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NATIONAL ASSEMBLY

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*PROCEEDINGS OF THE NATIONAL ASSEMBLY*

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The House met at 14:00.

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

**ESTABLISHMENT OF AD HOC COMMITTEE TO AMEND SECTION 25 OF  
CONSTITUTION**

(Draft Resolution)

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

That the House –

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(1) notes that the report of the Constitutional Review Committee on Review of section 25 of the Constitution, 1996 was adopted by the Assembly and the Council on 4 and 5 December 2018 respectively, recommending that Parliament—

(a) amends section 25 of the Constitution to make explicit that which is implicit in the Constitution, with regard to expropriation of land without compensation, as a legitimate option for land reform, so as to address the historic wrongs caused by the arbitrary dispossession of land, and in so doing ensure equitable access to land and further empower the majority of South Africans to be productive participants in ownership, food security and agricultural reform programmes;

(b) urgently establishes a mechanism to effect the necessary amendment to the relevant part of section 25 of the Constitution; and

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- (c) tables, processes and passes a Constitutional Amendment Bill before the end of the fifth democratic Parliament in order to allow for expropriation without compensation;
- (2) establishes an ad hoc committee in terms of Rule 253, the committee to –
- (a) initiate and introduce legislation amending section 25 of the Constitution;
- (b) have regard to the recommendations as contained in the Constitutional Review Committee report;
- (c) consist of 11 voting members of the Assembly, as follows: African National Congress 6, Democratic Alliance 2, Economic Freedom Fighters 1 and other parties 2;
- (d) consist of 14 nonvoting members of the Assembly, as follows: African National Congress 2, Democratic

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Alliance 1, Economic Freedom Fighters 1 and other parties 10;

(e) exercise those powers as set out in Rule 167 that may assist it in carrying out its task; and

(3) set the deadline by which the committee is to report to 31 March 2019.

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

*Declarations of vote:*

The CHIEF WHIP OF THE OPPOSITION: Deputy Speaker, section 74 of our Constitution sets out very clearly the process which should be followed to amend the Constitution of South Africa. It speaks very clearly about that process to be followed, particularly when the Bill of Rights is to be amended.

Section 74 rightly makes it mandatory for a significant and far more onerous degree of the public participation in the process

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than any other piece of legislation. That is because our Constitution recognises that the true owners of the Constitution are the people of the Republic of South Africa. Members of this House are merely its custodians. Section 74 clearly implies that the public participation process calls for public comments, for a full submission and examination of all public comments received, and that these public comments must be given full and proper consideration by this House before it reaches a decision.

Section 1(c) of this motion before us today seeks to bind this House to passing a Constitutional Amendment Bill to allow for expropriation without compensation. That is without having a single sight of this Bill, without engaging or examining at all the content of this Bill, and not understanding at all the impact of this Bill. What it also says very clearly to the people of South Africa, who the Constitution ensures that we consult when the section 74 process proceeds, is that regardless of the number of submissions, regardless of the merits of the submissions that ordinary South Africans may make, without even considering the merits of the application of these comments, this Bill is a *fait accompli*.

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This makes a complete and utter mockery of the public consultation process because what this motion seeks to do is bind us to passing it. We have no idea of the nature and number and volume and merits of the arguments that the people of South Africa will put before the section 74 process.

Dr M Q NDLOZI: Deputy Speaker, on a point order: I was wondering in relation to relevance ... there is no Bill here. You can't anticipate us. There is no Bill here. [Interjections.] You cannot say something has no merits before it is tabled. [Interjections.]

The DEPUTY SPEAKER: Alright! Alright!

Dr M Q NDLOZI: This guy is irrelevant!

The DEPUTY SPEAKER: No, take your seat! Continue, hon member.

The CHIEF WHIP OF THE OPPOSITION: And that is what a university degree buys you in South Africa. Clearly, the hon Ndlozi is not listening. It is precisely because there is no Bill before us

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that binding this House to passing the Bill allowing for it is an incorrect motion.

Ms E N NTLANGWINI: Deputy Speaker, on a point of order: If the hon Steenhuisen stops learning the Rules, he can start studying for his degree as well.

The DEPUTY SPEAKER: No, no! That is not a point of order!

Ms E N NTLANGWINI: This is a doctor – a full doctor.

The DEPUTY SPEAKER: That is not a point of order, hon member. Proceed, hon Steenhuisen.

The CHIEF WHIP OF THE OPPOSITION: Maybe if I also bunked Parliament for three years and used taxpayers' money to pay for my education instead of being here, on the job, doing the people's business, I would also be a doctor today! [Applause.]

That is precisely the problem with the motion. It is that the Bill is not before us. How do you agree to pass something that

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you've not even seen? This is madness. The message it sends to the people of the Republic of South Africa is that we don't care what you say. No matter the arguments that you make, no matter how many times you come to Parliament and put your views here, they are irrelevant. You don't matter because the politicians here value their opinions over the opinions of South Africa. That is not public participation. That is not a participatory parliamentary democracy. It is a farce! [Applause.]

[Interjections.]

Mr S P MHLONGO: Deputy Speaker, on a point of order: The hon member must never be allowed to discourage members of this House from developing or sharpening their skills which will help them execute the public mandate.

The DEPUTY SPEAKER: Hon member, that is not a point of order. Hon member, you are debating. [Interjections.] Take your seat, hon member. That is not a point of order.

Mr S P MHLONGO: It is completely out of order!

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The DEPUTY SPEAKER: You are completely out of order. Take your seat, please. Let's take this debate seriously.

Ms H O MKHALIPHI: Deputy Speaker, can I continue?

The DEPUTY SPEAKER: Yes, I assume your membership allows you to speak.

Ms H O MKHALIPHI: Deputy Speaker, we must not appear confused here. We are not debating a Bill. We are debating a draft resolution by the Chief Whip of the Majority Party. On that point, we must be clear here. [Interjections.] Nevertheless, let us continue with the relevant debate because we are very relevant all the time. [Interjections.]

When we tabled this motion for the review of section 25 of the Constitution in February this year, we were under no illusion that this was going to be an easy exercise. [Interjections.] Can you just please shut your mouth? [Interjections.]

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We knew there would a massive fight-back campaign by the beneficiaries of racism.

The CHIEF WHIP OF THE OPPOSITION: Deputy Speaker, in terms of Rule 84, is it parliamentary to tell another Member of Parliament to shut their mouth? [Interjections.]

Dr M Q NDLOZI: Who did she tell? Which Member of Parliament, and what is your name? What is your name?

The DEPUTY SPEAKER: Hon Ndlozi, who gave you permission to speak? No, no, take your seat, please. Take your seat, please. [Interjections.] Before the member finishes, we will respond to your point of order.

Ms H O MKHALIPHI: We knew then there would be a massive fight-back campaign by the beneficiaries of racism and land dispossession and that they would seek to demonise this process to undermine it and raise various scare calls to discourage us from amending the Constitution to take back our land from the land thieves. [Interjections.]

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Over the past 24 years, the country has struggled to deal decisively with the history of unequal land distribution because of the land thieves who came to South Africa and stole our land! [Interjections.] This is illustrated by the slow pace of land redistribution because of the so-called failure to stop the complete negation of the rights of farm workers and farm dwellers, leading to their continued evictions in large numbers, from farms. We know who continues to evict our people from farms. It is you! [Interjections.]

Over and above matters of the institutional makeup and general failure of the ANC-led government, we argue that at the root of the problem is the constitutional framework itself. We have come this far now, and there must be no turning back. There will be no turning back, let me assure you.

As the report of the Constitutional Review Committee clearly recommended, the Constitutional Amendment Bill must be finalised before the end of this term in Parliament. Don't faint! When we fast-track this process to have said amendments completed and ready by the end of March, if we are serious about this very

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important task, the ad hoc committee that is proposed by the draft resolution must be established, and timelines must be set and agreed upon before the end of the year. Members of this committee must come back to start their work by the second week of January 2019 because we want our land back, and we are not scared of it. [Interjections.]

The EFF has the proposal for the constitutional amendment ready to help ease the work of this committee. We are going to teach you how to move forward if you want to be a part of South Africa. Otherwise, if you want to go to Canada, you must just pack your bag and go. We don't care! [Applause.]

[Interjections.]

Firstly, all land in private hands must henceforth be expropriated without compensation and placed in the hands of the people as a collective, not the small white minority - in the hands of the people of South Africa! Your time is up, white people. The democratic state is the custodian of all land held on behalf of the people. An independent state agency ...

[Interjections.] Just listen because I am teaching you as well!

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[Interjections.] Some of you don't have degrees, so you must learn because we want to take you along. [Interjections.]

[Applause.]

An independent state agency shall develop policies, rules, and regulations for the purposes set out in this section, subject to a law of general application. An independent land ombudsman shall be established through an Act of Parliament to oversee and protect citizens' land rights to ensure equitable distribution of land. We are still also ... [Interjections.]

The DEPUTY SPEAKER: Hon MkhaliPhi, please, I want you to finish what I am going to ask you to finish, not your speech anymore. You said earlier on that an hon member must shut her mouth.

Ms H O MKHALIPHI: Which member, Deputy Speaker?

The DEPUTY SPEAKER: No, no, wait. Listen to me. Don't throw questions into my mouth as I speak. [Interjections.] When you say that, it is unparliamentary. It is improper to do that.

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Ms H O MKHALIPHI: Alright. It is fine, Deputy Speaker. I withdraw.

The DEPUTY SPEAKER: Thank you very much. Your time has expired.

Ms H O MKHALIPHI: Is it?

The DEPUTY SPEAKER: Yes. Look at the clock.

Ms H O MKHALIPHI: We support this draft resolution.

*Afrikaans:*

Dr M Q NDLOZI: Maar jy's nou verspot, man! [Now you are being ridiculous!]

*English:*

The DEPUTY SPEAKER: No, no! There are 28 seconds she has taken that she doesn't need any more. I gave her this period to make a ruling so that she can withdraw. That is what it is.

Dr M Q NDLOZI: Did she finish her 28 seconds, Deputy Speaker?

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The DEPUTY SPEAKER: She finished it. It is there - 28 seconds.

Ms H O MKHALIPHI: It is fine, Deputy Speaker. We support this draft resolution, and white supremacy will fall.

[Interjections.] [Applause.]

*Declaration of votes contd:*

*IsiZulu:*

Mnu M HLENGWA: Akekho owayeyazi ukuthi i-ANC iyogijinyizwa izingane zithi ...

*English:*

... jump and you say how high. [Interjections.] Hon Deputy Speaker, at the outset and ... [Interjections.] ... the IFP wishes to place on record this objection to the haste in which this motion has been tabled by the ruling party.

*IsiZulu:*

Mnu H P CHAUKE: Bengithi nje umuntu wethu omdala omi laphaya uthi kunezingane lapha eNdlini. Akunazingane lapha eNdlini. Ngicela ukuthi ahoxhise akunazingane eNdlini. Uma ekhuluma nge-

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EFF akasho kahle nje ukuthi i-EFF, angathi izingane. I-EFF isempini manje nalaba okumele yehlukane nabo kuphele umbimbe abanalo, iqede. Ngakho ke akuzona izingane abantu abadala labaya.

USEKELA SOMLOMO: Uzishilo lezinto lungu elihloniphekile.

Mr M HLENGWA: No, Deputy Speaker, I had made no mention of any person or any party, but if the shoe fits it's not Hlengwa's problem. It's Chauke who is saying is the EFF not me.

[Applause.]

The DEPUTY SPEAKER: No, no, hon member.

Mr M HLENGWA: Hon Chauke is out of order.

*IsiZulu:*

USEKELA SOMLOMO: Ungambizi ngegama.

Mnu M HLENGWA: Ngicela ahoxhise, Sihlalo ngoba uthi i-EFF izingane.

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USEKELA SOMLOMO: Akuhoxhise wena ukumbiza ngegama kuqala.  
Sikwazi ukuyiqeda le ndaba.

Mnu M HLENGWA: Lungu elihloniphekile Chauke, kodwa angikushongo ukuthi kukhona izingane lapha eNdlini.

USEKELA SOMLOMO: Uyakuhoxhisa yini lokhu engikushoyo, umbize ngegama.

Mnu M HLENGWA: Yebo, lokho ngiyakuhoxhisa kodwa angikushongo ukuthi kunezingane.

USEKELA SOMLOMO: Lalela ke baba uma uthi wena awuyishongo lento ayishilo, kulungile qhubeka. Ngicela siqhubekeni. Ngicela ...

Mnu M HLENGWA: Impela angazi ukuthi ushiswa yini.

*English:*

The DEPUTY SPEAKER: Hon members, can you have order. Let's allow members to make their opinion and you members who come to the podium don't abuse the podium to throw insults and want to plead

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innocence, please. It is not a very clever idea. Go ahead, hon member.

Mr M HLENGWA: Chair, on the point of order, if that comment is directed to me, on the podium, I would request you to look at the Hansard, and then request you to actually withdraw. You can't cast aspersion. In the absence of a ruling, you can't make that aspersion.

The DEPUTY SPEAKER: Hon member, I have made a ruling on this matter. Proceed, please. [Interjections.]

Mr M HLENGWA: Well, in any case, if the shoe fits, at the outset and in the limit, the IFP wishes to place on record its objection to this haste in which this motion has been tabled by the ruling party. The motion itself is flawed with procedural irregularity. It is ill founded and should not be before this House today. [Interjections.] The severity of the subject matter under discussion and the consequences for nation-building in this country upon the decision taken is vague cannot be understated, as this matter will quintessentially define South

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Africa. [Interjections.] The success and failure of a democratic state for all South Africans now and in the future is at stake.

The IFP once completely agrees with the urgent need for land reform and redistribution views, expropriation with zero compensation as a very last option within a bucket of available options to address land reform in this country. We cannot allow for the abuse of parliamentary process. Such extreme circumstance should only be contemplated once all other options have been exhausted and should be determined in a *sui generis* basis by our courts having thoroughly considered what is just and equitable in each particular case.

The IFP remains of the considered and right opinion that section 25 as it is currently framed, is probably broad enough to allow expropriation with no compensation in appropriate circumstances. It is certainly broad enough to allow for expropriation for nominal compensation in appropriate circumstances.

*IsiZulu:*

Kodwa izingane zithi gxuma, nithi kangakanani. [Ubuwelewele.]

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*English:*

Therefore allow me ...

*IsiZulu:*

...ukuthi ngicace njengomuva webhokhwe. [Uhleko.]

*English:*

Allow me to be explicit, then. [Interjections.] That it is the IFP's view that the Constitution as it is currently framed, is sufficiently powerful to allow for meaningful land reform in South Africa without the need for an amendment. [Applause.] The question of zero compensation can be paid, which is arguable, but not finally defined is a red herring. Given that it is clear that nominal compensation can be paid in appropriate circumstances. The question which should be asked is: How to achieve real and effective land reform under the existing constitutional scheme? Not these rules which you are ramming down our throats and this populist agenda to actually capture the South African people. You should be ashamed of yourself as a liberation movement.

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*IsiZulu:*

Nidlala ngemizwa yabantu.

*English:*

Therefore the IFP does not support report, nor do we support the need for this committee and let us allow section 25 as it is currently ... [Time expired.]

Mr S C MNNCWABE: Hon Deputy Speaker, hon members, I thought of writing something down for this declaration, but I asked myself why? Since the afternoon and evening, one has been receiving messages, calls, and social network messages from different people in different provinces saying one thing: What an early Christmas gift from Parliament to us! [Applause.] Therefore, the NFP says, let us continue giving out these Christmas gifts to our people in the form of land. [Applause.] I even received a message from my own mother who said:

*IsiZulu:*

Mnu S C MNNCWABE: Mtanami kwavele kwaba sengathi nikhuphule impesheni.

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*English:*

As the NFP, we are briefly saying, let us not go back.

*IsiZulu:*

Mnu S C MNNCWABE: Ayihlome ihlasele. Amagwala mawabuye konina. Mawubuye, mabawuyeke umhlaba wethu.

*English:*

The NFP supports the draft resolution. [Applause.]

Mr M L W FILTANE: The UDM supports the motion but further suggests that all parties represented in Parliament must have both memberships in the committee as well as full voting rights weighed on average. Skewed land ownership patterns since 1652 have to be corrected now.

This is a conversation about South Africa; it is not about the markets. Yes, it matters what the markets think, but achieving sustainable national unity and stability is more important than banking on short-term market reactions.

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The first defect of section 25 of the Constitution is that subsection 7 misses the nature, spirit and reality of land dispossession. The Bill must address the land dispossession pre-1913. The second defect of section 25 is that it was allowed to take place immediately after the promulgation of the Constitution. This did not give a good background to the setting of the Constitution.

There is a need for a property expropriation Bill, not simply land expropriation, but properties as well. People who were victims of forced removals lost much more than just land. Some had homes taken away or demolished. The Bill must also seek to address the absence of a comprehensive land management policy.

South Africans are well accustomed to the notion and practice of private ownership of land. What need to be addressed by the Constitution are the skewed ownership patterns, so as to make it practically possible for the dispossessed and those who cannot afford to buy, to have access to land.

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The original sin was dispossession. Also, large parts of our country are under custodianship of traditional leaders and there should be no intention to disturb that situation. Ownership rights of rural communities have been recognised and entrenched by the two latest judgments of our high courts. I will mention briefly Judge ... [Inaudible.] ... judgment, Justice Basson as well as Justice [Inaudible.].

Our state already owns a good amount of land and other properties. If the state were to quickly dish out all land at its disposal, it might find itself having to acquire, even through purchasing, when future needs arise.

Private ownership gives people a sense of owning their country, a sense of belonging to their country and freedom to develop properties thereon, a sense of stability, and a basic foundation for economic development.

Banks should be prohibited to take land as collateral. This will remove the threat of losing land to directors of the bank who are just a few people. [Applause.] It is a very big risk. It has

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to stop. Otherwise, ... Think about the Free State farmer, who was facing a bill of over R140 million. How did that come about? One man. And when he could not handle it, he had to shoot himself and he died. Banks should not do it again. You are trading recklessly. Thank you.

Mr S N SWART: Deputy Speaker, the ACDP understands the need for justice and restitution, but we also believe very strongly in reconciliation and nation-building. We support the concept of restitution with compensation.

I remind the House what I have said previously that we have a ministry of reconciliation, as believers in this nation. We are commanded to love one another and to be peacemakers, but we cannot, in good conscience, support a motion that is ill-conceived and is equally, fatally flawed, pre-empting an outcome. So the ACDP will not support this motion today.

Let us just be mindful of what the Motlanthe High-Level Panel that conducted public hearings for two years throughout the nation found. People that appeared before them spoke scathingly

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about the role of state officials and politicians in the land reform process, describing them as vultures who steal the little that people have left after decades of oppression and forced removals. They name people on camera and gave detailed descriptions of the problems they face with this very department and government, including violent attacks suffered by land activists in mineral-rich areas.

We heard similar evidence during our public hearings, yet this is totally disregarded. In fact, what is proposed today with this motion is that more power is sought to be given to the same state officials and the same corrupt officials. How can anyone with good conscience support that?

This very Parliament was found by the Constitution Court, to have breached our constitutional duties for not exercising good oversight. Here we intend doing it again. How can we amend the Bill of Rights, which is the cornerstone of our Constitution, without a due and proper process, and when the Human Rights Commission, which is the guardian of our Constitution, says that it does not support such a constitutional amendment?

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The ANC and the EFF have repeatedly claimed that expropriation without compensation will return the land to the people.

However, this is fundamentally misleading. Land expropriated with compensation will be owned by the state. That is what the EFF advocates. They advocate taking church land as well, not by individual South Africans, not by individual black South Africans, nor will it be transferred to them thereafter.

The ANC's policy is to keep land in state ownership. Land acquired via this process will be held in the state as a patronage tool and used to deepen dependency on the ruling party. This is the fraud at the heart of expropriation without compensation. We will not support this. I thank you. [Applause.]

Adv A D ALBERTS: Deputy Speaker, I see dark clouds gathering and I see, in future, social cohesion unraveling. It is clear that the spokespersons of the ANC, the EFF, have given us the indication that this is directed against the white people only.

Let me warn you that racism is an international crime.

