regulations address the following matters: the manner in which teachers of law are designated for purposes of the SA Legal Practice Council, which is section 7 of the Act that provides for two teachers of law to serve on the council; the issuing of a certificate by the Registrar of the High Court to the effect that an attorney has the right to appear in a superior court; the appropriate experience attorneys must comply with in order to be granted the right of appearance in the superior courts; and the manner in which the Legal Practice Council is to apply to court for a compensatory order of the disciplinary committee to be an order of court.

The ANC supports these regulations. [Applause.]

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Motion agreed to.

Report accordingly adopted.

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON JUSTICE AND  
CORRECTIONAL SERVICES – PROVISIONAL SUSPENSION FROM OFFICE OF  
MR M D HINXA, CHIEF MAGISTRATE AT BLOEMFONTEIN IN TERMS OF  
SECTION 13(3) (b) OF MAGISTRATES’ ACT, 1993**

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON JUSTICE AND  
CORRECTIONAL SERVICES – PROVISIONAL SUSPENSION FROM OFFICE OF  
MS L B FREEMAN, SENIOR MAGISTRATE IN MOSSEL BAY IN TERMS OF  
SECTION 13(3) (b) OF MAGISTRATES’ ACT, 1993**

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON JUSTICE AND  
CORRECTIONAL SERVICES – SUSPENSION FROM OFFICE OF MR I W O M  
MORAKE, MAGISTRATE AT LICHTENBURG IN TERMS OF SECTION  
13(4) (a) (i) OF MAGISTRATES’ ACT, ACT 90 OF 1993**

Ms M R M MOTHAPO: Thank you once more hon Speaker and hon members, this is a report of the portfolio committee dated 28 August 2018 in respect of three magistrates: Two of whom are

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to be provisionally suspended; one, suspension from the office which is a removal from office of Mr I W O M Morake. Mr Morake is the magistrate at Lichtenburg.

The Minister provisionally suspended Mr Morake from the office from the 4th November 2010. Mr Morake is the magistrate and judicial head at Lichtenburg. The commission charged him with six counts of misconduct and he was then convicted in the regional court on two counts of theft, and then he was sentenced to four years imprisonment for each count, which runs concurrently.

Therefore, the commission recommended a disciplinary inquiry into Mr Morake's conduct, and since then Mr Morake - since his last appearance at the misconduct inquiry, he disappeared and his legal team's whereabouts are unknown. He could not be traced and failed to submit any representation. Having duly considered all the required documentation presented to it the commission resolved to recommend that Mr Morake is removed from office in terms of section 13 (4) (a) of the Act. We, therefore, recommend to this hon House to confirm the removal.

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In respect of Mr M D Hinxa, an allegation of rape charges was lodged with the Minister. The commission resolved to conduct a preliminary investigation of the allegations of rape against Mr Hinxa. Mr Hinxa approach the Director of Public Prosecution in Free State concerning the criminal case filed against him by the complainant.

On the 18 October 2017, the National Director of Public Prosecution was provided with the copy of the docket, the preliminary investigation report and supporting statements, which were obtained during the preliminary investigation with a recommendation to reconsider the matter and take the steps he may deem fit.

The recommendation is, therefore, taking into consideration the seriousness of the charge. We, therefore, request the hon House to confirm the provisional suspension pending the outcome of an investigation on misconduct hearing into his fitness to hold the office of magistracy.

On the third report of Ms Freeman, Ms Freeman is the senior magistrate and judicial head of office in Mossel Bay. She was appointed by the lower court on the 24 August 2016. The

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magistrate's commission resolved to charge Ms Freeman with misconduct. Misconduct relates to various charges of dishonesty. The commission is of the view that the existing evidence against Ms Freeman is of such a serious nature as to make it inappropriate for her to perform the functions of a magistrate while the allegations are being investigated.

The commission is of the view that the existing evidence against Ms Freeman is of such a serious nature that it will justify her removal from office should she be found guilty of the misconduct charges. I, therefore, present to this hon House the report of our committee in relation to provisional suspension from office. I thank you. [Applause.]

Question put: That the Report of the Committee be adopted, including the recommendation that the provisional suspension from office of Magistrate Mr M D Hinxa be approved.

Question agreed to.

Report adopted and provisional suspension from office of Mr M D Hinxa approved.

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Question put: That the Report of the Committee be adopted, including the recommendation that the provisional suspension from office of Magistrate Ms L B Freeman be approved.

Question agreed to.

Report adopted and provisional suspension from office of Ms L B Freeman approved.

Question put: That the Report of the Committee be adopted, including the recommendation that the suspension from office of Magistrate Mr I W O M Morake be approved.

Question agreed to.

Report adopted and suspension from office of Mr I W O M Morake approved.

Mr N SINGH: Hon Speaker, no objection but declaration please!

The SPEAKER: On which one?

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Mr N SINGH: On all three.

The SPEAKER: Please go ahead with the declaration. We are on to the last one actually.

*Declarations of vote:*

Inkosi E M BUTHELEZI: Thank you very much hon Speaker. The IFP is deeply concerned with the state of the justice system in our country. A number of dishonest magistrates who faces suspension are of a serious concern and it speaks to the very core in the rot within this system.

Hon Speaker, it cannot be business as usual when the law is not fully applied across the board, hurting the most noticeable poor and vulnerable communities. It is quite frankly an absurd state of affairs. In fact, it is shameful that we have compromised individuals holding high office within the judiciary.

Certainly, we cannot twiddle our thumbs on this very important matters and allegations, which these magistrates are facing. We must act swiftly in order to restore the moral integrity

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and confidence in the justice system. Our people are denied a fair trial because magistrate is captured and are captured by their own greed.

These speak to a larger problem which should be identified at an early stage and if need be a support should be given to some individuals who suffer from alcohol dependency as is the case with some magistrate. We plead with the Minister as the IFP, that where possible his office must investigate the overall wellness of magistrates in our country and we must provide adequate counselling to those who need that; because we are of the view that the magistrates are our front lines of defenders and protecting and promoting our Constitution and the values of our people. Thank you.

Ms N K F HLONYANA: Thank you, Madam Speaker. In the case of the magistrates, in particular, Mr Morake proves our point beyond doubt that we urgently need a body through, which matters relating to the appointment and the disciplining of the magistrate can be held, which will be independent and competent.

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Mr Morake's case was heard in 2010 and the National Assembly approved his suspension that year. He was even found guilty and sentenced to prison for four years. He served one year in jail. All this time, he is still regarded as a magistrate. This is an indictment on the ability of present measures to hold magistrate to account.

The same goes for Ms Freeman, she has been found guilty of series of misconduct charges more horrifying, however, is the fact that she was convicted of theft and sentenced to imprisonment back in 1993, and that she never disclosed this when applying to be a magistrate.

Mr Hinxa's case is worse. He allegedly raped a woman and then fabricated an admission by the victim that she was paid to implicate him. This shows that this is a person with very minimum integrity and should never ever be a presiding officer in a court of law. The EFF, therefore, supports the suspension of the magistrate with immediate effect. Thank you, hon Speaker.

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Mr S C MNCWABE: Thank you, hon Speaker. Hon members, as the NFP we fully agree with the view of the magistrate commission that the conduct of these magistrates tarnishes the good name, dignity and esteem of the office of the magistrate and the administration of justice.

These views make us support the provisions suspensions of some of them because the conduct of the senior magistrate should be that one that gives example a good example and leadership to the junior staff in court. Some of them are facing rape and fraud allegations, and different forms of misconducts.

We cannot support a situation whereby such office of the magistrate will have such kinds of individuals. You cannot expect these people to sentence those who are charged with a different form of sexual misconducts or any form of misconducts whereas they are facing a disciplinary hearing Madam Speaker. That will be like allowing Pastor Omotoso to continue preaching the gospel of salvation to his congregation while he is an agent of hell.

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It is for those reasons Speaker that the NFP supports the recommendations of the committee and the recommendations of the magistrate commission regarding these three magistrates. Thank you.

Mr M L W FILTANE: Shakespeare once wrote, "Uneasy lies the head that wears the crown." That is exactly where these three officials are placed.

The late Chief Justice Ismail Mahomed once remarked and I quote:

The ultimate power of the court must rest on the esteem in which the judiciary is held within the psyche and soul of the nation and in the confidence, it enjoys within the hearts and minds of potential litigants.

For the nation to have absolute confidence in the judiciary, in particular, the magistrate offices, which are generally accessible to the poor, it is fundamental that the magistrates remain independent and accountable. It is absolutely vitally important in a democracy that individual magistrates and the

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entire judicial system are impartial, independent and beyond reproach, both in the conduct of their professional work as well as in their private lives.

Magistrates must not be inclined to external pressures that appear before them and the wider public. In their conduct, they must build public confidence that all cases in front of them will be decided fairly and in accordance with the law.

We are here dealing with cases of intent. We are not dealing with accidents here. A person sat down and decided I am going to rape that woman. I am going to do ABC. Any attempt to make sure these important principles and values are realised must be and is supported.

