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NATIONAL ASSEMBLY

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PROCEEDINGS OF THE NATIONAL ASSEMBLY

The House met at 15:02.

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

The SPEAKER: The first question has been asked by the hon R M M Lesoma to the Minister of International Relations and Co-operation. I have been informed that the Deputy Minister will be answering questions on behalf of the Minister.

Question 277:

The DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION (Ms M R Mhaule): Speaker, the question by the R M M Lesoma to the Minister of International Relations and Co-operation reads as follows:

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With reference to her meeting with her counterpart, Mr Abdelkader Messahel, minister of foreign affairs of the People's Democratic Republic of Algeria, who was on a working visit to South Africa on 29 August 2018, what (a) matters of national importance were discussed in the meeting and (b) matters are envisaged to be discussed in future between the country and Algeria?

The answer is that during the meeting with Mr Messahel, the minister of foreign affairs of the People's Democratic Republic of Algeria, bilateral, continental, and global issues of mutual and common concern were discussed. On bilateral issues, it was also noted with great satisfaction the historical and fraternal bonds between the countries which have, over the years, translated into wide sectoral co-operation, as envisaged by the existence of 33 bilateral agreements and memoranda of understanding that were signed.

We acknowledge the strategic importance of the binational commission between the two countries as a mechanism that co-ordinates bilateral co-operation at the highest level. It was also agreed to focus on economic co-operation by boosting trade figures and investments. As a result, the meeting has

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agreed to establish and operationalise a joint trade and investment committee.

We also exchanged views on issues of common interest, including the issue of Western Sahara, on which our two countries hold the same position - the attainment of the right for self-determination and decolonisation of the Sahrawi people and the rapid resolution of the conflict within the framework of international legality. In this regard, the meeting agreed to continue to champion the right to self-determination for the Sahrawi people through the implementation of the United Nations and the African Union resolution on the question of Western Sahara.

Further, minister Messahel and our Minister also reflected on the role the two countries continue to play within the context of the African Union and its structures and how the African Agenda, both on the continent and globally, can be augmented in the pursuit of the objectives of the African Union's Agenda 2063. At the conclusion of the working visit, minister Messahel and Minister Sisulu also signed a memorandum of understanding on co-operation between our diplomatic academy and the institute of diplomacy and international relations of

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the ministry of foreign affairs of the People's Democratic Republic of Algeria on co-operation in the field of diplomatic training, research and development.

The working visit was both timely and successful at that.

Thank you, Speaker. [Applause.]

Ms R M M LESOMA: Speaker, through you to the Deputy Minister: Could you please indicate whether you are engaging in any prioritised areas of economic co-operation with said country? Thank you.

The DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION (Ms M R Mhaule): Speaker, I indicated that among the issues that were discussed were the 33 agreements, as well as the memoranda of understanding signed. Most of these focus on economic diplomacy and enhance trade between the two countries. Thank you.

Mr M HLENGWA: Speaker, through you to the Deputy Minister: On the basis of what you have said - of course, it is always good for us to borrow from best practices, and one of the things taking place in Algeria is that, traditionally, they have been

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a state-controlled country with a very bureaucratic-oriented economy, but the country is now actively encouraging a diverse private sector and has relaxed government legislation to allow for more foreign direct investment. This has yielded a growth forecast of about 3,9%. Given the fact that we are struggling with state-owned enterprises, SOEs, what best practices can you borrow from Algeria, which has kept its economy afloat on the basis of SOEs, so that we can turn around our own situation here at home, particularly insofar SA Airways and Eskom are concerned? Thank you.

The DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION (Ms M R Mhaule): Speaker, I think the hon Hlengwa has both asked and answered the question. He said Algeria is doing very well on state-owned entities and private investment and then asked what we can borrow. I think that is exactly what we can borrow from Algeria. It is a good point, and we thank him for that. [Applause.]

Ms N K F HLONYANA: Speaker, since 1975, Morocco has been occupying and colonising Western Sahara. This is not just illegal but goes against the very values of South Africa and the African Union. Allowing Morocco to rejoin the African

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Union undermines the struggle against colonialism of so many generations of Africans. Algeria is not only a member of the African Union but a neighbour of Morocco and Western Sahara. Did you at any point discuss Morocco's continued occupation of Western Sahara? If yes, what are the details of your discussion?

The DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION (Ms M R Mhaule): Speaker, in my response, I indicated the issue of Western Sahara was part of the agenda because the two countries - South Africa and Algeria - are concerned about what is happening in Western Sahara. So, we even indicated that South Africa and SADC, in general, will hold a solidarity conference in solidarity with Western Sahara. That conference was supposed to take place now in November but has since been shifted to March 2019.

They also indicated that they support ... we know very well that Algeria is supporting the camps. Algeria is taking care of the people running away from Western Sahara. We discussed it. Thank you, Speaker. [Applause.]

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Prof N M KHUBISA: Speaker, through you to the Deputy Minister: The common thread that holds the two countries, South Africa and Algeria, is that both are in Africa. You have alluded to a number of memoranda of understanding and agreements that have been signed. Without delving deeper into this, what are specific issues or areas of focus that can be attained within a very short space of time? I understand, for instance, you alluded to the issue of the independence of Western Sahara. What are the specific other areas that can be dealt with in a very short space of time within the African geopolitical framework?

The DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION (Ms M R Mhaule): Speaker, what can be achieved is the bilateral co-operation on the training and capacity-building of our diplomatic officials. I said we signed another agreement, which is in addition to the 33, based on the understanding of co-operation between our diplomatic academy - the academy that is run by the department - as well as the institute of diplomacy and international relations of the ministry of foreign affairs in Algeria. I think that goal can be achieved immediately.

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All 33 agreements and memoranda of understanding function well, so there was no issue. It is just a monitoring mechanism. That is why we agreed that we need to form a committee that will keep monitoring our agreements constantly to ensure they are still on course. Thank you.

The SPEAKER: We now come to question 252 that have been asked by hon Hossen to the Minister of Home Affairs. Actually, I've been informed that the Acting Minister of Home Affairs has requested that this question should stand over in terms of rule 144(1). We now proceed to Question 276 which has been asked by hon A Molebatsi.

Question 276:

The MINISTER OF POLICE: Hon Speaker, strategy to ensure total disruption of gangs and gang-related activities is interdepartmental in nature, and it's built around the community-based approach, which recognises the need for an inclusive manner which includes incorporating socioeconomic development and addressing the root causes and enabling factors of gangsterism.

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The strategy focuses on four broad pillars which require the cooperation of all roleplayers and stakeholders, namely, human development, social partnership, environmental design and criminal justice processes. An integrated approach is critical to the successful prevention combating an investigation of gang activities.

The successful prevention and combating of criminal gang activities are dependent on the effective and efficient criminal justice system, of which SA Police Services, Saps, forms part. The strategic objectives for the antigang task team are as follows:

Firstly, is the implementation of crime prevention measures and intervention in accordance with strategies, priorities and regulatory framework of Saps with the intention to dislodge and weaken capacity of the gangs to operate in the targeted communities.

Secondly, is the implementation of crime investigation detection, measures and intervention in accordance with strategies priorities, the regulatory framework of Saps with

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intension to disorganise and to disable the gang criminal economy.

Thirdly, is the implementation of crime intelligence, methodology and intervention resulting in proactive intelligence to having projects and operations; fourthly, is the successful prosecution of high flyers and kingpins to eradicate gangs from the top leadership positions, and lastly, the mobilisation of community and stakeholder management.

In addition, there will be a focus of implementing anticorruption strategy measures, counter intelligence measures and encouraging communities to report acts of corruption involving Saps members to the national anticorruption hotline which is an independent reporting mechanism managed by the Public Service Commission. That hotline is 0800710701. Thank you. [Applause.]

Setswana:

Moh M A MOLEBATSI: Motl Mmusakgotla ke rata go leboga motl Tona go fana ka karabo e e maleba.

English:

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With reference to the specialised antigang unit intervention, are there any intergovernmental relations from prescripts and cooperative government in ensuring that economic development is linked to the safe and security conditions that prevail in the local environment? I thank you.

The MINISTER OF POLICE: Hon Speaker, when reading the answer, I started by saying that the strategy is interdepartmental. Surely, in different places, there are those that are core departments in terms of the cluster that would be there. But now and again, other departments will be invited.

As she is sitting here, we are planning to go somewhere, where we would be dealing with the same issues together with the Small Businesses. It is not all the time that all the departments will be invited. Sometimes, the clusters which basically are, the police, prosecution, justice, correctional service and home affairs, will be invited as the relevant departments, depending on the need for such department.

Mr Z N MBHELE: Through you Speaker, Minister, the establishments of antigang units in the Western Cape earlier this month, is the most welcome developments, or be it may,

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even many years late. This happened after repeated urgent calls from the Western Cape government for this exact step, after this unit was identified as being part of provincial policing needs and priorities for the Western Cape, at least seven years ago.

However, it is curious that this move came approximately six months before national and provincial elections. So, can the Minister clarify if electioneering is the reason for this initiative, and why close to 3000 people had to die in gang-related murders over the last 10 years before the ANC finally listened to the DA's recommendation? [Applause.]

The MINISTER OF POLICE: I really do not know why they are clapping; I just can't understand why they should clap for such a stupid question. The people of the Western Cape are dying, including the death of a very able young man, Nordine, who was shot by gangsters. Somebody had to respond to such events.

Yes, I agree that it could have been late, but it had to be responded to. If anybody has got a problem, please accompany me to different parts of the Western Cape and go tell the

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people of the Western Cape that we have done wrong by trying to prevent and protect their lives.

I will take you to different places in the Western Cape. Therefore, accompany me to those places in order to tell them that they are not supposed to be protected, hence I am wondering why members should clap for this kind of nonsensical kind of question. [Applause.]

Mr A M SHAIK EMAM: Through you hon Speaker, Minister, maybe what you should have said is that, the DA members in the Western Cape are killing our people, because of the way they behave; that would be more appropriate. Minister, let me welcome the establishment of the antigang unit. Now, you will agree with me that this is what is going to put our women and men in blue at greater risks.

What measures are you putting in place to ensure that there is added protection for our police officers in light of the fact that there is also collusion between communities and gang members? My question is: How are you going to protect the men and women in blue? Thank you.

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The MINISTER OF POLICE: Madam Speaker, what has happened since the President launched the antigang unit in the Western Cape is that, up to this point, the achievements are tremendous. We are aware that the police are dealing with very dangerous criminals; it is on that score that their training has been pushed up. They are better trained to be able to face situations that they come across.

But, their operational approach is also meant to be able to deal with gangsterism. I am not going to share their operational approach about what they are supposed to do, who should do what, when and all of that. Up to this point, it is quite successful. Madam Speaker, one other thing that we are working on is that the community should work with the unit.

From the information we received is that, almost 90% of it has been found very true. We then acted on it, and we have had successes out of that information. Once the community assesses the unit, the unit will definitely be safe, because it will be protected by the community it works in.

It looks like the initiative is highly accepted in the Western Cape and the Peninsula, where the unit has been unleashed to,

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especially Hanover Park, where everybody has thanked the South African government and the President for bringing the unit to the Western Cape. That is an issue to clap the hands for!

[Applause.]

Mr S P MHLONGO: I will make the follow-up question on behalf of hon Rawula. Hon Minister, understanding that you have actually acknowledged the question or the importance of an integrated drive in combating gangsterism in the Western Cape, I want to find out from you whether you are getting sufficient support from the Western Cape government as they've got a responsibility also, of mobilising resources from provincial point of view and also from the Cape Metro Council?

Are you getting such support in order to ensure that you stamp out this anarchy that is taking place in the Cape Flats?

The MINISTER OF POLICE: Well, I'm not sure whether the DA in the Western Cape understands the concept of safety and security; I'm really not sure. Yesterday I attended what is called the Western Cape safety plans, or whatever it is. One leg of answering here is that what causes safety and security of the human being is an environmental design.

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Human beings must live where there are houses; where there are roads; where there are lights and where there are toilets, unlike in the Western Cape, where one toilet is meant for five communities and where one tap is meant for 25 houses. When that was raised as a part of creation of the safety environment, the provincial Premier did not agree.

She has been touring the world, including Egypt, where everybody lives in imijondolo [shacks]. The difference is that where they are living, it is safe and those people are not fighting. The understanding for me really wants to say that people are expected to live like pigs, but to behave in a proper way and all that.

That tells us that it is going to take long to be on the same path in terms of understanding so that we work for the safety of people of the Western Cape in South Africa and put politics away from this issue.

The SPEAKER: We now come to Question 284 that has been asked by the hon D M Gumede to the Minister of Home Affairs; and again this will have to also stand over in line with the request from the Acting Minister. We now move to Question 264

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which has been asked by the hon G Breytenbach to the Minister of Justice and Correctional Services. The hon the Minister!

Question 264:

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Thank you for the question, Speaker. As the hon member may well be aware with regard, firstly, to the Estina Dairy Farm matter, a team was put together under the Special Commercial Crimes Unit within the National Prosecuting Authority, NPA, to work on that specific matter and consequent to that. When the Commission on State Capture was established, that team was expanded to deal with further matters that may well be the subject of the inquiry that the Commission on State Capture is actually dealing with.

Indeed, there have been some dedicated resources that have been put in. I can also add that at the commencement of the commission I visited both the NPA and the *Special Investigating Unit*, SIU, and encourage them to, firstly, co-operate and give support to the work of the commission as well as ready themselves for any matters that maybe referred to them during the currency of the commission's inquiry or at the

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end of such inquiry upon any recommendations that may require actioning by either of them. Thank you very much.

Mr M WATERS: Hon Speaker, the hon Horn will be taking this question, sorry about that.

Mr W HORN: Hon Speaker, through you to Minister, now, it is not comforting news to hear that the unit dealing with the Estina prosecution has been earmarked by you to be vetting dealing with the revelations from the Zando Commission because South Africa knows that they have been very able to prevent that case from being struck from the roll because of an aptitude. However, Minister, given that regulations of the Zando Commissions, specifically determines in a contradictory manner to the Commissions' Act that any direct self-incriminating evidence would not be admissible in proceedings before the court of law should they not have been a focus and co-ordinated effort by specific team is immediately start working on the ways and means to prove the crimes to which some witnesses have admitted to from the very moment they incriminate themselves.

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Given that the President acting obviously on bad advice has chosen to make this regulation; or are we just to sit back and allow these witnesses to feel that confession in this instance is equal to absolution?

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: I really don't know what you are trying to establish with your question. However, be that as it may, the Special Commercial Crimes Unit is the best we have in the country. Judging from its performance in the six or seven courts Special Commercial Crimes courts in the country in our major centres, we have been able to register now in excess of target 96% conviction rate of matters that have been brought to court by that special unit.

So, we are confident that the team put together under the auspices of that unit is the best leg we can put forward in ensuring that all matters that may arise out of the work of this commission for that matter any of the other commissions that are currently underway relating to allegations of impropriety fraud and corruption would be well taken care of by the team that has been put together. Thank you very much.

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Ms N V MENTE: Hon Speaker, I will take it. Minister, because a case most of the time starts at the police stations, some of them that are outside the inquiry. The EFF has open more than five cases in Gauteng of which they are within the investigation of the police and some have been already transferred to commercial crimes. But, my interest is on the Hawks if you are working with it. Are they present at the inquiry with your specialised team so that whoever has to be arrested on the spot gets arrested there in the inquiry?

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: The authority as you would recall following the case relating to the now defunct Scorpions, the responsibility to investigate crime vests with the police and institutions under the police. However, through collaboration between ourselves in prosecution and the police we have developed a method called prosecutor guided investigation. This is to ensure that when the police investigate matters, they receive all the guidance from prosecution that will ensure maximisation of prospects of successful prosecution later in that the dockets that would then be submitted for prosecutorial decision and subsequently possible prosecution are prepared in such a way that all the evidential material and all the preparations necessary has

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been conducted in order to improve. Hence you would have noticed that with regard to matters that end up in court, the performance in terms of conviction rate has been rising. Thank you very much.

Mr M HLENGWA: Madam Speaker, she had pressed on the basis of the previous question of Home Affairs. You can proceed, thank you.

The SPEAKER: She had pressed by mistake. Okay. The hon Khubisa!

Prof N M KHUBISA: Madam Speaker, through you to hon Minister, what may inhibit the work and the function on the NPA is the unfilling of the critical posts and these may not necessary be at a middle or senior management even at a junior level those that they may collect and collate information. Which critical posts would you say that they need to be filled for the NPA to function smoothly as of now? Thank you very much.

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Let me indicate that we have as a result of story to experience significant shortfalls in the personnel capacity of the

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National Prosecuting Authority. In fact, as well as the legal aid, this has resulted in me a few weeks ago constituting a task team out of the key stakeholders in our criminal justice value chain within our portfolio to look at the rationalisation of resources in order to maximise the limited resources towards prioritising key positions such as appointment of prosecutors, clerks of court and others, interpreters, etcetera, whose role is critical for the running of courts in the country.

In fact, this latest this afternoon I was receiving an update in this regard and one of the strategies that we have adopted, for example, is to upgrade some of this other functionaries with our courts who have since qualified in law and have court experience to put them on to the aspirant prosecutor programme immediately so that we can immediately plug the gap in so far as the shortage of prosecutors nationally and plug the gaps that shall have been resulted from promoting them by absorbing some of young law graduates who can then be trained and acquire court experience when working as clerks and interpreters, etc. Thank you.

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Mr W HORN: Hon Speaker, through you to Minister, I'm taking you back to your first answer to the fixed question and the automatic follow-up. The question is then this, what cases if any has been prepared from the revelations of any of these commissions to take to court and if none has been taken to court, what is the progress with any investigations?