[Interjections.] What you are doing is nothing but a form of

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racism. You will pay the price for that in many, many different ways, expected and unexpected. [Interjections.]

This process is a flawed process and it is built on another flawed process. You will also find out about that in future. This process ...

Mr H P CHAUKE: Chairperson, on a point of order: Is that ... He must sit down. Sit down! [Interjections.]

The DEPUTY SPEAKER: No, no, no. Hon member, you must speak to me.

Adv A D ALBERTS: Don't you tell me what ... [Interjections.]

The DEPUTY SPEAKER: Hon members! Hon Alberts, take your seat. Hon Chauke, don't do that again. You must address the Chair. [Interjections.]

Mr H P CHAUKE: Is it parliamentary for a member to point to democracy and call them racist? Is it parliamentary?

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The DEPUTY SPEAKER: No, hon member. Please, take your seat. It is not a point of order. Hon member, take your seat.

Mr H P CHAUKE: He must withdraw.

Adv A D ALBERTS: Regarding the time, I think the ANC is misleading its own people when it says that it will finish this Bill before the elections. The only way you can do that is when you cheat the process and we will be watching you.

A very important thing is that the investors are watching what you are doing. We have seen yesterday, with the Copyright Bill and the Performers' Protection Bill that there are already people ready to withdraw their investments from South Africa and they will start doing it as of today because of this motion.

Trump will be watching you and let me tell you this, he will kick us out of African Growth and Opportunity Act, AGOA, like nothing. It is time that he maybe tweets to you again because you listen to him more than you do to the EFF. You know what is going to happen if he acts against you. [Interjections.]

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The whole developed world is against you and stands behind us because we have the only economic policies that work for everyone and it will uplift everyone. [Interjections.] So, if the ANC pushes this through, it will not win at the end. You think you will win but you will lose and you will not get the votes that you think you will get.

Lastly, when the EFF says, white people, your time is up, you need to clarify with them what they mean. Are they going to come kill us and take our land off us? Because if the blood flows. It will be on your hands and you will have to pay for it.

[Interjections.]

So, you better wake up in terms of what you are doing and you must ensure that there is stability in this country because next year, you will lose this election and the opposition will take over. [Interjections.] It is time for you to act responsibly.

The MINISTER OF SCIENCE AND TECHNOLOGY: Deputy Speaker, on a point of order: We know that the debate is quite hot, but the hon member on the podium must restrain himself and not make

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threats to the nation. You cannot instigate violence on a podium like that. It is wrong.

The DEPUTY SPEAKER: Go ahead, hon member. [Interjections.]

Adv A D ALBERTS: I am not making threats. We want peace. We want everybody to live together happily, but you are allowing a situation that will get out of control and then you will have blood on your hands. I thank you. [Interjections.]

Dr M Q NDLOZI: Deputy Speaker, on a point of order: I was saying that his time was up. [Laughter.]

The DEPUTY SPEAKER: No, that is not your job. This is not a do-it-yourself task that gets assigned to you, Hon Ndlozi.

Mr M WATERS: Deputy Speaker, just before hon Carter begins, is it parliamentary for members to boo another member on the podium?

The DEPUTY SPEAKER: No, it is not.

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Mr M WATERS: Should you not be protecting the member?

The DEPUTY SPEAKER: It is not. I have been saying that ... Hon members, do you think that I am not protecting members?

Mr M WATERS: That is exactly what you are not doing. You are not protecting the member.

The DEPUTY SPEAKER: I am. I am.

Mr M WATERS: Then should you not have brought those members to order like a normal presiding officer that is impartial would do? They were booing then.

The DEPUTY SPEAKER: Hon member. [Interjections.]

Mr M WATERS: So, why did you not stop them from booing? You just sat there and listened to them

The DEPUTY SPEAKER: I suggest that hon Carter goes ahead.

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*Declarations of vote:*

Ms D CARTER: Thank you, Deputy Speaker. Deputy Speaker, Cope ...

[Interjections.]

The DEPUTY SPEAKER: Hon members, allow a member on the podium to speak.

Ms D CARTER: Deputy Speaker, Cope rejects the motion with the content that it deserves. The process followed by the committee to get us to this point was fatally flawed. The recommendations made are irrational, damaging to our developmental prospects and not in the best interests of the country and the people.

We believe that the injustices of the past must be corrected, but with compensation. We believe that the Constitution in its current form revises all the powers required to ensure before the realisation of just an equitable land reform. The idea that the Constitution is restricted and that it hinders land reform is simply wrong, and; it is dangerous to the prospect's future of our country.

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Now, I said this on Tuesday that our current Expropriation Act dates back to 1975 when Verwoerd's successor B J Vorster was the Prime Minister. You have failed the ANC! This was your responsibility ANC. Now you want to come and blame it on the rest of us. Then, Deputy Speaker, the real problem lies with the ANC, the problem doesn't lie with the white South Africans.

[Interjections.]

Mr H P CHAUKE: Chairperson, Chairperson?

The DEPUTY SPEAKER: Yes, hon Carter, hon Carter, hon Carter take your seat. Yes, hon Chauke.

Mr H P CHAUKE: Chairperson is it in order to begin to evoke Verwoerd in this democratic government by this member ...

[Interjections.] ... out of order!

The DEPUTY SPEAKER: No, that's a political statement hon Chauke. Really, that's a political statement?

Mr H P CHAUKE: You can't bring Verwoerd here.

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The DEPUTY SPEAKER: No, no take your seat hon member. Go ahead hon member.

Mr M HLENGWA: Deputy Speaker, on a point of order.

Ms D CARTER: Chairperson, I would like to answer that.

The DEPUTY SPEAKER: Hon members, can you please give a member a chance.

Mr M HLENGWA: On a point of order Deputy Speaker.

The DEPUTY SPEAKER: What is your point of order hon member?

Mr M HLENGWA: I rise in terms of Rule 92(2), and I request you, hon Deputy Speaker, to actually exercise your powers and restrain the hon Chauke. [Applause.] He is nothing but a distraction, rising on a frivolous point of orders, wanting airtime and limelight at the expense of the issue. He rises on no rule and he just wants to speak. So please restrain him. He goes with a thing which is free for all ...

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*IsiXhosa:*

... nje, umdlalo wezinganekwane ...

*English:*

Restrain that member. He is disrupting every member on that podium. Restrain him, or the very least ask him what rule he is rising on, but this "umdlalo" of his is out of order.

The DEPUTY SPEAKER: Hon member, I allowed you to speak, I didn't ask you what rule you were standing on. You mentioned the principle. Hon members, hon members, please, you claimed it yourself that this is an emotive theme. You are behaving exactly as you predicted, but now it will disrupt the proceedings. Let's allow hon Carter to proceed with the debate. Okay. Thank you.

Ms D CARTER: Deputy Speaker, I would like to reiterate and say this again. Our current Expropriation Act dates back to 1975 when Verwoerd's successor B J Vorster was the Prime Minister; and that legislation the ANC never changed. So don't say we can't talk about it you were supposed to change the legislation.

[Applause.]

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So Deputy Speaker, what is really disturbing is that the EFF stands here and make racial utterances, and you Deputy Speaker say nothing. Deputy Speaker, did you take an oath of office. Deputy Speaker, did members in this Parliament take the oath of office? How is it that you can allow racial utterances and threats against people because of the colour of their skin? How is it that you can allow that Deputy Speaker?

I want to take you to the Constitution, and I'm going to read you the preamble of the Constitution because I don't think any of you know what the Constitution says.

We, the people of South Africa, recognise the injustices of our past; honour those who suffered for justice and freedom in our land; respect those who have worked to build and develop our country; and believe that South Africa belongs to all who live in it, united in our diversity.

I want to say, you are hell bent to move us forward, but I'm going to say to South Africans, you can stop this. They don't want to follow the processes. You can register to vote. Stop the

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ANC! Stop the EFF! That's the only way you can do it.

[Applause.]

The DEPUTY SPEAKER: Hon Mhlongo! Hon members, when I speak to you when other members, calls for a point of order, no matter how you feel do respond, otherwise, you are creating ungovernability in the House. So let's do that. Let's respond to each other.

The problem is that I'm not stopping you, throwing verbal missiles in here as you please when you please, okay. I have appealed to you before, you are not responding to it. So you might as well leave by your own swords, you know, "Ja." You don't like it when it comes from others when they exercise their freedom of speech. You don't. Take it easy and cool your heels.

Mr L M NTSHEYISA: Thank you very much, Deputy Speaker.

*IsiXhosa:*

... kukho indoda ethile phaya eBhayibhileni uYesu awayenza yabona. Ithi xa ixinwa ngemibuzo isuke iziphendulele ngelithi

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yona yazi into enye yokuba umntu ogama linguYesu undenze ndabona.

*English:*

Hon Deputy Speaker, as the AIC we support this motion that section 25 of the Constitution should be amended by this Parliament. [Applause.] At least we can see that there is a light at the end of the tunnel.

We believe also that the dignity of the people whose land was taken by force will be restored. We also believe that there will be food, security and everyone given land will be at work with the assistance of the government. We also believe, as the AIC, that the challenges of unemployment, poverty and inequality will be addressed successfully.

Skills development will be a key factor on the part of those who will be working the land and should be equipped with all the necessary tools and be made ready as we believe that they will be equal to the task.

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The attitude of our banks should now change. The smallholder farmers are struggling a lot to get financial assistance from these banks otherwise now they will also be expropriated without compensation.

The land reform has got the potential to make the lives of the people better and better productivity of the land; every land, whether arable, urban, rural or mining must be expropriated. There is no force to use, but a law to expropriate land. Land that would have been acquired through this process should not be sold to the foreigners by the government. Land expropriation without compensation is for the good of all black and white.

*IsiXhosa:*

Phezu'komkhono! Embovaneni vilandini.

*English:*

We support the motion. [Applause.]

Mr N T GODI: Thank you, Deputy Speaker. Comrades and hon members, the House early this year established a Constitutional

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Review Committee and this week the House adopted the report of that committee. The logical next step, therefore, is to set up the mechanism to effect the adopted recommendations from that Constitutional Review Committee.

So the principle to establish that mechanism to effect the adopted report of the Constitutional Review committee, cannot be in dispute or cannot be the point of dispute. So as the APC we support the motion as it stands. [Applause.]

I just want to say that those of us who are Africanness were taught by our late leaders Zephania Lekoame Mothopeng, never to take the road of least resistance. The resolution of the land question cannot be deferred. It is a reality that must happen. It is the perspective of the Africanness that land is a national heritage of the people. It is not a commodity.

Therefore, we believe that land must be nationalized and socialized for the benefit of the people, especially, the working class and women. [Applause.] Those who oppose the resolution of the land question are at peace with the poverty

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and the suffering of Africans. They want reconciliation to mean the perpetuation of the injustices of white minority rule.

We fought for freedom not to remain slaves, but to become masters of our own destiny. [Applause.] Therefore, we must move forward. We must never relent. We must not retreat. We must not surrender. We must not equivocate. I thank you. [Applause.]

The CHIEF WHIP OF THE MAJORITY PARTY: Thank you, Deputy Speaker. We are in full agreement with colleagues that have come and said - by the way this House already - has decided to agree with the Joint Constitutional Review Committee that reviewed this matter.

In fact, even those who wanted to stall this process were disappointed by the courts. The only intention of this draft resolution is the initiation of a mechanism to take forward a decision of this House, nothing else; unless colleagues have forgotten what they have decided a few days ago by adopting the recommendations of the Joint Constitutional Review Committee.

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Now we are saying here is a mechanism and that mechanism is an adhoc committee established in terms of the rules of this House, nothing else.

However, we also say that the adhoc committee will initiate and introduce - now somebody says - what are we agreeing to. We are agreeing to establish an adhoc committee that will initiate and introduce a legislation amending section 25 of the Constitution. That's it. [Applause.] That's all that we are saying.

Hon Steenhuisen, by the way, this draft resolution also says, this adhoc committee will also be dictated to by section 167 of these rules. Now, if you are not familiar with section 167, it says amongst others: Conduct public hearings. It says so.

We would like to thank all colleagues who agree with this establishment of the adhoc committee because it is the right thing to do. Thank you very much. [Applause.]

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

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Division demanded.

House divided.

[TAKEN FROM MINUTES.]

Question agreed to.

Motion accordingly agreed to.

**SALARIES, ALLOWANCES OR BENEFITS PAYABLE TO CONSTITUTIONAL  
JUDGES OR JUDGES ANNUALLY**

(Draft Resolution)

The CHIEF WHIP OF THE MAJORITY PARTY: Thank you, Deputy Speaker.

We move that this House approves the draft notice and schedule received from the President dated 5 December 2018, determining the rate at which salaries and allowances or benefits are payable to Constitutional Court judges or judges annually with

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effect from 1 April 2018 in terms of section 2(a) of the Judges' Remuneration and Conditions of Employment Act.

Question put.

Dr M Q NDLOZI: Deputy Speaker, we request a declaration. We want to make a declaration on remuneration.

The DEPUTY SPEAKER: Hon members, the third item on the Order Paper is a motion in the name of the Chief Whip. The third motion.

Dr M Q NDLOZI: Deputy Speaker?

The DEPUTY SPEAKER: Yes?

Dr M Q NDLOZI: We want to make a declaration on the remuneration resolution that has just been passed. Can you give us an opportunity? Can I be guided by this, Deputy Speaker?

[Interjections.] Ginger!

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The DEPUTY SPEAKER: Hon members, let's take all the motions first and then afterwards we will consider declarations.

[Interjections.] Hon Chief Whip, deal with the third motion.

The CHIEF WHIP OF THE OPPOSITION: Deputy Speaker, on a point of order: What you've just alluded to is most unprocedural. When you put a motion, the yeas or nays have to be put to it.

Thereafter, members are entitled to make declarations. You can't ... You are dealing with two separate motions here. You are not dealing with one motion with two parts. The hon Ndlozi is entitled to make a declaration. [Interjections.]

The DEPUTY SPEAKER: Can I point out that this has been done already. We have already accepted the first motion. What I'm saying is that we are moving to the third one and on that one we will do that. There was no ... So let's move to the next one.

The CHIEF WHIP OF THE OPPOSITION: With respect, Deputy Speaker, you never put the motion. [Interjections.] You are supposed to say those in favour say aye; those against say noe. Thereafter, parties are entitled to ask for a declaration. [Interjections.]

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The DEPUTY SPEAKER: You didn't ask for it. You normally do.

[Interjections.]

Dr M Q NDLOZI: Speaker, I stood. I asked for a declaration.

[Interjections.] Ask ... [Inaudible.] ... the staff table.

The DEPUTY SPEAKER: No, no, it was already agreed to.

[Interjections.]

Dr M Q NDLOZI: Yes, that's what happens after your nays and yeas we ... That's what we just did on the resolution here.

The DEPUTY SPEAKER: Hon ... Hon ... Hon ... just hold on ...

Just hold on. No, no, no ... [Inaudible.] ... says let's retrace our steps. We will take you back to where we started and then

come back to the third one. [Interjections.] I wish to push the

... No, no, no, no, don't take chances please. It's too early on Thursday. Hang on. Just hold on. Don't take chances.

*Afrikaans:*

Julle vat nou te veel kanse. [Gelag.]

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*English:*

Hon members, let's follow the following procedure please. We will go back to the second item on the Order Paper which is the motion in the name of the Chief Whip. Now, what I want to ask you is that the second motion be agreed to. So, what you have said is that you want to declare. Declare.

Dr M Q NDLOZI: ... [Inaudible.] ... Deputy Speaker?

The DEPUTY SPEAKER: It's the second motion.

Dr M Q NDLOZI: I really want to understand what is happening because you keep saying we are joining the second and the third motions. We are not joining.

The DEPUTY SPEAKER: No, no, no, we are not ... [Inaudible.] ... sir. We are dealing with the second motion. We are having declarations. You wait until you get your opportunity to do what you want to do.

Dr M Q NDLOZI: Okay, yes.

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The DEPUTY SPEAKER: The EFF is speaking. [Interjections.] You are disrupting the EFF's speaking time.

*Declaration of vote:*

Adv T E MULAUDZI: Deputy Speaker, one of the most important provisions of our Constitution is that our judges must be subject only to the Constitution. To do this, both their structural and factual independence must be safeguarded at all times. Central to this safeguarding is the guarantee that judges' salaries must be on par with their responsibility as guardians of the Constitution and that these salaries must never be reduced.

The EFF is in support of the President's determination on salaries payable to the Constitutional Court judges and all judges in general. We support this because we want our judiciary to remain independent, particularly during this trying time when those in positions of authority think they can capture key decision makers to drive their evil agendas all in the name of cleaning up Zuma's corruption.

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We do not want Zuma's corruption to be replaced by Pravin's corruption. In this, judges will be wise to listen to the counsel of the Chief Justice that judges' only responsibility is to ...

Mr P J MNGUNI: Hon Deputy Speaker, point of order: In terms of Rule 82 the hon speaker at the podium must refer to the Minister as Minister Gordhan, mr Gordhan or hon Gordhan, and not call him as he does. Also, in as far as the aspect that he's talking about – the so-called Pravin's corruption – he ought to do that via a substantive motion. Then we can discuss and engage on that. Thank you, Deputy Speaker. So, he must withdraw.

The DEPUTY SPEAKER: Hon Mulaudzi, that order is sustained.

Adv T E MULAUDZI: I withdraw. Mr Pravin. In this ...

Mr M WATERS: Deputy Speaker, on a point of order: There was a ruling yesterday by hon Boroto which said that if you refer to an individual by a surname it doesn't mean it's an individual in this Chamber. [Interjections.] No, do you remember when they

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referred to hon Steenhuisen? So, by calling someone Pravin's corruption, or anyone else for that matter, doesn't mean we are talking about an individual in this Chamber. [Interjections.] Now, that's hon Boroto's ruling, and maybe you should go and have a look at it yourselves.

The DEPUTY SPEAKER: Hon member, so are you suggesting I shouldn't rule the way I've ruled on the basis of that decision yesterday? [Interjections.]

Mr M WATERS: Well, with all due respect Deputy Speaker, you and hon Boroto are contradicting yourselves. [Interjections.] So, maybe the presiding officers need to find each other and determine what actually is or isn't unparliamentary and what is casting aspersions on an individual and what isn't, because we need clarity from presiding officers. Thank you.

The DEPUTY SPEAKER: Contradictions ... Okay, you ... Contradictions are a useful source towards progress. Without them we can't make adequate progress. [Interjections.] And confusion is a useful path towards clarity. So, hon Mulaudzi,

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you did well, sir, by withdrawing. You know what the rules are. We will clarify things as we go along. There is no harm in momentary contradictions. They do ultimately resolve themselves or we can push them in that direction. [Interjections.] Go ahead, hon member.

Adv T E MULAUDZI: In this, judges will be wise to listen to the counsel of the Chief Justice, that judges' only responsibility is to interpret the law and not to be politically correct in order to be praised by the media and be celebrated. The EFF supports the President's determination.

Motion accordingly agreed to.

**DRAFT NOTICE AND SCHEDULE RECEIVED FROM THE PRESIDENT, DATED 5  
DECEMBER 2018, DETERMINING THE RATE AT WHICH SALARIES AND  
ALLOWANCES OR BENEFITS ARE PAYABLE TO MAGISTRATES ANNUALLY, WITH  
EFFECT FROM 1 APRIL 2018, IN TERMS OF SECTION 12(1)(A) OF THE  
MAGISTRATES ACT (NO 90 OF 1993) AS AMENDED BY SECTION 3 OF THE  
JUDICIAL OFFICERS (AMENDMENT OF CONDITIONS OF SERVICE) ACT (NO  
28 OF 2003)**

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

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

That the House approves the draft notice and schedule received from the President, dated 5 December 2018, determining the rate at which salaries and allowances or benefits are payable to magistrates annually, with effect from 1 April 2018, in terms of section 12(1) (a) of the Magistrates Act.

The CHIEF WHIP OF THE OPPOSITION: Hon Deputy Speaker, may I address you in terms of Rule 108 of the National Assembly Rules if I may?

The DEPUTY SPEAKER: Yes, sir.