Our judiciary is the final dispenser of the country's democracy. This is no small matter. The UDM supports the report, assuming that the processes were fair in all cases. I thank you.

*IsiNdebele:*

Nom G J SKOSANA: Somlomo ohloniphekileko,

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*English:*

The ANC rises in support of the report of the Portfolio Committee on Justice and Correctional Services on the provisional suspensions and suspension from the office of magistrates Hinxha, Freeman and Morake, tabled in terms of section 13 (4) (a) (i) of the Magistrate Act, which is Act 90 of 1993.

The charges against these magistrates relate to misconducts.

The magistrate commission was of the view that these magistrates failed to act with integrity and or failed to act at all times in a manner upheld and promoted the good name, dignity and esteem of the office of the magistrate and the administration of justice.

Therefore, there is a high standard which magistrate and judicial officers ought to exercise in their dispensing of justice. Justice must not only be done but it must also be seen to be done. It would not be in the interest of justice to have these magistrates presiding over cases when there is a cloud hanging over their heads.

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So, therefore, the ANC supports the rule of law and our judiciary. The ANC supports the magistrate commission recommendations and the reports.

*IsiNdebele:*

Ngiyathokoza.

Report agreed to.

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON JUSTICE AND  
CORRECTIONAL SERVICES – WITHHOLDING OF RENUMERATION OF MR M J  
KGOMO, ADDITIONAL MAGISTRATE AT RANDBURG, IN TERMS OF SECTION  
13(4A) (b) OF MAGISTRATES ACT, 1993 (ACT NO 90 OF 1993)**

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON JUSTICE AND  
CORRECTIONAL SERVICES – WITHHOLDING OF RENUMERATION OF MS V T  
GQIBA, CHIEF MAGISTRATE IN EAST LONDON IN TERMS OF SECTION  
13(4A) (b) OF MAGISTRATES ACT, 1993 (ACT NO 90 OF 1993)**

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON JUSTICE AND  
CORRECTIONAL SERVICES – WITHHOLDING OF REMUNERATION OF MS J F**

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**VAN SCHALKWYK, CHIEF MAGISTRATE AT KEMPTON PARK IN TERMS OF  
SECTION 13(4A) (b) OF MAGISTRATES ACT, 1993 (ACT NO 90 OF 1993)**

Ms M R M MOTHAPO: This is a report of a Portfolio Committee on Justice and Correctional Services for withholding of remuneration for three magistrates, namely, Kgomo, Gqiba and Schalkwyk.

I will start with Kgomo. Mr Kgomo, an additional magistrate at Randburg was provisionally suspended from office in terms of section 13(3(a) of the Act with effect from 18 February 2014. Parliament approved the provisional suspension in 2014. He was arrested on 5 December 2013 and appeared in the Randburg Regional Court the following day on a charge of corruption. After lengthy delays, the Regional Court convicted Mr Kgomo on two counts of corruption and postponed the matter to 7 and 8 February 2018 for sentencing.

The Magistrate Commission charged Mr Kgomo with misconduct. Mr Kgomo is on provisional suspension since 8 February 2014. Mr Kgomo has now been convicted on two counts of corruption. He

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has been provisionally suspended from office for almost four years and with full remuneration.

Having regard to the fact that it is evident that Mr Kgomo is deliberately delaying the continuation of the disciplinary process against him and the serious nature of his criminal conviction, the commission determine to withhold Mr Kgomo's remuneration in terms of section 13(4A)(a) of the Act, pending the conclusion of the disciplinary enquiry against him with immediate effect. We therefore recommend that the honourable House confirm this recommendation.

With regard to Ms V T Gqiba, she is a Chief Magistrate in East London. The commission resolved to charge her with several counts of misconduct. The commission was of the view that Ms Gqiba failed to act with integrity and or failed to act at all times in manner which upheld and promoted the good name, dignity and esteem of the office of magistrate and the administration of justice.

Ms Gqiba was invited to show course why the commission should not determine to withhold her remuneration in terms of section

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13(4A) (a) of the Act. Pending Parliament resolution to either restore or not to restore her to office, on 28 November 2017, the National Council of Provinces considered the matter and resolved not to restore Ms Gqiba to office. The National Assembly did the same on 29 May this year.

Having considered the report of the Portfolio Committee on Justice and Correctional Services, we recommended Ms Gqiba should not be restored to office of magistrate. Then, our recommendation for today request is that the august House confirms our recommendation to withhold her salary.

With regard to Ms J F van Schalkwyk, Chief Magistrate at Kempton Park, the same is tabled in terms of section 13(4A) (b) of Magistrates Act. She is the Chief Magistrate at Kempton Park. A preliminary investigation was done by the Magistrates Commission as she was charged with 18 counts of misconduct. The Minister provisionally suspended her from office on 4 June 2013. Parliament confirms Ms Van Schalkwyk provisional suspension from office in November 2013.

The misconduct inquiry was postponed several times at the request of defence and to allow the defence an opportunity to

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file an application at the High Court. Ms Van Schalkwyk is still receiving the remuneration of a chief magistrate while the disciplinary proceedings are pending against her. More than four years have gone by and not a single piece of evidence has been placed before the disciplinary enquiry

Ms Van Schalkwyk is deliberately delaying the disciplinary process against her and that a determination by the commission to hold her remuneration is justified. Our recommendation is that the National Assembly confirms the determination to stop her salary. Thank you.

There was no debate.

*Declarations of vote:*

Adv G BREYTENBACH: Chairperson, in 2010 while delivering the clarion lecture, then Chief Justice Sandile Ngcobo said, public confidence in the judiciary is vital to the preservation of the rule of law and ultimately to the preservation of our constitutional democracy. He added that without public confidence and the ability of the courts to dispense justice, there can be no faith in the rule of law.

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Without faith in the rule of law, valuable relationships of trust within society begin to break down. Citizens can no longer be assured that their rights will be respected. Businesses can no longer be assured that their contracts will be honoured. Victims of crime can no longer be assured that justice will be served in court. Importantly for the purpose this antimony agenda today, he also stated that across the globe judiciaries enjoy the confidence of their citizens for only so long as the people believe the judges are honest, incorruptible and guided by principles of independence, impartiality, fairness and feel it to establish law.

Speaker, we say this is important for our purposes because in resolving on these items today, we as Members of Parliament are fulfilling a vital constitutional duty to ensure that the magistrates as part of our judiciary is being clinched that members who are unfortunately threaten the belief of the public that our magistrates are honest and incorruptible.

By supporting this item, we are strengthening the rule of law and the independence of our judiciary. It is therefore

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unfortunate that some ANC members of the portfolio committee seek to frustrate the work of the committee in this regard. This very item could have served before this House way before the constituency period, but it was delayed because one member of the ANC, the hon Mpumlwana walked out of the meeting to deny the meeting a quorum so that we can no longer resolve to support the recommendation of the Minister with regard to these magistrates.

It's a sad day indeed when you want to protect those who have been found guilty of misconduct. It's a disservice to our Constitution. It's a disservice to the oversight function of the committee. We support this report and the recommendations contain thereon. Thank you. [Applause.]

*Declarations of vote (Cont):*

Mr N PAULSEN (EFF): Chairperson, for the country to strengthen our judiciary to ensure that all in society have access to justice on an equitable basis, we must pay special attention to the lower courts. For most of our people the magistrate courts are the only institution through which justice is

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served. This is so because the high courts are inaccessible and expensive.

It is therefore critical that people place in charge of overseeing justice at these courts are of unquestionable model character and are committed to ensuring just and fair dispensation of justice.

In this instance the magistrates concerned Ms Van Schalkwyk, Ms Gqiba, and Mr Kgomo have been found to have violated the sanctified principle of the judicial integrity. We therefore have no reason to doubt the process that they have taken to arrive to where we are today. We do however have various reservations about the structural independence of the lower courts.

Notwithstanding the fact that we have the magistrates' commission. Magistrates are solely employed to the noble process as other state employees and not through an independent process such as the JSE for judges. This opens up magistrates' serious vulnerabilities which at the end compromise the ability to be impartial presiding officers. So

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to deal with these problems we would like to see strong structural reforms in the lower courts. This must entail ensuring the same guarantees as those of judges.

With that being said, we have no opposition to the recommendations on committee reports on the suspension of these magistrates' remuneration. Thank you very much.

Mr E M BUTHELEZI (IFP): Hon chair, justice able rights mean little unless they are enforced by an independent judiciary whose rulings are respected by both the state and the public.

Our magistrate courts are creatures of our statute and are governed by legislations and rules. Magistrates as judicial officers are required to maintain high standard of conduct in both their professional and personal capacities. They represent the rule of law and must be persons of integrity to which there are no grey areas in this regard. In touch with the chairperson is absolute or nothing at all. They must administer justice to all without fear, favour or prejudice and execute their official duties objectively and competently. In short they must be fit for the office.

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In the matters before us, there have been serious allegations of misconduct. In all three matters before us today, the IFP supports the recommendations of the portfolio committee that remuneration be withheld in terms of the level section of the concerned magistrate pending the outcome of their disciplinary proceedings.