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Thank you, Speaker. All I can indicate as you may well be aware that the commission has really only begun its work in earnest, just a few months ago. Obviously, some of the evidence that is being led now is still at a preliminary stage to establish any sufficient basis for any firm decision to be taken as to whether or not possible criminality may have occurred or not. That is evident for every South African or anybody else who is observing the proceedings which are being held in public any way.

Of course, both the SIU and the NPA and I'm sure the Hawks, the Minister of Police is here next to me can speak for the police, are observing this proceedings in order to determine whether there are any evidential material that is emerging that may justify particular criminal action against any

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individuals as a result of revelations that come out of the ongoing inquiry that is actually taking place now. However, I can indicate that even prior to the commission sitting and institution of this inquiry, there had already been investigations. I'm informed that have been followed by the police including those that were guided by prosecution, and that is ongoing work that has been taking place and continues to take place. At an opportune time if matters that are ready they will be taken to court accordingly.

Question 279:

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Hon Speaker, despite the several changes at the helm of the National Prosecuting Authority, NPA, over the past few years, including the more or less four years that I have been in this portfolio, this institution continues to surpass its targets when it comes to prosecutorial outcomes. The annual reports that the NPA is required to table before this House are public information. There are audited results that are up to the members to look at and make out for themselves what their take is. Certainly for example as I indicated earlier, the Special Commercial Crimes Unit had a target of 94% conviction rate and at registered 96%.

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The Special Sexual Offences Courts had a target of 74% and got to 76% that is up from a previous I think 64% or so a few years ago. So, there has been ongoing improvement in the performance of the institution in the performance of the institution.

Is the institution unstable? Well there have been issues in the media that points to certain conflict if you like, within the organisation. On each occasion when there has been change of management or when there have been issues that had arisen within the organisation, I have taken the trouble to visit the headquarters of the organisation, meet with all the senior management and in some instances the full complement of the staff at the head office, talk to them and encourage them to work in a collaborative manner. Use appropriate channels where there are concerns relating to inappropriate conduct on the part of any of them or any other issues of concern that they may wish to raise rather than people resorting to mudslinging in the media and elsewhere.

I think it is good practice amongst colleagues that they engage each other with the provided mechanisms and channels in an institution rather than to resort to extraneous platforms

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that do not assist in promoting the spirit of co-operation. Well if it was in the ANC I would say camaraderie in an organisation. Thank you, very much.

Mrs M R M MOTHAPO: Madam Speaker and hon Minister, perceived or real of instability at the NPA: What measures have you put in place to strengthen the independence and stability of the National Prosecuting Authority in carrying out its mandate without fear, favour or prejudice? I thank you.

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: As I indicated, I have from time to time when there are flare-ups within the organisation, to take the trouble of personally visiting the organisation, calling round the table all members of senior management, encourage them to engage in open dialogue where issues were discussed openly and in the process agree on a collaborative relationship between colleagues to ensure that stability is maintained in the organisation. Despite of course some vacancies that may also contributed to a gap in leadership at different points and that may have weakened at the helm the leadership capacity of the organisation. Despite that fact, I am satisfied that the organisation itself has responded in more than expected manner

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judging from the performance that it has continued to display in the discharge of its mandate. Thank you.

Mr T RAWULA: Minister, not only has the NPA been unstable, but it has been used to fight political battles in this country not only within the ANC, but against anybody who has dared challenged the state. During the #FeesMustFall protests where students engaged in the noble and a struggle for free decolonised education, the NPA was used to victimise and terrorise students so that they will never dare challenge the power of the state. Unemployed students were arrested in the dorm rooms and were given R5 000 bail. There were instructions handed down that their lives must be made difficult in order to scare students from protesting again.

The question is: How many students have applied for amnesty and now how many students is your department assisting in these amnesty applications? Thank you, very much.

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: I do not think any amount of grandstanding is going to help the course of the students. Reality is that there is a law-enforcement dispensation in this country. First of all the prosecution

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does not arrest and investigate alleged offenders. Maybe you can ask my colleague next to me because that is the responsibility of the police. We receive dockets following investigations conducted by the police as the NPA and make prosecutorial decision. Then a decision is taken on whether a matter should proceed on trial or not. Alright. So, of course there are different mechanisms such as diversion in terms of which minor crimes are dealt with differently outside of the formal criminal justice system, etc. I am not sure about amnesty as far as I know, the amnesty dispensation that ever was, was applicable under the Truth and Reconciliation Commission, TRC, which came and went. So, I do not know of any amnesty dispensation that is competent in our law currently.

As far as the work that we have been doing in interacting with the students to look at whether there are any many matters that can be dealt with differently outside of the criminal justice system, as well as we had announced that we would stand ready, to assist anybody who wishes if they feel they qualify for consideration for presidential pardon is concerned, that is a matter that is still pending. A meeting with the students has not yet occurred; we have asked them to provide us a list of students who they feel should be the

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subject of this work. We have our own list and until that meeting has taken place and we have reconciled our lists, and indicated as to what has happened to each of the cases so far, as far as those that are still pending, what the status is, if any we should make any application such as the presidential pardon or avail themselves of any other recourse in the system, those matters will be dealt with in specific terms on a case by case bases. Thank you.

Mr W HORN: Hon Speaker and hon Minister, of course your involvement regarding the instability at the NPA did not only involve pep talks asking the top management to play nicely with each other. In fact, when there was an opportunity years ago to advise the then President Zuma that Adv Jiba and Adv Mrwebi should be subjected to an enquiry into their fitness to hold office as Deputy National Directors, you gave the opposite advice. When it then became clear that the then National Director of Public Prosecutions, NDPP, Mr Nxasana did not support you and President Zuma in that regard, you embarked on the process to rather subject him to an inquiry into his fitness to hold office and then when it became clear that it would in all likelihood be successful during that enquiry, you chose to with President Zuma enter into an

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unlawful agreement with him just to get him out of office, the rest is history. The court has set that aside. Then you felt confident and comfortable enough to meet with his successor Adv Shaun Abrahams at your party's head office.

So, the question is this: Why should we not conclude that your political alignment with the Zuma camp in the ANC only added to the instability at the NPA and that you miserably failed to uphold the Constitution and the rule of law since taking office? [Applause.]

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: I am yet to be possibly educated by yourself as to - despite everything that you have just said: In what manner could I have possibly have added to the instability you are referring to?

[Interjections.] Because, starting with my response to a recommendation that I promote an inquiry against the two, I have answered that question before this House. There was multiplicity of proceedings against the said individuals. I felt those proceedings are likely to give better clarity as to their actions whether their actions required any corrective measures or not which would make it easier for one to make a determination even as to whether an inquiry should be

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conducted or not? It had nothing to do with refusing necessarily to promote an inquiry into their fitness to hold office.

However, with regards to my invitation of Shaun Abrahams to Luthuli House, I know you have tried so hard to make this assumption stick that the purpose of my inviting him to Luthuli House was for any other purpose than for him to give an update as to from prosecution side: What was the status with regard to criminal actions that were taking place under the #FeesMustFall unrests?

That was the sole purpose and you can ask any of the Ministers who were there. The only reason why we met at Luthuli House is as you know Mondays is a party day, all the Ministers who had to deal with the issue of the violence that was taking place and who subsequently constituted the Interministerial Task Team that was set up happened to have physically been there. It would not have been practical for them to be in Johannesburg and in Pretoria at the same time. That is the sole reason. We could have met at the hotel for that matter.

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If you say it is a bad thing for certain people in government to be found at Luthuli House, well I will take your advice and maybe in future, I will make sure that I do not call anybody in government from any of the institutions, when I have meetings that I have to attend at Luthuli House. I will probably arrange for some boardroom in a hotel somewhere if I have to be in Johannesburg at that point in time. However, that is all it was. You want to infer anything else; you are entitled to your own speculation. Thank you, very much.

Mr N SINGH: Hon Speaker and hon Minister, I think it is incumbent upon us in this House to congratulate advocacy group the Right to Know for winning the court case yesterday where they forced the President to make the interviews of the NPA director open to the public. Now I know if this is the precedent, but what I would like to know hon Minister from a departmental point of view: What are your view and your department's view on this far-reaching decision that was made by the court, notwithstanding the fact that we cannot question a decision of the court? Thank you.

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Well I thought you have given yourself a perfect answer. Is it up to

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me to answer to question decisions of courts? I am not in the habit of doing so. Infact I go further not to comment on matters that are pending before the courts. I am sure a lot of people would have expected me to say something publicly about some of the matters that are ongoing that have been the subject of much public interest. I generally avoid to come across as interfering with the work of the courts.

However, I just want to indicate that as far as I am concerned, there is a process that the President has embarked upon and of course there is from time to time conferral with the President as a need may arise in matters of administration of justice and that is what it is. If the courts have ruled that the process be conducted in open public platform, I suppose that is the decision. If the President decides to appeal the decision that principle, it is the President's prerogative, if he chooses to abide and open up the processes equally it is his prerogative. I would not speculate on what the President's approach would be in this regard. Thank you.

Question 281:

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Speaker, firstly, there is a two-faced approach to the development of

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the access road to the new Mpumalanga High Court building that is almost 98% complete. You would recall that one of the challenges is that the land that was selected to host the court is landlocked and with that comes the challenge of dealing with the issues of access.

The construction of a temporary left-in-left-out access road from Samora Machel Drive into the court premises, which has been approved by the Mbombela Municipality, has been achieved. The department, through its implementing agent, has constructed the services of a traffic engineer to design an alternative access road, which will be approved as permanent. Once the construction of the permanent road has been approved and completed, the temporary left-in-left-out road is expected to be approved by the Mbombela Municipality, as a secondary road.

It is contemplated that the temporary access road will be completed on time for the court to start with operations during the first quarter of 2019.

With respect to the permanent access road, a traffic management report with recommendations has been prepared by

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the engineers and is currently being discussed with stakeholders, wherein a final decision on the matter is expected soon after the consultation processes are concluded.

I am advised that the building project is 98%, as I said, complete and the left-in-left-out secondary access road is 70% complete. The professional team has started snagging the building works, in preparation for practical completion in December 2018.

Secondly, the Limpopo High Court is currently being maintained by the regional office of the Department of Justice and Constitutional Development. This is an interim arrangement pending the transfer of the High Court facility to the Department of Public Works, DPW, as required by section 42 of the Public Financial Management Act of 1999. The transfer of the asset to the DPW is earmarked to take place by 31 March next year.

In the meantime, National Treasury has, at the request of the Department of Justice and Constitutional Development, approved an interim maintenance plan in November 2017. This plan caters for the maintenance of lifts, heating, ventilation and air

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conditioning, the fire system and the generator. Additionally, the DPW is in the process of appointing specialist contractors for this sophisticated technical work. I thank you.

Ms M R M MOTHAPO: Madam Speaker, hon Minister, we are very concerned about the slow pace of the completion of Mpumalanga High Court. Can you please make an undertaking in this regard and tell us when the building will be completed and operational? The people of Mpumalanga deserve the best. As you know very well, justice delayed is justice denied. Thank you.

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Let me prefix my response by saying that it really gives us great pride, as the current administration, to have fulfilled a constitutional responsibility of ensuring that eventually, every single province in this country will have its own dedicated high court. We were able to achieve this in relation to Limpopo two years ago. Despite the challenges with that court that I have already alluded to, it continues to service the people of Limpopo.

We are confident that early in the new year, we shall have completed the task of ensuring that ...

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Afrikaans:

... die agteros kom ook in die kraal.

English:

That would be to ensure that the people of Mpumalanga equally have a place in the sun as well.

I must say that it has been a bit disappointing that there have been delays in the delivery of that infrastructure, due to various issues. It is unfortunate that the choice of land, for example, on which the court is situated, was not ideal with regard to a number of factors that have contributed to the delay. And this is some of the errors that we are trying to correct or ameliorate to ensure that we bring that court on stream. That will also help to alleviate the clogged court rolls in Gauteng, which is still the main court where the people of Mpumalanga continue to be service from.

I may as well just add in passing that we have already, in anticipation of this court, established a local seat in Middelburg, using offender labour. We refurbished an old court that had fallen into disrepair and was no longer in use. This was a very minimal cost to the state. Thank you.

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Afrikaans:

Die ADJUNKSPEAKER: Ek glo nie die mense van daai plek gaan lekker voel om 'n os genoem te word nie.

Mr S P MHLONGO: Deputy Speaker, the Mpumalanga High Court was meant to have been completed in 2015 already. It is now three years later and it is still not finished. We understand that such delay has a possibility of bringing about inflation of costs from the initial value price. Would you be able to tell this House how much added costs has government incurred and who has been held accountable for these delays in this particular construction? Thank you.

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: I must agree with the hon member that it is unfortunate that we find ourselves in this situation where the infrastructure is due to be delivered after a much longer period than we had anticipated. As I indicated, there were fundamental errors that were made in the choices that we made at the commencement and conception of this project. That includes the choice of land which happens to be landlocked. It also includes the fact that the engineers, when they started with excavation, found that there was a solid rock immediately underneath, which had

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to be drilled, in order to establish the foundations for the building. There were also other engineering challenges that we experienced.

These were unforeseen. Maybe some were foreseen and maybe it should have been foreseen. Maybe, there were some errors of judgment. Because it is landlocked, we now have to embark on road construction as well to facilitate access to that particular court, which is also an additional cost.

I have required that the department investigate all these matters and report accordingly. And if anybody has to be held accountable in any way for delays or cost escalations, irrespective of whether those cost escalations were justified or not, the matters would be looked at and I would be advised accordingly and determine an appropriate course of action.

Thank you very much.

Mr W HORN: Deputy Speaker, Minister, the reality is, of course, that the finalisation of this Mpumalanga High Court project has not been faced with what the hon Mothapo and typical ANC call challenges. This is a prime example of your department's failure to deliver on capital projects. In May

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this year, you said that it was completed at 97% and now it is almost 98%. Two years ago, it was 95% complete. Today, you say that fundamental errors were made and now the statement is that this could obviously have been and should have been foreseen, if a proper due diligence exercise was done.

Over the last two years in the committee meetings, you have told us that, to prevent this type of thing from happening and to escalate the completion rate of this project, you are to employ your own project managers to oversee the work of the hopeless Department of Public Works. So, have they been appointed? When did they arrive on site? If they have been appointed, why has it not delivered the promised results?

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Why, why, why? Let me also not, on this occasion, blame Public Works entirely for it all. Because of perceived delays with the Public Works project, I am advised that the department decided a few years ago to engage the services of the Independent Development Trust, IDT, which then took up the projects such as in Limpopo. By the way, we are in that process of negotiation with Public Works to have this project transferred to Public Works so that, like all other state capital works,

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the Department of Public Works can take full responsibility for the project.

The department, at the time, did not have the technical capacity to make certain technical assessments. I think I will be lying if say that I am satisfied, at this stage, that the technical capacity within the department is at the level that would be in a position to substitute the much more sophisticated capacity within Public Works.

We will still continue to rely on Public Works to provide all the necessary technical advice and support when it comes to both new infrastructure as well as maintenance of existing infrastructure.

The primary reason why the building, at this stage, is not at 100% is because there is just certain equipment, for example, that cannot be put in place until close to time when the court will be ready to operate. Obviously, some of this equipment, especially technology-based equipment becomes obsolete very quickly with technological advancement and you don't want to put up things that will later not be put to good use.

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Prof N M KHUBISA: Deputy Speaker, hon Minister, perhaps the Mpumalanga High Court experience might cause your department to be proactive in doing local inspections. I understand that justice is a national competence, but when you go around in most of the provinces, you will find that some of the buildings are dilapidated or they are in a state of disrepair. Is there any dossier from the side of the director-general about some of the courts that are in a state of disrepair in other provinces as well?

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: We have an ongoing programme for maintenance and renovation of infrastructure both at Justice and Correctional Services. I have just given an example of the Middelburg local seat to support the Mpumalanga High Court. Once ... In fact, it has already started functioning as a circuit court, whilst awaiting the new high court to become the dedicated high court for Mpumalanga at which point the Middelburg circuit would then be upgraded to a local seat.

There are a number of other similar projects that are underway. You may be aware that the high Court in Umtata, for example, is undergoing major renovations and the two Deputy

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Judge Presidents and the President that I met about a month ago have indicated that they are satisfied with the progress that is being made there.

So, whilst we are busy rolling out new courts, we are at the same time, rolling out a programme of renovating and undergoing major maintenance of various courts.

I want to indicate that, from some of these lessons, we are improving our infrastructure roll-out strategy. An example is the new Booysens Magistrate's Court that has been completed and is due to be handed over to us this month. The company, wholly black-owned from management to technical, has delivered that project within budget, almost within time and, in fact, with some change that has been given back to the department, which we will use to buy furniture, etc.

So, there are positive stories to share with the House, if time allows in future. Thank you.

Question 260:

The MINISTER OF POLICE: Hon Deputy Speaker, yes, the official referred to in the oral question has been instructed to ensure

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that Members of Parliament are provided with unfettered access to any police station in the province, given the critical oversight and accounting role that hon Members of Parliament play. This instruction has also been communicated to the provincial Commissioners of eight other provinces to prevent a similar occurrence. Thank you.

Ms D KHOLER: Thank you very much. Minister with all due respect, your acting provincial Commissioner Mkhwanazi in KwaZulu-Natal the same one who was bounced up out of nowhere to take over when one or other was fired. He took it upon himself to stop oversight only by the DA public representatives, by me and others, he sent out warning SMS "beware of this person, do not speak with her; do not give her any information." Now, since when our police members are allowed to play politics, to refuse to allow public representatives to do the job they are elected to that we swear to do? Now, we don't need your permission, permission from any police officer, permission from any provincial ANC member. I was told to get permission from all of the above to do our jobs. Now when are you removing him? I know, but perhaps you would like to reveal that and how do you intend to

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deal with a cop who plays politics? Shifting him is not good going to be good enough. [Applause.]