The CHIEF WHIP OF THE OPPOSITION: Deputy Speaker, a declaration of vote says it very clearly, is subject to sub-rule 4, the

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preceding officer may at any time after a question has been fully put, if so requested permit one each member for each political party. The declaration on the vote is meant to given up a party an opportunity to explain why they vote on a certain way. What you are doing is laying declaration before the question is even put at all, never mind fully put. I would submit to you that it is unprocedural.

The DEPUTY SPEAKER: Hon members, members want declaration and when you know that I'm going to go there, I have done things here according here to the rules. It is not unprocedural; it is procedural to grant you an opportunity to declare if you want to. What are you doing before that it is really immaterial ultimately, it is not material. It is a step I can jump to the third step ... [Interjections.] No, I can and I've done so. I've done so in your favour before. I've done so. It's correct. Hon member, let's not be caught by a procedural interpretation that is wrong in my opinion.

The CHIEF WHIP OF THE OPPOSITION: Deputy Speaker, may I request for you to please indicate to me and if it is to educate me what

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rule you are relying on to make this ruling because unless on the Rule Book what are the rules that you are supposed to apply and the rules that we are all held accountable by, it says here very clearly. Subject to sub-rule 4 the presiding officer may at any time after a question has been fully put if so requested permit parties to make declarations. The question is not even being put ... [Interjections.]

The DEPUTY SPEAKER: Okay, alright, let answer it. Let me answer you, sir. Why do you think the writers of the rule say "may" and not must? Why do you think they said "may"? Was that not to give discretion to the presiding officer?

An HON MEMBER: Deputy Speaker, if I may the "may" come in whether you allow a declaration or not. That is up to your discretion, not whether it is before or after the question is put. Your discretion says yes, you may have a declaration or you may not.

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The DEPUTY SPEAKER: Hon members, now that I have allowed hon Mulaudzi to speak I would like to plead your indulgence. Can we proceed?

Hon MEMBERS: Yes.

The DEPUTY SPEAKER: Proceed, hon member.

*Declarations of vote:*

Mr T E MULAUDZI: Hon Deputy Speaker, the lower courts are at the ... [Inaudible.] ... of the justice system. Most our people who cannot afford lawyers to appeal decisions at the lower courts have no other choice but to abide by these decisions. It is therefore important to ensure that magistrates are structural protected from outside influences and that temptations to be corrupt are limited as much as possible.

They must be remunerated well, over and above the matter of remunerations we have long proposed that the manner of the employment and the holding of magistrate into account must be similar to that of the judges and that their salaries must be

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guaranteed even after retirement. This will ensure that magistrates dispense justice without prejudice, fear or favour. We are in support of the President's schedule for remuneration of magistrate. [Applause.]

The CHIEF WHIP OF THE OPPOSITION: Hon Deputy Speaker, the Constitution is very clearly set out the judicial framework and which both judges and magistrates operate. Why do we have judges and magistrates? It is because they are entrusted keeping order in society. They interpret the rules against which we all agreed to be bound and they pass judges on that. Now, that role in this House is performed by presiding officers and what judges and what magistrates cannot do is make up the law as they go along. It is their job to interpret the law. For far too long in this House frankly the rules are applied to certain individuals and to certain parties, but other parties are allowed to get away with exactly the same contraventions on different days.

We have rules made by judges in the House and one day that can overturn and turned over on the next day. I would submit to you that it is impossible for a place like Parliament to work if, in

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fact, the rules in this House are selectively applied on based of which political party they are being ... [Applause.] ... when you don't operate within the rules you break the compact between members of this House and the presiding officers. We agreed to be held accountable subject to these rules but where you don't supply the rules fairly you break that compact and then you cannot at the end of the day turn around and point a finger and try and sanction members of this House for breaking the rules when you yourself break them on a regular basis.

Everyone in this House should be equal before these presiding officers. In fact, it says very clearly that the presiding officers must act and partially, fairly and to protect the integrity of the House. When you don't follow your own rules you make those rules ... [Inaudible.] ... to individuals not following them as I'm not going to do now. [Applause.]

The DEPUTY SPEAKER: Hon Steenhuisen, I'm going to switch your off microphone. Okay, hon members, it is unfortunate this turn of events for the reasons, but before I go into it let me say that the motion is approved. Hon members, I am going to put a

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question ... [Interjections.] ... No, you hold on. You hold on. Are there any objections to that motion being agreed to? There is no objection to the motion being agreed to. Hon members, the writers of the Constitution, you will not interrupt the presiding officer unless to raise a point of order. Chief Whip, don't lead that campaign. Let me explain. Hon members, the reason why we have a Constitutional Court, we have higher courts and we have lower courts is because it is understood sometimes that things may not go according to the plan.

At the best of all times things may not go according to how they were meant to go and the higher courts are able to intervene to correct things and so on. Similarly in Parliament to follow your example, hon member, there are processes by which in case things do not go according to the plan you follow those rules, you correct that which needs to be corrected or you are informed otherwise about your view in their appropriate structures to arbitrarily introduce a rule of the jungle in the middle of a debate because you are unhappy, it is inappropriate. We will proceed to the Fourth Order, hon member. Hon members, the next item is the First Order.

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Motion accordingly agreed to.

**ROAD ACCIDENT BENEFIT SCHEME BILL- DECISION OF QUESTION ON SECOND**

**READING**

THE DEPUTY SPEAKER: Hon members, amendments to the Bill have been proposed by Mr C H H Hunsinger. I hope I pronounced it correctly of the DA in terms of National Assembly Rule 291. the amendments have been published on the order paper. The amendments will be put together for decision. Once the House has taken a decision on them, the second reading of the Bill will be put for decision.

Mr C H H HUNSINGER: Deputy Speaker, while honouring the opportunity to present these amendments to the House, the DA request your consideration that this Road Accident Benefit Scheme, Rabs, Bill be recommitted to the parliamentary Portfolio Committee on Transport in accordance with Rule 291(5)(b) for reconsideration of the following amendments. In addition, the DA requests your consideration to reassign the Portfolio Committee on Transport to this current irrational design Bill.

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Based on the fact that a substantial document in the form of a minority view was submitted and absorbed in a draft version of the committee Report, yet consciously removed. For this opportunity then we propose five amendments which seek to fill some of the design gaps of Rabs in its current unacceptable form.

The fourth category of benefit to be described as life enhancing benefit is suggested by the Satchwell Commission. This will ensure retention of the current serious injury provisions in respect of paying a life enhancement benefit to injured person for loses of nonpecuniary nature and way of a lump sum.

The assessment should be based on a prescribed method and should be reasonable and align to the health care professions act 56 of 1974 instead of at the sole discretion of the administrator as it currently stands.

The sectional drunk and deliberate drivers should include circumstances where the claimant after benefit was the driver of the weak vehicle and such claimant used the vehicle whilst under

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the influence to the extent that the claimant will be guilty of a criminal offence and in circumstances where the claimant of the benefit was the driver of the vehicle deliberately causing the road accident giving rise to the claim.

The definition of illegal income is insufficient and definitely not pro poor. Section 40, essentially entitles the administrator to force a health care service provider on a claimant, whereas our view is that the claimant must be given an opportunity to participate in the preparation of such a plan.

The victims must be entitled to the health care service provider of their choice. This will safeguard the claimant's rights to choose her or owned doctor, while still allowing the administrator to deal with the truly unreasonable claimant. This Rabs Bill in its current form is irrational and anti poor and this House should send it back to the committee. I thank you.

Amendments accordingly negatived.

Division demanded.

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Mr P J MNGUNI: Deputy Speaker, with respect may I just ask that you give us an option by which I sought this was a very useful yesel by which we just test first the quorum, because it is a Bill.

The DEPUTY SPEAKER: Hon members, let's ring the bell.

The CHIEF WHIP OF THE OPPOSITION PARTY: No, Deputy Speaker, with respect. On a point of order!

The DEPUTY SPEAKER: Yes.

The CHIEF WHIP OF THE OPPOSITION PARTY: A division has been called. You have run the bells. The division must take place. The division itself will show whether there is quorum or not. You can't ring the bells again to try and help your ANC colleagues to get a majority.

Question put: That the Bill be read a second time.

DIVISION

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[TAKE IN FROM THE MINUTES]

As the result of the division showed that there was not a majority of the members of the National Assembly present for a vote to be taken on a Bill as required by Rule 96(b), decision of question postponed.

Mr P J MNGUNI: Deputy Speaker, I hope the table has ...

[Inaudible.]

The DEPUTY SPEAKER: Sir, the whips and the table will deal with that, not me. [Laughter.]

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON HOME AFFAIRS  
ON CIVIL UNION AMENDMENT BILL**

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

**CIVIL UNION AMENDMENT BILL**

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(Second Reading debate)

Ms D CARTER: Deputy Speaker, the Bill seeks to repeal section 6 of the Civil Union Act which allows marriage officers in the employ of the state to seek exemption from officiating over civil unions between persons of the same sex.

Deputy Speaker, the repressive apartheid era gay men, lesbians and other minority suffered a particular harsh faith and were branded as criminals and rejected by society as outcasts and perverts. Apart from the heinous impact of apartheid the rights and duties of persons were also determined by the sexual orientation. Any recognition of same sex unions was forbidden and sexual relations between persons of the same sex were characterised as abnormal and criminal behaviour. Partners in such relationships were excluded from the rights and obligations which automatically applied to partners in civil marriages.

Deputy Speaker, with the defeat of apartheid and the introduction of our new constitutional and human right-based dispensation, a democratic and legal framework was created that

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allowed the historically marginalised group including gays and lesbians to challenge the religious and ideological hegemony that have dominated South African politics.

Following a number of court cases, the Constitutional Court in the matter of the Minister of Home Affairs v Fourie ruled that: "It was unconstitutional for the state to provide the benefits of marriage to opposite-sex couples whilst denying them to same-sex couples the right; and that this state of affairs infringed the right to equality before the law and the right not to be discriminated against by the state on grounds of sexual orientation".

Parliament was ordered to correct this defect. As a consequence, the Civil Union Act was adopted and came into operation in November 2006, 12 years and 1 month ago. The Act extended the recognition of marriage rights to same-sex partners and provides same-sex partners with the right to enter into a civil partnership known as a civil union. The Act creates the only current means by which same-sex couples may formalise their union.

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As a member of this House, I received complaints from across the country that same-sex couples were being turned away from a number of home affairs offices as there were no marriage officers that were prepared to solemnise their marriages. This was not just in rural areas as initially thought. It was across the board. It was in Durban commercial road, everywhere, even in Port Elizabeth.

My investigations revealed that this tendency was in fact more widespread than initially thought. At the time, the Minister advised that nearly half of its designated marriage officers had been exempted from solemnising same-sex marriages. At issue, is section 6 of the Act which allows marriage officers in the employ of the state from solemnising same-sex unions on the ground of conscience, religion and belief.

Speaker, this raises a number of issues of constitutionality and principle. The provision offends the rights of same-sex couples to equality and human dignity as entrenched in our Bill of Rights. In fact, it is in direct conflict with the intent of the Act itself, which was to remove discrimination on the ground of

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sexual orientation and to uphold the enshrined rights to equality and dignity.

It limits the right of same-sex partners to enter into a civil union, and this limitation cannot be justified in an open and democratic society. It also contravenes Chapter 10 of the Constitution, that our public administration must be governed by the democratic values and principles enshrined in the Constitution; that services must be provided impartially, fairly, equitably and without bias.

Deputy Speaker, it is this that informs the imperative to repeal section 6. It cannot be that in our constitutional democracy, civil servants can be afforded the right in law to discriminate as to whom they wish to serve. The Bill also makes provision for transitional measures to facilitate the phasing in of the amendment.

The Bill does not affect section 5 and I need to repeat this.

The Bill does not affect section 5 of the Act – which relates to marriage officers including those attached to religious

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organisations. It is marriage officers that are not in the employ of the state.

This Bill would not have been possible without the dogged determination of the Late Mario Ambrosini who fought for our right to initiate and introduce Private Members Bills. I thank you.

Mr H P CHAUKE: Hon Chairperson, firstly, let me thank members of the committee who warmly received this Private Members Bill from the hon Carter. I think what I missed to hear hon Carter was for you to appreciate all parties who participated in this Private Members Bill. That comes from the tradition of the ANC that we always listen and give opportunity to parties. Any one has a right to raise issues in the House like the same as the issue that we are dealing with today which we give praise as the same time to the EFF that has raised the matter, and the ANC responded positively on that. I thought that you will be able to appreciate that.

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Now, hon member, I do not want to address you directly, but let me first by appreciating a wonderful foundation of this Department of Home Affairs laid by the hon Shenge many years ago, when some of you were still not yet born, the hon member who is making noise there.

*IsiZulu:*

Ngaleso sikhathi masiqala nobaba uButhelezi bewusaphuma amafinyela ngaleso sikhathi leso. Bewungakazi ukuthi kukhona into okuthiwa yiPhalamende. Manje ngifuna ukukubonga kakhulu ubaba uShenge kulomsebenzi owenzile omuhle kangaka ...

[Ubuwelewele.]

*English:*

Mr M HLENGWA: Hon Deputy Speaker, on a point of order.

The DEPUTY SPEAKER: Yes hon member. Hon member, hon Chauke please take your seat.

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Mr M HLENGWA: Hon Deputy Speaker, I rise in terms of Rule 922, I would equally want to agree with the hon Chauke of the great work of the hon Buthelezi, but I take an exception that ...

*IsiZulu:*

... ukuthi athi ngangiphuma amafinyila. [Ubuwelewele.]

*English:*

That in itself ... no, no, no is unparliamentary, it is rude and I think for him to try and hang that on my own leader is disingenuous and dishonest, and speaks to the incredibility of how horrible of a person he is.

Secondly, by the way in 1994 I was already alive, but ...

*IsiZulu:*

... ukuthi athi ngangiphuma amafinyila, yinhlamba leyo.

*English:*

He must withdraw it.

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The DEPUTY SPEAKER: Hon member, hon member.

*IsiZulu:*

Mnu M HLENGWA: Ngaphandle kwalokho ngeke akhulume laphaya, ngeke akhulume manje uma engahoxisi. Akakhohlwe nje.

*English:*

He will not use Shenge against me. I know him better than him.

*IsiZulu:*

Angalinge nje enze leyonto.

The DEPUTY SPEAKER: Hon member, it is alright. Hon Chauke, please withdraw that language. You should not use it.

Mr H P CHAUKE: Hon Deputy Speaker, but I never mentioned any names. Why would I withdraw something that I did not say? I did not even know that I was talking to him!

The DEPUTY SPEAKER: No, hon member, hon member, please man withdraw that language it is inappropriate.

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Mr H P CHAUKE: Withdraw what?

The DEPUTY SPEAKER: It is inappropriate the language used to describe a fellow member. No, withdraw; you cannot use that language here.

Mr H P CHAUKE: Alright, that is fine I withdraw to who ever that I said that ...

*IsiZulu:*

... ubephuma amafinyila.

The DEPUTY SPEAKER: Yes, even that it is appropriate to withdraw because, this is Parliament. Hon member, offensive language is offensive language.

Mr H P CHAUKE: Alright, that is fine I agree Chair, but I did not mean to any one who jumped and say that I said ...

*IsiZulu:*

... ubephuma amafinyila.

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*English:*

I was talking in general that some people were not here when we started many years ago. However, none the less, let me proceed with the wonderful work that we have done. Therefore, Deputy Speaker, we considered the repeal of section 6 of the Civil Union Bill which was proposed by Cope. The point that I am making, Deputy Speaker, it is because of the ANC that listens. Not only now but even before 1994, we created a space that opposition parties, we can work with them as long as we are doing what ever that is within the Constitution of the Republic.

Now the Department of Home Affairs has 409 marriage officers across the country. What was disturbing generally was that the majority of almost 38% of marriage officers in the Department of Home Affairs were exempted to marry the same sex couple.

Therefore that for us is a concern because the state has a responsibility to provide a service to every citizen that approaches the Department either of Home Affairs or any other department to provide that service.

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So therefore, we agree with these amendments that the hon Carter has proposed and we put in place transitional arrangements so that the officials of the Department of Home Affairs whom we have exempted as marriage officers during the section 6 of the Civil Union Bill will then have to go through vigorous training for them to understand the constitutional responsibilities not only that, but to understand the role of the state having to provide a service to the people.

Deputy Speaker, therefore the portfolio committee agrees to this amendment and we are looking forward to good working relations with all opposition parties. That is a position that we are making and we are very happy. Thank you very much. [Applause.]

Mr M H HOUSEN: Deputy Speaker, we would firstly like to recognise the efforts of the hon Deidre Carter in sponsoring this Bill. We thank her for the activism in support of equality and justice. The Civil Union Amendment Bill aims to put an end to the discrimination of same sex couples who wish to solemnise their union.

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As I speak here today, and since 2006, thousands of same sex couples have struggled to solemnise their unions at home affairs branches countrywide because some marriage officers at home affairs offices have refused to do so. Just over half of marriage officers in home affairs offices have refused to solemnise same sex unions because they themselves are homophobic.

Two thirds of home affairs branches do not solemnise same sex unions and this has caused massive heartache for thousands of same sex couples around the country. They have had to endure deeply, hurtful and humiliating interrogation from home affairs marriage officers when they seek to solemnise their unions. This is simply not fair.

These homophobic officials relied on the provisions of section 6 of the Civil Union Act, which grants them the authority to opt out of marrying same sex couples. Civil servants whose salaries are paid from the state coffers discriminate against citizens because of their own personal beliefs and prejudices. Why should any civil servant have the right to pick and choose which law

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they want to follow? This is wrong. If you are an employee of the state, you must treat all citizens equally. What people do in their bedrooms is none of your business.

Deputy Speaker, during the deliberations on this Bill all political parties were in agreement that state officials should not be allowed to discriminate against same sex couples. To the credit of all political parties, we stood in unison to remove this discriminatory clause. [Applause.]

Where we as the DA disagreed though, is when should this discrimination come to an end? The DA believes that the discrimination against same sex couples must end immediately. [Applause.]

The ANC believes that the discrimination should be allowed for another 24 months. [Interjections.] Our view is being supported by for example a number of gay and lesbian communities or organisations in South Africa and let me quote from a media statement that was issued by Anthony Waldhausen, the director of Gay and Lesbian Network when he wrote, "We believe that if the

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government has to exempt the marriage officers at home affairs for up to 24 months and that this clause discriminate against same sex couples, then the discrimination should cease immediately and not after 24 months."

During the deliberations the DA fought to end the discrimination immediately, the ANC refused to support it ... well Chauke stood here and he did not tell you the truth. We then wrote to the Speaker to allow the DA to move an amendment in the House today, which would bring the discrimination to an end immediately, but even the Speaker ...

Mr P J MNGUNI: Deputy Speaker, on a point of order.

The DEPUTY SPEAKER: Hon member, can you please take your seat.

Yes hon member.

Mr P J MNGUNI: Hon Deputy Speaker, I rise in terms of Rule 82. I do not know how many times we must educate the speakers of the DA to refer to all of us in a respectable manner. There is no Chauke. There is a Mr Chauke, hon Chauke or even hon Comrade

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Chauke. That is the way to refer to him. That is Rule 82. Thank you.

Dr M Q NDLOZI: Hon Deputy Speaker.

The DEPUTY SPEAKER: Yes hon Ndlozi.

Dr M Q NDLOZI: No, when the hon Borotho was ruling, she was saying that to say Ndlozi is not disrespectful. Actually it is respectful. The wrong thing is to call you in your first name. It is actually very worst thing to think when I call you with your surname I am disrespecting you. I am giving you the greatest respect. So, I am asking you to be consistent with the hon member ... he is Chauke. That is respectful because that is his surname.

The DEPUTY SPEAKER: Hon ...

Dr M Q NDLOZI: We must depart from this Western value system.

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The DEPUTY SPEAKER: Hon member, it is a very useful suggestion for conceptual departure from practice, as contained in the rules. The rules are very explicit. Please move the amendment to the rules and then we will apply it without hesitation.

The CHIEF WHIP OF THE OPPOSITION: Deputy Speaker.

The DEPUTY SPEAKER: There is someone on the floor, hon Steenhuisen.