Magistrate Van Schalkwyk is being investigated for numerous counts of alleged misconducts and appears to be deliberately twitting the attempts of finalising the disciplinary process against her.

Gqiba has already been found unfit to act as a Magistrate by the NCOP in November 2017. Kgomo is delaying the disciplinary process investigation of certain acts of corruption against him.

Hon Chair our court system must stand strong as pillars not only of or constitutional architecture as well as bastion against corruption. Our adjudicators have a strong responsibility when they assume their office. Not only to

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judge matters before them without fear favour or prejudice but also to hold themselves to the highest standard of integrity as they are the representatives of the rule of law.

These individuals appear to have failed in this duty. The IFP supports the report and the findings of the magistrate commission to withhold the remuneration of each of the above persons. Thank you Chair.

Mr S C MNCWABE (NFP): The NFP supports the report of the portfolio committee as well as the recommendations of the magistrate commission regarding all these three magistrates. They have proven to be unfit to hold office. It is those reasons chair that we think that it's proper that we withhold their salaries. We always complain about public servants who continue to receive huge salaries whilst on suspension. Now if there is a way to stop that, we have to support it

*IsiZulu:*

Sihlezi njalo sibacela abantu bakithi ukuthi uma kukhona okonakele emphakathini futhi kukhona izigebengu ezibahlukumezayo abangazithatheli umthetho ezandleni zabo.

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Zikhona izinkantolo ezizokwenza loko. Ngakho ke asikwazi ukuba nezinkantolo ezifukamele iziMantshi ezingamasela neziMantshi ezingaziphethe ngendlela ezikhombisa isithunzi sehhovisi. Sithi lokhu okukhulunywayo namuhla ukuthi lezi ziMantshi ezintathu mazinganikwa umvuzo wazo ngenxa yenkohlakalo eziyenzile nokuziphatha kabi. NjengeNFP siyakuseka kakhulu lokho khona nabanye bezofunda ukuthi awukwazi ukughubeka udle imali kahulumeni ube kodwa ungaziphethe kahle emsebenzini owawusayinela inkontileka wathatha isifungo sokuthi uzowenza ngendlela.

Angiqhubekе futhi nabanye abamisiwe emisebenzini isikhathi isikade bangayitholi imivuzo yabo ukuze sikhazi ukuyonga le mali iye lapho kufanele iye khona. Singafukameli amasela Mhlonishwa uKwankwa. Ngiyabonga.

Mr M L W FILTANE (UDM): It's almost as if we're dealing with three musketeers. Magistrate Kgomo is an honourable man so are they all. Shake Spear once said "all honourable men" The importance of the magistrate court in the constitutional democracy is seen and defined through the work of the magistrate officers through their conduct both at work and

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outside. The magistrate courts have been generally underestimated by reason of the fact that cases in which they have the power to determine the guilt or otherwise of dependence and pronounce sentence involving offences of a minor character.

The Magistrates as a court of first incense for all must at all times be taken seriously. To gain this respect, the judicial officers in these courts must demonstrate unwavering commitment and dedication to the call of duty.

Magistrates cannot be allowed to violate the same laws that they are appointed to interpret, defend and enforce. It is therefore appropriate that they fall outside the law. They are investigated given the opportunity to put their case as well as their side of the story and through a due process a determination is made accordingly. The UDM supports this report. Thank you

*IsiNdebele:*

Nom G J SKOSANA: Sihlalo wendlu ohloniphekileko.

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*English:*

The ANC rises to support the report of the Portfolio Committee on Justice and Correctional Services on the withholding of remuneration of Chief Magistrates and Magistrates Van Schalkwyk, Gqiba and Kgomo tabled in terms of section 13 (4) (a) and (b) of the Magistrates Act, which is Act 90 of 1993.

The charges against these magistrates relate to different counts of misconduct. The Magistrates Commission is of the view that these magistrates failed to act with integrity and/or failed to act at all times in a manner which upheld and promoted the good name, dignity and esteem of the office of magistrate and the administration of justice. These magistrates have to date been receiving remuneration.

There is a high standard which magistrates and judicial officers ought to exercise in their dispensing of justice. Justice must not only be done but it must also be seen to be done. Therefore, the ANC supports the rule of law and our judiciary. We support the Magistrates Commission's recommendation and the committee report.

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Finally, I just want to appeal to hon members of this House that we are dealing with a very important matter here and we do not expect hon members of this House to use this matter to score cheap political points.

The ANC has always been at the forefront of making sure that this report is supported in the committee and also in making sure that this report serves in this august House. So, as members of the ANC we don't know what the hon Breytenbach said here. I mean, we have the numbers in the committee. If we wanted to frustrate this matter we could have done so, but because we are at the forefront of making sure that matters like this are dealt with, it is for this reason that today the report is serving in this august House.

*IsiNdebele:*

Ngiyathokoza Sihlalo ohloniphekileko.

Question put: That the Report of the Committee be adopted, including the recommendation that the withholding of remuneration of Magistrate Mr M J Kgomo be approved.

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Question agreed to.

Report adopted and withholding of remuneration of Magistrate Mr M J Kgomoe approved.

Question put: That the Report of the Committee be adopted, including the recommendation that the withholding of remuneration of Magistrate Ms V T Gqiba be approved.

Question agreed to.

Report adopted and withholding of remuneration of Magistrate Ms V T Gqiba approved.

Question put: That the Report of the Committee be adopted, including the recommendation that the withholding of remuneration of Magistrate Ms J F van Schalkwyk be approved.

Question agreed to.

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Report adopted and withholding of remuneration of Magistrate  
Ms J F van Schalkwyk approved.

**DEATH OF ALI MAZIYA**

(Draft Resolution)

Mr S G MMUSI: Chairperson, I move without notice:

That the House -

(1) notes with sadness the death of former African National Congress Member of Parliament, Ali Maziya, on 29 September 2018;

(2) remembers that Maziya joined the Umkhonto weSizwe, MK, training with an underground unit from 1968 and in 1970, he underwent military training at Crown Mines Shaft 6;

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- (3) further remembers that he was arrested on his first assignment and was sentenced to two years in prison and served his time at Heidelberg prison;
- (4) understands that Maziya's activities in both MK and a civic organisation made him a target for the apartheid regime and its "hit squad", which later attacked his home in Vosloorus and claimed the lives of his mother Thandi, his wife Lindi, and his nine-month-old baby, Zwelakhe, on 1 June 1990;
- (5) further understands that he was injured in the attack, but he soldiered on with the struggle and went on to co-found the umbrella body for all civic organisations – the South African National Civic Organisation, Sanco – in the early 1990s;
- (6) recalls that between 1999 to 2014, he served as an MP and a whip of both the Portfolio Committee on Defence and Military Veterans and the Joint Standing Committee on Defence;

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- (7) believes that throughout his life, Maziya lived for the freedom of his people; and
- (8) conveys its condolences to his family and friends.

Agreed to.

**SRC ELECTIONS AT C N MAHLANGU TVET COLLEGE WON BY THE  
DEMOCRATIC ALLIANCE STUDENT ORGANISATION**

(Draft Resolution)

Ms A T KHANYILE: Chairperson, I move without notice:

That the House –

- (1) notes that the Democratic Alliance Student Organisation, DASO, contested and won the SRC elections at C N Mahlangu TVET college, held on 18 October 2018;

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- (2) further notes that DASO won four seats against the South African Students Congress, Sasco, two, and the EFF, zero;
- (3) acknowledges the hard work of DASO to win this election under difficult circumstances;
- (4) further acknowledges that this is a real indication that total change is coming in 2019; and
- (5) congratulates the incoming SRC president, Clement Xolani Nyalunga, and wishes him well as he assumes the responsibility of bringing total change to the college through freedom, fairness, opportunity and diversity.

Agreed to.

**THE ANNOUNCEMENT BY THE PRESIDENT OF LIBERIA ON FREE TERTIARY  
EDUCATION**

(Draft Resolution)

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

That the House –

- (1) notes the announcement by the President of Liberia, George Manneh Weah, that tertiary education is to be made free for undergraduates at public universities;
- (2) further notes that yesterday's announcement comes after students at universities in the country protested against the recent fee hikes;
- (3) acknowledges that the students of Liberia, like the students of South Africa, represent a new generation of African youth, willing to fight for what is theirs and who realise the power of education;
- (4) further acknowledges the importance of this decision, as education is central to the total liberation and upliftment of the African continent and her people;

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- (5) recognises the example this serves to countries throughout Africa;
- (6) further recognises the opportunity this provides for the South African government to fulfil its commitment to free education for all; and
- (7) welcomes, and congratulates the people and government of Liberia on this historic decision, so that the ANC learn a thing or two.

Agreed to.