The MINISTER OF POLICE: Well, hon Kohler Barnard that is one of the best provincial Commissioners that is not going to be removed. [Interjections.] I will, if it needs be, to give the reason why I am saying that he is one of the best Commissioners. However, I have spoken to him a day before yesterday and he explained that there were two problems about the matter. Firstly, the hon member that has asked the question went to the police station with the people who are not Members of Parliament - people of the women network instead of the Members of Parliament. Indeed, if there are members of the party, not Members of Parliament, they cannot be allowed to go there. [Interjections.]

Secondly, he met with the leadership of the province yesterday - two gentlemen that I know very well. They raised the issue that there was one mistake made. The press alert that was sent outside to the press said "the DA will be visiting the police station, not Members of Parliament." They have apologised for that. That is a media alert that said that it is a DA that will be visiting. Indeed if it is the DA, well that is the

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answer I have. We cannot allow political members jumping from nowhere and going round to check the police station. It cannot happen. [Applause.] I want to repeat. [Interjections.] Members of Parliament, National Assembly and provincial legislatures have the right to visit these establishments of the SA Police Service. Thank you.

Mr A M SHAIK EMAM: Deputy Speaker, hon Minister whilst I must admit that some of our officers are doing a good job, the conduct of some police officers, in instances, is questionable. An ideal example is a grandmother from Bonteheuwel, who lost her husband a few weeks ago, lost her son who was murdered Bonteheuwel two weeks ago, and cannot get access to her grandchild. A few exchange as text messages resulted in the Bonteheuwel police with four vehicles getting there at 10:30 at night, with no incriminating evidence on the cellphone, arresting the women, refusing to entertain any sort of bail. She went to court today and the matter has been thrown out of court because there is no evidence whatsoever. Attempts to deal with the police, to communicate and find the solution all failed. Hon Minister, what would your advice be to this grandmother and the way her rights were violated? Thank you.

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The MINISTER OF POLICE: Thank you for your opening words to say, some policemen give problem. I think, I like that statement because usually people say police are troublesome - it cannot be. There are some very good police officers and some very bad police officers. Like all other spheres of life, but having said that I would because ... that is the community I know. That is the community I work very closely with, especially with the leadership of #shutdown. I would like to get those particulars so that I can personally, and my office takes that matter up in two ways to visit the old lady, but also take action against the police that cannot help the members of the community, especially that category of people the elders and the most vulnerable. Thank you.

The DEPUTY SPEAKER: Thank you very much, Minister. I also want to appreciate your reference to police officers and not policemen. There are women there as well. I just thought, I should highlight that point as well.

Ms N V MENTE: Deputy Speaker, ...

isiXhosa:

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... Mphathiswa, iingxaki zamapolisa zininzi kwaye ndiza kubalula nje ezimbalwa phakathi kwezinto ezininzi esizifumeneyo. ENTshona Koloni, phaya eNyanga naseDelft ukugwintwa kwabantu kuphuma phambili kunye namatyala anobuzaza. Kodwa into endiqonda ukuba iyaphoseka yeyokukhangela ukuba ingaba amapolisa wona abulawa kangakanani na kwaye ubungozi beendawo abahlala kuzo bungakanani? Ubukhe wayichaphazela into yokuba eNtshona Koloni abantu bahlala ematyotyombeni aliqela besebenzisa impompo enye yamanzi kwaye...

English:

... police are subjected to the very same environment. Now, my question to you is: ...

IsiXhosa:

... ingaba iinkampu zamapolisa ezaneleyo zokuhlala zikhona kusini na...

English:

... to ensure police at least Constables, Sergeants and Warrant Officers have access to the barracks so that they are safe?

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IsiXhosa:

Kaloku Mphathiswa siyayazi into yokuba imivuzo yamapolisa aseMzantsi Afrika yenza ukuba kubenzima emapoliseni ukuthenga izindlu ezilungileyo. Enkosi.

English:

The MINISTER OF POLICE: Well, thank you for that question. The question of that level or category of police, usually those are young police, who cannot make the ends meet when it comes to their salaries, especially starting from the Constables right up to the Captains, which is part of the South African situation of looking at the rented house stock that they become part of that.

Secondly, we have agreed as the South African Police leadership to say we'll have to work hard that they do have a decent accommodation. For instance, in Gauteng we have bought and converted some part of a certain hostel that we are renovating to make it to be livable by the families and by young people. Whenever we get that kind of accommodation, we'll work towards it, including creating and building barracks where it's supposed to in making their lives better, but mostly safe.

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Mr E M BUTHELEZI: Sorry, hon Chair. Deputy Speaker, I pressed the button by mistake.

The DEPUTY SPEAKER: Alright, in that instance, we will move to the next question. [Interjections.] Do you have a follow up? Go ahead. No, no there is another member. It can't be you, Ma'am

IsiZulu:

Mnu Z N MBHELE: Ngiyabonga Sekela Somlomo ...

English:

Minister, often it seems that the executive undervalues the need for parliamentary oversight whether, it is through members' visits to facilities or through members' statements in this very House, given how often Cabinet Ministers are absent for that Order Paper item. But the value of oversight cannot be realised unless there is a political will and good will to engage in good faith. This means that resistance or hostility from some SAPS officials undermine the potential for corrective action to improve performance in the Police Service. I greatly welcome the directive you've made reference to instructing unfettered access to station and information as

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well as co-operation. So Minister, can you confirm if there is any formal and specific training given to police officers to ensure compliance with their obligations in this regard and if not, what measures will be taken to ensure that going forward? [Applause.]

The MINISTER OF POLICE: Chairperson, this is the same question, if not the same, it is a similar question. [Applause.] That was original. [Interjections.] The question was: What has happened to the officer who has refused the access? The answer was the instruction has been given that the Members of Parliament, both provincial and national have a full access to these places. That has been said. It did not end there; we also spoke to all the provincial Commissioners to say this should happen this way. It then has not been interfered since this announcement has been made. Indeed, if they continue not to honour the communicate that has been sent to them. Then they will have to take an action, as an executive authority to the members of management of the SA Police.

Question 271:

The DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION: Deputy Speaker, as the question has been asked,

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human rights form the cornerstone of South Africa's foreign policy and South Africa remains committed and will continue to pursue a human rights orientated foreign policy.

As to the closure of Israeli Embassy that cannot be the role of South African government. It can only be the role of Israeli government. Thank you.

The DEPUTY SPEAKER: Where is hon Mashabela who asked the question? Let me give hon ... [Interjections.]

Ms S V KALYAN: Deputy Speaker, I rise on a point of order. If one looks at the Question Paper, it is about whether it is in the interest of South Africa ... but the Deputy Minister answered that it is the role of Israel to keep it open. She is misleading the House in her response.

The DEPUTY SPEAKER: Hon member, take your seat. Hon members, can we now have hon Hlengwa.

Ms N K F HLONYANE: Hon Deputy Speaker, I will respond on behalf of hon Mashabela.

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The DEPUTY SPEAKER: No, hon member...

Ms S V KALYAN: This is the problem when Deputy Ministers answer questions. Because they have no knowledge of what the Question is about.

The DEPUTY SPEAKER: That is generalising hon member. Please if you are unhappy with the question, please take your seat, No.

Ms N K F HLONYANE: Hon Deputy Speaker, I will speak on behalf of hon Mashabela.

The DEPUTY SPEAKER: Next time don't do it promptly from the floor. You must communicate it in advance. You were aware she is not here and you didn't talk to us. Please don't do that next time is unacceptable. Go ahead.

Ms N K F HLONYANE: Thank you, Deputy Speaker. To the hon Deputy Minister, over the weekend the Israeli government killed seven Palestinians, bombed a television station in Gaza and damaged the University College of Applied Sciences.

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The fact that the ANC government continues to have a relationship with the barbaric apartheid state of Israel is an embarrassment. The people of Gaza and Occupied Palestine suffer every day at the hands of the Israelis. Their water is cut, their land is taken and they are constantly harassed murdered and tortured by security forces regardless of their age or gender. The people of Palestine do not want your prayers or rhetoric, they want action.

What are you going to do to close down the Israeli Embassy in South Africa? Thank you.

The DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATIONS: Deputy Speaker, the question of the closing of the South African Embassy in Israeli is another question. But this one, as to what is it that South Africa can do to close the Embassy of Israel, I indicated. Like the question which has been written in English, if I can just repeat it. It says whether it is the interest of South Africa and our commitment to human rights to keep the Israeli Embassy in South Africa open? That is the question that I understood.

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When I say South Africa believes in human rights and the human rights form the cornerstone of the South African foreign Policy. That is the precise answer and there can be no any other answer except that one. So I am saying, the issue of the closing of the Israeli Embassy in South Africa, that can only be done by the Israeli government not the South African government. I thank you.

Mr S P MHLONGO: I rise on a point of order.

The DEPUTY SPEAKER: Hon Mhlongo, what are you rising on?

Mr S P MHLONGO: I don't think that it will be befitting this House to have the response from the Deputy Minister of the nature in which she is responding. Remember, when Rwandan ...
[Interjections.]

The DEPUTY SPEAKER: Hon Mhlongo, hold on, you are disagreeing with her answer right?

Mr S P MHLONGO: ... not necessarily disagreeing.

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The DEPUTY SPEAKER: Hon Mhlongo, the problem of wanting to supplement what has already been asked is not appropriate right now. Pursue it using different measures, but not right now in the House. We are taking supplementary questions sir.

IsiZulu:

Mr M HLENGWA: Kushuthi awusakhanyi umsamo wami, Sekela Somlomo. Usufuna ukungeqa, kufanele ngiyolungisa.

The DEPUTY SPEAKER: Ungakhulumi ngento engenzekanga. Qhubeka nombuzo.

Mr M HLENGWA: Hon Deputy Minister, to understand therefore that there is no move in so far as the closure of the Embassy of Israel in South African is concerned but, the inverse of that is the erratic of the ANC as inconsistent as it might be speaks to South Africa closing speaks to South Africa downgrading the South African Embassy in Israeli. Now, many have described this as regressive diplomacy which does not seek to provide solutions but exacerbate the problem.

So what would be your reaction to that and what is actually the stand because if you downgrade the embassy you are in fact

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contributing to instability further in the region and not offering solutions. Thank you

The DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION: Hon Deputy Speaker, South Africa will continue using its multilateral structures to engage with Israeli and downgrading the Israeli Embassy is not equal to cutting relationships. We would still have offices in Israeli and they would still have offices in South Africa and that does not cut communication. Communication will be there if requested. Thank you.

Mr J R MAAKE: Hon Deputy Speaker, my follow-up was on the last Question and not this one. Sorry.

Mr S MOKGALAPA: Deputy Speaker, Deputy Minister, you have referred to the human rights based foreign policy of South Africa, yet South Africa has failed to speak out when there are human rights atrocities right here in Tanzania. So it is quite very hypocritical.

But with reference to the substantive question and you have referred to the issue of national interest there are quite

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significant movement of goods and services and people between the two countries and there is a significant trade amongst the two.

Does the South African government still support a two state solution; and what is the government doing to ensure that we support this official policy position of South African government rather than picking a side and escalating the conflict.

The DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION: Hon Deputy Speaker, it is always in the interest of South Africa to encourage dialogue in any conflicting situations all over the world. So we are not saying as South Africa that these two states must not engage that is what we are striving for. What is South African government is against is the violation of human rights and we have different ways of expressing our feelings about that and the support of those that are oppressed; because, sometimes those that are oppressing enjoy oppressing other people. So as South Africa we would always be on the side of those whose human rights are violated. Thank you, hon Deputy Speaker.

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Rev K R J MESHOE: Deputy Speaker, some countries that are known to have a poor human rights record such as Saudi Arabia, Iran, China and Sudan have diplomatic representation in South Africa, and to my knowledge the government has never publicly condemned them for human rights abuses or withdrawn diplomatic ties with them.

What I want know is whether South Africa can remain a credible mediator between Israel and Palestine if government accedes to the demands of some who want to see Israel isolated and their embassy closed or downgraded.

I personally believe it is definitely in the best interest of South Africa to maintain their diplomatic ties with Israel and keep their South African Embassy open so that they can have influence in what is happening in that region. Thank you.

The DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION: Hon Deputy Speaker, the embassy is not shutdown. The embassy is open. It is just downgraded. I have always been explaining that there is a difference between shutting down and downgrading because we still have offices there. South

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Africa cannot just withdraw the diplomatic ties with any other country on the basis of maybe other country fighting another.

What we are going to strive for is to mediate when requested or when assigned by a multilateral body or the United Nations or African Union, AU. That is what we are striving for. That is why even now are training more mediators, including women mediators so that they can be no shortage of mediators in South Africa. Thank you, hon Deputy Speaker.

Question 280:

The DEPUTY SPEAKER: Hon members, we move to question 280 asked by hon S A Maila to the Minister of Justice and Correctional Services. Hon Maila will be replaced in asking a supplementary question by hon Mothapo. Thank you.

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Deputy Speaker, let me start by imploring all employers in the public and private sector to, despite criminal records, consider seriously giving our former inmates opportunities of employment and other economic opportunities because that contributes to the outcome of our rehabilitation and correctional system. If we exclude these people from

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participating in economic and social life we make it difficult for them to sustain a life without crime.

Having said that and in response to the question, the Department of Correctional Services contributes to the government programme of action towards promoting skills development in order to promote a capable workforce. This we do through exposing our inmates to various training and skilling programmes.

The department's skills development programmes provide for offenders an opportunity to acquire knowledge and skills to prepare them for reintegration in the labour market as well as contribute to the economy through entrepreneurship promotion.

The following accredited programmes are offered to sentenced offenders: Firstly, vocational training that is offered through technical vocational education and training TVET colleges' programmes; national certificate vocational NCV level 2-4, engineering studies and N1 to N6 and Business courses N4 to N6.

Secondly, occupational skills training is offered to sentenced offenders with the ultimate goal to produce artisans. The

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following accredited skills programmes are offered to such offenders: Welding, carpentry, upholstery, plumbing, building and plastering, painting, electrical spray painting, motor mechanics, hairdressing, chef assistant, computer skills, plant production and agricultural related training as well as entrepreneurship.

Furthermore, the partnerships established have produced the following results: Safety and Security Sector Education and Training Authority, SASSETA, in 2016 to 2017 a total of 40 offenders were trained; 2017 to 2018 a total of 560 offenders on occupational skills training were trained.

For this current financial year 2018-19, the Department of Correctional Services signed an Offender Management Unit, OMU, with Services Sector Education and Training Authority to train 42 offenders under the National Skills Fund, NSF. The Department of Correctional Services has strengthened the existing partnerships with the Department of Higher Education And Training through NSF wherein a total of 5 480 offenders will be trained on various vocational and occupational skills. Thank you Deputy Speaker.

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The DEPUTY SPEAKER: Hon Maila, before you say anything, I would like to address the Whips on my right hand side. This is unacceptable; you cannot give us excuses and then people rock up when they should have been here in the first place. It is unacceptable, hon Maloyi.

Sesotho:

Tswela pele ntate o botse potso e o batlang ho e botsa.

Mr M S A MAILA: Hon Deputy Speaker, to the Minister, despite the fact that offenders are rehabilitated and their behaviour is corrected they have a problem of having criminal records. Criminal records serve as a legal barrier for employment. What role is the department playing in educating offenders, employers and the community about the expungement of criminal records? Thank you.

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: As we have indicated in a number of occasions, firstly for minor offences which mainly do not result in committal to custodial sentencing, the expungement rules are that after 10 years without reoffending, a convicted person can have their criminal record expunged administratively.

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Anything beyond that requires presidential pardon and on an ongoing basis we entertain applications requesting presidential pardon and we advise applicants and provide technical support and we render the service for free to any South African. You do not need a lawyer to assist you unless of course you choose to; it is your prerogative.

Let me indicate that our approach is transparency and the criminal record system is to be transparent about somebody's past criminal behaviour. Like I said, it shouldn't be that people are condemned for life for mistakes they made at some point in their life.

On the contrary, we should, as a society, afford people second chances. All of us make mistakes at some point in life but as government we have a responsibility - and this is a norm throughout the world - that people who have committed offences will have criminal records kept regarding to offences for which they received criminal convictions.

But like I said, you can have your criminal record removed either through expungement or presidential pardon. But even if you have a criminal record that should not ban you for life

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from working or participating in any gainful economic or social activity in life.

IsiZulu:

Mnu S C MNCWABE: Sekela Somlomo, mhlonishwa Ngqongqoshe, nombuzo wami ubulaphaya kulolu daba osukhulume ngalo lwamacala umuntu owake wagwetshelwa wona. Kuyojabulisa mhlonishwa uma ngabe okushoyo ukuthi uyakwenza umnyangweni wakho ukubhekana nalolu daba uzokulandelela ukuthi kuyenzeka ngoba kuyiqiniso ukuthi niyabaqeqesha abafowethu ngaphakathi emajele, abanye bafunde baze bathole iziqu kodwa uma sebephuma bese bebhekana nayo le nkinga yokuthi baphinde bagwetshwe sebegwetshwa ngabaqashi ukuthi, ngoba uke wababoshwa ngeke uwuthole umsebenzi. Kuyojabulisa ukuthi lolu daba ululandelele ukuthi ngempela nabo abaqashi bayakwenza lokhu abakutshela kona ukuthi kulolu daba bayazama ukuthi bamulungise umuntu bangamwebi bemgwebela ukuthi wake walenza iphutha elinjalo. Ngiyabonga.