Dr M Q NDLOZI: No, Deputy Speaker, it will not be a departure from the rules. The rules say do not call them by name.

The DEPUTY SPEAKER: Yes.

Dr M Q NDLOZI: Not surname.

The DEPUTY SPEAKER: Now that is English.

Dr M Q NDLOZI: What are we speaking?

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The DEPUTY SPEAKER: No, no ...

Dr M Q NDLOZI: We are speaking English!

The DEPUTY SPEAKER: For example hon Ndlozi, you cannot call Tsenoli, I will take exception to that.

Dr M Q NDLOZI: You are not Tsenoli in the House.

The DEPUTY SPEAKER: No, no, you cannot and you know what you should add before that. You know what you should add before that. Hon members, this is the point I want to ...

Mr H P CHAUKE: Deputy Speaker.

The DEPUTY SPEAKER: Hon Chauke, please take a seat because I also want to refer to your remarks earlier on as well which bordered on being ageist. It is important hon members not to be discriminatory in the language we speak, young or old, male or female. We must be conscious that when we speak in a sense colloquially sometimes we can flaunt the rules that require us

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to respect each other whatever our age and whatever our status in society. This is why there were explicit references that do not call members by name. Say, Mr or hon member. Let us stay with that until you come with creative proposals that will make our system more responsive to what we call our references to these things appropriately and so on. So, let us not go there now. Hon Mkhali. [Laughter.] Hon Hoosen, you ...

The CHIEF WHIP OF THE OPPOSITION: House Chair!

The DEPUTY SPEAKER: No, no, I am not the House Chair. Hon member ...

The CHIEF WHIP OF THE OPPOSITION: Deputy Speaker!

The DEPUTY SPEAKER: Hon Hoosen, please just do the right thing, you know and heard my ruling is basically that please man let us call him Mr or honourable. This is what I was driving at. Sorry. Do that please!

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Mr M H HOOSEN: During the deliberations in the committee the DA fought ...

The DEPUTY SPEAKER: No, no, you cannot ignore me. I refuse to accept you ignoring me. I am requesting you to withdraw calling Chauke, Chauke in the way you did. He is the hon Chauke or Mr it is your choice.

Mr M H HOOSEN: Yes, Mr hon Chauke, let us give him both.

THE DEPUTY SPEAKER: Alright. Thank you, very much. I appreciate you responding to me.

Mr M H HOOSEN: Yes, yes.

Mr H P CHAUKE: Chairperson.

The DEPUTY SPEAKER: Yes sir.

Mr H P CHAUKE: I did not hear the hon member, withdrawing. I did not hear.

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The DEPUTY SPEAKER: Hon member, you sit down. He has withdrawn. I decided that please hon Chauke.

Mr H P CHAUKE: Yes. Alright.

The DEPUTY SPEAKER: Thank you, very much.

Mr M H HOOSEN: So, during the deliberations in the portfolio committee the DA fought to end the discrimination immediately. The ANC refused to support that. We then wrote to the Speaker to allow the DA to move an amendment in the House today which will bring the discrimination to an end immediately. However, even the Speaker's Office refused to do that. So, the message that we are sending as Parliament to today to same sex couples is simply this: Parliament is willing to respect your rights and treat you equally, but we will only do so, in two years time.

This Bill, although a step in the right direction which we will support does not address the discrimination it has entrenched for more than a decade. It will continue to allow for marriage officers in the employ of the state to discriminate against same

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sex couples for another two years before that discrimination comes to an end. So, Deputy Speaker, if we want to build a South Africa and a state that treats all citizens equally regardless of their sexual orientation, then we should not be allowing laws that allow any form of discrimination what so ever. We should end the discrimination now not in two years time. I thank you. [Applause.]

Ms H O MKHALIPHI: Deputy Speaker, let me assure you that this is the only item that we agreed with Cope. It's the first and the last item because of their stands on land issue. They have taken a very counter-revolutionary stand on land. But nevertheless, we are supporting your Bill for the first and the last time. It must be recorded here.

Religion must never be used as an excuse not to perform particular functions when one acts on behalf of a secular democratic state to deny the freedom of others. We therefore, support this Amendment Bill. We are conscious of the fact that it does not infringe, neither does it violate the religious

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rights of those who act on behalf of the state or the realisation of their constitutional freedom.

The question at stake here is not about religious rights, it is about guaranteeing freedoms. Whilst civil union can in certain instances be regarded as religious act, it is by definition a right which ought not to be limited by religion; it is a constitutional democracy, a civil union, not a religious union. Therefore, no one acting on behalf of a constitutional state should ever use the excuse of religious or conscience to deny others their fundamental rights.

Religious institutions as collective spaces belonging to those with firm beliefs in the spiritual dimensions of marriage reserve the rights to regulate the practice of their beliefs, but officials acting on behalf of the democratic state must serve all South Africans equally.

With regard to section 6 of the Civil Union Act as it currently stand violates the timeless constitutional value. While marriage officers have a right to exercise their religious beliefs and

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their notions of conscience, these must not interfere in the exercise of their public power, because when exercising this power, they are doing so in a secular society governed by the rule of law and the right of equality.

It is our responsibility as this House to create a legislative framework that will establish the basis for equality and freedom.

Section 6 of the Civil Union Act, therefore, must be expunged, so that people who exercise powers given to them by our Constitution cannot be selective in the exercise of that power.

Those with feelings strong enough against administering same sex unions must, therefore, just revoke their status as marriage officers. They must serve the county. The country must move forward unapologetically. We support the Civil Union Amendment Bill. Thank you. [Applause.]

Ms L L VAN DER MERWE: Deputy Speaker, I inform the Table that Ms Nkomo will be speaking from her seat. Thank you.

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Ms S J NKOMO: Deputy Speaker, the main purpose of this Amendment Bill is the repeal of the clearly discriminatory and unconstitutional section 6 of the Principal Act, which permitted state marriage officers to object to solemnising or actually to marry or to come up with the situation where they would marry people from the same sex persons.

The IFP supports the Bill and supports the fact that when enacted, it will no longer be the matter where we find state marriage officers, who are remunerated by the state, who are refusing to marry people by discriminating against citizens of this country.

Last year, almost half of the designated marriage officers in this country objected to marrying same sex couples. It was almost confirmed that only 28% of the home affairs branches in South Africa in fact had marriage officers who were willing to marry same sex couples. This is extremely unconstitutional, especially in a constitutional democracy such as ours.

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We are almost certain that if this Bill or if these amendments are actually put into place, there will immediately be put into effect so that everybody is taken care of in our country and people are not discriminated because of their creed, colour or gender. Anything less as far as the IFP is concern is something that is unacceptable.

We as the IFP, believe that the principal of this Bill which permitted state marriage officers to object to solemnising a Civil Union between same sex marriages is not only unconstitutional but it also constitute unfair discrimination, but also draconian and has no place in today's South Africa.

The IFP support all the changes which are suppose to happen and they need to happen as soon as possible. I thank you.

[Applause.]

Mr S C MNCWABE: Deputy Speaker, the purpose of the Bill before us is to repeal section 6, as my colleagues have said, of the Act which allows marriage officers to inform on the grounds

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which allows marriage officers to decline solemnising certain marriages on the grounds of conscience, religion and belief.

In terms of section 2 of the Marriage Act, the Minister and any person in the public service authorised thereto by him may designate any officer when employing in the public service or diplomatic or consular service of the Republic to be, by virtue of his office and so long as he holds such office, a marriage officer, either generally or for any specified class of persons or country or area. This briefly means that public servants at the home affairs are marriage officers so long as they have been designated as such or authorised to do so.

The Bill before us seeks to force them to act against their conscience or beliefs in solemnising same sex marriages. The NFP rejects this Bill on the basis of its inconsistency with the Bill of Rights in the Constitution of the Republic.

Everyone according to the Constitution has a right to freedom of religion or belief. The NFP won't allow this House to pass the Bill that won't pass the constitutional challenge.

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If a person has a right to marry the partner of his or her choice, then the marriage officer has also a right to solemnise the marriage of his or her choice. There should be no one forced to perform something against his belief.

We cannot create an animal farm kind of a situation. The NFP is also unhappy that the traditional leadership was not consulted on this Bill. We all know that traditional leaders represent a very large constituency, the rural population with a particular set of beliefs as well. It is thus our position that their views on the subject matter should be accommodated too. Home affairs offices are found all over the country, including rural areas.

This Bill therefore, undermines the traditional leadership and also undermines the Bill of Rights contained in the Constitution. The NFP therefore, rejects the Bill. Thank you.

Mr M G P LEKOTA: Deputy Speaker, I would like to appeal to you sir that you ask the House not to clap too much because I am going to make good points that we can talk about later.

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THE DEPUTY SPEAKER: They have heard you, sir.

Mr M G P LEKOTA: I think what we need to say is that by this legislation, we are giving the law a more humane face. There was a time in history when people did not know anything about albinism. They were terrified when albinos were born. They killed innocent children until knowledge came that this is only a condition of lack of a certain substance in the skin. Of course, they came to terms with it and stopped.

Similarly under apartheid, our society was so backward that it was a crime for a white person to get married to a black person or vice versa. It was so backward that people got arrested; police would hunt them at night to see what they are doing when they meet in the darkness until we changed that. Now, there is no fear about this kind of thing. So, the law has been coming more humane.

Today, we must say this, those who learned under apartheid or even before apartheid that sex worker was to be ruled out.

Today, people have come to ground to realise that you can't do

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anything about it. It's now been allowed. The police don't have to go around chasing people and prosecuting them. The law has a more humane face today.

It's a good thing that we are taking a position to make accommodation for the transition period because many of the people that got employed as marriage officers under conditions gone by. When we look very dimly on the same sex marriages, we suddenly find that this thing has now to be done, but we employ them under conditions when it was not prohibited.

So, we must allow for a humane approach so that they can phase out. No one must be compelled to be a marriage officer and do things which the job that they are employed for does not allow. Finally ...

The DEPUTY SPEAKER: Sesotho not SEPEDI

Ntate Lekota ke kopa o shebe tloko eo, o a bona hore e o feletse nako ntate? Ha e sa leyo.

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Mr M G P LEKOTA: But this point is so important, sir.

THE DEPUTY SPEAKER: Sesotho not SEPEDI

O fuwe nako mme o dumellane le nako e o e fuweng ntate

THE DEPUTY SPEAKER: The House is going to allow you to give a concession.

*Sesotho:*

THE DEPUTY SPEAKER: Nako ke eo ntate ha e sa leyo.

Mr M G P LEKOTA: Well, if you denied the privilege to the people, I leave you there then. I thank you, sir.

*Sesotho:*

THE DEPUTY SPEAKER: Ke lona le itimmeng ntate, le amohetse metsotso e meraro.

Dr M Q NDLOZI: The people denied you the privilege by not giving you more numbers for votes.

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*Sesotho:*

THE DEPUTY SPEAKER: Hon Ndlozi dula fatshe ntate... dula fatshe. A ke re ena ntate. Tanki ke lebohile

Rev K R J MESHOE: Deputy Speaker, the ACDP is aware that a significant number of South Africans are concerned that the Civil Union Amendment Bill is part of a broader agenda that intends placing churches and religious institutions under pressure, to conduct civil unions in their places of worship. [Applause.]

More and more court cases are being used to harass religious bodies on his issue and there is a huge suspicion that section 5 which presently protects marriage officers of religious organisations will be targeted next. Legislation should not be used to override people's religious beliefs or consciences.

Our Constitution protects freedom of conscience, religion and belief, and the Members of Parliament have a duty to see that people are not compelled to act against their conscience in the cost of their work, and that they are not discriminated against

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on these grounds. In the words of Family Action SA: "No one should be forced to accept a moral wrong, participate in it or serve as an accomplice."

In the Constitutional court case of Christian Education SA versus Minister of Education, Justice Sachs confirmed that:

The right to freedom of religion goes beyond protecting the inviolability of the individual conscience. For many believers, their relationship with God is central to all their activities.

This obviously includes their work activities. Therefore, state marriage officers do not leave their scriptural convictions at home when they go to work in the mornings, but they take it with them into their workplace, where it informs them the way in which they should do their work.

Section 15 of the Constitution guarantees the right to freedom of religion, including the right to live out one's beliefs to everyone, including employees of the state. The consciences

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objection in clause 6 of the Civil Union Act which this Bill seeks to abolish is not a legal blunder or a relic of a discriminatory past.

This clause was specifically inserted by this Parliament at the time when the Civil Union Act which legalises same sex marriages in the first place, was adopted, with the specific view of protecting the fundamental right to religious freedom of those state marriage officers who find themselves, because of their religious beliefs, unable to solemnise a same sex marriage.

This was in keeping with the statement by Justice Sachs again in Minister of Home Affairs versus Fourie, that:

The principle of reasonable accommodation could be applied by the state to ensure that civil marriage officers who has sincere religious objections to officiating same sex marriages would not themselves be obliged to do so if it resulted in the violation of their conscience.

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The ACDP will therefore not support this Bill that would force people to undermine their consciences, and I remain members saying that the first marriage as between Adam and Eve, and not Adam and Steve. [Applause.] [Time expired.]

Ms D D RAPHUTI: chairperson, the House at large, as we celebrate the 16 days of no violence against women and children, also the Human Rights on 10 December, as the ANC, we want to dedicate this Bill to all human rights activists, gender activists and all our brothers and sisters who protect and advocate for human rights.

The ANC supports the Bill and its amendments. What is a Civil Union and what does it entail? Is it a marriage of same sex or some will say many things or questions, but why do we judge and point fingers? To those who are still going to choose, it is their right and their Constitution protects them fully. Who are we to discriminate; who are we to judge?

Chapter 2 of the Bill of Rights section 9(3) states that, the state may not unfairly discriminate directly or indirectly

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against anyone on any grounds, including race, gender, sex, pregnancy, marital status, etc. No person may unfairly discriminate directly or indirectly against anyone on one or more grounds, in terms of section 3.

The national legislation must be engaged to prevent unfair discrimination. It is this reason, that the Parliament, national legislation, took a step to see if human rights are protected. Submissions were made, and in total, there were 65 submissions against the Civil Union Bill, 503 submissions were in favour of the Bill.

Based on the submissions, this influenced the committee's decision to endorse the Bill and also to influence the Constitution and the Constitutional courts found this in the Fourie's case. We as the legislature must ensure at all times that human rights are protected, and these rights must be exercised in our forefathers.

The DA must not be opportunistic. We want to exercise our rights in the land that was stolen by the DA. Reverend, the Bible says,

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do not judge because you too will be judged. Even the Koran says, do not judge or else you will also be judged. I want to quote from an unknown author, "do not underestimate me until you have challenged me, and do not talk about me, until you have talked to me." The DA must not talk about us before they have talked to us.

This is our land and we want to exercise those same sex marriages in our land. The ANC wants to say, go and tell the people to register and vote and always think about the excellent job that the ANC has done. Therefore, tell everyone to vote ANC. I thank you. [Applause.]

Mr L M NTSHAYISA: Hon Chairperson, I am coming with a different view here, as the AIC, we never supported the Civil Union Act 17 of 2006, even outside there because we heard and read about it. This means now that we cannot support the Civil Union Amendment Bill because just like a leopard, it's changing its spot; moving one spot to the other, but remaining with the same spots.

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In fact, as the AIC, we would like to see this Bill to be repealed because we believe that it is not in accordance with our culture. We believe that a marriage between two persons of the same sex is a taboo ...

*IsiXhosa:*

... linyala elo. Linyala.

*English:*

I don't think that there is any culture that allows this union. We are not saying that people should not be free to do whatever they like to do, but the government should not go to an extent of getting involved in things that are against our culture. As the AIC, we once embarked on a one million signature campaign, calling for the referendum against same sex marriages, but because of lack of resources we couldn't make it.

I don't think that there is any religion, whether the Muslims or whatever that can support the marriage between two persons of the same sex. God created a man and a woman. Therefore, it was not a mistake. Instead, we need to introduce specific Bills that

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will deal specifically with rapists and abusers of women and children. Those are the Bills that should be specifically introduced.

Amending this Bill, is just like changing things that are not going to change. So, we are not supporting this Amendment Bill. Thank you very much.

Mr M WATERS: Hon Chairperson, let me say from the outset that lesbian, gay, bisexual, and transgender, LGBT, are human rights and need to be protected and our Constitution does that.

[Inaudible.] LGBT debate sticks to that and you are so frustrated and what you want to do is to talk about land. Let me also thank hon Carter, I don't know where she is, for introducing this Bill to try and amend a very bad law indeed. 12 years ago, just to recap, Parliament was instructed by the Constitutional Court to amend the Marriage Act from defining a marriage between a man and a women to a marriage between two people.

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However, given the resistance from the ANC - and you see that today even they continue to resist Lesbian, gay, bisexual, transgender and intersex, LGBTI, equality - a compromise was reached where the Civil Union Bill was introduced and further and on top of that an additional compromise was reached which allowed marriage officers to apply for exemption and to be exempt from marrying same sex couples. Today, we are now further compromise from the ANC, that says you are equal before the law, but only in two years time will you be able to get married at any home affairs office in the country. It is not just one or two Home Affairs offices, and the Minister is right here, where we were in the other committee we were told exactly how many 73% of Home Affairs offices across the country do not have a marriage officer that will marry same sex couples. Therefore, that will continue for the next two years, and shame on you ANC.

The fact is, this Bill is an insult to every person, straight or gay, who truly believes in our Constitution and the Bill of Rights. You cannot cherry pick which parts of the Bill of Rights you support or which one you don't and which one you want to implement selectively and which ones you want defer because it

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suits you. According to the website in the ANC's constitution it says, and I quote for you, so in case you all don't know: The ANC is a nonracial, nonsexist democratic liberation movement. Or maybe you should change it to the following given this Bill here today: the ANC is a nonracial, nonsexist homophobic liberation movement because it is that exactly what you are. Why can we not amend the Bill to allow for equality today? Why must we wait for two years? Can you imagine ... let's imagine we were debating another principle in the Bill of Rights, let's say; gender equality because the Bill of Rights also protects gender equality. But, let us say we are amending a Bill to say we will only implement gender equality in two years time.

There were being outrage and rightfully so there would be a huge outrage about that and the same there should be a huge outrage about this Bill it is unconstitutional and it is undemocratic and you all know that. It is a shame that you are even proposing it. My message to the LGBTI community and everyone else that believes in equality in this country as far as the Bill of Rights is concerned; you can see what the ANC is for. There has been exposed to what they are, homophobic. You must register for

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the general election and vote for the Democratic Alliance to have full equality. I thank you very much. [Applause.]

The DEPUTY MINISTER OF HOME AFFAIRS: Thank you very much to hon members. Let me just begin by reasserting that religious marriage officers were not employed by the state and not affected by this amendment, contrary to what we said at the podium earlier. The principle that the state cannot unfairly discriminate against anyone underpins this Bill. When employed by the state employees become servants of the public and must serve the whole of the public. Let's be frank hon members from the AIC, NFP and ACDP, the salary cheque that public servants get every month is sourced from taxpayers, regardless of the taxpayers race, regardless of the taxpayers religion and regardless of the taxpayers sexual orientation. So my view to rather hypocritical for any public servant to accept a salary, but involve religious beliefs when it comes to performing what is essentially and official function. [Applause.]

Actually and truth be told since the inception of the Act in 2006, what should have happened was that the department should

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have ensured that every new appointment was screened to establish their preparedness to service all clients regardless of sexual orientation. In short, we agree with this amendment and we will ensure its implementation and we will ensure that all member of the LGBT community are serviced not in two years Mr Waters and Hunsinger, but now you are incorrect and you are being economical with the truth. The Bill is not my Bill, the Bill does require the department to service all members beginning from the time that it is passed.

We thank the hon Carter for her initiative. I must say that I recall very fondly the leadership of the hon Lekota when in 2006, on the passing of this Civil Unions Bill, he really led from the front on this matter and his role as the chairperson of the ANC and many people don't remember this and, of course, some people are very economical with the truth because it was the DA at the time that allowed an open vote for their members. It was the ANC caucus that insisted that every member sitting in their benches and vote for this Bill. Thank you very, very much.

[Applause.]