**THE TRAGIC PASSING OF DOUBLE HP**

(Draft Resolution)

Mr T MAKONDO: Chairperson, I move without notice:

That the House –

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notes with sadness the tragic passing of South African hip hop artist and the King of motswako, Mr Jabulani Tsambo, better known as HHP, on Wednesday 24 October 2018;

further notes that, while the cause of his death is unclear at this stage, he was widely known to have dealt with depression;

Jabba, as he was affectionately known, was a prolific recording artist whose career had several peaks, with hits, including Tswako, Jabba, Harambe, Bosso ke Mang, and others;

acknowledges that he also had some notable international collaborations, hooking up with the likes of Asheru, Amaredno and Amari;

expresses its concern that South Africa continues to lose some of the most influential artists at a young age, full of potential to drive the artists' contribution to economic growth;

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recognises that, while it mourns this loss, it is cognisant of the immense contribution that HHP has made, not only to the industry, but to humanity in general, because he was a larger-than-life character that brought happiness through his music to South Africa and beyond the borders of the country;

and also recognises that HHP was great ... [Time has expired.]

The HOUSE CHAIRPERSON (Ms M G Boroto): I am not sure whether I must put the question because I don't know if that is a motion without notice or a statement, but I will. Are there any objections?

Mr N SINGH: Yes, hon Chairperson, the motion was first tabled by the IFP and I have it on good authority that what the hon member read is supposed to be a statement. So, our motion is still to come on the same subject that was tabled in time.

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THE CHIEF WHIP OF THE MAJORITY: House Chair, I think that it is only fair that we recognise that the motion without notice is an IFP one. We will make a statement at an appropriate time.

The HOUSE CHAIRPERSON (Ms M G Boroto): So I am not going to put the question then. Thank you.

THE CHIEF WHIP OF THE OPPOSITION: House Chair, if that is the case, I think that it is only fair that the bereaved is given the correct name. It is Double HP. [Applause.]

The HOUSE CHAIRPERSON (Ms M G Boroto): I did not hear you at the end, but I will just agree.

Ms H O MKHALIPI: I want to help my friend. It is not HHP; it is Double HP.

**IFP MOURNS THE PASSING OF JABULANI TSAMBO – HHP**

(Draft Resolution)

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Mr M HLENGWA (IFP): Hon House Chair, I move without notice:

That the House -

- (1) extends its deepest condolences to the family, friends, peers in the music industry and fans across the nation on the sad and untimely passing of South African musician Jabulani Tsambo, better known by his stage name Hip Hop Pantsula - HHP;
- (2) notes that HHP passed on Wednesday, 24 October at the age of 38 years at his home in Johannesburg;
- (3) further notes that Tsambo had been very open about his struggle with depression and made efforts to eliminate the stigma around mental health issues;
- (4) acknowledges that he contributed enormously to the country's entertainment industry not only as a musician but also as a humanitarian and mentor to some of the younger artists; and

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(5) further acknowledges that he showed great pride and respect for vernacular languages and that he was a pioneer for the emergence of the sub-genre of hip hop known as Motswako music.

May he rest in eternal peace? I thank you.

Agreed to.

**KWAZULU-NATAL EDUCATION MEC, MTHANDENI DLUNGWANA'S ASSESSMENT  
OF GRADE 12 LEARNERS' READINESS FOR EXAMS**

(Draft Resolution)

Prof N M KHUBISA (NFP): Hon House Chair, I move without notice:

That the House -

(1) notes that the KwaZulu-Natal Education MEC, Mthandeni Dlungwana, visited various schools in

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KwaZulu-Natal to assess the state of readiness for grade 12 exams;

- (2) observes that he found that in Umlazi, 247 pupils were displaced by service delivery protests in the Ngonyameni area;
- (3) further notes that at Lihlithemba High school, in Ndwedwe, a deputy principal was injured during an altercation between pupils;
- (4) recognises that MEC Dlungwana found that over and above the problem of drugs and substance abuse in and around schools, there were many taverns in front of certain schools and he also found that there was one in front of the gate of Lihlithemba High school in Ndwedwe; and
- (5) calls upon the various sector departments, business leadership and civil society to limit liquor licenses application especially if these are for taverns next to schools. I so move.

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Agreed to.

**CONGRATULATIONS ON FASIHA HASSAN FOR THE STUDENT PEACE PRIZE**

(Draft Resolution)

Ms S MCHUNU (ANC): Hon House Chair, I move without notice:

That the House -

- (1) congratulates Fasiha Hassan, a youth activist for being chosen as the 2019 laureate of the Student Peace Prize;
- (2) notes that her name was announced at Wergelandsalen in Oslo, Norway on 9 October 2018;
- (3) further notes that the Student Peace Prize was established in 1999, as an initiative from volunteers at the International Student Festival in Trondheim;

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- (4) further notes that this award is awarded every two years to students or student organisations working to promote peace, human rights and democracy;
- (5) recalls that Miss Fasiha is being acknowledged for her role in finding constructive and nonviolent solutions to the higher education crisis;
- (6) recognises that Miss Fasiha joins the ranks as the 11th laureate to be bestowed with this prestigious international award;
- (7) believes that this award is in recognition of the contribution of all students who became a propelling force behind the #FeesMustFall movement;
- (8) believes that this award will inspire young people to take up a collective cause that will positively benefit the lives of our people, as the Student Peace Prize is an illustration of what can happen when young people work collectively; and

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(9) wishes her much more success in her future endeavours. I so move

Agreed to.

**CALLS FOR SPEEDY INVESTIGATION ON THE MURDER OF THE VREDE DAIRY FARM PROJECT WHISTLEBLOWER**

(Draft Resolution)

Mr M L W FILTANE (UDM): Hon House Chair, I move without notice:

That the House -

(1) notes with sadness the suspected murder of Philemon Ngwenya, aged 53-years, a known whistleblower of the Vrede Dairy Farm project found wrapped in a blanket with his hands tied together;

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- (2) believes that this murder is related to the victim being a whistleblower in order to obliterate any information that he may have;
- (3) sends its condolences to the family of the victim and offers its full support in delivering justice.
- (4) calls for the police and the judicial arm of the state to fully exercise its independence with speed and diligence to bring perpetrators to book;
- (5) further calls for:
- a) an independent witness protection programme to be set up, so that witnesses who wish to ensure accountability and transparency of the state are encouraged and fully protected in particular in the Zondo Commission on State Capture;
- b) calls for those implicated in the Public Protector's report on the Vrede Dairy Farm

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project and the State Capture Commission to be brought to justice and face the full might of the law; and

(6) recognises that attacks on witnesses of crimes is an attack on the integrity of the state. I so move.

Agreed to.

**DA APPLAUDS MARIETTE VENTER, ACTING CFO AT CAPRICORN DISTRICT MUNICIPALITY, AND YVONNE PAGE, ACTING GROUP CFO AT PRASA FOR REFUSING TO BANK WITH VBS BANK**

(Draft Resolution)

Mr K J MILEHAM (DA): Hon House Chair, I move without notice:

That the House -

(1) notes that 15 municipalities and various other government entities deposited monies with VBS Mutual Bank illegally, in contravention of the Municipal

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Finance Management Act 56 of 2003 or their own investment policies;

- (2) recognises that most municipal and government officials in the affected municipalities and entities condoned the illegal deposits;
- (3) acknowledges that Mariette Venter, the Acting Chief Financial Officer, CFO, at Capricorn District Municipality, and Yvonne Page, Acting Group CFO at Passenger Rail Agency of South Africa, Prasa, actively prevented those entities from depositing with VBS and took steps to recover what had already been deposited; and
- (4) commends Mariette Venter and Yvonne Page, and all who have played an active part in preventing and uncovering the corruption, fraud and financial misconduct at VBS, the municipalities and government entities. I so move.

Agreed to.

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**MENTAL HEALTH AWARENESS MONTH**

(Draft Resolution)

Dr S S THEMBEKWAYO (EFF) : Hon House Chair, I move without notice:

That the House -

- (1) notes that October is Mental Health Awareness month;
- (2) notes that mental health is often overlooked and stigmatised within South Africa, but the effects it has on individuals and society as a whole are extremely damaging;
- (3) understands that, potentially, millions of South Africans, especially young South Africans, experience mental health problems, since it is often misunderstood, or not understood at all, these individuals are dismissed and forced to suffer in silence;

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- (4) further understands that its consequences are often deadly, leading to suicide;
- (5) acknowledges that we are a society burdened with trauma – the trauma of dispossession, exploitation, poverty, racism, sexism, abuse, and the need to survive in a destructive and exploitative capitalist society;
- (6) further acknowledges that as a country and people, we still have a lot to learn in how to properly treat mental health, however this starts with acknowledging its importance; and
- (7) begins the process of better understanding mental health and its complexities so that we are best positioned to address it. I Thank you.

Agreed to.