USEKELA SOMLOMO: Abafowethu nodadebethu.

Mnu S C MNCWABE: Abafowethu nodadebethu Somlomo.

USEKELA SOMLOMO: Ngiyabonga-ke.

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UNGQONGQOSHE WEZOKUHLONYULELISWA KWEZIMILO: Uzongixolela ngoba ngizokhuluma isingisi ngoba nesiXhosa angisazi kahle. Kodwa-ke ...

English:

Let me indicate that, as I said, it is an international norm that criminal records are kept and we have an obligation to disclose such criminal records if required to do so by prospective employers, whether here or abroad, and those requests are made from time to time.

Like I said, a criminal record, even if it is still maintained, should not be a condemnation for life for somebody from participating in any economic or social activity. In fact, I must say that one of the things that gives us pride is that in the last four years people that we have placed on parole or community corrections, according to the audited statistics, have complied with conditions up to 85% to 99% compared to 85% and 86% three or four years ago.

So, we are very pleased that our programmes are showing results. Of course our scanning processes are also contributing to this because we ensure that we only release on

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parole or community corrections those whom we believe are ready in that they have corrected their criminal behaviour and are ready for integration.

We are, as part of the holistic review of the criminal justice system, also looking at the criminal record system to see whether there are any adjustments that are justified taking into account international best practice that may need to be effected in this regard. Thank you.

Mr T RAWULA: Minister, the justice system in this country is counterproductive, reactionary and relic of the colonialism and apartheid. It fails the victim and it is unable to rehabilitate people in prison.

Young men who are arrested for having a joint or for not paying fines get placed in holding cells, sent to prison with hardened criminals convicted of rape and murder. In order to survive, which is a basic human instinct, they are forced to become criminals inside. And once this happens there is very little chance for them to ever be the same again.

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We need a justice system that does not condemn those convicted of petty crimes to the same conditions as hardened criminals. This is counterproductive. What other forms of justice and rehabilitation has your department considered for petty crimes? Thank you.

The DEPUTY SPEAKER: Hon Rawula, I am sure you are not only referring to young men but also include young women, right? Okay, please polish up your gender language.

Mr T RAWULA: Including young women. Thank you.

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: If your assertions were true the statistics that show significant improvement in compliance with community correction and parole conditions that have reached 98% and 99% which simply means that people that we release are under those conditions generally do not reoffend in terms of those statistics, then certainly your statement would be put under question.

We are talking of a population of approximately 70 000 at any given day who continue to serve their sentences outside of our correctional facilities as compared to the approximately

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164 000 that continue to serve inside our 243 correctional centres.

Let me indicate that with regard to petty offences, we have a system of diversion as part of restorative justice as well as the use of mediation between the victim and offender as an alternative form of making people take responsibility for their action.

Restorative justice includes in some instances, some form of compensation to the victim and reconciling the parties. Of course when it comes to more serious offences such as rape and so on, we actually desist from applying such a system even if parties may otherwise be keen to indulge because the state ultimately has the responsibility to stem out criminality in society especially violent crime which is a state responsibility first and foremost.

But yes, in so far as petty crimes are concerned, we do have arrangements in which people can go and serve over weekends at some charity and learn to take social responsibility and not indulge in negative behaviour in society. Thank you.

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Mr W HORN: Deputy Speaker, to the Minister, during the last round of oversight visits to correctional centres, the portfolio committee visited amongst others, Kgosi Mampuru and there we visited the carpenters' workshop where we really observed excellent craftsmanship - a catalogue of office furniture which the department sells - really something to be proud of.

What was worrying however, is that we were informed that this carpenters' workshop operated only at 50% of its capacity because positions for artisans who would teach inmates about carpentry have not been filled for years causing one artisan to be the only official placed at the workshop. All of this, while there is a long waiting list of inmates who want to learn this very valuable and useful skill.

In your responses today you have alluded to the need to develop artisanal skills amongst our people. The question is therefore Minister, why is the focus of your department not on allowing inmates to choose up-skilling with these type of scarce skills which can really give them the best opportunity possible for reintegration upon release but instead rather

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focus on a ticking box exercise which say 80% of inmates are involved on some sort of skills development? [Time expired.]

The DEPUTY SPEAKER: Okay, your time has expired. Hon members, please keep your time. You are given a specific time and you know that. So, can you just sum up to do that.

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: It is as if you were eavesdropping in a conversation I had with the Deputy Minister of Finance sitting just next to me here earlier this morning after a Cabinet committee to say that as correctional services we can make a significant contribution especially in the face of austerity towards meeting some objectives of government in respect of other line functions as well.

I alluded earlier on for example to a Middelburg local seat of the Mpumalanga High Court which was refurbished entirely through the use of offender labour. We have started to build capacity and to this effect in all our six regions we have established facility directors whose responsibility is to start building capacity within the organisation to become self sufficient when it comes to infrastructure maintenance.

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As you are aware and correctly said and as I indicated in my earlier response, we have a number of projects relating to furniture, agricultural production etc, which not only provide for self sufficiency and reduces our running costs but also provide opportunities for skills training at different levels to our inmates so that when they leave our facilities they are in a position to fend for themselves and to even train others such as young people who could form small co-operatives or similar initiatives where some of these skills can be imparted by some of our inmates who shall have acquired the skills inside.

So, we believe that we can contribute to the developmental trajectory of the country as a whole if more resources are invested in us and I would ensure that the Deputy Minister of Finance next to me listens more closely to ...

The DEPUTY SPEAKER: Hon Minister, the negotiations can proceed outside. Thank you very much.

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: ... listens to our case more favourable. [Time expired.] Thank you.

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The DEPUTY SPEAKER: Hon members, question 290, which was asked by hon Nkomo to the Minister of Home Affairs, will stand over inline with the request from the Acting Minister of Home Affairs.

Question 292:

The DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION: Hon Deputy Speaker, I have indicated earlier on that human rights form the cornerstone of the South African foreign policy. Hon Speaker, again, South African government supports the Middle East peace process and any other multilateral endeavours which promote the two states solution in recognition of the pre-1967 borders and Palestinian sovereignty. A decision as such was taken which was housed within the Department of International Relations and Co-operation to implement. That decision, as indicated, the department is in a process of implementing it. Thank you.

Mr A M SHAIK EMAM: Hon Deputy Minister, through you hon Deputy Speaker, I am sure that you are going to agree with me that all attempts to find peaceful solutions by different structures globally have failed. So, I am not sure if South Africa can play any meaningful role in negotiations. We are

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also aware that morals, values, integrity and human rights are not important; people will even sell their souls. It is what you get in return. Pre-1994, many parties colluded with the apartheid regime and Israel, and they benefited and continued to do that.

Now, Deputy Minister, 330 days later after you passed a resolution, we put up some billboards just to remind you. I have tabled a motion for discussion. Could you tell us Deputy Minister, how soon can we have this matter brought to this House and resolved once and for all, so that the South African Embassy in Israel can be downgraded to a lesser office? Remember, sanctions worked for South Africa and they can also work for Palestine. Thank you, Deputy Speaker.

The DEPUTY MINISTER OF INTERNATIONAL RELATIONBS AND CO-OPERATION: Hon Deputy Speaker, the question wanted even a step by step. The first step has been implemented by the South African government and the second step was to establish people within the Department of International Relations and other departments to work on other steps to follow. This step takes into account the time frames; the structure of the liaison office that will be in Israel; the mandate of the liaison

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office; and the communication strategy which will start within the Cabinet. The report will be submitted to the Cabinet which will take a resolution. Then it will come to the portfolio committee and Parliament. These are the steps that we are following as the Department of International Relations to implement that. As soon as those steps are concluded, the matter will come to Parliament. Thank you, hon Deputy Speaker.

Ms S V KALYAN: Hon Deputy Speaker, it is quite alarming that the Deputy Minister looked at a downgrade as just a simple measure and she does not see that foreign policy and relationships deteriorate at the same time. Israel obviously, is going to react in a manner because we are punishing them by downgrading the embassy to a liaison office.

All the Deputy Minister says is that if there are queries it will be answered. Now, Israel is one of the greatest trading partners of South Africa. Can the Minister inform this House what will be the implications on the economy of South Africa if this downgrade goes ahead? Thank you.

The DEPUTY MINISTER OF INTERNATIONAL RELATIONBS AND CO-OPERATION: Hon Deputy Speaker, it is not about punishing but about the matter of principle. What we are doing is not

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cutting our relationships with Israel. We are also not saying we have cut the economic ties with Israel. We are saying we are downgrading our embassy in Israel and that is all what we are saying. The process that I was outlining here, hon Deputy Speaker, is the process leading to the downgrading of our embassy in Israel. Thank you very much.

Mr M HLENGWA: Hon Deputy Minister, through you hon Deputy Speaker, quite frankly, the decision that you have taken, I put it to you, is wrong. It is a regressive diplomacy and it is not in the collective interest of peace and stability in the region and it does not even begin to help Palestine herself. You have erred and I think it is time that you actually review that.

Just last week, the President from that podium was telling us that South Africa has been courted by others courtiers to say that she can play a mediating role. How can you do that in good faith when you have already taken sides? You cannot possible speak from both sides of your mouth. You cannot be a player and a referee in this matter. If you are telling us today that you are taking the side of Palestine wholeheartedly and putting Israel aside or vice versa, then do so. But let us

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not play games with semantics, a downgrade is exactly that, it is going downwards and is not in anybody's interest.

[Applause.]

The DEPUTY MINISTER OF INTERNATIONAL RELATIONBS AND CO-OPERATION: Hon Deputy Speaker, there are no sides here.

[Interjections.] There are no sides that are being taken and it is a matter of human rights; respecting human rights. As South Africa, we maintain the fact that we are prepared to mediate in any area of conflict and in any area in the world, including Israel and Palestine. [Applause.] If we are requested to go and mediate as South Africa; we are ready but if they do not want any dialogue even among themselves, we cannot impose ourselves as South Africa.

The President was correct. South Africa is ready to mediate anywhere else and that is why I indicated earlier on that we are training more mediators so that we take that space. Thank you, hon Deputy Speaker.

Mr S P MHLONGO: Thank you Madam Speaker. I beg your pardon hon Deputy Speaker.

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IsiXhosa:

USEKELA SOMLOMO: Uyabona ke ngoku ukuba uyaphindisa kuba ndithe unguRawula? Musa ukuyenza loo nto. [Kwahlekwa.]

Mnu S P MHLONGO: Kaloku uyinzwana wena. [Kwahlekwa.]

English:

Hon Deputy Speaker, let me refresh hon Deputy Minister's memory. An attempt on the life of the Rwandan Army General was made here in our country, South Africa. That attempt on the life of the Rwandan Army General saw our government calling for a shutdown of Rwandan Embassy on the basis that Rwanda was abusing our territorial and international standing on human rights.

Israel is denying peaceful resolution of conflict in the Middle East deliberately supported by the United States. Israel is killing women and children through reckless aerial bombings and all sorts of assassinations. Why is the government playing double standards? Are we money-driven as a nation or value-driven that we cannot even shutdown this embassy in order to teach Israel a lesson that they cannot be

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allowed to continuously violate human rights under our own watch? Thank you. [Applause.]

The DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION: Hon Deputy Speaker, when we compare normally, we compare apples with apples. In this instance, the hon member is saying in our country. That happened in our country. That is why we acted the way we acted because they cannot come all the way from Rwanda and commit such things in our country. But in this case, this is happening on their territory and not on ours. That is why in response to that; we say we downgrade our offices there in their space.

Question 287:

The MINISTER OF POLICE: Hon Deputy Speaker, Anti-Gang Task Teams has been established in the Western Cape where it was launched by the President, under the strategy of rolling them out in the country. In the Eastern Cape we have a new class starting there and the Gauteng province and they will be rolled out in all the provinces where is necessary; subsequent to the finalisation with respect to feasibility studies. Feasibility studies are also being conducted for the re-establishment of murder and robbery units as well as taxi

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violence units to assist with the proactive and reactive responses to these threats by the SAPS in conjunction with affected communities. Thank you very much.

Mr F BEUKMAN: Thank you hon Minister of Police for your answer. There was a recent spate of incidents across the country in the mining sector with regard to syndicate and robberies. We have seen huge successes of the SA Police Service last week with the arrest of nine suspects in Welkom in the Free State with regard to kidnapping case. We unfortunately also saw the killing of a mine security manager during the week.

The Minister of Mineral Resources recently made the statement, calling on government to look at the possibility of introducing a specialised unit with regard to the mining sector. Will the Minister support a feasibility study with regard to the proposal by the Minister of Mineral Resources? I thank you.

The MINISTER OF POLICE: Well indeed, if you look at the document developed by the security cluster, illegal mining is part of the area where the cluster - not necessarily the

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police - the cluster will and is ready to respond. Indeed, there have been meetings between Minister Gwede Mantashe and myself on the matters and these have been suggested. Though, there have activities in terms of arrest but we have not formalised these units which we are working towards.

We even talked about the extra resources if the mining industry is prepared to give support on it. Indeed, according to the document security as a stimulus to the economy, it is on the pipeline. Thanks.

Ms D KOHLER: Minister, they need specialised units at KwaDukuza and Ilembe with a 1,4% conviction rape but you have been dodging that area for months despite many requests. When I went to do an oversight, the manager ran away before I got there. But look, there is great pre-election celebration by the ANC when a specialised unit is re-introduced, when the reality is, you should all be hanging your heads in shame.

I know you work as a collective, when you put in the first disaster civilian as National Police Commissioner, he chose to shut down every specialised unit because a narcotics bureau kept raiding his good friend Glenn Agliotti and you did

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nothing. When the Family Violence, Child Protection and Sexual Offences, FCSA Units were shut down - you did nothing. Since he shut down gang units, 3 000 people have died. Now how can you stand here and not apologise to the nation when the disastrous self serving decision was taken on your watch?
[Applause.]

The MINISTER OF POLICE: Thanks very much. My job is not to apologise. [Interjections.] So, I am not going to do a job that is not mine. My job is to protect the people of South Africa, instructed by the Constitution in section 205 subsection(3), which says, the job of the SA Police is to prevent combat, investigate and make sure that the inhabitants of South Africa are safe and to make sure that the law is enforced.

The Constitution does not instruct me to apologise. So, I will do whatever it takes from the Constitution, which is why we are responding on the matters. Maybe, the mistake would have been committed, human beings are there to commit mistakes and I am there to correct the mistakes. And there is no electioneering about it. I take it as an insult top those people that their kids are shot and buried by the gangsters

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that you come here and say, if we protect and we serve those people, we are electioneering. I find that happening here, that you want to use the elections about dead people. Allow us to do our work and please don't use dead people for elections. Thanks.

Mr A M SHAIK EMAM: Minister, Bayview Police Station in Chatsworth, and I know that you have recently visited Chatsworth and you have dealt with some matters there and thank you for that. However, there appears to be a drug syndicate including carjacking syndicates working together - and these are allegations - they are working together with police officers of the Bayview Police Station. Many attempts have been made with the province to deal with this matter but with very little success. Minister, can you tell us whether you could intervene in this matter and what you intend doing. Thank you.

The MINISTER OF POLICE: Hon member, we will intervene wherever we are supposed to intervene, including my neighbour police station, Bayview, you know that I come from Lamontville where the Deputy Speaker comes from too. [Interjections.] Yes, I was born Umzumbe but I grew up in Lamontville.

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We will act and we will make sure that wherever there is a call we will respond to it. I want to concede - not for the first time - that we do have a problem of the SA Police members who involves themselves in criminal activities. For instance, around cash heist, out of 237 people that have been arrested, there are almost 20 members of the SA Police Service that were arrested, that collude with those criminals including car hijackings and all that. But one has been in Chatsworth police station and there was a call to visit two other police stations, that's Bayview and the Phoenix police station and that is in the pipelines. Thanks.

Mr E M BUTHELEZI: Hon Minister, looking at the current trajectory of lack of trust in our police force and how some officers have been found to be corrupt; does the Minister then have some kind of mechanism that will assist the system in ensuring that these specialised officials within this specialised unit, work towards achieving the common goal for good and not use their specialised skills for advancing in committing crime and corruption? Thank you.

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The MINISTER OF POLICE: Well, I appreciate that you said some and not all police are corrupt. Unfortunately, the Minister of Justice and Correctional centres has just gone out. I am told that there is 32% overpopulation in the correctional services. And I can assure Shenge, not a single prisoner marched there - not one. They were all arrested and sent by the police.

[Interjections.]

I have never seen them toyi-toying wanting to go to prison which means the majority of the police are doing their work - yes the majority - they are doing their work. We do have programmes of rehabilitation; we do have programmes of arresting. The Independent Police Investigative Directorate, IPID is very active on that and the anti-corruption unit within the police is very active. But ourselves as the SA Police Service, we arrest our own when they get out of line. But many of the SA Police Service we work with them to make sure that you sleep peacefully Shenge.

Question 256:

The DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATIONS: Chairperson, the South African government is concerned about reports of human rights violations in the

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Anglophone region of Cameroon. In this regard, we have conveyed our concerns to the government of Cameroon through their High Commissioner to South Africa and we have urged the government of Cameroon to protect the rights of its citizens and encourage them to resolve these challenges peacefully and through an inclusive dialogue.

South Africa is engaging the regional organisation, the Economic Community of Central African States and the African Union to assist Cameroon to deal with these challenges. Thank you, House Chair.