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Ms D CARTER: Hon Chairperson, I didn't get to it earlier on, I want just to reiterate. The Bill would not have been possible without the dogged determination of the late Mario Ambrosini, who fought for our right to initiate and introduce private members Bills. It would not have materialised had it not been for the guidance of Parliament's legislative drafting services, in particular the assistance of Mr Luthando Mbengashe and the entire nongovernment organisation, NGO, and efficacy groups that mobilised and rallied around this issue.

My appreciation goes to the members of Home Affairs Portfolio Committee and its Chairperson who embraced the project and guided it to the point that we have it here. We have come a long way since 2006. I've looked at the ages of the people in the committee and it was honestly moving to see that we absolutely had 100% supports in the committee. Behind this stage and spectacle of political contestation, good constructive and co-operative work in the public interest does indeed take place. One of the challenges we've had with this Bill was, what to do with people who were employed 10 or 15 years ago or even five or a year ago when this Act was in place. The big problem was there

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with the retrospective side of how we implement. The phasing in period we have also brought on the section - it is important just to bring clarity - but in the phasing in period there is a commitment from the Department of Home Affairs and I want to say this to all our LGBT communities, you can go to any Home Affairs office and I will ensure that there is a person right now. If it doesn't happen then please, you contact us.

I humbly submit this Bill to this House for consideration and in the hope that it will find favour and be adopted by all of you. I thank you. [Applause.]

Debate concluded.

Bill read a second time (African Christian Democratic Party, National Freedom Party and African Independent Congress dissenting).

The HOUSE CHAIRPERSON (Ms A T Didiza): The Bill will be sent to the National Council of Provinces for concurrence. Order, hon members! I would like to acknowledge the members of the public

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who are in our gallery and you are most welcome, ladies and gentlemen. There are certain rules that apply to this House. I was reminded because I saw one member of the gallery when the debate was going on clapping hands quietly. Unfortunately, that is not allowed. You can't clap hands and you can't participate in the debate either by making some screams or some noises from there. You can just smile and frown if you are not quite happy, but that's what the members are allowed to do. So, thank you very much. You are most welcome. The Secretary will read the Fourth Order of the day.

**CONSIDERATION OF REPORT OF JOINT STANDING COMMITTEE ON FINANCIAL  
MANAGEMENT OF PARLIAMENT - PARLIAMENT OF REPUBLIC OF SOUTH  
AFRICA'S 2017/18 ANNUAL REPORT**

Mr N E GCWABAZA: Hon Chairperson and hon members, the Joint Standing Committee on the Financial Management of Parliament received the 2017-18 annual report of Parliament on 01 September 2018, for its consideration and subsequent adoption. In considering Parliament's annual report the committee took into account the Auditor-General's audit report, the inputs of the

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committee researcher and the content advisor. The Acting Secretary to Parliament, who is the accounting officer and the senior management appeared before the committee on 31 October 2018 to respond to committee members' questions on the report. In its deliberations the committee welcome the unqualified with no material findings audit report for 2017-18 financial year.

Parliament has sustained an unqualified audit report for the past four years. The committee agrees with the observation of the Auditor-General that the quality of the financial statements has to improve. The committee commends Parliament's commitment to improving the work of the internal controls in order to sustain the unqualified audit report.

The Joint Standing Committee on the Financial Management of Parliament is concerned that Parliament succeeded to meet only 11 of its 19 predetermined targets during the financial year under consideration. This points to a disequilibrium between spending and performance and Parliament spent almost all its budget allocation but achieved 57,8% of its target. This may be indicative of inadequate planning and target setting. Failure to

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fill 140 active vacant posts could also be a contributing factor.

The committee noted with concern the irregular, fruitless and wasteful expenditure however the committee welcomes the significant reduction in irregular, fruitless and wasteful expenditure from R2 0443 million in 2016-17 to R336 000 in 2017-18 financial year which represents 84% reduction.

On fruitless and wasteful expenditure Parliament achieved 75% decrease from R1 0067 million in 2016-17 to R271 in 2017-18. The committee is concerned about the long-drawn disciplinary process and the financial implications thereof on the alleged misconduct of the Secretary to Parliament. The committee recommend a speedy conclusion of this case without undermining the rights of the accused.

The committee is satisfied also that the 2017-18 annual report broadly reflects the pursuit of the priorities as set out in the Parliament's 2014 to 2019 strategic goals. The 2017-18 annual report of Parliament having been adopted by the committee, the

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Joint Standing Committee on the Financial Management of Parliament presents its report to the National Assembly for consideration. In support of the report the ANC also congratulates the Fifth Parliament for having established its own oversight mechanism, the Joint Standing Committee on the Financial Management of Parliament which holds the executive authority of Parliament accountable for financial management of the institution. I thank you.

There was no debate.

Ms S R van SCHALKWYK: Chairperson, I move:

That the Report be adopted.

*Declarations of vote:*

The CHIEF WHIP OF THE OPPOSITION: House Chairperson, I feel a lot safer with you up there, and I'm much relieved to see you there. Allow me to congratulate Parliament on receiving its unqualified audit again this year. Congratulations to the staff that put the effort to that. I share the concerns by the

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chairperson of the committee around the lack of targets and the inability to meet those targets. But I also think that what we need to do certainly in the Sixth Parliament is the type of targets that we set. We have been saying for the last three years that many of the targets are ill-conceived and are not really designed to have a proper accountability and transparency. Many of them are targets that of things Parliament should be doing by the way of course any way.

We also believe that we need to be very far more careful on how we report. It should be noted that a lot of the figures that are contained in the annual report of Parliament differ to the figures of the annual report that was tabled on the website of Parliament. We must make sure that there is consistency.

In terms of pages 1 -8 of the report itself, again we share a concerns expressed by the chairperson around the protracted and never ending disciplinary process against the former, who I like to call him the former, Secretary to Parliament Mr Mgidlana who's been suspended now for over a year. He has been suspended on full pay I must add at the cost of almost R3 million per

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annum to the citizens of South Africa. Frankly, it is inconceivable after exhaustive internal enquiry, after a damning report that was so scathe of the Secretary to Parliament that it had to be kept under lock and key because God forbade the people of South Africa ever found out what actually was going on under Mr Mgidlana's watch. It is still to be fully accounted to the House in an open and transparent manner about that.

When I raised this during period last year, we were told that by April this year this matter would be resolved. We were told that the disciplinary process will sit down with the lawyers, etc, and they were going to proceed. And yet we now we sit in December and it doesn't look like we are any closer to getting to the bottom of what happened. But more importantly is to hold Mr Mgidlana accountable for the acts of omission and commission that occurred under his watch. The staff during his period was terribly abused, the institution suffered tremendously under his stewardship. The fact that it is dragged on for over a year is frankly disgusting. I think we should also be worried about the real reasons behind the dragging on of this disciplinary. What could there possibly be that Mr Mgidlana has on other people in

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the institution that ensure that the sing is being jollied long. No doubt that by the end by the Fifth Parliament he will obviously go in peace and be seen no more and where probably a massive golden parachute at huge expense to the people of South Africa, will be passed on.

The Parliamentary Budget Office fits in very much with the work that we do in terms of the oversight committee, I think it there is a need to be far greater transparency about the debacle around the former head of the Parliamentary Budget Office Professor Jahed. An ill-conceived motion, an unlawful motion and unprocedural motion was moved in this House by hon Carim a few month ago extending Professor Jahed's contract to May next year. We pointed at that time that the legislation did not provide for such an extension. What should have been done is that an acting head should have been appointed and the process for the appointment of the Parliamentary Budget Officer should have commenced. Instead I was told that Professor Jahed has been telling everybody that he was going to leave in December and he had no intention of staying.

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Ms T V TOBIAS: Hon Chairperson, I am rising on Rule 92 of a point of order. The hon member is misleading the House. There is no unconstitutional motion that hon Carim has raised in this House. So he is misleading the House.

The HOUSE CHAIRPERSON (Ms A T Didiza): Thank you hon member, I'll have to reflect on Hansard in what context that issue was raised. For now the member can proceed.

The CHIEF WHIP OF THE OPPOSITION: He stood at this podium and said Prof Jahed's contract was going to be extended until May next year. It is completely outside the rules of the legislation. But we also need to ask the question, why the internal audit report around the Parliamentary Budget Office has never been shared with this institution. I think it is important that if we demand transparency and accountability from government departments, we as Parliament should be prepared to be accountable and transparent ourselves.

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I thank the chairperson and other members of the committee for the hard work that went into the report, and we support it.

Thank you.

Ms H O MKHALIPI: House Chair, for far too long administrators aided by the ANC caucus has been looting Parliament resources. Using Parliament money to travel the world with their spouses without justification and paying themselves undue bonuses. Parliament financial management system was very weak that is why people like Mgidlana were able to enrich themselves in a short space of time. Travel on unjustified overseas trips, paid themselves bonuses and bursaries while junior workers were told Parliament has no money even for their studies.

Mgidlana even used his powers to take along his wife - putting blue lights for his wife. However, the same cannot be said by the fifth democratic Parliament because of the present revolutionary party which is EFF. That is why when we called for Mgidlana to fall, he fell. The increase level of oversight over Parliament internal financial management because of the presence of the EFF started bearing fruits in this financial year. Since

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the energy robustness and oversight of the EFF over Parliament financial management, Parliament has started reporting to lower level of wasteful, fruitless and irregular expenditure. However, there are areas that need special attention. One, some of the weaknesses will continue because there is a leadership vacuum in the administration of Parliament. Two, people cannot be suspended and their disciplinary matters are not dealt with within a reasonable period to allow for the appointment of people into permanent positions. The EFF also welcomes the in sourcing of kitchen workers and we would like to call on the management of Parliament to in source workers, pay them a decent wage, and cover their medical costs and pensions. In conclusion, given the vibrancy that Parliament has now, because of the presence of the EFF, we must agree amongst ourselves that we must increase funding available for parliamentarians to do their work without limitation of resources as it was the case in most instances in the last financial year. You know House Chair, ...

*IsiZulu:*

... uma amalungu ePhalamende ehamba eyokwenza umsebenzi emiphakathini ...

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*English:*

... whereby its outside your registered constituency, we have to go and accommodate ourselves, you have to transport yourself, you must see to finish. So we are calling on Parliament to widen the scale of parliamentary budget to see to that because it means that ...

*IsiZulu:*

... thina njengamaLungu ePhalamende ...

*English:*

... if there is

*IsiZulu:*

... ukuthi ngiyazitholela mina indawo yokuhlala.

*English:*

*IsiZulu:*

... ukuthi ngizithutha mina ...

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*English:*

Mr M HLENGWA:

Prof N M KHUBISA:

*IsiXhosa:*

Mnu N L S KWANKWA: Sihlalo weNdlu, ngesiXhosa apha nisenza oonothetha icawa yakuKhulile eMnqaba. Imbangi yokuba ndithethe le nto kungokuba siza kumane sisima apha, sithetha into enye yokuba...

*English:*

... there is no capacity and support in these portfolio committees in particular.

*IsiXhosa:*

Sicula into enye apha. Bendifunda ingxelo yeKomiti yeMicimbi yeSebe lezaMashishini kaRhulumente...

*English:*

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... all the recommendations are the same, even of the previous years' recommendations. It is the same thing over and over again because of the capacity issue that we have in Parliament.

*IsiXhosa:*

Kodwa ke nathi siyasilela ngokungasenzi esi sigqeba salapha sisithathele ingqalelo kuba ibangathi siyacula kwezi komiti kwaye sidlala nje ngemali. Abantu ngoku kuza kufuneka basibuze ukuba kutheni sihlawulwa nje xa singawenzi umsebenzi wethu. Okunye, ukuba besiqasha kakuhle ukuze iPalamente ikwazi ukwenza umsebenzi wayo, besingasayi kubanawo la masebe abane abasengxakini yokuphatha imali gwenxa. Amanye siwaqaphele sekophulwe kuba amaLungu ePalamente amaninzi ahlala kwiikomiti eziliqela...

*English:*

... having assigned one researcher. I have only one researcher and we sit in many committees but you expect that researcher who is a specialist in one field to be a specialist in all the fields that we deal with them on a daily basis. That also applies to the MPs.

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*IsiXhosa:*

Ndifuna ukunikhumbuza into enye enicinga ukuba siyilibele. Ngelaa xesha uMgidlana apha ePalamente wayebetha abasebenzi abanye benu babethatha amafoto bechasele bewaxhoma kwiminathazwe yokuhlala, kooFacebook. I-UDM yaya kubasebenzi, yabanqandela. Asiqali namhlanje ukukhokela saqala ngaloo maxesha. USomlomo naye ne-ANC yayingekho kwelo dabi, hayi babenqabe kakhulu.

Ukuba uSomlomo angakhe athethe inyaniso emsulwa, uyayazi ukuba ndandimhlebele ngalo mba kaMgidlana sisuka eChina, xa sasityelela ngokwaseburhulumentweni. Yi-ANC eqala igezise la magosa, ndithetha phandle ke mna andibe ndigquma umbona ngamakhasi. Xa nifika phaya kwezi ndawo, ningabathunywa beloo zwe, nikhweliswa kwiimoto ezixwebileyo ezijongeka ingathi zingacima nanini na. Lo, uligosa, unguMgidlana, ungqawuza phambili ukwezaa zinxiba-mixhaka zihamba phambili, ingathi uphethe naloo Somlomo.

*English:*

These are the problems that you create.

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*IsiXhosa:*

Kuvela nje kufike abantu ongabaziyo nokuba bafike njani na. Uye uzibuze ukuba lo usuka phi, ngubani, uthini umsebenzi wakhe ePalamente? Loo mibuzo ayiphenduleki xa ibuzwa, kodwa ke masiyiyeke kuba niza kuthi ndinochuku. Enye into eyintsomi kaMlengane yile yokubane kusithiwa ingingqi yelungu ikulaa kona yalo malingazingeni ezinye izinto ezingaphaya kodwa xa kukho ingxaki exakileyo kuthiwa yiza uyinkokeli kazwelonke. Ubayinkokeli kazwelonke xa kutheni okanye nini xa iPalamente indithatha njengenkokeli kwingingqi yam? (constituency) Ngoku xa kusithiwa...

*English:*

... there is xenophobic violence in Durban you are just deployed there...

*IsiXhosa:*

... kuthiwe uphimile kubunkokeli bengingqi yakho.

*English:*

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In other countries, the constituency of the national Parliament is the whole country.

*IsiXhosa:*

Apha kufuneka ndiye kujikeleza ngapha eMnqaba ndiqokelele abantu babengathi zigusha, hayi khona ayihambi njalo, sikhokela njani ngolo hlobo? Enye into ekufuneka niyazi yile yokuba, ilizotho kwaye ibangela umdintsi netyheneba le nto kaMgidlana ingapheliyo. Nangoku uMgidlana usaqhubeka uthe gcobho umana encinda emafutheni ngelo xesha wamosha apha. Uyimoshe kakhulu uMgidlana le Palamente kuba abasebenzi bazintsalu ngenxa yolawulo lwakhe olugwenxa esasinixelele ngalo. La masela.

[Kwaqhwatywa.]

Mr N A MASONDO: Hon House Chairperson and hon members, this year we celebrate 100 years of Madiba and of Mama Albertina Sisula and 24 years of a democratic South Africa.

When we think of Parliament and this annual report, we need to be reminded that our freedom was not free; it was achieved

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through blood, tears, sweat, service, sacrifice, commitment and incredible levels of dedication.

Chairperson, our Parliament derives its power through the Constitution of the Republic of South Africa Act 108 of 1996. It accounts to the community of Parliament through the Joint Standing Committee of Financial Management of Parliament. Hon members, this has not always been the case; this achievement evolved and was accomplished over time. All of us should appreciate this effort and welcome this significant development.

At the core of the work of Parliament are its committees that constitute of public representatives from across the political spectrum. These committees are expected to do their work; serving the people of South Africa without any fear, favour or prejudice. The inquiry of Eskom and SABC amongst others is proof of this. Overall, one can say, without any fear of contradiction, that we have made the people and citizens of this country proud. This does not mean we have been perfect, but overall together we have made a significant impact.

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Chairperson, one of the key milestones has been the establishment of the Parliamentary Budget Office and this has been used as an instrument which seeks to empower the committees of Parliament and ensure a deeper probing, meaningful engagement with an accountability of the government and the executive.

Chairperson, resources are, by definition, scarce and the needs in communities and localities are extensive. To this extent, we need to really state and declare that over a period of time we have seen progress and meaningful advances as we grapple with the question of how to fund Parliament.

Areas of possible improvement include among others; control of over expenditure for payment of legal fees for ongoing disciplinary hearings; internal audit sub-programmes under Programme 2; all employees should sign performance contracts and be evaluated accordingly.

We should salute efforts undertaken to achieve sound labour relations. We should note that over time there has been a steady decline on labour relations disputes. We do however acknowledge

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that more work needs to be done. We also need an ongoing deepening of consultation with the unions by the management team without succumbing to the negative pressure of core management. We need a balance between managing the institution and participation by workers in processes that seek to ensure greater productivity.

We should speedup the funding of political parties and there is also an urgent need to finalise the disciplinary matter of the Secretary of Parliament, Mr Mgidlana, as indicated. The sooner this is done the better. We do, however, understand the need to strictly follow processes and the requirements of the Parliament legislation.

Chairperson, the positive efforts of the administration have not gone unnoticed during this period. The inquiry of the late Mr Garane to the Public Service Commission is awaited with anticipation. We do know the intervention and the humane manner demonstrated by the Speaker and senior management as they interacted with the family and relevant stakeholders.

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We do need to look at health and wellness of staff and anticipate their needs. In this regard we need to be proactive. We support this report and have full confidence that Parliament will live to the expectations of all our people and relevant stakeholders.

On the elections we say,

*IsiZulu:*

... umdala uKhongolose, uneminyaka eyikhulu nesithupha.

*English:*

In May 2019 general elections, we do call on our people to make a good choice and that choice is, vote ANC ...

*IsiZulu:*

... umbutho wesizwe. Ngiyabonga. [Ihlombe.]

Motion agreed to.

Report accordingly adopted.

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The HOUSE CHAIRPERSON (Ms A T Didiza): On behalf of the presiding officers we want to thank members of the Joint Standing Committee of Financial Management of Parliament from all parties who really have undertaken this work of overseeing the finances of Parliament.

There are issues that are beyond finances that members have raised which I hope at some point you will reflect on them and how best we deal with them. Members raised issues of the constituency offices and the scope, and the redefinition of what the constituency is for parliamentarians both in the NA and the NCOP. They also raised the issue of support to Members of Parliament particularly on issues of content and research, the issues of targets, issue of filling vacant posts and the wellness of the staff of Parliament.

I am sure the Deputy Speaker who is the Acting Speaker has taken note of all those matters and the issue of the disciplinary matter of the Secretary of Parliament. Acting Speaker, I am sure you will take it up with the executive authorities. Thank you very much to all members.

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I am sure you know that we still have a long way to go and if you can be very good you will leave early. We are only going to the fifth order and we still have five other orders remaining. Let us be good and try to pay attention to time.

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON ENVIRONMENTAL  
AFFAIRS ON COLLOQUIUM ON CAPTIVE LION BREEDING FOR HUNTING IN  
SOUTH AFRICA**

Mr M P MAPULANE: Hon House Chair, hon members and fellow South Africans, good afternoon. The committee conducted a highly successful two-day colloquium on Captive Breeding of Lions for Hunting and for Lion Bone Trade on 21 and 22 August 2018.

South Africa has a proud and an internationally renowned history of conservation of our wildlife species. We are the third most bio-diverse country in the world; we harbour 10% of the world's plant species and 7% of the animal species. We are home to the iconic big five that is the lion, elephant, rhino, leopard and buffalo species.

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However, this proud conservation reputation is being threatened by a practice which is only found in South Africa where lions are bred in captive facilities and are released for trophy hunting and to be killed in abattoirs so that their bones can be sold to markets mostly in the Asian countries to be used for medicinal purposes and the wine industry.

This practice which is often referred to as canned lion hunting involves unfairly preventing the target lion from escaping the hunter, thereby eliminating fair chase and guaranteeing the hunter a trophy for which he or she would have paid up to R495 000 for a single hunt.