**ANC MOURNS THE PASSING OF MAMA AGNES MSIMANG**

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(Draft Resolution)

Ms E K M MASEHELA (ANC): Hon House Chair, I move without notice:

That the House -

- (1) notes with great sadness the death of the heroine of the South African struggle Mama Agnes Msimang in a Johannesburg hospital on Thursday, 18 October 2018, at the age of 89;
- (2) understands that Mama Msimang was a committed gender activist and former Deputy President of the ANC Women's League (ANCWL), and was amongst countless women who mobilised their communities across South Africa against the apartheid system;
- (3) further understands that she was a committed and loyal member of the ANC and was a surrogate mother to many activists both inside the country and in exile;

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- (4) remembers that following the demise of apartheid, she joined the then Department of Foreign Affairs and served as deputy chief representative to India;
- (5) recalls that in 2014, she received the National Order of Luthuli in Silver for her contribution to the fight against the unjust laws of apartheid and for her selfless service to the cause of South Africa's liberation;
- (6) believes that Ma Aggie will be remembered for the multiple roles she played in her community and within the organisation to which she remained loyal throughout her life; and
- (7) conveys its heartfelt condolences to her family and friends. I so move.

Agreed to.

**SKYE MEAKER NAMED YOUNG WILDLIFE PHOTOGRAPHER OF THE YEAR**

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(Draft Resolution)

Ms L D MESO: Hon House Chair, the African National Congress moves without notice:

That the House -

- (1) notes that a 16-year-old South African teenager, Skye Meaker, was named Young Wildlife Photographer of the Year 2018, at a ceremony at the Natural History Museum in London on 17 October 2018;
- (2) further notes that Skye won the award for his charming portrait of a leopard awaking from sleep in Mashatu Game Reserve in Botswana, and in the process beat over 45 000 entrants from 95 countries;
- (3) understands that the grand title image was selected from 19 category winners where images from professional and amateur photographers were selected by a panel of industry recognised professionals for

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their originality, creativity and technical excellence;

- (4) acknowledges that it is an artwork worthy of hanging in any gallery in the world;
- (5) believes that in a world which is enthralled by special effects, this image celebrates the majestic and otherworldly presence of nature, and reminds us of our crucial role in protecting it; and
- (6) congratulates Skye Meaker on winning such a prestigious award. [Applause.]

Agreed to.

**FIREFIGHTER DIES**

(Draft Resolution)

Ms B L ABRAHAMS: Hon Chairperson, the African National Congress moves without notice:

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That the House -

- (1) notes with great sadness the death of a 65-year-old Nico Heyns, who died on duty as a firefighting pilot who was killed when his helicopter went down during firefighting efforts near Riversdale on Tuesday, 23 October 2018;
- (2) also notes that Mr Heyns was killed in a crash in the Vermaaklikheid area, about 40 km from Riversdale;
- (3) believes that he will be remembered for the crucial role he played in preventing the blaze from reaching the Sea Vista informal settlement by scooping water from residents' swimming pools;
- (4) acknowledges that Mr Heyns was well-known in the aviation world for his efforts to often go beyond the call of duty;

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- (5) believes that he has left a good legacy of commitment to serve and save lives and property, and that of a man that never gave up until the job was done;
- (6) calls for the investigation to ascertain the cause of the incident as well as to assist the family to have closure on this matter; and
- (7) conveys its condolences to Mr Heyns family, friends and the community and all firefighters. May his soul rest in peace and rise in glory.

Thank you. [Applause.]

Agreed to.

**BAN FIREWORKS**

(Draft Resolution)

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Mr M BAGRAIM: I hereby move on behalf of the Democratic Alliance:

That this House –

- (1) notes that annually fireworks cause major distress to animals in adjoining areas;
- (2) further notes that representations have been made by *inter alia* the National Society for the Prevention of Cruelty to Animals, Beauty Without Cruelty South Africa, Cape Animal Welfare Forum, Protected Area Advisory Committee of Table Bay Nature Reserve, Human Education Trust, and Camps Bay Ratepayers Association, voicing their support to ban fireworks;
- (3) also notes that fireworks are in direct contravention of the Explosives Act and the Community Safety and Security Bylaws, since it aids child labour in the manufacturing thereof and causes extensive injuries to people and children, destroys property, kills and injures domestic animals and

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wildlife, and also has a tremendous effect on the environment as a toxic pollutant;

- (4) also notes that fireworks are imported and are unsafe causing air pollution, water pollution and noise pollution;
- (5) also notes that Guy Fawkes night is a colonial throwback of the use of fireworks; and
- (6) calls upon national government to ban fireworks from public use.

The HOUSE CHAIRPERSON: (Ms M G Boroto): Thank you. Are there any objections to the motion?

An HON MEMBER: Yes, objection.

The HOUSE CHAIRPERSON: (Ms M G Boroto): In the light of the objection, the motion will be converted into a notice of a motion. The ANC, hon Dunjwa.

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**COMRADE MOSS CHIKANE DIES**

(Draft Resolution)

Ms M L DUNJWA: Hon Chairperson, the African National Congress moves without notice:

That the House -

- (1) notes with great sadness the passing on of the ANC stalwart, Comrade Moss Chikane, who died after a period of illness on Wednesday, 18 October 2018, at the age of 69;
- (2) recalls that Mr Chikane became a Member of Parliament in 1994 after the country's first democratic elections;
- (3) also recalls that in 2005, he was appointed as South Africa's ambassador to Germany;

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- (4) further recalls that five years later, he was posted to Zambia where he also served a full term as an ambassador;
- (5) remembers that Mr Chikane was one of the key leaders of the United Democratic Front and was convicted of treason in 1988;
- (6) believes that he played an important role in advancing the struggle for a united, nonracial and nonsexist democratic and prosperous South Africa;
- (7) further believes that his name and his contribution to the struggle for liberation will be recorded in history books for generations to come;
- (8) acknowledges that he will be remembered for his selflessness virtues and sacrifice for the cause of the poor, oppressed and super exploited masses of our country; and

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- (9) conveys its condolences to the Chikane family, relatives and friends.

I thank you.

Agreed to.

**DA HYPOCRISY EXPOSED**

(Member Statement)

Mr L RAMATLAKANE (ANC): Chairperson, what happened today in a Cape Town City Council meeting confirms what the ANC has been saying all along – that the DA is not the party for all and that its primary role is to protect white privilege at the expense of all South Africans. [Interjections.]

Yet, today the sunshine broke through the dark clouds in the City of Cape Town when the DA's Chief Whip and five other councillors, including two mayoral committee members, resigned in support of the mayor who has been hounded by none other than the DA's Chief Whip in this House.

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The DA's scandalous hypocrisy has been exposed by Cllr Shaun, who lifted the veil on his pain and experience in the DA when he said:

My decision does not come lightly considering the two years of struggle, discrimination and double standards that I have been subjected to by the DA ... Over some time, I realised that the DA and its senior leaders epitomised control, protecting a white minority at the expense of their own senior black leaders, black constituents and our residents who are formally disadvantaged by apartheid.

This constitutes evidence that the DA has been misleading the public that it is home for all South Africans. What the DA has been projecting and saying about it being a nonracial party representing all South Africans is not true. [Applause.]

Ms E N NTLANGWINI: House Chair, on a point of order: I think that member needs an opportunity to read that member statement again. We didn't hear. The DA was making too much noise.

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[Interjections.] Can you please give him an opportunity to ...

[Inaudible.] [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Sorry, I can't allow that. I'm sorry, I can't allow that. The DA?

The CHIEF WHIP OF THE MAJORITY PARTY: House Chair, I will agree with that suggestion.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Chief Whip, please. Can I have the DA with their statement? Ubaba Cachalia?

**LOOTING OF STATE-OWNED ENTITIES AND LIFESTYLE AUDITS**

(Member Statement)

Mr G K Y CACHALIA (DA): Hon House Chair, in view of the ongoing and deplorable state of looting from state enterprises, complicity in state capture and private-sector crimes, be they located in Steinhoff or the Venda Building Society, VBS, it is common cause amongst honest South Africans that this has to stop.

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Justice Zondo has publicly urged all South Africans who love South Africa to come forward and give evidence about state capture. Sadly, past judicial inquiries into postapartheid corruption largely failed to deliver strong verdicts, including one that examined a 1990s arms deal in which Mr Zuma was implicated.

Clearly the time has come for lifestyle audits of all sitting politicians. The hon Malema himself said, rather richly I might add: "You must never role model a rich person who cannot explain how they got rich. Corrupt means a simple thing – you can't explain the big amount in your bank account".

Ja, nè [Yes] hon Malema! Now is the time to probe these bank accounts and lavish Louis Vuitton lifestyles. The veil needs to be pierced, the dots connected and action taken in no uncertain terms against those who are compromised. When this is done all senior civil servants need to be under the spotlight. McKinsey ... [Time expired.]

The HOUSE CHAIRPERSON (Ms M G Boroto): What is it, hon Paulsen?

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Mr N PAULSEN: Chairperson, when will that gentleman ...

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, what is your point of order?

Mr N PAULSEN: When will that gentleman issue his apology because this one is always doing things for white people and apologising afterwards. [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member that is not a point of order. I'm sorry, that's not a point of order, hon member.

Mr N PAULSEN: He's always apologising. We are going to deal with these people.

The HOUSE CHAIRPERSON (Ms M G Boroto): No, no, no, hon member! I'm switching off your microphone. Sit down!

Mr N PAULSEN: [Inaudible.]

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The HOUSE CHAIRPERSON (Ms M G Boroto): The EFF, it's time for your statement.