Mr S MOKGALAPA: House Chair and Deputy Minister, today, you have been talking about human rights the whole afternoon, and I think it is time to walk the talk, avoid and leave the hypocrisy. A lot of human rights atrocities are happening in the Anglophone region of Cameroon. One hundred and sixty thousand people have been displaced, 40 000 refugees, over 70 burnt villages, arbitrary arrests and arrests of opposition leaders. What I want to know from you representing the South African government is: with South Africa now assuming the UN Security Council nonpermanent seat, what are you going to do to ensure that this matter is prioritised and becomes part of

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the agenda of the South African government in its role in the UN Security Council in order to stay true to the principle of human rights-based foreign policy as an African representative in the UN Security Council? I thank you.

The DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATIONS: Hon House Chair, the hon member is repeating exactly what I said. I said that as South Africa the government of South Africa wrote to the government of Morocco and also to the region. This means that South Africa is acting and it is not just a matter of being rhetoric.

[Interjections.]

Mr S MOKGALAPA: House Chair, I think the Deputy Minister is replying to a different question. She is referring to Morocco.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Deputy Minister, just give me a moment, please. Hon member, you must ask for a point of order, then raise your point of order. Thereafter, I will judge whether it is a point of order or not and later rule on the matter.

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Mr S MOKGALAPA: House Chair, my apologies. Well, let me rise on a point of order. I think the Minister is answering a wrong question. She is talking about Morocco and the question is about Cameroon. So, clearly, this is above her paygrade.

The HOUSE CHAIRPERSON (Mr C T Frolick): Yes, hon Deputy Minister, the question is about Cameroon and not Morocco.

The DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATIONS: Thank you House Chair, the question is about Cameroon and not Morocco, and that is exactly what I said. I indicated that the South African government has written to the government of Cameroon and at the same time the South African government did not end there but it went further to engage the regional organisation.

The member is very correct that South Africa is to take a seat in the UN Security Council. South Africa will raise all matters of human rights violations in the UN Security Council. Thank you.

Mr M HLENGWA: Chair and hon Deputy Minister, this afternoon you have been waxing about human rights, human rights, human rights, human rights and your interventions.

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IsiZulu:

Hhayi ningazothi hhayi suka kumina. Heyi, heyi! [Ubuwelewele.]
Ningalinge nje nenze leyonto. Nizoyenza emnyango hhayi lapha.
Ningalinge nje nenze leyonto! Nibadala kanje, niyongihahameza
emnyango, hhayi la.

English:

Hon Deputy Minister, your response to human rights violations is the closure or downgrading of embassies. Should we expect you to follow your precedence to Cameroon? Thereto, as I put it to you, you are employing regressive diplomatic responses to very serious problems. How can you be a trusted negotiator and mediator whereas in every situation where you go you take side.

IsiZulu:

Nigcine ngci ukungihahameza. [Ubuwelewele.]

English:

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

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The DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATIONS: House Chair, I say it again. When we compare, let's compare oranges and oranges. In this particular instance it's not Cameroon and another country, but it's regions within Cameroon where the government is pushing for a certain language to people - a language which they don't talk everyday. So, it is an internal matter and South Africa is concerned.

The issue of Israel and Palestine is an issue that started before 1967. Thank you, Chair.

Mr L K B MPUMLWANA: Chairperson and Deputy Minister, my question is: given the track record of South Africa's negotiation and being in charge of fighting for human rights, don't you think that it is perhaps better to also deal with the Cameroon issue at the African Union, AU, before going to the United Nations? Thank you.

The DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATIONS: House Chair, thank you very much for that. I said we started with the government of Cameroon, later we went to the region and now the next step is to go to the AU before

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going to the UN Security Council, which is a seat that we have not yet occupied. I cannot make an assumption of any matter until we take a seat. But as we take a seat there we promise that we will represent Africa. Thank you.

Ms N V MENTE: House Chair and Deputy Minister, African solutions to African problems is the only way we are going to bring an end to the challenges facing our continent. We must never rely on international organisations and institutions, particularly western, to investigate human right abuses and administer justices in this continent. What we need to do is to strengthen our continental bodies and give them teeth and muscles.

Is your department planning to recognise the competence of the African courts, also called the Banjul court, on human rights? Why are we not strengthening this court? Thank you.

The DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATIONS: Hon House Chair, the matter of courts is a new one at all. But I agree with the hon member about focussing on the continent. It's a fact and I agree with it. That's why I appreciated the question that I've just answered. Let's

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consider AU structures before going out. Let's start within the African continent. I appreciate that. Thank you.

The HOUSE CHAIRPERSON (Mr C T Frolick): Thank you, hon Deputy Minister. Question 283 that has been asked by the hon Chauke is standing over in line with request from the Acting Minister of Home Affairs. We move to Question 285, which has been asked by the hon Skhosana to the Minister of Defence and Military Veterans. The hon Minister!

Question 285:

The MINISTER OF DEFENCE AND MILITARY VETERANS: House Chair, the response to the question is that in the Constitutional prescripts as contained in Schedule 6, referring to the parts of the Constitution of the Republic of South Africa Act 200 of 1993, as amended, that are still valid for South Africa's national security strategy and mandate of the SA National Defence Force, SANDF, are as follows:

Section 227 prescribes functions of the SA National Defence Force:

- (1) that the SA National Defence Force may, subject to this Constitution, be deployed (a) for service in the

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preservation of life, health or property; (b) for service in the provision or maintenance of essential services; (c) for services in the upholding of law and order in the Republic, in co-operation and in support with the SA Police Service under circumstances set out in a law where the said police service is unable to maintain law and order on its own; and (d) for service in support of any department of state for the purpose of socioeconomic upliftment.

The SA National Defence Force shall exercise its powers and perform its functions solely in the national interest in terms of Chapter 11 of the Constitution of the Republic of South Africa of 1996.

The 2017-18 Department of Defence Annual Report indicates the following:

- (1) That the SANDF hosted a training of 1 731 youth leadership development programme learners and focused on character building, which included physical training, leadership exercises and neatness inspections.

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- (2) Rations, training facilities, accommodation, control personnel, instructors and support staff were provided by the SA National Defence Force.
- (3) The Department of Rural Development and Land Reform provided funding in accordance with the service level agreement.
- (4) The SANDF undertook the training of 1 000 young members of the public, attending the Department of Social Development Youth Camps during the year 2017-18.
- (5) A total of 857 youths reported at 3SAI SA Infantry Battalion in Kimberley, another 200 youths trained at Army Support Base in Bloemfontein, with 171 learners trained at 4Artillery Regiment in Potchefstroom.

Thank you.

Mr G J SKOSANA: Hon Chair, Hon Minister, thank you very much for responding comprehensively to my question. Hon Minister,

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other than the sterling work that the Department of Defence and Military Veterans has done in training young people: What are the effective tools for effecting sustainable economic transformation of ownership in the defence sector by including young people and women in equity interest enterprises?

The MINISTER OF DEFENCE AND MILITARY VETERANS: Hon Skhosana, only a few days ago, the Minister of Trade and Industry, Rob Davies, actually gazetted what is called a Defence Industry Charter. The Defence Industry Charter was developed by the Department of Defence in consultation with the defence industry. In this way, we seek to provide relief to women, military veterans, to young black entrepreneurs, so that they too can have access and gain access to the defence industry of the country.

I should say that the defence industry of South Africa is one of the most organised industries in the country. Having been formed at a time when there was apartheid regime, therefore an arms embargo against South Africa prevailed. So, it had to be organised. It had to be self-reliant. Therefore, by virtue of that, it is male dominated - in fact, white male dominated. So, we have developed this Defence Industry Charter so that

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black people, women, people living with disabilities and military veterans can now gain access into that industry and make a living, thereby contributing to economic development and growth in South Africa.

Dr S S THEMBEKWAYO: Chairperson, hon Minister, it has been reported that your department paid for the 2017 MKMV Conference. Is this true? And, if yes: How much did the department pay; and who authorised the payment?

The MINISTER OF DEFENCE AND MILITARY VETERANS: I don't want to say this is a new question, but the truth of the matter is that I think the hon member realises that by the time we get there, time will be up for questions. However, it is actually a fourth question of the questions which I am supposed to reply today.

The HOUSE CHAIRPERSON (Mr C T Frolick): So, the question and reply is still coming later? [Interjections.]

The MINISTER OF DEFENCE AND MILITARY VETERANS: It is coming, yes. Thank you.

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The HOUSE CHAIRPERSON (Mr C T Frolick): Okay! We will deal with the follow up because it doesn't relate to the core question that is currently in front of us. The hon Marais!

Mr S J F MARAIS: Chairperson, Minister, given the responsibility of the three spheres of government to cooperate, the number of requests by both provincial and local governments for the deployment of soldiers in support of the police to contain urban unrest and crowd control, the current lack of capacity and capabilities in the defence force, and the necessity of such deployment in the run up to the 2019 General Elections: Can the Minister confirm that proper and targeted training is given to standby soldiers in each province; that comprehensive provision of all needed equipment has been made; and that adequate provision of additional budgets to the defence force to fund such deployments has been made?

The MINISTER OF DEFENCE AND MILITARY VETERANS: You too, hon Marais, know that this question and reply is coming, but nonetheless, I will respond to it. [Interjections.] I know! There is always constantly training of all the troops at all levels within the SA National Defence Force.

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It is not only that, you are talking about reinforcement of the SA Police Service by the SA National Defence Force. We only do that when there has been a request by the police to the Commander-In-Chief of the Republic of South Africa. Once the Commander-In-Chief has applied his mind and taken a decision, we are then given an order to move in and assist the SA Police Service. We may not do that in the event that request has been made by the SA Police Service.

Also, all operations of the SA Police Service, as you would know, are intelligence driven. Therefore, if they are intelligence driven, and the SA Police Service get to a point where it feels that it will not have the necessary capacity to move in on its own to conduct an operation, then we are invited to come in. Even as we come in as you would know, the operation is still led by the SA Police Service and that members of the defence force will be on the backline. In any event, our responsibility is the defence of the sovereignty of the Republic of South Africa.

Now, you know that there is what is called Operation Prosper. This is when the Commander-In-Chief has given this instruction to come in and assist the police service. Half the time, by

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the way, I should say this is done not against payment, unlike other operations where you do this against payment.

You also talked about capacity. There is capacity for training in the SA National Defence Force, as you would know. The problem that we have, which all of us have identified, is that of the capabilities of the SA National Defence Force, particularly the land capabilities, to a point where the 2015 Defence Review talks to that matter. The matter is that there is a need for South Africa to invest in its capabilities of the SA National Defence Force. [Time expired.] Thank you.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon members, I want to remind you that the supplementary question, in terms of Rule 142(7), may not consist of more than one question. Are there any further supplementary questions on this specific question - Question 285? [Interjections.] No, that one is coming later, hon member.

Question 262:

The MINISTER OF STATE SECURITY: House Chair, let me start by correcting the question itself because it talks to the pension fund from Momentum and we don't have such. All employees of

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the State Security Agency, SSA, are registered with the government employee's pension fund and not the Momentum pension fund.

The matter that relates to Momentum is the Group Insurance Scheme which faced difficulties in 2008. This relates to the brokerage work which was done by KVN Brokers in the management of the investment part of the scheme itself. Now, following the investigations in 2010, the task team found that all members that were mentioned in the report were given only written warnings and no other further action. I thank you.

Adv C H SCHMIDT: House Chair, it is of paramount importance that the interests of SSA members, including their pension funds are protected as much as those members protect our interests in ensuring a safe environment. Will you give this House the undertaking that you will ensure that all other cases affecting their best interests are appropriately and urgently dealt with? Thank you.

The MINISTER OF STATE SECURITY: House Chair, I agree with the hon member. The fact that those who were implicated on this serious matter were only given written warnings is a concern

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to us. Moving forward, we have put systems in place that no other schemes which are not in line with the pension fund of government are allowed into SSA. I thank you.

Ms N V MENTE: House Chair, I hope it is not going to be a new question. Minister, the State Security in the country, given the skills that you have just mentioned earlier on does not have the capacity to detect the traps that are happening in South Africa. We just recently heard that so many schools were banned down in Limpopo. None of the State Security officials could detect that there is more schools to be burned from the very first day because they were not burned in one day - 30 or more of them. Why was that? Why couldn't they see that people are planning to burn more schools, given that they are being paid so much money? Thank you.

The MINISTER OF STATE SECURITY: House Chair, this is a completely new question. Nevertheless, the issue of capacity in relation to detecting threats of the country, SSA members do have do have. Remember, our work is not to execute but to ensure that we take information to the relevant authorities to can act.

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In relation to Vuwani, the information was collected and passed to the relevant authorities. That is where we end. Thank you.

Question 289:

The MINISTER OF POLICE: Chairperson, surely on this one, one is going to have an awkward request. The question is highly technical, but besides, it's five pages long. [Interjections.] No, I will request the House through the presiding officer to hand over the question to a person who asked it and then follow-up question can be further given to him if needs be. But it can be read. It is five pages and very technical. So, that's a request.

The HOUSE CHAIRPERSON (Mr C T Frolick): I understand that Minister, but can you just broadly replied to the question because the focus of the question is on the progress. Of course, there is a lot of information that you have. But you can just broadly reply to the question and the answer can be tabled.

The MINISTER OF POLICE: Without reading it?

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The HOUSE CHAIRPERSON (Mr C T Frolick): Whichever way you want to do it, hon Minister.

The MINISTER OF POLICE: Chairperson, I will give the progress, but the question has been answered in a written form. So, if I answer it, I will read the question.

The HOUSE CHAIRPERSON (Mr C T Frolick): Yes, I will stop you at the appropriate time, Minister, when your time is up.

The MINISTER OF POLICE: The following progress has been made with regards to the projects that are part of the seven-point plan of the criminal justice system: Firstly, what was a project? Project is Automated Ballistic Identification System upgrade, Abis. Automated Ballistic Identification system, which is Abis, implemented and upgraded every ballistic unit in Silverton, Gauteng, Plattekloof, Western Cape, Amanzimtoti in KwaZulu-Natal and Port Elizabeth in Eastern Cape. That started in 2012-13 and end in 2019-20.

Secondly, Ballistic Interface Unit upgraded the solution as Forensic Science Laboratory, FSL, ballistic section. It has started in 2014-15. It has been completed by now.

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Thirdly, balance solution which is in Pretoria, Western Cape, PE and KwaZulu-Natal rollout and fully operational. Solution installed at chemistry section in Silverton, Gauteng, Plattekloof, Western Cape, Amanzimtoti in KwaZulu-Natal and Port Elizabeth. It has started in 2014-15. It has been completed now. Audio visual equipment smart boards - installation of seven smart boards, two times Western Cape, Thomas Boydell building, Parade Street, Cape Town. Two times Gauteng, Johannesburg Central Police Station. Three times explosive section in HQ Pretoria. It has started in 2014-15. It has been completed.

Fourthly, Genetic Sample Processing System, which is known as GSPS, installed and tested and implemented at the FSL in Pretoria to process DNA samples. Stated in 2012-13 and it is completed. [Interjections.] Yes, it is complicated and completed.

DNA barcode scanners, procured in support of the implementation of the criminal law. That's Forensic Procure Amendment Act; Act 37 of 2013, Free State has 298 of them, KwaZulu-Natal 552, Northern Cape 118, Mpumalanga 258, Gauteng

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413, Eastern Cape 527, Western Cape 497, North West 498 and Limpopo has 198.

The HOUSE CHAIRPERSON (Mr C T Frolick): Thank you, hon Minister. Your time has now expired to answer this part of the question. I will now ask the hon Maake if he has a supplementary question.

Mr J J MAAKE: Chairperson, I will just collect the answer from him.

The HOUSE CHAIRPERSON (Mr C T Frolick): Is there a follow-up question from the hon Kohler Barnard? Order, hon members. You may continue, hon member.

Ms D KOHLER: Minister, sorry to interrupt you, whatever. Minister, much of what you referred to ... [Interjections.] Sorry, you want it back now. Please ... [Inaudible.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, please continue with the question.

Ms D KOHLER: I am trying but [Inaudible.]

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The HOUSE CHAIRPERSON (Mr C T Frolick): No, no, you should have rescued me, hon member.

Ms D KOHLER: Minister, what you have referred to has absolutely nothing to do with this multi-billion rands system, nothing. That's what the Auditor-General told us in the committee a few weeks ago. For the past 12 years, we watched billions of rands be sunk into this multi programme. Promises are made over and over that a victim will be able to track the perpetrator online when he or she is jailed when the parole comes, but the reality is, this system is stagnated. By the time they get run to learning how to use a system, it's out of date every single time. Perpetrators go free because the victim does not arrive in court because they simple not told. It's still happening despite the billions spent. Just as in correctional services when they sliced this money, they have never seen a cent. The Auditor-General want to know what you spent the money on.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, your time has now expired. What is the question? Is there a question?

[Interjections.]

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Ms D KOHLER: I want him to tell me where the money has gone?

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Minister?

The MINISTER OF POLICE: Chairperson, if she is given chance to read this, she would have known where the money has gone.

These are projects where the money has gone to and many of them are completed towards the system. So, that's where the money has gone. [Interjections.] To this?

The HOUSE CHAIRPERSON (Mr C T Frolick): The hon Mente?

The CHIEF WHIP OF THE OPPOSITION: House Chairperson?

The HOUSE CHAIRPERSON (Mr C T Frolick): Why are you rising, hon member?

THE CHIEF WHIP OF THE OPPOSITION: House Chairperson that was not an answer to the question. It really was not an answer to the question.

The HOUSE CHAIRPERSON (Mr C T Frolick): I don't understand what you mean, hon Steenhuisen.