The animal is handicapped either by being confined to a small enclosure or because it has lost its fear for humans as a result of hand rearing and animal petting. In some instances these animals are even tranquilised. This is happening in over 200 captive facilities where over 8000 lions are being kept.

This practice has attracted a considerable degree of an international outcry against it from both pro-sustainable

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paradigm comprising of many of the hunting associations and the anti-sustainable use paradigm comprising of animal welfare non-profit organisations, NGOs.

The Cook report which was broadcast on the British television programme called "Making a Killing" on 6 May 1997 was the first international event that brought to the world's attention, for the first time, this practice. Since then almost all renowned international conservation and hunting organisation have spoken out against this practice and banned South Africa's organisations subscribing to this practice. Therefore, it was against this background that the two-day colloquium was convened.

There was an overwhelming consensus from both the local and the international stakeholders participating in the colloquium that South Africa must bring an end to this controversial practice that is threatening to ruin the proud conservation record of our country because there is no value added by the captive lion breeding industry to the conservation efforts of our country. On the contrary, it damages the brand South Africa.

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It is therefore befitting that we take this opportunity and applaud the former Acting Minister Derek Hanekom and the newly appointed Minister Nomvula Mokonyane for the bold and decisive leadership they have demonstrated by swiftly acting on the recommendations arising from this colloquium by announcing that a high level panel will be appointed to conduct the policy review Captive Breeding of Lions for Hunting and for Lion Bone Trade.

We applaud Minister Mokonyane for further announcing the decrease in lion bone quota trade from 1 500 to the 800 that was initially set. This demonstrates that the ANC-led government listens and has the capacity to act in the interest of our nation and its people. I therefore present the report of the colloquium which was unanimously adopted by the committee. Thank you very much.

Mr F Bhengu: We move that the report be adopted. Thank you.

*Declarations of Vote:*

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Mr R K PURDON: Hon Speaker, hon members and to all our guests in the gallery, it is a sad fact that environmental issues have not been receiving the attention they deserve due to spectacular failures of government which continue to dominate the headlines. These failures and now the Commission of Inquiry to State Capture have really gated environmental issues to short articles lost in the middle of newspapers.

It is against this background that Portfolio Committee on Environmental Affairs hosted the colloquium on captive lion breeding for hunting in South Africa. This colloquium was extremely well attended and there was a strong representation for both in favour and against. These arguments are well captured in the report. So, since the colloquium we have had the sad loss of Minister Molewa and the appointment of a very dubious and flawed Minister in her place. This is the same Minister who claims to be able to pick up the rand if it falls broad water and sanitation to its knees. However, since this new appointment the Minister has announced that she'll be appointing higher level panel to review policies, legislations and practices on matters on lion, elephants and leopards rest of

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this management as well as breeding, hunting, trade and handling.

Captive lion breeding has been a controversial subject for a long time and this issue is largely a welfare issue. The National Society for the Prevention of Cruelty to Animals (NSPCA) has raised many concerns surrounding the welfare of captive bred lions and one of the committee resolutions deals specifically with Enable Welfare.

It is estimated that South Africa has about 6000 lions in breeding facilities compared to roughly 4000 in the world. It is difficult to speak of captive line breeding without including the lion borne quota. It is encouraging therefore the Ministers demanded the 2018 lion borne quota. The export quota to 800 skeletons down from 1500 skeletons announced in June this year. These quotas have been a topic of hot debate and even legal action. Captive lion breeding is internationally considered unethical even by reputable and prestigious international hunting organisations in pro sustainable use countries.

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There's no doubt that this practice is unanimously criticised at international level. It is important though that we draw a clear line between captive lion breeding hunting and hunting in general. The hunting of wild animals is in a motive issue as Professor Piet Van der Merwe of North West University and I quote "this draws fire from anti hunting organisations, environmentalists as well as many ordinary citizens. But hunting also has many supporters arguing that it is valuable source of income and that it contributes to conservation of wild life."

It is important that the hunting industry is also tainted with captive lion breeding. Hunting contributes immensely to economic development in our country, contributing about 14 billion a year to the South African economy. Hunting creates much needed jobs particularly in rural areas. It is proven that there is more wild life in our country than there was 50 years ago. The reason being is that there is more land than conservation in South Africa today mainly driven by hunting which gives wild life an economic value.

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The private wild life industry manages almost 20 million hectares compared to the 6 million owned by the state. So, hon members, trophy hunting revolves around consumptive resource use and the term sustainable use is hardly debated but often not clearly understood. However, these are debates for another day. We the DA support this report because captive lion breeding holds no conservation value and there are serious welfare and health issues. The use of lion bones in commercial trade is a major threat to wild lions and is of major concern.

In conclusion hon members I'd like to leave you with the following thoughts, considering everything that has been taken into account. It is a fact that everything on this earth is either for man's pleasure or benefit and we cannot deny that lions are killed to survive but men breed to survive, be it crops, poultry animals or whatever. Men breed to survive. The DA supports this report.

Mr Z R XALISA: Chairperson, the late Manique philosopher Aime Cesaire once explained "a civilisation that grows incapable of solving the problems it creates is a decadent civilisation,

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civilisation that chooses to close its eyes to its most crucial programme is a stricken civilisation, a civilisation that uses its principle for trickery and deceit is dying civilisation.”

The very foundation of Western civilisation falls down our through colonialism are unravelling in front of our eyes. Revealing that Western civilisation is nothing but a decadent, stricken civilisation full of theft and down right evil.

The captive lion breeding industry is one of the villous demonstrations of the bankruptcy of western civilisation.

Captive lion breeding adds no value to any conservation enforced in this country. There is no record of successful reintroduction to the wild of captive breed of lions. This industry is merely to satisfy the evil needs of twisted individuals who derive satisfaction from killing lions.

We therefore support the recommendation of this report that there must be an urgent introduction of legislation that must burn outright the practice of the captive breeding of lions and other wild life except only for the purpose of express

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scientific inquiry. The EFF is in support of this report. Thank you very much.

Ms S J NKOMO: Chairperson, the recently held colloquium on canned lion hunting and I choose my words with care here, which is not captive bred and it's continuing harm to the image of the conservation, image of South Africa and is a most serious matter that requires immediate government attention and action.

Hon Madam Chair the Portfolio Committee through its Chairperson and members must all be commended for undertaking such thorough investigation as well as looking into these barbaric practices and damage it is continuing to do not only to our wild life conservation effort but also to brand South Africa.

Chairperson, the IFP under the leadership of Prince Mangosuthu Buthelezi has always championed environmental and conservation rights in South Africa. Not because the subject is a voter catcher but because of the fact that by being seated here today in this NA we are all guidance and custodians of the environment and the such of a solemn obligation and constitutional enshrined

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duty to protect the environment for both ourselves as well as generations to come. Chair, it is important for us to look at canned lion hunting as well as the lion and tiger borne trade.

The IFP here says there's no place in South Africa for that. There's also no benefit to the wild life concerned and there is no benefit to the people of South Africa. There is no benefit to brand South Africa and we actually look at all of this as quite dangerous because these animals are captured and we will continue to allow for these animals not to be captured and to be actually let loose so that they actually roam the earth as they have been doing.

Hon Chair whilst we support this report as the IFP we would like to keep on stressing that the matter here before us has actually harmed brand South Africa in such a way that in the whole world we are alone. Thank you House Chair.

*IsiXhosa:*

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Gq Z LUYENGE: Sihlalo weNdlu, mandikhahlele kuwe kuqala, ndikhahlele kuzo zonke izinxiba-mxhaka ezilapha. Ndifuna nje ukuthi, egameni lombutho wesizwe...

*English:*

Twelve years, that is all the time we have left to save our planet from catastrophic impact of climate change. According to the report of the United Nations released on Monday, we must do everything we can to preserve our natural habitat including the animals and plants living in it. The lion in Africa is a mighty animal. We fear it and we also respect it for its power and majesty in jungle, its natural home. But, the lions we were talking about in the colloquium were those that western capitalist ethos has nurtured into helpless prey for trophy hunting and amusement of the rich and famous.

The colloquium Chairperson, revealed the diversity of opinion amongst stakeholders in the matter of captive lion breeding for hunting. For some, this practice is good because it injects vital tourism dollars into our economy. For others, such as the

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Khoisan people, every lion shot and killed represents the humiliating death of a son of God, a sacred being.

The test of democratic governance is that we have to rise above the frame and manage these contradictions in the interest of our whole nation. In fact, this practice has tarnished our image among conservationists around the world Chairperson. The ANC supports the conclusion of the colloquium that we must regulate this practice and limit its controversial aspects. The potential laws of revenue can be compensated but the loss or reputation to brand South Africa turns to be permanent

*IsiXhosa:*

Sifuna ukubulela kuSihlalo wale komiti umntwana kaMapulane, sibulele kuMphathiswa omtsha kraca umama uMokonyane. Aze angatyhafiswa othuswe yingxolo eyenziwa apha zi-emere ezigoqozayo eziya kusoloko ziyenza nakubani na onokuqokwa nguMongameli uRamaphosa. Musani ukukhangela ukunconywa kubantu abazele ukuza kugxeka apha. Abantu enibasebenzelayo bona phaya ngaphandle bayayazi into eyenziwa ngulo mbutho wesizwe. Yiyo loo nto nanamhlanje bezimisele abantu bakuthi besithi ngowama-2019

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bayaphinda ngomkhonto nevili nokuba ubani uyafuna okanye akafuni. Kaloku lo mkhonto nevili walwelwa ngoobawo uLuthuli, ooMandela, ooTambo kunye nooHani, izinxiba-mxhaka zelizwe lakowethu.

Sithi kwaba bangapha ngakwisandla sasekunene sam mabomelele, bayibambe itshisa. Enkosi Sihlalo weNdlu.

*English:*

Mr L W M FILTANE: Hon House Chair, on a point of order: I thought he had overrun his time Chair.

The HOUSE CHAIRPERSON (Ms A T Didiza): No, he had not. I thought you were going to sin.

*IsiXhosa:*

Gq Z LUYENGE: Naboo ke, benza oko bazele kona abo baligcuntswana. Baya kuhlala beligcuntswana bade baye kutshona. Enkosi.

Question put.

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**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON JUSTICE AND  
CORRECTIONAL SERVICES ON PROVISIONAL SUSPENSION FROM OFFICE OF  
Mr E S NZIMANDE, REGIONAL COURT PRESIDENT KWAZULU-NATAL, TABLED  
IN TERMS OF SECTION 13(3) (B) OF MAGISTRATES ACT, ACT 90 OF 1993**

Mrs M R M MOTHAPO: Hon Chairperson and hon members, it is my honor and privilege to present the Report of the Portfolio Committee on Justice and Correctional Services which was unanimously adopted by the committee on the provisional suspension from office of Mr E S Nzimande, Regional Court President KwaZulu-Natal tabled in terms of section 13(3) (b) of the Magistrates Act. The Portfolio Committee on Justice and Correctional Services having considered the report tabled in terms of section 3(b) of the Magistrates Act, dated 5 October 2018 on the provisional suspension from office of Mr E S Nzimande Regional Court President KwaZulu-Natal report as follows: Mr Nzimande is the Regional Court President of the regional division KwaZulu-Natal, he has served the lower court judiciary as the Regional Magistrate since 1 July 2000 and was appointed the Regional Court President KwaZulu-Natal on 1 June 2011.

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The Magistrates Commission during a preliminary investigation obtained reliable evidence indicating that the allegations against Mr Nzimande are of such a serious nature as to make it inappropriate for him to perform his functions as a judicial officer and Regional Court President. Having considered the existing evidence against the commission, on 31 August this year resolved to charge Mr Nzimande with the misconduct.

A charge sheet containing 50 counts of misconduct was served on Mr Nzimande personally on 4 September this year. The charges among others relate to acts of impropriety in that he in his capacity as head of the office for the KwaZulu-Natal regional division during the period 2012 to 2016 was responsible for the recommendation of acting regional magistrates to the Minister for appointment.

On various occasions, during the period 2012 to 2016, he approached the Minister recommending the acting appointment of a number of attorneys for them to act in the regional courts within his regional division. In turn he received numerous payments from these attorneys that were deposited into his bank

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accounts either prior to or after their respective approved acting appointments received numerous payments into his bank accounts from a person who at the relevant time was a clerk of the court and a prosecutor within his regional division.

During the period of 2012 to 2015, unlawfully and wrongfully victimised and or sexually harassed a female acting regional magistrate for the KwaZulu-Natal regional division. In compliance with rules of natural justice Chair, Mr Nzimande was invited to furnish the commission with representation as to why the commission should not recommend that he be provisionally suspended from office in terms of section 13(3) (a) of the Magistrate Act which he did on 14 September 2018. Having due regard to the serious nature of the allegations, the totality of the information at hand and Mr Nzimande's representations, the commission resolved on 27 September this year to recommend that Mr Nzimande be provisionally suspended from office in terms of section 13(3) (a) of Magistrate Act.

The recommendations of the committee therefore is that having considered the Magistrates Commission report dated 5 October

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this year tabled by the Minister of Justice and Correctional Services on the provisional suspension from office of Mr E S Nzimande pending the outcome of an investigation into his fitness to hold office as a magistrate. The committee recommends that the National confirm Mr E S Nzimande's provisional suspension from office as a magistrate. Thank you, hon Chair.

[Applause.]

The HOUSE CHAIRPERSON (Ms A T Didiza): I now recognise before I ask the question, parties who would like to make declarations.

The DA. [Applause.]

There was no debate.

Mrs H O MKHALIPHI: Chairperson.

The HOUSE CHAIRPERSON (Ms A T Didiza): Order, hon member can you take your seat.

*IsiZulu:*

Nk H O MKHALIPHI: Kumakhaza la.

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*English:*

Please.

The HOUSE CHAIRPERSON (Ms A T Didiza): Alright. I will ask the officials to assist us accordingly. Thank you. Over to you, the hon Breytenbach.

*Declarations of vote:*

Adv G BREYTENBACH: Madam House Chair and hon members, this House is called upon today to consider the provisional suspension of the sitting Regional Court President in KwaZulu-Natal Mr Nzimande that served in the capacity since 2011 and has wreaked havoc in that region. This comes after a thorough preliminary investigation was carried out by the Magistrates Commission. The recommendation of the commission and the Minister is that the allegations are of such a serious nature that it is inappropriate for Mr Nzimande should remain in office pending the finalisation of this matter.

Consider if you will for a moment the most serious allegations against him? He recommended appointments of a number of

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attorneys to act in his region and then received payments from these attorneys into his bank accounts. He received payments into his bank accounts from a clerk of the court and a prosecutor within his regional division.

It has been suggested that he has protected rhino poachers and rhino horn smugglers. [Interjections.] This is not the calibre of the person we need on a regional court bench. He does not meet the requirements of the fit and proper person. The DA supports the recommended provisional suspension and urges the hon members to do the same. I thank you. [Applause.]

Mrs N E NTLANGWINI: Hon House Chairperson, the EFF supports the decision by the committee and the adoption of the report confirming the provisional suspension of Mr Nzimande the Regional Court President in KwaZulu-Natal. The allegations against Mr Nzimande are very serious and disturbing. While the corruption of the executive and even a few members of the legislature are well-known. Corruption within the judiciary particular, within senior leadership does not often happen.

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As an organisation, we have always at the forefront of the fight against corruption, from Zuma to Mr Pravin Gordhan and in this case it is no different. The allegations that Mr Nzimande received various payments from a number of attorneys that he recommended to the Minister so that he could act in the regional court must be taken seriously. If our society and the people do not trust in the judiciary we will see a quick descent towards anarchy and that is why decisive action must be taken.

However, not only is Mr Nzimande corrupt, he is being accused of sexual harassment and this is something that must be taken very seriously. The judiciary branch of government is meant to uphold the law and not break it. That is why we support the suspension of this predator, Mr Nzimande and the adoption of the report. He must go! I thank you. [Applause.]

Mr X NGWEZI: House Chairperson, the rule of law is vital to any democracy an independent and uncompromised judiciary must ensure that its rulings are respected by both the state and the citizenry. Equality before the law must be guaranteed and enforced. Justice must not only be done, but must be seen to be

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done. For our democracy means but little if people are able to manipulate the rule of law through puppet and compromised prejudiced judiciary officers and prosecutors.

The matter before us is made even more serious in that it involves a judiciary officer who also holds office as the Regional Court President in the province of KwaZulu-Natal. A charge sheet containing 50 counts of misconduct was served on Mr Nzimande personally on 4 September 2018. The charges include impropriety in respect of the appointment of the recommendations for acting regional magistrates which included recommendations for certain attorneys to act in such positions and in return it is alleged that he received payments for such appointments. That Mr Nzimande also received numerous payments into his personal bank account from a certain clerk and a prosecutor within his regional division. As well as Mr Nzimande being charged with sexually harassing a female acting Regional Magistrate within his division.

Chairperson, Mr Nzimande's alleged misconduct was first brought to the attention of the IFP by a certain third party in respect

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of a suspected complicity in the rhino poaching case of Mr Dumisani Gwala the alleged rhino horn poaching ringleader in KwaZulu-Natal.

In fact we have been in contact with the hon Deputy Minister of Justice and Correctional Services the hon John Jeffery in this regard and thank him and the Ministry and their swift attention to this matter. We are very pleased to hear that this particular court case after more than 16 months or rather 16 postponements due to various delaying tactics being used by Mr Gwala and his cohorts is now finally going to trial.

The IFP fully supports the recommendation of this report that Mr Nzimande be suspended from office and trust that Mr Nzimande will face the full might of our law should these charges prove to be true.

The declaration was read on behalf of the hon Inkosi E M Buthelezi, who is a member of this committee. The IFP supports this report. Thank you, very much.

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Mr S C MNCWABE: Chairperson, the NFP regards the charges against Mr E S Nzimande, the regional court president in KwaZulu-Natal to be very serious. We do not expect someone in the position of Magistrate Ndzimande to commit such kind of misconducts. I won't repeat the charges against Mr Nzimande, my colleagues have already alluded to that, but as an NFP we are convinced that the conduct of Magistrate Nzimande to be unethical and be accepted for this particular position. That is why we support this suspension of Mr E S Ndzimande.

*IsiZulu:*

Ngiyafisa ukugcizelela Sihlalo ukuthi njengoba silwa kakhulu silwela ukuthi iBhentshi noma Ezobulungiswa [Judiciary] baziguquke noma zishintshe. Abantu bakithi mabayeke ukusithela ngehlaso kubi lokhu ngoba ngikusho kumabonakude. Asikwazi ukulwela ukuthi mabathole izikhundla eziphezulu ababengenazo ngaphambilini. Uma sebezithola lezikhundla bese benza amahlaso afana nalawa, basibuyisela emuva.

Yimbi into eyenziwe nguNzimande. Awukwazi ukuthi kulesi sikhundla usiyagwazisa uhlukumeza abantu besifazane ngokocansi.

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Kanti yibuphi loBulungiswa [Judiciary] esibuguqulayo uma sebengenile bezokwenza amanyala afana nalawa. Labantu esizama ukubakhipha kulezi zikhundla abakade bahlala bazothola izizathu zokuthi ayikho into iniyenzayo, niyazibona uma seniphethe ukuthi ninjani. Yingakho sithi ke siyacela ukuthi uMnyango obhekene nokuziphatha nokuqeqeshwa kweziMantshi uqinise isandla.

Okwesibili, nokukhokhelwa kwazo iziMantshi yingakho sikwesekile ekuqaleni ukuthi zikhokhelwe ngendlela egculisayo, ngendlela ezokwazi ukuthi bangandwe ekwenzenilemikhuba efana lalena. Siyagcizelela ukuthi izifundiswa zakithi aziyeke ukusithela ngehlaso uma sekufanele bathole izikhundla eziphezulu ngoba sizama lokho sonke ukuthi aziguquke zonke izinto ezaziqhoqhobelwe ngabathile ngaphambilini. Uma sezitholwe yibo abayeke ukusithela ngehlazo bakithi njengoNzimade.