Mr G K Y CACHALIA: Point of order, Madam House Chair!

Ms H O MKHALIPHI: Chairperson, I came first. I came first. He must sit down. [Inaudible.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Is that a point of order, hon member?

Ms H O MKHALIPHI: Yes.

The HOUSE CHAIRPERSON (Ms M G Boroto): What's your point of order?

Ms H O MKHALIPHI: I just want to check if it's parliamentary for a person who always apologises like this man who just apologises to the ... [Inaudible.] ... to come here and grandstand.

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The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, no, that's not a point of order.

Ms H O MKHALIPHI: He's apologetic.

The HOUSE CHAIRPERSON (Ms M G Boroto): I'm awaiting a statement now from the EFF.

The CHIEF WHIP OF THE OPPOSITION: Madam House Chairperson?

The HOUSE CHAIRPERSON (Ms M G Boroto): I'm sorry; is that a point of order?

The CHIEF WHIP OF THE OPPOSITION: Yes, it's in terms of Rule 84 of the Rules of Order as well as the various rulings that we have made in this House about threatening language and threatening gestures against other members.

I will moer you [I will beat you up] is threatening language and a threatening gesture. [Interjections.] It's now the second time the hon member has ... He used it on Tuesday against ...

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The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Steenhuisen, who said that?

The CHIEF WHIP OF THE OPPOSITION: The hon Paulsen said it to the hon Groenewald earlier in the week and he's just said it again now. It's not acceptable.

The HOUSE CHAIRPERSON (Ms M G Boroto): Okay. Hon Paulsen?

Ms H O MKHALIPHI: Chair?

The HOUSE CHAIRPERSON (Ms M G Boroto): No, I'm talking to hon Paulsen. Wait!

Ms H O MKHALIPHI: Chair, no, but I was talking. I'm not Paulsen. [Inaudible.] [Interjections.] So this guy must also tell us what their member said there. So, he must tell us what his member said there. He must not come and grandstand here.

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The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Paulsen, go to the microphone. I must address hon Paulsen. Hon Paulsen, did you say that?

Mr N PAULSEN: No, he showed me a gesture first! Unless John Steenhuisen has eyes in the back of his head, he ...  
[Inaudible.] ... to me first! [Interjections.] And I will moer him! He must come out now! Come now! Come here! Out! You bugger! [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member! Okay. Hon Cachalia, did you show hon Paulsen a fist?

Mr G K Y CACHALIA: Under no circumstances, hon Chair.  
[Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon members, thank you very much. This is what I will do. [Interjections.] Thank you. Hon Paulsen, please take your seat. Can you allow me to ...  
[Inaudible.]

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Mr N PAULSEN: [Inaudible.] ... on the name of Cachalia. She's turning in her grave! He's a disgrace!

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, please, please! Hon members, we will investigate this matter thoroughly because things are done without us listening. Is that a point of order, hon Mulder?

Dr C P MULDER: Yes, hon Chairperson, it's a point of order. From time to time hon Paulsen uses that kind of language ... [Interjections.] ... and everybody here hears it. We can clearly hear that language. [Interjections.]

An HON MEMBER: Just sit down, man!

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Mulder?  
[Interjections.]

Dr C P MULDER: Madam Chairperson, the hon member uses that kind of language from time to time.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Mulder? Hon Mulder?

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Ms H O MKHALIPHI: [Inaudible.] ... you have ruled on this matter so this man must just relax and sit down. We still want our land from this ... [Inaudible.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, I just ruled ... Wait, wait, hon Mkhalihi! Let me talk.

Hon Mulder, we are talking about a specific incident that happened now. Please don't refer to others.

Dr C P MULDER: Yes, I will refer to the incident now. This hon member has just said that word. Then the Chair asks him if he said it, and he tells a lie and says he didn't say that.  
Withdraw that!

The HOUSE CHAIRPERSON (Ms M G Boroto): Okay. Hon member, no! Let's leave it at that. I think I ruled on this matter and I said we will investigate. Thank you very much. I'm now waiting for the statement from the EFF.

*Isizulu:*

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Mam' Khawula, usanesikhathi, usazongena mayelana nesitatimende kamuva, ngisakhombe ubaba.

**OUR COLLAPSING HEALTH CARE SYSTEM**

(Member Statement)

Mr Z R XALISA (EFF): Our public health care system is experiencing human resource shortages at all levels. From medical staff and administrative staff to technical support, there are massive vacancies. This has had a serious impact on the ability of public health care employees to deliver quality health care to our people. Yet it seems as if the Department of Health does not see these shortages as a problem.

A total of 332 graduates who had been deployed to provinces for the roll-out of the National Health Insurance, NHI, were dismissed by the Department of Health. These graduates, all highly qualified, were employed by the department in information technology, finance and human resources; all critical to the functioning of a health care system.

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The graduates have gained experience in five years. They were employed by the department and there is no rational reason that the skills and experience they have acquired is not needed as the NHI is about to be expanded.

We call on the Department of Health to reconsider its decision and re-employ these graduates for the sake of the South African public and our collapsing health care. Thank you very much.

I think that this DA must know that those times have changed.  
[Interjections.] No racism here! Times have changed here!

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, re a leboga. [thank you] Your statement has been made.

**LOCAL HIP HOP ICON JABULANI TSAMBO, HHP, HAS PASSED AWAY**

(Member's Statement)

Ms D Z RANTHO (ANC): The ANC is deeply saddened by the sudden and tragic passing of South African Hip Hop artist and king of

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Motswako, Mr Jabulani Tsambo, better known as HHP, on Wednesday 24 October. While the cause of death is unclear at this stage, he was widely known to have been dealing with depression.

Jabba, as he was affectionately known as, was a prolific recording artist whose career had several peaks, with hits including *Tswaka*, *Jabba*, *Harambe*, *Bosso ke Mang* and others. He also had some notable international collaborations, hooking up with the likes of Asheru, Omar Retnu, Lutan Fyah and Amerie.

The ANC is concerned that South Africa continues to lose some of the most influential artists at a young age and full of potential to drive artistic contributions to economic growth. While we mourn this loss, we are cognisant of the immense contribution that HHP has given, not only to the industry, but to humanity in general.

He was a larger than life character that brought happiness through his music to throngs of music lovers in South Africa and beyond the borders of this country. HHP was a great advocate for African languages which he masterfully fused with

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substance and flow like no other and he will deservedly go down as one of the most influential and impactful Hip Hop artists of his generation. [Time expired.]

**CONCERNS WITH THE MEDIUM TERM BUDGET STATEMENT**

(Member's Statement)

*Isizulu:*

Mnu M HLENGWA (IFP): Angibonge Sihlalo siyiqembu leNkatha, iqembu elikhulu ...

*English:*

The Medium Term Budget Statement presented yesterday by the Minister of Finance in Parliament was a missed opportunity to address the challenges our economy faces. It was weak, lacked substantive measures on debt service and costs and represented nothing new on improving state owned entities and strengthening accountability measures across the board.

On the implementation of the President's stimulus package, the Minister failed to provide substantive details and a very

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little focus was placed on the National Development Plan, NDP, thus this plan exists in a complete vacuum.

The IFP has noted the following with serious concern: There are no contingency reserves and funds have all been used up. Should our country face a major disaster or any emergency, we will not be able to fund relief efforts or meet demand thereof.

State owned entities helped through bailouts and not through proper management and no consequences remain a problem. Eskom has received R350 billion of guarantees, R255 billion has been used and R35 billion has been approved for specific funding instruments.

Denel has received guarantees to the tune of R3,4 billion over five years. An amount of R2,8 billion has already been used and they will now struggle to settle maturing debt.

The South African Airways, SAA, the problem child, has received R19,1 billion in guarantees. An amount of R14,5 billion has already been used and now SAA requires

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another R5 billion from the taxpayers which the Minister wants to give.

The South African National Roads Agency Limited, Sanral, has received R38,9 billion in government guarantees and an additional R5,8 billion allocated in the 2018-19 financial year.

The Road Accident Fund's operations in 2018-19 ... [Time expired.]

*IsiNdebele:*

USihlalo weNdlu (Kkz M G Boroto): Sithokoze mhlonitjhwa, isikhathi sakho siphelile.

*Isizulu:*

Mnu M HLENGWA: Yazi, la ngisafudumala nje Sihlalo, ungithathela phezulu njenge-ambulance.

*IsiNdebele:*

USihlalo weNdlu (Kkz M G Boroto): Iye, kunjalo.

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(Member's Statement)

*Afrikaans:*

Dr C P MULDER (FF Plus): Geagte Voorsitter, die uitgediende konsep van regstellende aksie kom al hoe meer onder die kollig en word al meer en meer na gekyk.

Die Menseregte Komisie het onlangs bevind dat die definisie van "aangewese groep" in die Wet op Gelyke Indiensneming moontlik ongrondwetlik kan wees deurdat dit nuwe ongelykhede skep. Dit moet dringend aandag geniet. Die agb Minister van Arbeid het daarvan kennis geneem en ons gaan haar daarby hou.