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THE CHIEF WHIP OF THE OPPOSITION: If the President is now on that the Minister can come with the five page answers and wave it around to deflect from follow-up questions then he is a terrible President.

The HOUSE CHAIRPERSON (Mr C T Frolick): The Minister has replied to the follow-up question that was asked by your member. Your member asked where does the money go to and the Minister responded. I have said the Minister will table the entire reply to that question and it will be available. You can take it up further as written or oral questions in the House.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Mente?

Ms S V KALYAN: On a point of order, Chairperson.

Ms N V MENTE: You see.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Mente, will you take your seat. On which point of order do you want to address me now, hon member? Order! Order, hon member.

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Ms S V KALYAN: You have just advised the House that the Minister will table the full answer to the member, who originally poses the question. Now, does that also pertain to the follow-up questions or the supplementary? Will those members get the reply as well?

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, tabling means that the question gets tabled for all Members of Parliament. It is printed in the replies and we will ensure that all the members will get that reply by the Minister. Hon Mente?

THE CHIEF WHIP OF THE OPPOSITION: Sorry, House Chair, can I just seek clarity from you because there is precedent being set here. It is important that we know because it is going to affect future questions session.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member?

THE CHIEF WHIP OF THE OPPOSITION: So, you have converted an oral question to a written question, hon Chair.

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The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, I am not converting any question. If you ask a question, hon Steenhuisen, you must listen to a reply. You shouldn't answer your own question and then you shouldn't have asked the question in the first place. I have said when the Minister indicated that the reply is nine pages long, given the extent of the question that he must reply broadly to the question and he started doing so. He runs out of time. I cannot give the Minister half an hour to complete what is in front of him because it is a comprehensive reply. It is a standard operating procedure according to the Rules that the question whether it is oral or written gets tabled in the House and it is therefore for all members to see. What is the problem?

THE CHIEF WHIP OF THE OPPOSITION: Chair, can we make a request then that in future that some of the presiding officers are not going to take up. In future, if this situation arises, could the members who have put the question, could those answers be tabled to enable members to be able to have proper follow-ups.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, you are asking for an amendment to the Rule. You must take this to the

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sub-Rules committee. Hon Mente? [Interjections.] I have not amended any Rule. That's according to the Rules.

[Interjections.] If you are not happy with the reply, hon Steenhuisen, then you must answer your own point of order.

IsiXhosa:

Nks N V MENTE: Ndosi, uMhlooli-zincwadi-Jikelele unexhala elikhulu kumsebenzi wezobuchwephesha (ICT) emapoliseni. Zonke ezi nkqubo zobuchwephesha bekhompyutha uzikhankanyileyo ezisetyenziswa ngamapolisa zihlawulelwe imali eninzi kakhulu. Eyona nto ibuhlungu yinto yokuba - mandenze umzekelo ukuze icace le nto. Mandikhethe u-...

English:

... Abis that you have just mentioned. A firearm will be sent to Abis or the cartages that have been picked up at the crime scene. Guess what the turnaround time will be, more than two weeks, suspect gone, released and chances of that person being apprehended once more become very slimmer. Now, have you checked value for money on this system and its efficiency? The second areas are also in the FCS, where the DNA loses its neutrality and cannot be tested. It's some of the systems that are within the component that you have just given to us. But

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the problem is the value that we get out of it; it's not really helping ... [Inaudible.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Minister, would you reply to that, please.

The MINISTER OF POLICE: Well, to start with, all departments, including ourselves must respect what the Auditor-General is saying to us. Yes, we will look to the question he has asked. Those that do wrong things about those things will have to face the consequences.

Secondly, the DNA as we speak, we are working on a very special approach where we are trying to reduce time of DNA to two months three weeks so that we are able to respond quicker on those matters. There is a committee as we speak that is looking at the legislation that will help all of us that the DNA test turnaround time is much shorter. We hope that it won't lose its value and weight before the trial. Thanks.

Question 278:

The DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION (Ms M R Mhaule): House Chair, Singapore is one of

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Africa's major trade and investment partner in the South East Asia region. High level engagements are critical in order to maintain good relations and also keep South Africa in minds of Singapore trade and investment partners. In this context, the Singapore Sub-Sahara Africa high level ministerial exchange provided an opportunity for the team to engage with the foreign Minister of Singapore, Dr Vivian Balakrishnan. We also paid a courtesy call on the Prime Minister Mr Lee Hsien Loong. We also joined 11 foreign Ministers from the rest of the African continent with these many countries that co untried now due to time thus making it important for South Africa's presence in such a programme for such a better nation, brand positioning in a competitive environment.

House Chair, it must also be taken into consideration that the last high level of management with Singapore was in 2016 when the then Deputy President, Mr Cyril Ramaphosa visited the country. Therefore, our engagements have to rekindle the relations at a high level. We further presented South Africa's investment opportunity to the Singaporeans thus highlighting the importance of their participation in the presidential investment summit that was successfully held last month. The high level of engagement was also used to gunner support for

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alignment of positions for supporting each other in multilateral organisations and the reform of global institution of governance.

The team was supported by the leader of Invest South Africa who also delivered the South Africa country presentation on the Africa Singapore business forum. The objective of the SPF 2018 was to address critical issues and to identify the opportunities to key sectors including real estate, oil and gas, digital economy and manufacturing. This presentation provided more details of investment opportunities which we shared during bilateral session with the Ministers and the Prime Minister, Thank you hon House Chair.

Ms D D RAPHUTI: Thank you Minister for elaborating your answer, however, Minister the Africa's Singapore business forum is a network with over 500 business leaders from top companies where South African Business leaders invited to form part of the South African delegation. If so, which business leaders were included and were there any opportunities finalised during the forum? I thank you.

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The DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION (Ms M R Mhaule): On the question which business I did not have an opportunity to gather that information but Invest South Africa was led by the leader himself, thank you.

Mr S MOKGALAPA: Deputy Minister let's stick to the human rights programme for today. According to human rights watch, Singapore is performing quite poorly and very bad in terms of its human rights track record. There are quite severe restrictions in basic freedoms like freedom of expression, association and assembly, media and the arbitrary arrest of opposition leaders as well as the use of the so called internal security act and the issue of freedom of religion has the South African government represented by the Minister highlighted the reservations and the issues about human rights of Singapore rather than focusing only on economic diplomacy?

The DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION (Ms M R Mhaule): Those were discussed, especially the issue of language, we find that the majority of people in Singapore are Chinese and Indian people. But, they chose to speak English as a medium of instruction in Singapore. And, when coming to religion, there are two major religions that

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are taking place and people are allowed to attend. I'm not so sure of that severe human rights violation which the hon member is talking about but, if he can provide that information, we'll raise that matter in the relevant structures. Thank you.

Ms S V KALYAN: Deputy Minister, when you responded to the engagement with Algeria earlier on, you mentioned that that there were 33 Memorandums of Understanding (MOUs) signed. Can you tell us how many MOUs were signed with the Singapore relationship? Thank you?

The DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION (Ms M R Mhaule): On the day of the visit which I represented the Minister I did not sign any MOU on that day. Thank you House Chair.

The HOUSE CHAIRPERSON (Ms M G Boroto): Thank you hon members I've got no other name that means that the time allocated for questions has now expired. Outstanding replies received will be printed in Hansard. Hon members, on questions for oral replies standing over, we will not take the questions that stood over from Wednesday the 7th March 2018 during the

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question time to the ministers in cluster one peace and security. Both these questions are addressed to the Minister of Home Affairs. I will therefore proceed to questions that stood over from Wednesday the 31st of October 2018 during questions to the Minister in cluster for economics. And an additional 30 minutes has been allocated from this question. Now I take question number 168 asked my hon Matsoni to the Minister of Public Enterprises.

Question 168:

The MINISTER OF PUBLIC ENTERPRISES: Thank you, House Chair.

Let me thank hon Mazzone for an important question. I want to make eight points very quickly and then perhaps find some time to give her more detailed answers as well.

During the year 2017-18, financial year, Eskom used approximately 115 million tons of coal to produce electricity. Eskom has used about 60 million tons for the six month period ended 30 September 2018. It is projected that Eskom will use 123 million tons by the end of the financial year.

South Africa's coal production is around 250 million tons per annum. South Africa is currently exporting around 25 million

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tons per annum. Eskom is consuming about 115 - 116 million tons per annum. So it gives you some data as a background.

The second point is that there are currently 11 power stations that are below minimum stock level requirements, coal stocks across all power stations at an average of about 24, 25 days excluding Medupi and Kusile as of the 21 October 2018, and there is a table available, which I will pass on at some stage to hon Mazzone.

The third point is that Eskom has a long tradition with what I call cost-plus mines, House Chair, where Eskom pays for the operating cost-plus a predetermined return on the investment with mines owned by coal miners, Eskom has at deployment six cost-plus mines attached to supplier-specific power stations.

The fourth is, amongst the power stations is Arnot, Kriel, Kendal, Lethabo, Matla and Tutuka power stations. The hon member will be aware that some of these have had difficulties in the past as a result of the Tegeta problems that we actually had. I have a schedule of which power station is served by either short-term or fixed price contracts or cost-

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plus contracts, but it is difficult to communicate through an oral answer.

The next one is that the under supplier on both coal quality and quantity by the Tegeta mines, which are under business as you have also negatively impacted on stock levels and production. Hon members will be aware of the controversy around that.

The next is according to the Mineral Council of South Africa net investment in the coal industry has declined since 2009 at a rate of about 10% per year. From R7,3 billion to R3,8 billion in 2017. So there is something going on in the mining industry that we need to understand better. It is good to have my colleague, the Minister of Mineral Resources behind me.

The final point is that a recovery plan has been put in place to improve the low stock available at various stations, and this includes securing additional coal suppliers and an aggressive reallocation of existing coal resources.

Unfortunately, it also involves transport costs to get coal from where it is available to power stations where it is actually needed. Thank you.

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Mrs N W A MAZZONE: Thank you, very much House Chair. Thank you, very much Minister for that answer I do appreciate and I look forward to the table that you will pass on to me.

Minister, given the amount of money that Eskom spends annually on coal, I think it is fair to say that this amount of money could literally hold our entire economy to ransom and during the Eskom state capture inquiry, where I very proudly served alongside you, shoulder to shoulder, we exposed the parasites that tried to steal this company from under our noses, we found that the coal contracts were the very catalysts used by these parasites to try and steal our country.

Minister, could you take us into your confidence as to what steps the Department of Public Enterprises is going to take to ensure that these contracts that we know were entered into illegally are corrected; and also that some very bizarre procurement policies were implemented to ensure that these parasites could take hold of our coal resources. How are we going to reverse that and rectify that process?

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The MINISTER OF PUBLIC ENTERPRISES: House Chairperson, the hon member is very correct about the consequences of state capture and in particular, the Oakbay saga, if you want to call it that - that the Public Enterprises Committee looked into last year. The consequences are that at the moment, you have two conveyor belts from the closest mine to Hendrina for an example, where the conveyor belts are not moving and there is no coal actually being provided to the Hendrina mine, then coal has to be transported from elsewhere.

The second point is that if you recall the strategy of the so-called parasite or the Oakbay group was to actually strangle all other suppliers of coal so that eventually they monopolise or dominate the supply of coal to Eskom power stations.

The third point is that Eskom at the board level and management level has been asked to review all of the contracts, but also review its procurement policy and its procurement teams because all of them have some kind of legacy that is connected to the past as well. Hopefully, in the near future, we can report that we have an entirely a new procurement programme.

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You will recall that some contracts were signed within a few hours, even at midnight. Today, we are told it might take six months or nine months. So there is something obviously wrong in the Kingdom of Denmark, which of course we are not; but nonetheless, that's the matter we are looking into.

Ms N V MENTE: Thank you, House Chair. Minister, at the core of what has been Eskom's problem with the coal, is the long unjustifiable coal contracts, which have also referred to; poor maintenance planning and the inability to manage large infrastructure project by the government.

Without going into the misguided loan from the World Bank to address the issue of coal stockpiles, why are we not nationalising and taking control of our coal in the country?

The MINISTER OF PUBLIC ENTERPRISES: Nationalisation, of course, is not the policy of this government, but I think the other point that the hon member make is a fair point. That there were instances of poor maintenance, that there are very long contracts - but those long contracts also served us well when we were in difficulty.

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However, the more important point is how do we get small and medium-size mining operators to get the opportunity to enter the supply chain of Eskom so that alternate sources and alternate business enterprises are actually building up as well. This is the matter that my colleague at mineral resources and I need to actually discuss.

The question of the large infrastructure programme is also a correct point. Eskom hasn't built power stations for twenty or thirty years before it took on the challenge of building Medupe and Kusile.

So there were both problems on the management side, but more importantly, many of the contractors have actually let Eskom down. You will recall simple things like welding wasn't done well by international companies and it had to be repeated or redone in order to make sure that the construction process looks as it does look.

On the World Bank loan, we might want to look into that, but the World Bank does supply or provide money for appropriate projects that are amongst the cheapest rates in the world.

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Mr N SINGH: Thank you, hon Chairperson. Hon Minister, I was going to ask the question of whether or not we are not being held to ransom by some of these companies that are supplying us coal, like we were held in the past to push up prices and create this artificial shortage of coal, but that question has been asked but you may want to expand.

However, this morning hon Minister, I attended for a short while a parliamentary colloquium on climate, air pollution, energy and health, where there were serious concerns about the continued use of coal as a primary source to produce energy, to the extent that they produced booklets, which says coal kills.

Now, hon Minister, can you tell us, what is going to be done for us to move away from the reliance on coal as a primary source to produce energy and come up with cleaner energy sources. Thank you.

The MINISTER OF PUBLIC ENTERPRISES: Hon Chair, I thank the hon member for his question. On the question of being held to ransom, I'm not sure I want to use that word right now, but it is true that you get a lot more money today if you export

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coal. It is about \$98 to \$100 per ton and many coal miners are taking advantage of the higher prices they get from exporting coal than from using it domestically.

However, we have asked the Eskom management and the board to meet the coal miners and to come to some understanding that we actually can secure coal supply for our own mines.

About the question of climate pollution and health, I think it is a well-accepted fact that there are many countries in the world, which include China, India, South Africa and many others that have health coal supplies that need to be utilised.

However, we have been asked to (a) Control emissions within certain standards in terms of the Paris climate accord; (b) We have been asked to also look at the implementation of what is called clean coal technology.

The problem is that clean coal technology is very expensive. It involves billions of Rands, which Eskom doesn't have at the moment to actually implement that; but the new power station like Medupe have brought in some of that technology in the construction.

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The third point is that even in the climate change context, there is a concession if you like where an admission that what we require is what is called a "just transition". You cannot shut down coal power stations tomorrow; our industries will come to a standstill. You cannot say that tens of thousands of workers that work in coal mines must suddenly lose their jobs.

So I think what we need to prove to ourselves as South Africans and to others, is how do you undertake this just transition in a way in which the social welfare of workers at power stations, in the coal mines is taken care of, whilst at the same time ensuring that we use the appropriate technology to reduce the emissions from our power stations.

Mr A M SHAIK EMAM: Thank you, Chairperson. Minister, what we have also discovered is that many of the major companies have been enjoying evergreen contracts, if that is the term I should use, thirty years and forty year contracts. Could you care to tell us whether there is any plan to investigate this, if not why not sir? Thank you.

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The MINISTER OF PUBLIC ENTERPRISES: House Chair, like many other key commodities, it is very important for our own security of the electricity supplier to ensure that we have long-term supplier agreements.

So I don't think the problem is with the twenty and a thirty-year agreement, the challenge is how you get new entrants into the coal mining industry. How do we, as government, but also as Eskom, support their development? As I said earlier, they will be given opportunities within the supply chain process itself.

However, thirdly, it is important that the kind of negotiating power and capability, maybe even inclination that Eskom use to have, seems to have been lost. In other words, how do you get the best price? How do you get the best economic deal? I think it is in this area, that the review of all of the contracts and the new arrangements if these are actually appropriate is what the Eskom board has been asked to look at. Thank you, Chair.

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The MINISTER OF PUBLIC ENTERPRISES: Thank you Chairperson, and thanks to hon Rantho for her question. The first of the issues she raises in the question is what are the challenges that Eskom is facing and how are we actually dealing with them? If we had to sum up, there are, sort of, four challenges.

Firstly, its revenue does not keep up with its cost structure. In other words, the cost structure of Eskom, whether it be debt repayment, staff costs, coal costs, operating costs more generally, as well as capital investment, is below, or rather, above what it collects as revenue;

Secondly, we might not be aware that many of the power stations in Eskom are 35 to 40-years old. So they are reaching there "sell by date" if you like. So generation performance is a key Achilles heel if you like, and as a result of decisions that were taken in previous years not to undertake some of the key maintenance that needed to be undertaken, that has actually compounded the problem;

Thirdly, is coal supply, which we discussed earlier on; and

Fourthly, is the question of financial status.

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So the additional factors that we need to keep in mind is that in fact over the last 10 years the demand for electricity in South Africa has remained static. In other words, there is no new demand for electricity, partly as a result of low economic growth, but importantly, as a result of new technologies and off-grid production of electricity. So, people don't actually have to rely on Eskom for their supply.

We just addressed the question of environmental compliance. As I indicated, Eskom's costs have also been growing above the inflation level ... deterioration in plant's performance which I also indicated a moment ago, and there's the issue of the payment culture in South Africa as well as the municipal debt that is owing to Eskom and indeed to water boards as well.