Mr M L W FILTANE: Chairperson, I want to take this matter to another level. Mr Nzimande's behaviour which was not just a once off incident or occurrence is a serious reflection on the lack or low standards of supervision on the part of those to whom he reports. You can't have a judicial officer at that level

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conducting himself in such a manner and only to find that we can only say we support his suspension.

Our view as the UDM is that, his supervisor carries what one calls, the carrier's responsibility for his behaviour. He slept on the job. This was a reflection of somebody's character and judicial officers, because of the seriousness of the job that they do, should as a matter of procedure be subjected on a regular basis to test, to confirm their continued suitability to discharge their functions, if that is not case you may find that there are many other Nzimande's around the country and in fact the abuse of women has become so common in our country that people seem to take it as matter of course, yes it will be done and I know I get away with it.

My recommendation is that, the Department of Justice, just to use old terminology so to speak, should look to see what role was played by Mr Nzimande, by way of tracking how Mr Nzimande is behaving. His behaviour must have shown some how that there is something that he is up to, and that is what I meant by saying that we would like to take this to another level. Just about

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everybody who has been here has merely endorsed the suspension; of course as UDM we also endorse that, but we strongly recommend that matter be taken to another level and more investigation should be conducted to see what role was played by his supervisor, neglect of duty whilst you enjoy the pay should not be the order of the day. I thank you.

Mr G J SKOSANA: House Chair, greetings to hon members, the African National Congress rises in support of the report of the Portfolio Committee on Justice and Correctional services on the provisional suspension of from office of Mr E S Nzimande, the regional court President in KwaZulu-Natal, tabled in terms of section 13 (4 a & i) of the Magistrate Act, which is Act 90 of 1993, having served in the lower court as a regional magistrate and later as regional court President, a position which he has held since June 2011.

Mr Nzimande is not new in the administration of justice. His long service in the judicial arm of government and the seniority of his position allows one to reasonable assume that he understands the high standard of ethical conduct required of

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judicial officers and the meaning of fit and proper, among the allegations of impropriety in Mr Nzimande's conduct: he abused the power bestowed on him by his office and he unlawfully and wrongfully victimised and/ or sexually harassed a female acting regional magistrate in KwaZulu-Natal.

We are a non sexist organisation and therefore we take great exception to and condemn any victimisation of women which is essentially bed rocked on patriarchy and even more so as we observe this period of the 16 days of activism. Women should be able to ascend to positions of power without fears of intimidation by patriarchal powers. Having considered the preliminary evidence and the gravity of allegations against Mr Nzimande, the magistrate commission is of the view that it would be inappropriate for him to perform his judicial functions.

It would not be in the interest of justice to have this Magistrate preside over cases when there is a cloud hanging over his head. The ANC supports the rule of law and our judiciary, so we expect high standards of conduct from judiciary officers. The ANC supports the magistrate commission's recommendation and the

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report and we also want to thank all the political parties for supporting this particular report. I thank you.

Question put.

Motion agreed to.

Report accordingly adopted.

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON HIGHER  
EDUCATION AND TRAINING - MEETINGS WITH NATIONAL STUDENT  
FINANCIAL AID SCHEME AND STAKEHOLDERS**

The HOUSE CHAIRPERSON (Ms A T Didiza): Order, hon members. I just to go back to the earlier issue and point of order that was raised by hon member of the EFF, we have contacted the department that deals with the household to actually manage the aircon.

Ms B C NDLOVU: Hon House Chair, the report of the Portfolio Committee on Higher Education and Training on its meetings with

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the National Student Financial Aid Scheme and stakeholders that took place on 31 October 2018, the committee in exercising its oversight function through several engagement with National Student Financial Aid Scheme, NSFAS, raised serious concerns about the inability of the Nursery Teacher Training, NTT, to effectively process payments of allocations and allowances to students timorously. These concerns were further supplemented by the several complaints received from students during the oversight visit that we undertook early in 2018.

We therefore, resolve a firm eye on the progress by NSFAS to clear up the backlogs relating to outstanding allocations and allowances due to students. The unsatisfactory responses that we received relating to the payments of allocations and clearing up the backlog in the February and May 2018 meetings with NSFAS led the committee to conduct its own independent enquiry on the extend of the challenges relating to the payments of allocations and allowances to students and institutions.

The responses from students and institutions revealed several inefficiencies with the rollout of the student's centred model.

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This led to the committee inviting NSFAS and stakeholders to another meeting on 16 August 2018. The outcome of this meeting relating to the effective close out of the 2017-18 fund cycles and the road map towards the 2019 academic was unsatisfactory.

The committee welcomed the intervention by the Minister to appoint Dr Carolissen as the administrator to turnaround the NTT.

As we are emphatic that teaching and learning in institutions should be prioritised, students should receive what is due to them as this would restore stability in institutions.

The committee recommended the work done through the office of the Chairperson and the support staff to conduct an independent enquiry into the payment of allowances at universities. This exercise assisted the committee to make its own analysis about the extend of the challenges faced by the students regarding disbursement of allowances.

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The committee expressed a serious concern about allocation of upfront payments by NSFAS to universities and TVET Colleges without sending a list of students who qualify for funding. This resulted in delays with processing of students living allowances and consequently disruptions to teaching and learning by protesting.

The committee expressed a concern about the inadequate integration of the NSFAS ICT system with that of universities and TVET Colleges. In addition, the inability of the NSFAS ICT system to cope with the volumes of applications from students was also noted as a concern. The committee was of the view that NSFAS should have undertaken an assessment of its business systems to determine its capabilities.

These are some of the key recommendations that we have made: NSFAS should improve its communication with institutions and students. Feedback to both should be given timorously. The department should avail additional funding to TVET to improve on their ICT system for better integration with NSFAS ICT system. NSFAS should address its IT challenges which hinder the

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timorously processing of funding applications and exchange of information with institutions. NSFAS should ensure internal controls are build into the system to ensure data credibility and that only eligible students who meet both financial and academic requirements are funded. SFAS should ensure that outstanding financial claims to universities and colleges for the 2017 academic year are paid and that NSFAS management develops and implement a project plan. We request this House to consider the report. I thank you. [Applause.] [Time expired.]

There was no debate.

THE CHIEF WHIP OF THE MAJORITY PARTY: We move for the adoption of the report.

*Declarations of vote:*

Ms J D KILIAN: This report is a sad reflection of the state of affairs in 2018. This multi-billions Student Financial Aid Scheme almost collapsed during the course of this year. It left tens of thousands of students who thought they will be getting a

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free education completely unfunded until nearly the end of the year.

In fact, there are still at least 36 000 students waiting for their funding as we speak. The department insists that none of this is the fault of the super hero who was a resident at the time. That super hero, I will call bankrupt tour.

The former President, bankrupt tour, 12 months ago, suddenly landed a multi-billion rand scheme for fee free education in the lap of National Student Financial Aid Scheme, NSFAS, with a month notice. No, it can't possibly be his fault that NSFAS collapsed or nearly collapsed at the time, say the Minister and the department. It can't possibly be bankrupt towards fault, its all NSFAS its own fault for the appalling students centred system which was not working. Well, that is a matter of opinion. In my view, no bureaucracy could cope with a one month notice for the expansion of their system by 3 or 400%. Perhaps both bankruptor and NSFAS are to blame or is that too complicated an idea.

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Anyway, NSFAS was basically beyond redemption by the time this meeting that the report record took place. It was paralysed and ineffectual. Thank heavens for Minister Pandor, who finally did something about it and put an excellent administrator, Dr Randall Carolissen, who is the latest victim to receive what one can only call a hospital pass. Let's hope that he can turn NSFAS around rather than pretend to as is normal the case in failing ANC institutions.

So far, he had to replace many senior staff, revamp IT systems and redistribute the bloated staff to the different regions rather than have them sitting in the head office, some of them only having one member of staff to manage.

Anyway, heaven help the 400 000 new students who have already applied for NFSAS for the 2019 year. Can the system be fixed in time for the New Year? Can students who are offered money but find they are unable to have found a place in a university or college cope with the disappointment? Will students get their money on time? Will students again be left stranded with no money, food or accommodation until their year is over? Will

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universities again be expected to carry the financial can for a system that doesn't work? We await the year with bated breath. We are not optimistic that the New Year will go well. Thank you. [Applause.]

Ms N F K HLONYANA: The fact that this government is still continuing with NSFAS show its lack of revolutionary vision and its total commitment to the neoliberal capitalist. They believe that education is a commodity and not a right.

For years, NSFAS has not been working. Instead of making the lives of young people easy, it is a heddle in their lives and in their goal of graduation. There are thousands of students across the country that is still waiting for NSFAS payment from 2017, a few weeks before 2019. How will NSFAS help poor young students get accommodation when our institutions of higher learning cannot even accommodate 20% of all students in the country?

Forcing them to squat or pay ridiculous amount for private accommodation money that they will never receive from NSFAS. Eight and nine months into every academic year, you will find

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students at campuses complaining that they still have not received their food allowances and because they know their families at home struggle even more than they do, they refuse to ask for money and all they eat is bread. While every year fees rises, but NSFAS biggest flaw is that it limit who receive government funding denying hundreds of thousands of young people the opportunity that education provides.

This report provides many example of how NSFAS has failed from the late payment to the lack of co-ordination. If you go to students and young people who cannot afford to study, they will tell you the same thing, NSFAS is a fundamental flawed system. The only way forward is fee free education. This fact is not reflected in the recommendations of the report, therefore, making it like every other report inconsequential. The EFF therefore, reject this report. We ask all young people in the country to vote for the EFF because it is obvious that the ANC does not care for their future. They have promised us free education and they still haven't deliver. That's the ANC government for you. So, vote for the EFF. Thank you very much.

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Mr X NGWEZI: House Chairperson, the IFP holds firm that the National Student Financial Aid Scheme, NSFAS, payment delays to institutions of higher learning cannot be tolerated. With a mandate to progressively realise the constitutional right to access to education and transforming institutions of higher learning, by providing much-needed funding relief to students who cannot afford higher education, NSFAS has been found deficient on an array of issues.

The lack that exists in the system must be ironed out, in order to efficiently ensure that our students who qualify for fee exemption are accommodated and fully covered. Allegations of corruption within the system must be dealt with swiftly, as this entity will receive even more money over the next medium-term expenditure framework.

The oversight report indicates that a number of issues continue to plague the financial scheme in terms of registration, implementing the new fee-free policy and infrastructure and administration issues. What is most concerning is the poor financial management by NSFAS. Contrary to its mandate, as

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mentioned earlier, students have suffered from hunger, were thrown out of private accommodation and most of them subsequently, dropped out of the system.

Upfront payments to universities and colleges by NSFAS, which were poorly administered, are truly shameful, as it has directly impacted students and institutions, as most colleges and universities had to fork out money to ensure that student allowances are carried and supported.

We cannot allow this situation to continue as business as usual. I would suggest that, in order to mitigate this situation, applications be processed and provisionally finalised in June, before the start of the new academic year. By the time matric results are released, all provisionally accepted students are then cleared to receive funding as early as January. We cannot have a situation where campuses become mini war zones due to student dissatisfaction.

The centralisation of NSFAS must fall. NSFAS administrators may be allocated to all campuses countrywide. Let the people who are

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familiar with the institutions do their work, instead of having to centrally manage a system that has clearly failed our students and institutions. The IFP supports this report. Thank you.

Prof N M KHUBISA: House Chairperson, the NFP welcomes this report, but we have issues that we want to put to the fore. We are aware of the deficiencies that NSFAS has. We also see a lot of disruptions in our institutions and the destruction of property, because we need that property for our children. We are also seeing a lot of instability in higher education institutions. We are also seeing a lot of students suffering with no food, no accommodation, no learning material, no intuition fees, etc. NSFAS has subjected our students to these maladministration issues.

In the past, the department depended on financial aid offices, TVET colleges, and student-support services, to disburse funds. There was fraud, corruption, inaccuracies, and inefficiencies with the system. There were late payments of substitutes to

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students. This resulted in students being evicted, suffering from hunger, and dropping out of the system.

We know the history. As time went on, the board chairperson resigned. There was a change of guard. Thanks to the hon Minister of Higher Education for being quick enough to redirect the system. We commend her for that. She was swift by appointing the new administrator.

The portfolio committee, led by hon September, also did a sterling job of oversight and meeting with all stakeholders. Then it became clear that the centralised system of NSFAS could not work. It also became clear that NSFAS had to be capacitated with technical skills and expertise. All stakeholders, including students' formations were willing to help and there was a resolution that there should be satellite offices where students will be able to access their finances and also sign their forms immediately.

The National Freedom Party concurs with the recommendations of the committee that NSFAS should address the delays in the

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processing of the funding applications of students living with disabilities and ensure that assistive devices are purchased timeously. NSFAS should improve their communication with institutions and students. Feedback to both should be given timeously.

We also agree with the fact that NSFAS should address its IT challenges, because there were inaccuracies and deficiencies with the IT system, which hinder the timeous processing of the funding applications and exchange of information institutions. We support the report.

The HOUSE CHAIRPERSON (Ms A T Didiza): Can I ask members to converse but not so loud that I can hear you from the podium. I wish I was going to be the following speakers, so that I can say a little bit of what members say in the corners, hoping that I don't hear. [Interjections.] I will not tell you.

Mr M L W FILTANE: Chairperson, I want to express my disappointment in the way we are handling some serious issues in this House. I remember very vividly that soon after Minister

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Naledi Pandor was appointed as Minister of Higher Education, as a matter of importance, we had a discussion here in the House on this very subject matter. For us to have to sit here this afternoon and go through it, as if we are just going through the motions and discuss exactly what we discussed in this House, does not reflect well on how we programme things in this House.

However, it does give us an opportunity to re-emphasise certain things around our education. We all know that government exists for nothing else but to take care of the social needs of the citizens of a given country and education is one such matter.

It is okay and one thing to pump money into our education system, but it is a different matter all together when you have to take a step back and take a good look at what we get out of that. I think looking at the low rate at which people are found to be appropriate for industry; it is about time we did that.

By that, I am not even implying that we should begin to minimize the amount of money that is allocated for NSFAS, but I am saying that as a responsible government, we should begin to ask: We

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have pumped so many billions into NSFAS, what are we getting as a country in return? In other words, are we teaching our kids the right type of education, given the continued high levels of unemployment?

That is the question I thought we would be dealing with. I am not part of that portfolio committee, but I think that is what the nation would have loved to hear us talk about. What value are we getting out of pumping so much money into higher education? I would implore the committee members to look at that, coming next year. This is all I came to the podium for. I thank you for giving us the opportunity.

Mr L M NTSHAYISA: Hon Chairperson, as the AIC, we appreciate the work of the committee and the Minister of Higher Education and Training, as stated in this report. It is has been chaos. The nonpayment of money due to students has been a headache. It has been tough issue that led to many students leaving their institutions of learning and they have been denied the right to education.

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The misappropriation, corruption, inefficiency and all of this should come to an end. So, we hope that we will achieve this. These entities should be checked now and then, so that these things do not happen.

We also support the recommendations made by this committee that there should be no delays and the payments should now be done properly. It should not be that a lot of money is given to one student, as has been the case in that institution. So, we are happy that something has been done, so that our students can go to school and have the right to education, as each and everyone has the right to education. We support the report.

Ms B C NDLOVU: House Chair, firstly, the ANC wishes to thank all students who heeded the call by NSFAS and applied for funding for their 2019 academic year. Tremendous pressure was placed in the media over the last few days before the applications closed. We urge NSFAS to continue working at the increased pace it has been working to ensure that students receive their funding status before the 2019 academic year commences.

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The ANC rises in support of this report. We do so because of the tremendous strides NSFAS has made through the intervention of the Minister, the work of the administrator and cautious monitoring of the committee. In these past three months, we have seen a massive turnover in the entity through the terms of references given by the Minister and the administration and the continuous reporting of the entity to the committee.

It must be noted that, in the first two months of the administrator's term, an additional R15 billion was paid to students to ensure that the issue of clearing the backlog is comprehensively addressed.

Last week Wednesday, the committee convened a meeting with NSFAS and its stakeholders to receive progress on, amongst other things, the clearing of the 2017 and 2018 backlogs and the readiness of the entity for the 2019 academic year. In this meeting, NSFAS recognised the significant turnaround in clearing backlogs and trying to make things run smoothly for the 2019 academic year.

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Within three months, NSFAS has taken a different turn for the better. Within this past three months, certain realities had to be confronted and these were largely in relation to leadership challenges, which led to the former board being removed. The focus now is to build a leadership that is aligned to the student-centered model.

In order to address the issue of staff morale, which is critical to the optimal functioning of the entity, an open-door approach between staff and the leadership has been fostered to ensure that those who work in the entity follow the legislative mandate of the institution, share the vision of NSFAS, which is centered around student advancement, and build hope for young people. This has inspired the confidence of the staff, and currently, there are people working nightshifts. There are also those who are voluntarily deployed to regions to ensure that the objectives of the entity are met. Those who are deployed to regions are able to provide on-the-spot resolutions at the major institutions.

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We were also informed that NSFAS has identified the hotspots across the country and is working progressively and urgently to address the challenges that were raised. This has yielded positive results, as the communication between institutions and NSFAS is improving. NSFAS has received a letter from the vice-chancellors, thanking it for taking the sting out of some of the issues of concern.

In relation to the system's stability, we are quite happy that the NSFAS system has been running for a period of time without failing, which is a major achievement, given that it used to crash daily. This has assisted the entity in meeting some of its targets and has enabled a massive clean-up of data. This has enabled NSFAS to trust the exchange of data with institutions. This has led to an improvement of the relations between the structures.

We wish to urge the department, NSFAS and the TVET colleges to collectively work together towards ensuring that the data challenges that are experienced are speedily addressed before the 2019 academic year.

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We are happy that the remittance system is in place to ensure that the correct amount gets to the correct students. This will avoid a situation where money is transferred from NSFAS to students. This is all about accountability and condemns the payment of money that transpired at the beginning of the year to students who are not eligible for that funding.

We welcome the forensic audits that will be conducted by NSFAS, especially around third-party disbursement. These have the ability to tarnish the credibility and the integrity of the institutions.

What occurs in this regard is that third-party providers offered free or cheap disbursement channels and then feed off the system through commission or whatever incentives schemes the third-party providers could come up with. We await the pronouncement of the Minister and NSFAS in this regard.

*Afrikaans:*

Dit is goed afgelewer, opvoedkundig, doeltreffend, sonder om oorlogvoerend te wees.

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*English:*

The ANC supports the report.

There was no debate.

Mr F Bhengu moved: That the Report be adopted.

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

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON HIGHER  
EDUCATION AND TRAINING – OVERSIGHT VISIT TO CAPE PENINSULA  
UNIVERSITY OF TECHNOLOGY**

*Xitsonga:*

Nkul R T MAVUNDA: Inkomu mufambisi wa ntirho na Yindlu ya wena leyo hlonipheka, ndza perisa na le ka vaakatiko. Mutshamaxilu

...

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*English:*

This report is a culmination of challenges that confronted this university in 2017, which led to the Portfolio Committee being inundated with correspondences from stakeholders. These stakeholders were raising issues relating to victimization of students and staff, alleged corruption, non-implementation of employment equity plan of the institution and poor response by management to stakeholder grievances.

Hon Chairperson, this oversight visit to the university was a follow up from the previous engagement between the university and the Portfolio Committee in September 2017. As part of the oversight visit, the Committee had an opportunity to engage with the university stakeholders; being the union, Student Representative Council, institutional forum and council.

The Committee was unable to sufficiently address all the matters raised by the stakeholders at the meeting with management and resolved to conduct this visit at the beginning of 2018 academic year.

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Hon Chairperson, this oversight visit led the committee to raise some concerns with the stakeholders of the university. This being the university which did not meet its targets of admitting first term entering students, despite the call for universities to increase access to learning especially for the poor.

The Deputy Speaker {interjection}: hon member, at the back there, please be quiet, you are really speaking so loudly. The person before us can't be heard.

There was no explanation from the university as to why it continually failed to achieve its target for first term enrolment of students, F-tens. The committee acknowledged that the university had a great potential to be amongst the top institutions of high learning in the country.

The growing research output and innovation system supported this assertion; however the continued absence of permanent Vice-Chancellor and the delays in the filling of senior management posts threatened the stability of the institution, nevertheless

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the university undertook to prioritize the filling of the Vice-Chancellor post and other senior management posts.