Vandag was daar 'n optog in Johannesburg gewees wat bygewoon is deur duisende ondersteuners van die Solidariteit beweging. Hulle het 'n memorandum asook hofstukke oorhanding aan die Sasol maatskappy wat tans gebruik maak van hierdie argaiese, uitgediende konsep van regstellende aksie om te diskrimineer teen sekere van sy werkers, naamlik sy wit werkers, in terme van sy Khanyisa aandele skema.

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Dis tyd dat die ANC-geleide regering kennis neem daarvan dat hierdie praktyk van regstellende aksie besig is om verdere verdeeltheid te saai en geen verskil gemaak het om die lot van agtergeblewenes te verbeter nie, maar wel nuwe ongelykhede skep.

Ons wens Solidariteit geluk en ons hoop dat hul hofsaak teen Sasol 'n groot sukses gaan wees.

**PLAN TO ADDRESS THE SHORTAGE OF ANTIRETROVIRAL DRUGS**

(Member's Statement)

Mr T M NKONZO (ANC): The ANC, as a caring organisation ... [Interjections.] is committed to intensifying the fight against HIV/Aids and Tuberculosis, TB, and as such has doubled the number of people on antiretroviral treatment from 2,4 million to 4,6 million by 2016.

Just six weeks ago, pharmaceutical companies that support the Department of Health with ARVs reported that there is going to be a shortage of second and third line ARVs that affect 10% of

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the people who are on ARVs in the country. The Department of Health moved swiftly to order stock from countries that still have stock by using section 21 certificates.

While there has been a temporary shortage of these second and third line drugs, the section 21 certificate issued has solved the problem for now. The global fund to fight HIV, TB and malaria is busy negotiating with China on behalf of all the countries to resolve this issue. If one facility runs out of stock during this period of resolving the problem, they can get help ... [Time expired.]

**DEPARTMENT OF HOME AFFAIRS OPENS KOKSTAD OFFICE**

(Member's Statement)

Ms N B DAMBUZA (ANC): House Chairperson, the ANC commends the Department of Home Affairs for opening a Kokstad office in KwaZulu-Natal on 3 October 2018 as part of government's programme to expand the footprint of Home Affairs service delivery points to meet citizens' demands for smart ID cards and other relevant documents.

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The office provides improved and efficient services, such as birth certificates, ID smartcards and passports and death certificate applications, thus reducing waiting times for people submitting their applications. This initiative is part of the ANC government's policy of bringing government essential services closer to where people live, so that people do not have to travel long distances to access public services. Subsequently, by availing these services to marginalised communities, the ANC government is playing a key role in enabling and deepening democracy and social justice. I thank you.

**MAYOR ALLEGED TO HAVE SPENT EXORBITANT AMOUNT ON CAR RENTALS**

(Member's Statement)

Ms H S BOSHOFF (DA): Chair, despite the fact that Thaba Chweu Local Municipality's executive mayor has not one but two mayoral vehicles at her beck and call and that more than R287 000 was spent renting 11 vehicles two months ago, no information has been given by her as to why she needed to rent these vehicles.

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In August 2015, when Mayor Mashigo-Sekgobela replaced the ousted former mayor, she did not go against a council decision to provide her with an extra Mercedes-Benz ML to allow her – as she stated – to fulfil her duties. Besides the two mayoral vehicles at her disposal, she also claims for usage of her personal vehicles. All this has happened despite the fact that this municipality has received several disclaimers as well as a damning forensic audit report in which R350 million is unaccounted for.

Councillor Mashigo-Sekgobela, as the executive mayor, has an oversight role to play, and it is clear that it cannot be justified in light of this irregular expenditure. Like so many other ANC mayors, this one only has her own interests at heart, and therefore the DA will be submitting a motion of no-confidence against her. Only a DA-led government can bring total change to Thaba Chweu so that the people can be free from corrupt ANC leaders who put their own interests first.

[Applause.]

**FARM DWELLERS' DIRE CIRCUMSTANCES**

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(Member's Statement)

*IsiZulu:*

Nk M S KHAWULA (EFF): Sihlalo - ngicela nithule nilalele abantu abahambela abantu - Sihlalo ohloniphekile, ngithi angizwakalise okukhulu ukuhlukumezeka kwabantu abahlala laphaya emapulazini. Lokhu kwenzeka laphayana ezindaweni eziningi zasemakhaya njenga laphaya e-Dundee kwizigceme-1 Kwamgaga ngaphansi kwekhansela le-ANC uS'busiso Zwane. Kule ndawo kunomlungu abambiza uMudekathathu, uhlukumeza abantu, abadlele izinkomo zabo. Kuyimanje nje uthathe izinkomo zabantu ethi zidle utshani bakhe kodwa uma sibheka kuleya ndawo, zidle endaweni kaHulumeni espolwini. Lezi zinkomo zithathiwe kuyimanje umlungu wathi abanikazi bazo abazozikhapha ngo-R1 500, abangenawo. Amaphoyisa nekhansela noMnyango Wezemihlabu awubasizi ngalutho. Lento ikhombisa okukhulu ukunganakwa kwabantu basemakhaya. Khonamanjalo kuneminden i khona kuleya ndawo eyabulawelwa izingane ziya esikoleni amabhunu afaka ushevu phansi - u-Meshack Hadebe uyalazi loludaba - akukaze kuboshwe muntu. Okubuhlungu, uma ngabe abantu bakithi abamnyama beyothatha umhlabu kugijima amaphoyisa wonke

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baboshwe ... [Kwaphela isikhathi.] ... kodwa kuyimanje ababoshwa. Siyi-EFF sithi umhlaba ayisheshiswe indaba yawo, bayaphelaabantu bakithi, babulawa ngamabhunu.

*English:*

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, your time has now expired.

*IsiZulu:*

Nk M S KHAWULA: Wona lawa adelelayo kuyimanje la ePhalamende.

*English:*

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, your time has expired. Hon member, will you take your seat please. Thank you. [Interjections.] I am switching off your microphone.

*IsiZulu:*

Nk M S KHAWULA: Afuna manje ukubhaxabulwa. Ngiyabonga.  
[Ubuwelewele.]

**ADDRESSING SEXUAL VIOLENCE**

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(Member's Statement)

Ms R C ADAMS (ANC): Chairperson, the ANC believes that the sexual violence meted out on the girl-child can only be addressed when we build a society that does not condone sexual violence. We must build a culture in which no person – no matter how powerful or important they may feel – has a level of impunity in terms of raping women.

The ANC commends Cheryl Zondi, a state witness in the trial of Timothy Omotoso, for her bravery in standing her ground in defending her testimony. Timothy Omotoso, a 58-year-old Nigerian pastor, was arrested by the Hawks last year on 97 charges of racketeering activities, sexual assault and rape. The ANC understands very well that Mr Omotoso is innocent until proven guilty by a court of law and respects the court process. However, the ANC is encouraged by Ms Zondi's resilience in the face of what is seemingly a brutal, inhumane line of cross-examination by the defence council. We believe that she is an inspiration to millions of young women who experience sexual harassment silently and to the millions of

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survivors who have gained a voice and strength through her testimony. I thank you.

**COLIGNY KILLERS SENTENCED**

(Member's Statement)

Ms H B KEKANA (ANC): Chairperson, the ANC believes that the sentencing of Pieter Doorewaard and Phillip Schutte, who were convicted of killing Matlhomola Moshoeu in Coligny, North West, should send a message to all racists that this conduct has no place in our society. We believe that what they did was an appalling crime, motivated purely by racist obsessions.

On Thursday, 18 October 2018, the North West High Court found the two men guilty of killing Matlhomola Mosweu, of kidnapping, and of pointing a firearm. Matlhomola Moshoeu, 16, of Scotland informal settlement near Coligny died on 20 April 2017 after he was pushed from a moving van. The two men argued that they caught Moshoeu and another teenager stealing sunflower heads from their employer's sunflower plantation.

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Judge Ronnie Hendricks said the two men gambled with Moshoeu's life when they threw him out of a moving van. The ANC commends the judge on his findings, and we would like to re-emphasise that there is no place for racially motivated violence in a democratic South Africa. I thank you.

**LOW CONVICTION RATE OF CRIME IN KWADUKUZA, KWAZULU-NATAL**

(Member's Statement)

Mr D W MACPHERSON (DA): House Chairperson, it's been 34 days since the DA released the shocking statistics that revealed the criminal paradise that KwaDukuza in KwaZulu-Natal has become. My questions to the Minister of Police revealed that for the most serious of crimes, including murder, rape and robbery, there was an average conviction rate of just 1,4% and a 0% conviction rate for hijacking.

As the Member of Parliament for KwaDukuza, I immediately requested an urgent meeting with Minister Cele in the area. Regrettably, his constant dodging, delays and unwillingness to commit to a meeting have only reinforced residents'

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perceptions that the failing ANC-run government simply do not care about the people of KwaDukuza.

This approach of ducking and diving by the Minister seems at odds with his approach to Westbury and Bonteheuwel when he rushed there quicker than a blue-light motorcade. Why is he treating the people of KwaDukuza differently? Why do they not deserve his urgent attention? Why does he not want to make KwaDukuza a safer community? The fact of the matter is that life in KwaDukuza has become unbearable under a Police Service which cannot protect its residents from criminals.