However, what we need to bear in mind is that we cannot go on increasing Eskom's tariffs without addressing the cost factor, because higher administered prices, and amongst them is the cost of electricity, means that the cost of doing business in South Africa is becoming more inhibitive. If that is the case then the business will go elsewhere and it disadvantages South African companies as well.

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So, Eskom has a serious difficulty. It needs to reduce the costs. It gets a very low percentage increase compared to the Consumer Price Index, CPI – 2,3% in the last year from the National Energy Regulator of SA, Nersa, process – and I think all of this compounds its financial position and operational position as well.

I mentioned the question of older plants ... the high plant utilisation which means that it actually has an impact on its generating capacity and poor plant performance as well, and also the lack of investment in cost plus mines.

However, the flipside of the coin is that there are recovery plans to make sure that outage planning and execution is improved and that there's a better management of load losses. The problems within the boilers in the power stations are also maintained at the right kind of level, and as I mentioned earlier on, the question of a recovery plan for the supply of coal as well.

Ms D Z RANTHO: Thank you, hon House Chair and thank you for your reply, Minister.

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However, Minister, the backlogs at Eskom are affecting the provincial and local substations because those local substations are also not maintained.

Do you have a programme that involves provincial offices, and if possible, can you tell us in which provinces you have started the programme of maintaining those substations?

The MINISTER OF PUBLIC ENTERPRISES: No hon Rantho, I don't have that information at hand but I'll certainly try to get hold of that information.

However, I think the key point being made here is how are we investing in the maintenance, upkeep and renewal of infrastructure, particularly ... the reference here is no longer the power stations but the transmission and reticulation of electricity and that infrastructure.

On the transmission side I think we run one of the best grids in the world and many people would like to actually invest in it if we give them half an opportunity. At the local level, municipalities are in fact— where they have the capability —

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often responsible for the upkeep, maintenance and renewal of the infrastructure, including local transformers and so on.

So the responsibilities are divided across the different spheres of government, but I'll try to get more information for the hon Rantho on the specifics that she requires.

Mr M HLENGWA: Thank you Chair. Hon Minister, in 2014 when you were the Minister of Co-operative Governance and Traditional Affairs, Cogta, you responded to a question that Eskom was owed R10,8 billion by municipalities. That figure has grown over the past four years, I understand in the region of probably R13 billion. You also have a situation where some debt must be written off to the tune of about R8,8 billion.

Minister, the question then is how are we expecting Eskom to be sustainable, effective and efficient in the delivery of electricity if municipalities do not meet their commitments? It is all good and well that we may lambast Eskom for all its other sins. That's fair enough, but what action is being taken to ensure that municipalities actually meet their dues so that Eskom can be able to ... [Inaudible.] ... some of its own commitments?

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The current situation is certainly not sustainable at this point in time and it is virtually unfair to expect Eskom to write off the debt of municipalities that will continue to receive funding, yet have not themselves honoured payments which are due to Eskom.

The MINISTER OF PUBLIC ENTERPRISES: Thanks hon Hlengwa and Chairperson. The hon member is correct but I think what we need to get into perspective is that municipal debt as a overall percentage of what Eskom needs to collect as revenue is relatively minor. So, I think for this year Eskom's annual revenue is R177 billion. So we are talking about less than 10%. That's the first issue.

The second, as the hon member knows when he was also on the Cogta parliamentary committee ... that whatever the number is, and I think the latest number is closer to R17 billion ... This includes the actual capital debt, if you like the amount that you owe, plus interest plus penalties. One of the pieces of information I'm still waiting for is the disaggregation of those numbers so that we understand what is going on.

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The third point is that in any business, be it commercial, private or public, once debt goes beyond 60 to 90 days it's almost impossible to collect and a very small percentage of that debt ultimately does get collected, even if you bring debt collectors into the system. So write-offs will be a part of this, not because there is an unwillingness to collect the debt, certainly at the Eskom electricity supply level, but because of the payment issues.

However, the fundamental issue which the hon member correctly points out is the payment culture in South Africa, and this is a matter that Minister Mkhize as head of Cogta and the interministerial task team, IMTT, is looking at. How do we get municipalities to be a lot more efficient in revenue collection, create the right kind of payment culture and get more money paid that people actually owe, both to the municipality and therefore to Eskom itself. So, it's a national problem that we have. The same applies to water tariffs as well and the amounts of money that is owed to water boards for example. So, this is an issue that is always preoccupying our minds and this IMTT is addressing that matter, amongst other issues.

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Mrs N W A MAZZONE: Thanks, House Chair. Minister, I just want to touch on something. In fact this morning at the Public Enterprises Committee we were told that the amount owed by municipalities to Eskom is now just under R18 billion. So it's literally gone out of control. This much is what we do know. The average resident of a municipality has paid their electricity bills in good faith and it's the municipality that has then failed to pay this money over to Eskom. The reason for this is because in many of these municipalities the mayors and the municipal managers, MMs, have chosen to buy fancy cars, fit out their offices with new furniture and in some cases, you know, spend gross amounts of money on fast food.

So Minister, here's an idea, and I'd like your opinion on this. Would you be of the opinion that, maybe if a municipal manager was finally held to account for failing to pay money over to Eskom as they are obliged to do, that perhaps it's time for you as Minister and the Department of Public Enterprises to join opposition parties, especially the DA ... [Interjections.] ... by laying criminal charges against these municipal managers who are actually committing criminal acts by not paying the money over when money has been paid in good faith to the municipalities?

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The MINISTER OF PUBLIC ENTERPRISES: Thank you for the question and the offer to join the DA, but no thank you. However, I think you make several important points.

The key one is consequence management. If, whether its officials or councillors, don't do what they are required to do in terms of the law, ie collect monies and hand that money over to Eskom, there has to be some consequence of some sort.

Secondly, citizens will ultimately respond to the fact that you're buying cars or fancy offices instead of actually ensuring that the bill is paid to Eskom and the money of ratepayers and other contributors to the fiscus at a municipal level ... are not being assured that their money is being spent in the right kind of way.

There is a third issue that you might be aware of, and that is that when we talk about cutting off electricity, which often happens as the first step in trying to get better compliance, it also affects businesses in that area. There are many of the smaller towns that sometimes have genuine difficulty or malfeasance – one of the two. However, if you cut their

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electricity you affect a manufacturing plant that employs 400 people. One such area for example is Maluti-a-Phofung ... the Harrismith area. A number of interventions have had to take place there.

So, businesses in some towns have actually gone to court and have obtained interdicts, and Minister Mkhize is trying to facilitate some kind of deal that will, firstly, enable the municipality to have the right kind of capability and discipline; secondly, businesses to be assured of electricity supply so that the workforce can work; thirdly, the money that is actually collected is paid over; and fourthly, create the right kind of payment culture in those municipalities as well.

Dr S S THEMBEKWAYO: Thank you, House Chairperson. Minister, the spokesperson of Eskom told Sakina Kamwendo that Eskom is buying electricity from independent power producers, IPPs, for more than R2 per kilowatt and is selling it at just under 90 cents per kilowatt. If Eskom is in such dire straits, why can't Eskom hold back from buying electricity from IPPs and instead focus on coal until its finances are stable?

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The MINISTER OF PUBLIC ENTERPRISES: Thank you hon member for an important question. When we talked about the just transition earlier on ... one aspect of the just transition is to cut down the usage of coal, but the other is to start increasing the use of renewable energy, whether it is wind, solar power or where you have hydropower as well.

So, this government initiated programme on IPPs has attracted some R200 billion of investment. It will probably attract another R100 ... R150 billion of investment. So the investment is important and thousands of jobs are created as well.

The second point that you make – which is a valid point – is that the older contracts on IPPs was expensive contracts. However, the renewable energy costs have been dropping at quite a fast pace. So today it's probably 50 or 60 cents for a kilowatt.

Ideally what we need to be able to do is to accept that some of the old contracts that have already been connected to the grid are allowed to continue. Those that are under construction ... we should speak to the firms, and in recent weeks I had the occasion to speak to one of the leading firms

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that has invested in South Africa and they are quite willing to renegotiate the price that was in the original contract four or five years ago, to try to update it to meet ... because the constructing of those facilities now takes the current costs into account. That's a matter that both at an Eskom level and at a government level we will actually apply our minds to. However, coal won't disappear as I pointed out earlier on and will still be a dominant player for some time to come.

**CONSIDERATION OF BUDGETARY REVIEW AND RECOMMENDATION REPORT OF
PORTFOLIO COMMITTEE - ON SPORT AND RECREATION**

There was no debate.

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

Declarations of vote:

Mr D BERGMAN: Chairperson, the sports and recreation portfolio are mainly in agreement when it comes to the recommendations in the Budget Review & Recommendations Reports, BRRR. We are all aware that after five years in office that this portfolio

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should have delivered sustainable and equitable transformation that infused all South Africans to become fans, players or sponsors and had federations that were well governed and contributing to the success and competitiveness of our teams.

However, we all now know too well that this department will never get a fair portion of the Budget and therefore will never have enough to effect the real changes needed to ensure that transformation take places at a grass roots level and not engineer that the high-end level.

If are committed to the process then we should make ourselves as accountable to this goal as we do the federations. We will only see real and sustainable transformation when basic education, health and social development recognise sports as an important cog in the year. The more successful our department the less Budget will be required in that department.

The DA government will reign in the bloated Cabinet by only having fifteen ministries, but due to their fiscal and focus, we will be able to give the facts to real and sustainable transformation in the manner that grows up talent pool,

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provides equipments and facilities to schools and communities that levelling the playing fields between advantage and disadvantage and to ensure competitive teams that attract all players and sponsors that want to be proudly linked to the team South Africa brand. Rassie the winners.

Ms Y N YAKO: Hon Chairperson, we have observed a gradual erosion of the possibility of making South Africa a competitive country across a range of sporting codes. This is because as much as there is a National Sports and Recreation Plan, we don't have a funding model for implementing the plan.

The leadership of this portfolio has failed time and time again to make South African sports competitive and to do so in a sustainable manner. Key indicators of these failures are the recent development relating to the failure of South African Football Association to come to an agreement with the South African Broadcasting Corporation, SABC, to televise national football team matches on the SABC. This is not new. This is continuing developments which started with the banning of boxing matches by the SABC.

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There is clearly a disjuncture in understanding between the sporting bodies and the SABC in relation to an importance of showcasing our national sports team to millions, who depend on the SABC for their information. That is symptom of a much bigger problem that is facing sports in this country. There is no development in sports at grassroots level and because of the frustration with lack of support. Most young people are becoming apathetic to sports.

There is a lack of development when it comes to women in sports, case in point Banyana Banyana, who is not being appreciated by this country. They get paid far less than their male counterparts when each an every time they make us proud with each game they play. Sports like hockey, netball, and cricket for women are not being prioritised

We need a comprehensive funded intervention at a school level to ensure a much integrated sports development level programme. There is no such vision from the department at the moment and for that reason, we reject this BRRR.

Mr K P SITHOLE: Hon House Chairperson, while it is that the department is still not implementing the agreed upon Wednesday

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sport day programme for learners at our school basic of education.

The sport is essentially component of early childhood and teenage development, yet the department appear to be uncoordinated in the rollout of this programme and if we talk about transformation in sport, then this is where it begins. Our future sports stars are being denied this opportunity, particularly in our rural areas, where there is currently no access to various sporting codes, equipments and resources.

The sports club are also suffering, despite promises made by the department. I personally know of boxing club in Gauteng that are struggling for acquired much need equipment and safe. The development of sport amongst our ups and coming professional is being disadvantaged. While the IFP commend the department for its unqualified audit report, it doesn't help when the department targets and mandate are not being met. Subject to above concerned, the IFP will support this BRRR. I thank you.

Mr A M SHAIK EMAM: House Chairperson, the NFP welcomes the report tabled here today, but allows me to confine my address

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to the following: the South African government acceded to a call to host the 2010 World Cup and were motivated by the principle of development which we find in the United States US, where the US government took the profit of this and invested it and use the profit for development at grassroots level.

Now, Investec buying then offered the local organising committee 10% interest annually, which would have been over R1 million a year, resulting in 52 regions in the country receiving in access of R2 million per region for life annually. The International Federation of Association Football, Fifa, paid 20 billion dollars to the South African Football Association, Sifa, house and to strengthen the Bafana Bafana team and extra 80 million US dollars was given to Sifa for the development of sports at grassroots level, together with the assets which is in excess of R1 billion.

Therefore, adding to that is the fact that the gate taking ran into hundreds of million rand, but not one cent of this money of the legacy fund has been accounted to date. No audit report has been provided whatsoever, now, the question is, where is this money? Where is this legacy fund? Why is there no

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development? Is that not the reason why South Africa is performing as poorly as it is in terms of sports and recreation?

The question is what are we going to do about this? When are we going to do and I think it is time that if the department doesn't want to investigate this, then it is the time for the Public Protector to come in and investigate and put a full inquiry into what happened to the legacy fund, which is running into billions of rand. [Time Expired.]

Mr L M NTSHEYISA: Chairperson, I think we shall keep on praying now for the good performance on the part of Bafana Bafana. Yes, as a Committee on Sport and Recreation, we have thoroughly considered this report that it is now being tabled here for consideration as in accordance with Rule 166 of the National Assembly.

Social cohesion, transformation, active nation and winning nation, award is suppose now to be achieved by this Department of Sports and Recreation. We should remember that sport helps to bring healthy mind and peace. I think we should support the

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Transformation Charter, so that each and every person now is involved.

As a committee, we recommended to the Minister of Finance, that funds are allocated to provinces should be used and not returned to Treasury, because they have not been used. We also emphasised that the Municipal Infrastructure Grant, MIG, should also be used relevantly for the purpose for which it was meant. Well beyond rand, it is not the big amount allocated to this department; however, the department has to make ends meet.

We do appreciate the fact that no funds have been shifted or there is no violation at all, because this deviation also brings about confusion on the use of funds. The department has successfully delivered on its target, that is 32 out of 35 targets have been achieved, which is good performance indeed.

There is R300 million that was reinvested for the building of sports facilities which ... [Time expired.]

Ms B N DLULANE: Chairperson, the ANC rises in support of the BRRR as informed by the ANC 2014 National Elections Manifesto,

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which reiterated the need for all sectors of society to work together to create conditions for the promotion of social cohesion and nation building that will contribute to a better life.

The sports and recreation remains an important foundation in advancing the social cohesion that the ANC advocates, which will amongst other things contribute to transformation, building a social cohesive, yet diverse society that has common identity.

This is the kind of society that the national development plan envisaged by 2030, therefore, sport and recreation must as per its mandate mobilise, drive and gravitate our society towards contributing to the society.

Since then, the department has received five consecutive clean audits from the Auditor-General. It continues to expand on its Budget year on year.

In the financial year 2017-18, the department spent 99,4 % of its Budget and achieved 91,4% of its performance targets. Its work is out there to see. More and more codes of sports have been revitalised and have now turned professional. New leagues

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are being introduced and the school support programme is being expanded on an annual basis.

The department is also providing support to its two public entities which are South Africa ... [Inaudible.] and Boxing South Africa, BSA. The ANC support this report.

Question put.

Report accordingly adopted (EFF dissenting).

**CONSIDERATION OF BUDGETARY REVIEW AND RECOMMENDATION REPORT OF
PORTFOLIO COMMITTEE ON SMALL BUSINESS DEVELOPMENT**

There was no debate.

The CHIEF WHIP OF THE MAJORITY PARTY: House Chair, we again move that this report be adopted as well.

Declarations of vote:

Mr R W T CHANCE: House Chairperson, this department has been a bitter disappointment from the moment it was launched four and a half years ago. It is disconnected from the realities of our economy and is irrelevant to the vast majority of businesses

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in South Africa. [Interjections.] Instead of championing deregulation, reducing the costs of doing business, reforming our labour laws and co-ordinating the small business ecosystem, it has persisted with inherited programmes of dubious value and promoted the ANC's vested interests.

Our committee - to its credit - has not pulled any punches in its criticism of the Minister and the department. It has called him out on the irregular expenditure on the National Gazelles programme ... [Interjections.] and their failure to implement the Co-operatives Amendment Act and their failure to table an amended National Small Business Act, among other things. Our oversight visits have exposed the incompetence and corruption endemic in the Co-operative Incentive Scheme, CIS, which instead of aiding cooperatives has left them with dashed hopes and destitute. We have exposed the reckless lending practices of Small Enterprise Finance Agency, Sefa, which lends millions of rand to businesses which would never had the borrowed the money and are unable to pay the loans. This leaves Sefa with 70% of its book impaired and small businesses drowning in debt. Though the DA supports this report, we denounce the committee's failure to take action when it had

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the chance. It declared both the DA's Private Members Bills tabled in the committee undesirable.

How can reducing red tape and levelling the playing field for small businesses and co-operatives be declared undesirable? In both cases the committee claimed that the department had matters in hand but now it is clear that is not the case. In the past two years the committee has receives countless delegations and requests to intervene in disputes with big business and government, many of them involving late or nonpayment of invoices due. So when the Fifth Parliament comes to an end, the committee must introspect and ask itself, did it really hold the executive to account and perform its duties in promoting the interests of small business and co-ops or not. Thank you. [Applause.]

Mr T RAWULA: House Chairperson, the fact that we have a Department of Small Business Development shows how little the ANC knows about basic economics regardless of the school of thought which they subscribe to. But we also know that this department was formed as an employment agency for loyal ANC cadres ... [Interjections.]

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IsiZulu:

ILUNGU ELIHLONIPHEKILE: Uyabheda manje! [Ubuwelewele.]

English:

Mr T RAWULA: ... who are useless and have no capacity at all. As to how this department has contributed to the development of small business, I do not think even the Minister can answer that. But even when the entities of the department like the Small Enterprise Finance Agency, Sefa, do support small businesses, these businesses are not supported on the basis of merit or even need but on the basis of how close the business owner is to a particular faction of the ANC. [Interjections.] every year we have had countless black people with brilliant business ideas coming to us complaining that they had applied to the Small Enterprise Finance Agency for assistance but they got rejected or did not hear again from the agency. We wrote questions and a letter and we never received any response. The reality is that, our Private Members Bill which is currently in motion here in Parliament will establish a state-owned bank which will do more for small business development particularly black- and women-owned businesses than this department has ever had.

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Well, unfortunately we have to reject this Budget Review and Recommendations Report, BRRR, and hope that this is the last time that we ever have to make a declaration about this department again and that this department is going to cease to exist if and when the President decides to reduce the Cabinet. I can tell you, it is going to be the first one to be chopped. [Interjections.] [Applause.]

IsiZulu:

USIHLALO WENDLU (Nk M G Boroto): Bab' uMncwabe, ngicela uhlale phansi kancane nginikeze umama uNkomo we-IFP ithuba.

English:

Ms S J NKOMO: Chairperson, although the department appears to be finally improving in terms of delivering on its mandate, why is it that the ease of conducting business in South Africa particularly for small business remains prohibitive and restrictive. What is being done to create a more enabling environment for small business.

In terms of the small business policy and legislation, there still appears to be no uniformity between cities and this is a major concern as our cities are the major economic drivers of

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business and economic growth. Ninety-five percent of foreign trade is conducted by sea but yet again we see no uniformity in our port charges. Why is it that the Durban port charges 800% more than what harbours charge let's say in areas like Cape Town? Minister, the creation of a greater enabling environment for small business and community-owned enterprises are a great necessity. What has happened actually to the plans in regard to the establishment of co-operative banks? This is something which the IFP has always pushed for right throughout the times. Similarly, and just as important, is the ease of access to finance and skills which is paramount if we are to transform the economy in South Africa. The IFP, however, supports this Budget Review and Recommendations Report, BRRR. Thank you.

IsiZulu:

Mnu S C MNCWABE: Sihlalo ...

English:

... hon members, the NFP supports the Budget Review and Recommendations Reports, BRRR, on small business development. As a party, we are encouraged to observe that a forensic investigation is underway within the department regarding the

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highest level of corruption the portfolio discovered during its oversight visit to the Mpumalanga province and we are happy that this issue is now being attended and those who would be found to be guilty will face the rule of law. But as active participants in the committee, we urge the department to take the recommendations of the portfolio committee into serious consideration in order to correct and improve what the portfolio committee has noted as wrongdoings but finally, Minister, I want to talk to the issue of the liquidation of the Venda Building Society, VBS, Mutual Bank. It is very sad that the court had to grant the liquidation of the bank because the application was unopposed. It is frustrating that, with this department, we then allowed such things to happen without even trying to join the application and try to oppose it. I am thinking about those small businesses and cooperatives of the Limpopo province ...

IsiZulu:

... abethole izinkonzo ezifanele nezinkokhelo zezinkonzo ezifanele kuleliya bhange. Uma singakuqapheli lokhu ukuthi abantu abakithi abazizamelayo abakwazi ukuba ngamakhasimende kula mabhange amakhulu anezinkokhelo zezinkonzo eziphezulu kakhulu. Kumele, Ngqongqoshe, kuzanywe ukuthi kubekhona elinye ibhange elizonikeza lezi zinkonzo ezifana ncamashi neze-VBS

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lisheshe lisungulwe, amabhange afana neThala asetshenziswe ukuze abantu bakithi abadlala izitokfela nabahlanganisa imali abayibekayo bakwazi ukusizakala. [Kwaphela isikhathi.] Kodwa-ke siyaweseke lo mbiko.

English:

Thank you.

Rev K R J MESHOE: House Chairperson, small business is a catalyst for economic growth and should play a far more significant role in job creation and poverty alleviation. The National Development Plan envisages that small business sector will create 90% of the expected 11 million jobs by 2030, however given the slow pace of growth and performance of this department, this noble target will remain illusive.

It is always disheartening to hear reports that 88% of co-operatives in South Africa are failing. The business sector complains that they devote far too much time and significant resources on cumbersome paperwork; such filling out forms, applying for permits and licences.

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This is particularly honourous for small enterprises and discourages people from starting up new businesses. Last year a member of this committee, Small Business Development Committee, hon Kruger, drafted a Private Members' Bill, the Red Tape Impact Assessment Bill. The Bills sought to create enabling environment that will stimulate the growth of small businesses and create jobs, as well as ensuring business friendly environment that was not bogged down with unnecessary bureaucracy and red tape. Unfortunately, the committee rejected the Bills and now the Department of Small Business Development will need to revisit this issue again.

For the current financial year of 2018-19, the department was budgeted R1,4 billion. We want to ask the question, how can this department be expected to create 90% of 11 million jobs by 2030 without better financial support and backing. The ACDP is of the opinion that the budget for the Department of Small Business Development has to be increased significantly. Thank you

Mr M G P LEKOTA: House Chairperson, at the time when our country disparately needs environment conducive for economic growth and business development, one is left wondering, what

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exactly the department has done to create enabling environment for the promotion and development of small business. The department doesn't have an approved organisational structure; it has no permanent director-general and other strategic posts remain vacant.

The status of this strategic plan is questionable; it has failed to complete a revision of the National Small Business Act, and has failed to complete long outstanding strategies and policies. In respect of government's attempts to develop state induced co-operatives, the majority appear to be stillborn. It seems to us that it's less about creating viable co-operatives entities and more about the department ticking boxes in its performance appraisal system.

We question whether the agency has the ability to assess enterprises worth funding in its own ongoing viability of the agency. It is incredulous that despite the law is insisting that all payments due to creditors by government must be settled within 30 days and despite repeated promises, government fail to do so, effectively killing many small emerging businesses and sabotaging economic transformation.

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We don't seem to be getting bang for our buck. One wonders whether more small business developments will be created by shutting the department down, taking a less interventionist approach, reducing government's footprint in the economy and avoiding market forces to do what does not exist ... [Time expired.]

Ms N R BHENGU: House Chairperson, hon members, the Department of Small Business Development was established after a thorough analysis done by the ANC, related to the implementation of the Morogoro Resolution in relation to the transformation of the economy into a mixed economy. The mandate of the department is to develop small businesses and co-operatives. That mandate still stands, anyone who is dreaming - daydreaming for that matter, which at a time where we are at our second phase of transition focusing in transformation of economy ...

[Interjections.]

Mr S P MHLONGO: On a point of order!

The HOUSE CHAIRPERSON (Ms M G BOROTO): Ms Bhengu, please take your seat.

IsiNdebele:

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USihlalo Wendlu (Kkz M G Boroto): Mma Bhengu, ngibawa uhlale phasi.

Mr S P MHLONGO: Iyabuya ... [Akuzwakali.]

The HOUSE CHAIRPERSON (Ms M G BOROTO): Hon Mhlongo, you wanted to ... Okay, Ms Bhengu, continue.

Ms N R BHENGU: Chairperson, this department is very relevant to the transformation of the economy; to facilitate the establishment of community-owned enterprises, and workers-owned enterprises, through the concept of co-operatives.

Anyone who thinks that, the establishment of a state-owned bank would develop small businesses and co-operatives must go and study political economy.

Social economy will be established through the establishment of the co-operative banks, not a state-owned bank. A state-owned bank is there to support state-owned companies. Where are we, we are at a time where the department is shifting from the programmes that were developed by the Department of Trade and Industry, DTI, to establish its own foundation and this department is going no where. Thank you.

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Motion agreed to (Economic Freedom Fighters dissenting).

Report accordingly adopted.

**CONSIDERATION OF BUDGETARY REVIEW AND RECOMMENDATIONS REPORT
OF PORTFOLIO COMMITTEE ON HUMAN SETTLEMENT**

There was no debate.

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

Declarations of vote

Mr M R BARA: Hon Chairperson, the increasing number of informal settlements is an indication that many poor South Africans are in desperate need for housing.

The formalization of informal settlements remains a pipe dream for many poor South Africans. The dream of hostel residents to lead a life of dignity with their families has faded away. Many South Africans are losing hope of ever acquiring title deeds as proof of ownership for their homes.

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Military veterans have been waiting in vain for their houses to be built whilst money is made available. This means that the budget is there but there is a lack of political will, which is what is guiding the ANC government. The Provincial Departments of Human Settlements and Municipalities are failing to spend the budget that is allocated to them to build these houses.

It is quite ironic that those areas that have high needs for housing like Gauteng, Limpopo and Free State are the most consistent in understanding their budgets. These provinces must learn a thing or two from the Western Cape Province which has continued to be an exceptional example through out the years.

Some entities that are under the Department of Human Settlement have been dragging the department down; case in point is the Community Schemes Ombud Service, CSOS. This entity invested R80 million with VBS Mutual Bank and the invested money now has to be written off. Whilst all this happens, the Minister has continued to be an absent landlord who is ineffective, invisible and inefficient; which means

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that when the President appoints the Ministers he must make sure that he appoints people who are committed to serve the people of South Africa. We however support the report.

Nk M S KHAWULA: Sihlalo weNdlu, thina njenge EFF asiwusekeli lo mbiko weBRRR. Abantu bakithi basezingeni ezinkulu ngodaba lwezindlu. Izindlu ezakhiwa nguHulumeni we-ANC zincane futhi aziphephile, kwenye indawo ufike uthole ukuthi kwazicabha nezondonga ziyawa. Okubuhlungu kakhulu uthola ukuthi abantu bakithi abahlaliswa koLindela noma emathinini esikhathini esiyiminyaka esukela kweyishumi nanhlanu.

Ngiyabonga Sihlalo, angibazi abantu abanjena. Ngithe ngivakashele kuwadi 75 eLamonti, ngathola kuthi kunabantu ababehlala koLindela iminyaka engamashumi nanhlanu kuleya ndawo Okwenzakalayo eLindela ukuthi abantu basuswa bayobekwa eWema ngenxa yokuthi kuthiwa kuzokwakhiwa, kepha ekugcine labantu bathathwa bayofakwa eWena lapho endlini okufanele ngabe kuhlala umuntu oyedwa, kepha kuhlaliswa imindeni yabantu abangamashumi amathathu.

Kuhlaliswa imindeni, abantwana, ogogo, bonke bahlaliswa endlini eyodwa, basebenzisa indlu yangasese eyodwa, bageza

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esgangani. eThekwini, endaweni ebizwa ngokuthi eMdansane, abantu bakhona izindlu abahlala kuzo akuzona ezabo, zakhiwa yilo Hulumeni we-ANC, wazakha azi kahle ukuthi zinabanikazi bazo, kepha wazofaka abantu okungebona. Bengithi bhasobhani ngoba ngo 2019, siyathatha.

Mr K P SITHOLE: Hon House Chairperson, I would like to focus the time that I have on the Budgetary Review and Recommendations Report, BRRR, to highlight the issues which I feel require most urgent redress in Gauteng.

Firstly, the fact that 133 000 houses that have not been registered in township due to lack of township legislation facilities is alarming to say the least. When will the Department have the capacity to attend to this as this problem is escalating daily?

Secondly, in respect of bulk infrastructure, there remains no proper planning in place despite this being a requirement in terms of the housing code ... [Interjection.]

IsiZulu:

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Nk M S KHAWULA: Sihlalo weNdlu, awungilalele nje kancane, bengifisa ukuthi uNgqongqoshe uCele engakayishiyi iNdlu, ngisho lokhu; le ndawo ebengikhuluma ngayo uyayazi yena, empeleni yingakubo, ngifisa ukuxolisa eNkosini uSithole ngokuyiphazamisa ... [Ubuwelewele.]

USIHLALO WENDLU (Nk M G BOROTO): Ngicela ubambe uNgqongqoshe ngesandla niyokhuluma naye ngaphandle. Ngiyabonga, qhubeka mhlonishwa uSithole.

English:

Mr K P SITHOLE: Hon House Chairperson, there also appears to be a continued lack of integrated planning and strategy coupled together with poor communication. This will not assist the department in fulfilling its mandate for the people of South Africa. I note with concern that under-spending on the Urban Settlements Development Grant, USDG, program and the fact that 159 townships remain unregistered.

There is also been a failure to deliver on Title Deeds as promised, yet there's no delivery in this regard. Low target have been set on delivery of meta and catalytic projects.

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Informal settlements are increasing as backyard dwellings are also increasing.

Finally, the continuation of projects previously blocked must be proceeded with subject to the above concerns. The IFP will support this BRRR.

Mr M G P LEKOTA: Hon House Chairperson, as the Constitutional Review Committee traversed across South Africa, we listened to the frustrations and aspirations and in many instances, the communities' clamour for land was less about land per se, in fact, it was less about land for farming, it was more about land for housing and accommodation. This is really the tragedy of it.

Access to housing as more and more South Africans leave our rural areas for cities in search of job opportunities, access to services and houses, so as to have a better life because the vast majority of our people remained in the countryside simply because apartheid legislation denied them the right to go to the cities where they have jobs, to own land there and to build homes there. This thing of people building shacks,

it's because they have build their proper houses in the countryside, far away from where they work.

The real question and challenge for the government is in implementing Section 26 of the Constitution, which says that everyone has a right to adequate housing, it's not about section 25, it's about section 26 that there we must expropriate land with compensation, zone it for housing and make it available to our people to have their houses there. That was the purposes for section 26, not section 25. Section 25 requires men and women who have training in farming but if you are going to do that, you have to implement Section 29 so that you can take them to colleges and universities to be trained. We have failed ourselves by not implementing Section 26.

The HOUSE CHAIRPERSON (Ms M G BOROTO): What's happening?

IsiZulu:

Mama uMajeke uhlezi kulesihlalo leso kusho ukuthi kufuneka uze lapha. Mama uMajeke sekuyithuba lakho.

English:

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Ms C N MAJEKE: Chairperson, the UDM supports the report. However, we feel that more needs to be done in the way of service delivery for social housing and mitigating corruption within the system.

Chairperson, it is reported that people have been waiting for social housing in excess of 20 years, with promises of housing being made to them yearly within a given timeframe. These timeframes are too easy to transgress and weak excuses are made in an attempt to silence the entire communities who do not have the resources to hold government accountable.

When government is being held to account, the blame is shifted to various departments and to other competencies of different levels of government.

Furthermore, we see in the report that recommendations have been made that highlight these issues in this regard such as the development of a strategy, to develop a fast-track programme and to upgrade informal settlements.

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It is on these spaces that we support the report, which recommends reduction of the huge gaps of service delivery with regard to social housing.

The UDM believes that people must be treated equitably and fairly on a first come first serve basis according to the waiting list. This issue is dealing with slow and lack of service delivery as well as corruption and the waiting list must be brought to an end.

South Africans must not suffer under a [Inaudible.] administration, they are not guests in the country but citizens and therefore services must be fully responsive, accountable, transparent and favourable for them. I thank you.

Mr A M SHAIK EMAM: Hon House Chair, the NFP welcomes the Budgetary Review and Recommendation, BRR, Report of the Portfolio Committee on Human Settlements tabled here today.

We welcome the upgrading of 67 548 households in the informal settlement. However, hon Chairperson, is informal settlements the way to go?

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Now, we talk about addressing the inequalities in the country and surely informal settlement is not the way to go if we want to improve the quality of life of our people. Billions of rands are spent on upgrading informal settlements. We have waiting lists in some of the cities, for example, eThekweni has over 500 000 people on the waiting list and the City of Cape Town has 500 000.

We have a mass exodus of foreigners into the country occupying all these premises. We have a population increase of about 700 000 a year. Surely, if we want to address the challenges of human settlement, then we must strategise and change the way we do our business. And one of the suggestions is - and we've made this before - why not provide service sites? Creating a fund whether it's through outside investment or through a state bank where people will pay and be able to build decent houses than these one room or these informal shacks that we are providing them. Because all this accumulates to social ills that seems to be accelerating day in and day out in all these areas.

We have spoken about this many times and nothing is happening and there's something for colleagues here; particularly the

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Ryterwacht, there are a lot of foreigners living there in rented housing and I would like you to address that, how is it that they are occupying rental houses of your [Inaudible.] housing? It's a matter that needs to be actually dealt with. But the NFP supports the report tabled here today.

Ms N N MAFU: House Chair, the portfolio committee discussed in detail the annual performance of the department and the entities. We are pleased to announce that the department has received an unqualified audit outcome for the 2017-18 financial year. We also have full confidence that issues that have been raised of concern by the Auditor-General, AG, will be addressed.

However, we are very concerned by the collapse of good governance and the relegation of fiduciary duties in two entities, namely, the Estate Agency Affairs Board, EAAB, & Community Schemes Ombud Services, CSOS; and our recommendations to the department, we hope they will be followed to the latter.

We must remember that 97% of the department's budget is transferred to provinces and to the metros; and therefore,

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whilst we are concerned by the performance of Gauteng, Limpopo and North West, we are however pleased with the improvement that Gauteng has done after the intervention of the department.

The bigger disappointment is the DA-led City of Cape Town; where they have continuously failed to spend the Urban Settlements Development Grant, USDG, for all the time that it has been given to them. But the bigger part is that they could not even give us a programme of how they are going to upgrade the informal settlements in Cape Town. We requested the City of Cape Town, when we met with them in March, to submit the list of informal settlements upgrade and the projects that they are undertaking to us. To date, we are still waiting. We also condemn the fact that the City of Cape Town is not dealing with the issue of houses [Time Expired.] Thank you.

[Applause.]

Question put.

Debate concluded.

The House adjourned at: 19:21.

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