We need the Minister to meet with the residents and me without delay, failing which the DA will lead a protest to the police station demanding his presence. For as long as the Minister refuses to meet me and the residents of KwaDukuza, we will be no closer to understanding what his plans are to turn around the 1,4% conviction rate. [Time expired.]

**RHINO POACHERS ARRESTED**

(Member's Statement)

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Ms H V NYAMBI (ANC): Chair, the ANC welcomes the recent arrest of six suspected rhino poachers at a guest house in Pongola, KwaZulu-Natal. This is an excellent example of how information from the community can result in positive action and thus spare more rhino from being poached. The suspects remain in custody until their next court appearance. During the arrest a rifle, live ammunition, hunting knives and an axe were among the items confiscated.

Through the Integrated Strategic Management of Rhinoceros approach, a number of notable successes in combating rhino poaching have been recorded. The Department of Environmental Affairs, through the Biodiversity Economy Strategy, has also implemented a community rhino ambassador programme within the Biodiversity Economy Strategy. Among the benefits of the Biodiversity Economy Strategy is that it provides an alternative income for communities through the wildlife and through ecotourism and bioprospecting. The ANC urges community members to continue assisting the police and conservation authorities in combating rhino poaching. I thank you.

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The CHIEF WHIP OF THE OPPOSITION: Point of order, Chairperson.

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

The CHIEF WHIP OF THE OPPOSITION: It's in terms of Rule 132, House Chair. We again find ourselves in a situation where there's actually only one member of the executive, the Cabinet, here today. You know, this is really turning these sessions into a futile exercise. We keep talking about doing something about it, but we're again faced with this situation.

The question we have to ask is, where are the Ministers. They have to be in the House to account to Members of Parliament. Failure to do so is a failure to discharge their obligation to account in terms of the Constitution.

We really can't continue with this by just saying that we're going to deal with this in another forum. This House has to start expressing itself. Ministers must be here to account. This is an unsustainable set of events. [Interjections.]

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The HOUSE CHAIRPERSON (Mr C T Frolick): Yes, hon member?

Ms Z S DLAMINI-DUBAZANA: House Chair, I rise on a point of privilege. The matter was raised in the Programming Committee, that all the Ministers would be attending an investment summit. As a result, the Minister and the Deputy Minister that are there, they are sitting here for that task. Thank you.

The CHIEF WHIP OF THE OPPOSITION: Point of order! Chair, with respect, the discussion in the Programming Committee was about attendance next week. That was the discussion that we had, not this week.

The HOUSE CHAIRPERSON (Mr C T Frolick): No, the international investment conference is taking place. In fact, the opening ceremony is this afternoon. The conference lasts until Saturday or Sunday. So it's not next week; it's happening.

I'm aware of the discussion that took place in the Programming Committee and also in the Chief Whip's forum, as tabled by the Chief Whip, and that there was an indication that we will face the situation.

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However, let us continue with that point. The principle is that there was an undertaking that was given that there would be sufficient Ministers and Deputy Ministers available. I will thus now recognise the hon Minister of Justice and Correctional Services.

**AFFIRMATIVE ACTION AS A MEANS TO FOSTER DISCRIMINATION**

**ADDRESSING SEXUAL VIOLENCE**

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: I think the hon Chief Whip of the DA ... one day when he gets into government ... he will appreciate better how difficult it is to split ourselves between various responsibilities.

Hon MEMBERS: Never! Never!

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

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Anyway, firstly, with regard to the statement by the hon Mulder, as the ANC and as government, we will never regret introducing

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affirmative action, because our Constitution enjoins us to do exactly that. We have to right the wrongs of a century, if not those of three centuries prior to democracy. The only way that we know best, is to ensure that the colour of poverty – which is black – the gender of inequality – which is feminine – and the age of social and economic marginalisation – which is young – is given recognition in everything we do in order to reverse the tripartite challenges that confront South Africa today.

So we, as a ruling party, will continue to implement measures that will achieve a society that is one in which we achieve nonracialism, nonsexism and prosperity for all our people, and not only a section of our people.

With regard to the issue of gender-based violence, let's make it very clear that South Africa has reached unacceptable levels of violence and greed. As the ANC, we are determined to uproot these two scourges from our society.

An HON MEMBER: You are the problem!

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The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: If you look at our Special Commercial Crimes Courts, you will see that they are inundated with case backlogs of corruption and fraud that are awaiting prosecution. If you look at the number of proclamations that the President has issued to ensure that the SIU uproots corruption and gets back the money from those who have stolen from our people, you will be shocked. [Time expired.]

**NOTICES OF MOTIONS**

Ms H B KEKANA: Chairperson, I hereby give notice that on the next sitting day of the House I shall move on behalf of the ANC:

That the House debates reformation of private health care as a means of significantly lowering the cost of private health.

Mr H C C KRUGER: Chairperson, I hereby give notice that on the next sitting day of the House I shall move on behalf of the DA:

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That the House debates the failure of the Small Business Development Ministry's mandate in allowing nine start-up co-operatives out of 10 to die therefore inhibit job creation to close to 10 million unemployed in South Africa.

Mr S P MHLONGO: Chairperson, I hereby give notice that on the next sitting day of the House I shall move on behalf of the  
EFF:

That the House debates and take into consideration the effects of corruption and weakened state organs and lessons of state capture and take into consideration the Moerane Commission's report for this House to reflect moving forward.

Ms R C ADAMS: Chairperson, I hereby give notice that on the next sitting day of the House I shall move on behalf of the  
ANC:

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That the House debates provisions of universal quality health care that delivers free health services at the point of service.

Mr M HLENGWA: Chairperson, I hereby give notice that on the next sitting day of the House I shall move on behalf of the IFP:

That the House debates report that nearly 54 000 learners in the Gauteng province have not yet been placed in schools for next year's enrolment even with the fast approaching deadline of 31 October 2018.

*IsiZulu:*

NjengeNkatha isikhathaza kakhulu lento eyenziwa ngu-ANC.

Prof N M KHUBISA: Chairperson, I hereby give notice that on the next sitting day of the House I shall move on behalf of the NFP:

That this House debates the debilitating effects of listeriasis on human life as the recent research

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conducted at the University of Pretoria found that the bacteria have been found to be present in some of the already prepared and ready for eating meat that is prevalent in most of the shop shelves and it would be important that the Department of Health follows the research of the scientist of the University of Pretoria closely.

Ms N B DAMBUZA: Chairperson, I hereby give notice that on the next sitting day of the House I shall move on behalf of the ANC:

That the House debates addressing the cable theft problem which affects the rail sector and economic growth and the impact thereof.

Mr N L S KWANKWA: Chairperson, I hereby give notice that on the next sitting day of the House I shall move on behalf of the UDM:

That the House debates measures to curb the abuse of the right to freedom of religion or belief by the so-called

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religious leaders and religious organisations who engage in practices that both undermine and violate our people's fundamental human rights.

Mr Z N MBHELE: Chairperson, I hereby give notice that on the next sitting day of the House I shall move on behalf of the DA:

That the House debates the need for the localisation of policing resources and management so that 75% of the SA Police Service, SAPS, budget is spent at station and cluster levels in order to make policing more effective, efficient and responsive.

Mr S P MHLONGO: Chairperson, I hereby give notice that on the next sitting day of the House I shall move on behalf of the EFF:

That the House debates the ongoing slaughter of our people in Pembeni area near Richards Bay in KwaZulu-Natal due to secretive oil and gas drilling by multinational companies and lessons from the northern part of

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Mozambique clashes be taken into consideration within the context of new forms of recolonisation of our country and the continent.

Ms H V NYAMBI: Chairperson, I hereby give notice that on the next sitting day of the House I shall move on behalf of the ANC:

That the House debates fast-tracking the implementation of measures to reduce the escalating bank fees.

Mr T M NKONZO: Chairperson, I hereby give notice that on the next sitting day of the House I shall move on behalf of the ANC:

That the House debates speeding up the implementation of projects and investments aimed at upgrading and expanding the country's rail port and pipeline infrastructure as part of our effort to shift freight transport from road to rail.

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Ms D Z RANTHO: Chairperson, I hereby give notice that on the next sitting day of the House I shall move on behalf of the ANC:

That the House debates speeding up the African agenda for industrialisation and regional integration for sustainable and inclusive development.

Ms D VAN DER WALT: Chairperson, I hereby give notice that on the next sitting day of the House I shall move on behalf of the DA:

That House debates the nondelivery of water, a constitutional right to the residents of Phalaborwa due to internal disputes between the Ba-Phalaborwa Municipality, Mopani District Municipality and Lepelle Water Board.

Ms D Z RANTHO: Chairperson, I hereby give notice that on the next sitting day of the House I shall move on behalf of the ANC:

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That the House debates strengthening the instruments to ensure that all corrupt officials are individually liable for all losses incurred as a result of their corrupt actions.

The House adjourned at 16:23.

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