Hon Deputy Speaker, moreover the interim Vice-Chancellor has also been instrumental in leading the institution in the absence of the permanent VC. The poor relationship between the university and the Council were also noted as a concern. Deputy Speaker, the following are the recommendations as a result of the observations of the Committee; the university should investigate the causes of the under enrolment of first term students, F-tens, as this has had an impact on the achievement of the overall head count enrolment numbers

The university should prioritize the filling of the Vice-Chancellor position and other critical posts to bring stability at institution. This institution should also establish a stakeholder forum wherein staff and students grievances could be resolved. Safety and security measures are non negotiable. A proper system should be put in place to ensure student safety to ensure student safety in the residence, and students themselves

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should adhere to safety measures put in place by the university at their residence.

The department should ensure that policies and strategies put in place by the Universities to address transformation and redress the appointment of senior management, and other middle management levels. The ANC considers this report.

Debate concluded.

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

*Declarations of vote:*

*Afrikaans:*

Mnr A P VAN DER WESTHUIZEN: Adjunk-speaker, agb lede, die Kaapse Skiereiland se Universiteit vir Tegnologie, Kasut, is die enigste universiteit vir tegnologie in die Weskaap, en sy sukses is daarom vir ons van groot belang.

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Ongelukkig het hierdie instelling ook swaar deurgeloop onder die vandalisme wat die Fees Must Fall veldtog gekenmerk het. Selfs 'n kerkgebou met 'n sterk anti-apartheidsgeskiedenis wat op die Kaapse kampus geleë is, is deur petrolbomme beskadig. In totaal is R47 miljoen se skade aangerig.

Die ontwrigting was so erg dat dit verlede jaar onmoontlik was om studenteleiers te verkies. Klasse is vir weke opgeskort of ontwrig en studente en dosente se bewegings is met

lemmetjiesdraad beperk. Dit was beslis nie die tipe atmosfeer wat ons op ons universiteitskampusse wil sien nie.

Maar, die portefeulje komitee het baie gou uitgevind dat die probleme by Kasut veel groter is as die studente se ongelukkigheid met klagelde. Dit was vir die portefeulje komitee duidelik dat daar hoë vlakke van wantroue vanaf beide die studente asook die personeel se kant in die bestuur van die universiteit geheers het. Voeg daarby 'n gebrek aan stabiele leierskap vererger deur verskeie vakante bestuursposte, met die

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gevolg dat baie seniorbestuurders in waarnemende posisies moes dien, en ons het 'n resep vir hierdie tipe van ontwrigting.

Ongellukig spoel ongellukige personeelsgriewe maklik oor na studente gedrag.

Intussen het studente wat ernstig is met hulle studies en toekoms begin om met hul voete te stem. Terwyl ons eintlik groeiende getalle studente wil sien, en terwyl baie ander instellings jaarliks studente moet wegwys, is die inskrywing van

eerstejaarstudente by hierdie instelling elke jaar laer as verwag.

Die vorige Vice-rector het aan die einde van September 2017 bedank. Dit na 'n lang en uitgerekte dissiplinêre ondersoek, waardeur hy uiteindelik skuldig bevind is.

Sedertien is Dr Chris Nhlapo as Vice-kansellier aangestel. Hy het ons almal se ondersteuning nodig. Instellings soos die Nasionale Finansiële Hulpskema vir Studente se gereedheid vir

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volgende jaar, soos in die vorige debat vermeld, gaan 'n groot rol speel om sake vir universiteitsbesture te vergemaklik of moontlik te vergemoeilik.

Prof Nhlapo het die geleentheid om die wydlopende en ernstige probleme by Kasut wat in verslag vermeld word, reg te stel, en om hierdie instelling na nuwe hoogtes te lei.

Ons in die Parlement se portefeulje komitee sal hom en die Raad van die Kaapse Skiereiland se Universiteit vir Tegnologie in hul reglike pogings steun.

Ons steun hierdie verslag. Dankie.

Ms N K F HLONYANA: While this report gives a glimpse into the chaos at the Cape Peninsula University of Technology, the CPUT, it is still not a true reflection of the state of the workers on the campus and also fails to properly take into account challenges facing students. While some of the problems with regards to the National Student Financial Aid Scheme, NSFAS, have been addressed in the report, much has been ignored. In

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2016 the CPUT committed to in-sourcing, but still two years later workers at the institution have still not seen this to be realised.

Yes, they are now officially employed by the university, but it has done everything it can do to deny these workers what they have promised. The salary they were offered was not even on the university pay scale. They were not offered proper medical aid and the university even has the audacity to tell them that even if they were to sign their contracts today, it will only be implemented late next year. It is because of this that the workers on their own accord and after leaving the unions that have failed them, decided to take CPUT to court. Why have none of these been included in the report? On the issue of accommodation, we do note that some of the issues that the report has identified, such as poor maintenance, bad security, bad management and the lack of residences. But, one key issue that relates to accommodation was not properly looked at despite being a real and a material challenge to students - the lack of student accommodation. The reason given by the CPUT management to the committee for not spending the R126 million

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infrastructure and an efficiency grant, are inadequate and it indicates that they are hiding something.

In 2016 and 2017 the EFF Student Command, which recently won the Student Representative Council, the SRC, elections in the majority of the CPUT campuses, has for years, been identifying buildings that can be bought by the CPUT. Because of the management's lack of will and inability to find ways to enrich where they had to buy these buildings, they have not acted. Much is missing from this report and the EFF therefore rejects it. Thank you.

Mr X NGWEZI: Hon Deputy Speaker, after reading this report by the committee on the follow-up oversight visit to the Cape Peninsula University of Technology, I am deeply saddened by the state of affairs at CPUT particularly when it comes to the responsiveness of the management to students and their representatives. The SRC expressed the concern about the culture of the institution. They elaborated that students needed to protest in order for the management to respond to their grievances and this had become a culture.

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Certain staff members at the university viewed the SRC as a threat and were not willing to assist students with their request. We cannot allow this toxicity to plague our campuses. After all these institutions are student centered and they must be focused on responding to the various needs which students highlight to invest in management.

Not only is CPUT ignoring its students. It is also found wanting in terms of workers, relationships and implementation of employment equity on its campuses. Deputy Speaker, this institution must be turned around and its dignity and seriousness as an academic institution must be restored. This is a damning report of the state of affairs at this university. It is shocking, disheartening and quite frankly unacceptable. It baffles me how this institution has been running. The IFP supports this report. The urgency by the Minister of Higher Education intervening at this university is key to turning things around. The IFP furthermore supports all recommendations made by this committee and it is our hope that this institution will be returned to execute its core mandate. The declaration is

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read on behalf of the hon E M Buthelezi, who is an alternate member. Thank you. [Applause.]

Prof N M KHUBISA: Deputy Speaker, we welcome this report because we want this university to be turned around. We cannot afford to have an institution of higher learning, getting into decadence like this one. This is a university with six campuses, Cape Town, Bellville, Granger, Granger Bay, Mowbray and Wellington. In 2017 the university experienced violence. There was destruction of infrastructure. Teaching and learning was disrupted.

There were allegations against the vice chancellor. Then, he was later suspended. The Chair of the Council resigned too. There was a leadership vacuum as well. Workers were complaining about threats that were meted to them within the campus. That the management always meted out threats to them. Students also complained of not receiving their NSFAS on time. There were allegations that 5 000 was taken as a bribery to those who needed accommodation. Students did not have food. Buildings were worn out and dilapidated. All stakeholders were not consulted.

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Then the Institutional Forum said, they pursued issues of higher learning, legislative policy framework because there was no transformation. Student matters and filling of vacant posts were not attended to. The Institutional Forum had to develop a guide on filling the vacancies. Then students, on their own, complained about threats and the reign of terror at the university. Management put forward some criteria of 65% for one to become the member of the SRC and I have never heard of this in my life. Students saw this as a sabotage. This was indeed a violation of law.

At the Cape Peninsula University the employer's union said there were concerns about the conditions of service because there was a 10-year contract. Employees were contracted for 10 years and the conditions of service were very bad. And, then the National Tertiary Education Union was concerned about recruitment and selection processes that were not favourable and were outside law. Having said that Deputy Speaker, the NFP agrees with the committee that the poor relations between the university and the Council were once again noted as a concern and moreover the adequate dialogue between the Council and stakeholders had to be

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resolved with immediate effect. The committee expresses a serious concern that the university did not utilize R126 million infrastructure and efficiency grant allocation from the department earmarked for the construction of residences whereas buildings were dilapidated. We support the report. Thank you.

*IsiZulu:*

USEKELA SOMLOMO: Indlela oma ngayo iyona eyenza ukuthi ungasiboni isikhathi uma sesibalekile baba. Ubobheka esandleni sobunxele. [Uhleko.]

*English:*

That's the best way to look at your things.

There was no debate.

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

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

Motion agreed to.

Report accordingly adopted (Economic Freedom Fighters dissenting).

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON HIGHER  
EDUCATION AND TRAINING – COMMISSION FOR GENDER EQUALITY REPORT  
ON GENDER TRANSFORMATION IN TERTIARY INSTITUTIONS**

Mr M WOLMARANS: Hon Deputy Speaker, this report is as a result of the meeting convened by the Portfolio Committee on Higher Education and Training with the SA Human Rights Commission, SAHRC, to engage its report on transformation at public universities in South Africa. One of the issues that came to the fore in this meeting was the need for the SAHRC to broaden its cope of investigations to include the human rights abuses at universities in particular gender-based violence.

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We were informed that investigations into gender-related issues was not in their ambit but rather in the ambit of the Commission for Gender Equality, CGE which had already conducted some in that regard. This prompted the committee to invite the CGE to engage it on the work that it has conducted on gender-based violence at universities. Subsequent to the committee's decision to invite CGE to a meeting, the commission tabled in Parliament its report on gender transform in tertiary institution hearings 2017-18.

This report was then communicated to the Speaker of the NA in terms of Rule 338 of the NA Rules for consideration and reporting in terms of Rule 339 and 340 respectively. The CGE in its submission to the committee indicated that it had received complaints relating to gender discrimination and lack of adequate responses from university to address issues of gender transformation as far back as 2011. At that stage it had already commenced with its hearings.

The purpose of those hearings was to assess the impact of Employment Equity legislation and to hold institutions of higher

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learning for non-compliance in gender transformation. They were also held to advise universities on how to tackle obstacles that impede the advancement of women and to date 13 universities have been called to appear before the commission.

Commissions also conducted hearings at the Department of Higher Education and Training during 2018. The overall findings of the hearings established that sexual harassment is prevalent at the institutions of higher learning and predominantly came in the form of "sex for marks". Sexual harassment policies were largely focussed on employees to the exclusion of students. Not all universities provided counselling services to victims of sexual harassment. Universities have no specific policies that dealt with the safety of students and the process that must be followed. Lastly, universities also failed to create an environment of zero tolerance to gender-based violence.

The interventions by the commission included compelling universities' conduct; sexual harassment campaigns during orientation; delivering sexual harassment lectures to various universities; attending induction processes at various

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universities to ensure that sexual harassment and grievance policies are adequately outlined; and assisting universities to review gender related policies.

The committee welcome the report undertaken by the CGE on gender transform at institutions of higher learning. The interaction between the committee and the CGE was the first of its kind and the committee undertook to continuously engage with the CGE on matters of gender-based violence and gender transformation at institutions of higher learning. The committee also undertook to confer with other committees in Parliament which are more empowered to deal with other critical matters of the CGE raised such as the lack of police co-operation and delays by the judiciary in assisting the victims of gender-based violence with justice.

The areas of concern for the committee which stood out from its interaction with the CGE included inadequate gender representation at senior management at universities; lack of existing policies at universities to promote gender equity; and to protect women and lesbian, gay, bisexual, transgender or

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transsexual, intersex and queer or questioning, LGBTIQ persons against gender-based violence and discrimination; inadequate budgets to promote transformation and gender equity; institutional forum's inability to fulfill their legislative mandate of promoting transformation at universities; and the failure of the system to promote safe environment. Now, we ask the House to consider the report that we lay before them. Thank you, hon Deputy Speaker. [Applause.]

Debate concluded.

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

*Declaration of vote:*

Prof B BOZZOLI: Hon Deputy Speaker, we support this report but we want to comment on the fact that it reflects largely on pointless exercise, the visit to the committee of a Commission for Gender Equality, CGE. Unsurprisingly, when the CGE looked at universities they found plenty of gender inequality; sexual harassment; "sex for marks" scandals; and sexual violence.

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Universities are in fact a microcosm of society and this is to be expected in a violent crime ridden patriarchal society such as our own.

Yes, hon Filtane, there rarely are very serious questions to be asked about what is going in our universities at the moment. Crime, corruption, fraud have also emerged as well as the credentialism that will in the end destroy education system. Enter the gender commission. The ANC has specialised in developing bureaucratic rule-driven mechanisms of enforcing gender equality and in fact women today have a greater chance of employment in previously male jobs. But, the violence and the harassment and the general gender related criminality have not stopped. In fact, they have become worse and so the gender commission thinks that it has a role to play.

It has a guise however, of a social policemen and it behaves like one. In fact the gender commission is a tame organisation. It is a tame promulgator of bureaucratically driven so-called transformation according to the ANC playbook. It is not able to grapple with real questions around sexual harassment and

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violence. What happens to the perpetrators? This question is absent from most of our discussions about patriarchal crimes.

The focus tends to be on the pitiable situation of the victims or on what bureaucratic reforms might protect them. As we heard the Commission for Gender Equality is very big on bureaucratic reforms. It goes to enforce transformation and to try and protect victims before sexual violence actually happens. When it comes to actually catching, charging and punishing the perpetrators, very little is happening and the CGE seems to care very little about those things.

I don't just want to know how many rapes there are on campuses. I want to know how many rapists have been caught and jailed. Until this happens, the CGE remains another cushy employment vehicle for ANC cadres who then make a series of self evident observations and write reports which just lament how bad the situation is. We support this report but we reject the presence of the CGE which really seems a pointless organisation as it stands. Thank you. [Applause.]

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Ms N K F HLONYANA: Deputy Speaker, it is a shame that when we debate issues of such importance the governing party, the so-called *thuma minas*, are not here in the House; the ANC benches are empty. [Interjections.] But anyway, the EFF welcomes this Report as it paints the transparent pictures of gender relations at institutions of higher learning.

It is clear from the presentation which was made by the Commission of Gender Equality that at universities, female students and staff are still subjected to various forms of patriarchy. The Commission for Gender Equality has been conducting various hearings at universities for over seven years now; looking into transformation at universities.

In its presentation to the commission, explained that during this hearing, institutions of higher learning are uncooperative. [Interjection.] They are invited to attend hearings but they do not come; often forcing the commission to subpoena them.

With the University of Stellenbosch, the University of Johannesburg and the University of the Free State, all being

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subpoenaed in the 2017-18 year, just so that they will provide the Commission of Gender Equality answers to the questions on gender transformation and corpus of the gender transformation policies.

This pattern of ignoring sexual violence and gender issues is not new, as we saw this at Rhodes University where two students were expelled for life, not because they raped someone but because they protested against rape.

In this transformation hearing, the commission has conducted, over the year, the extend of sexual harassment of females on university campuses was revealed. The commission found that students are coerced by lecturers into providing sex for better marks. Sexual harassment policies are primarily focused on staff and ignore students. Many universities do not provide counselling and universities have no special policies nor the capacity to deal with sexual violence.

The committee, as seen on the Report, has provided a number of clear practical and implantable recommendations to the

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Department of Higher Education to address the issue highlighted in the commission for gender equality's Report. But more should have been included, the issue of access to counselling, which not only will help students cope with the trauma of sexual abuse, but will also provide assistance to the many students who have mental health problems.

The EFF does, however, support the adoption of this Report.

Thank you.

Mr X NGWEZI: Hon Deputy Speaker, the Report on Gender Transformation in Tertiary Institutions by the Commission for Gender Equality is welcomed. It is utterly disgraceful that the Commission for Gender Equality found an extremely high prevalence of sexual harassment, sex for marks, sexual violence, and the majority of universities fail to create an environment of zero tolerance the gender-based violence on campuses across the country.

If our institutions of higher learning are microcosms of our country and its rich diversity, why has it not been more

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proactive in tackling issues which affect millions of South Africans daily?

Further to this, the Report stated that the majority of universities did not have policies which seek to protect women and lesbian, gay, bisexual, transgender intersex and cheopersons against gender-based violence and discrimination.

Moreover, the unwillingness of the universities to report incidents of sexual harassment and gender-based violence was noted as a serious concern.

How is it that our academic institutions, which should drive research and agendas for change, fail our women and vulnerable groups?

How is it that the academic allied fail to empower women in the workplace, let alone allow themselves to express their concerns?

It is seriously worrying that universities have dismally failed our women in this country.

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Chairperson, for these reasons and for the swift implementation of the committee's recommendations, the IFP fully supports the Report. It was read on behalf of Inkosi E M Buthelezi, who is an alternate member. Thank you very much.

Prof N M KHUBISA: Deputy Speaker, the Report that we are deliberating on is a very crucial one and the recommendations that were made henceforth were very, very vital. Then the NFP welcomes and supports the Report.

It's a pity that 23 years into democracy we have universities not supporting our women folk. This matter is a human rights issue and it's about the dignity of our women in our country. And on the Report it was noted that sexual harassment was still prevalent at institutions of higher learning; and it came in the form of sex for marks, that in order for students to write exams if they didn't qualify or to write a test or a supplementary examination, they had to give their lives for that, and that was shocking for institutions of higher learning.

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It was also found that sexual harassment policies focused on the staff only and excluded students. And also, women were not promoted to senior positions. We only have few Vice-Chancellors who are women in our country, and when are we going to have more?

There was also lack on counselling services at some universities to victims of sexual harassment, sexual violence, consumption of drugs, etc; these issues were not taken seriously by the universities. And there were no policies in place for the safety and security of our students, especially women, when they are travelling to their flats and other places. And there were no zero tolerance policies on gender-based violence. The cases in point here are incidents at Rhodes University, Durban university of Technology, DUT, Stellenbosch University and other universities.

The portfolio committee said that the Commission on Gender Equality should compel universities to conduct sexual harassment campaigns because some of the universities were reluctant in

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doing so; and these must be done during orientation, induction and lectures on this matter must be prioritised.

The whole case of the intervention by the commission included compelling universities to conduct these campaigns during orientation, delivering sexual harassment lectures to various universities and attending to induction processes; and some of the pertinent issues and observation by the committee which are very serious.

The committee commended the work undertaken by the Commission of Gender Equality in fighting gender discrimination and promoting the rights of women and people with disabilities at institutions of higher learning.

Chairperson, we support the Report. Thank you.

Ms C N MAJEKE: Hon Deputy Speaker, this matter has been ventilated in many forums and society is in agreement that such inhumane behaviour has to be rooted out of our institutions of higher learning.

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Institutions of higher learning are not immune from society and thus are a reflection of the kind of society we are.

The Report highlights the microcosm of a sickening society. We must, once again, unite against all forms of gender violence. We must support the commitments of the recently held national summit against gender-based violence. Support is not enough; all stakeholders, including this House, must lead in the implementation.

The UDM further recommends that all higher education and training institutions to work hard, to work hand in hand with the commission on gender equality, to help root out this scourge both in the institutions as well as in the society at large.

Active involvement of higher education and training institutions in eradicating sexual harassment, killing, rape and any other gender-based violence by reactivating students' counselling functions in all institutions.

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Institutions' specific gender policies and offices must not only be formulated but put to use and to be constantly monitored to ensure that progress is being made and measured.

Guaranteed safety when on campus and leaving the institutions' premises by arranging means of transport for those staying outside campuses and to ensure that vulnerable students reach their places of destination without being killed, raped and violated in any way.

Finally, improved security within higher education and training campuses to prevent the attacks of vulnerable women; it is only when we walk the talk that equal society can be realised. The UDM supports the Report. I thank you.

Motion agreed to.

Report accordingly adopted.

**CONSIDERATION OF REPORT OF STANDING COMMITTEE ON APPROPRIATIONS**

**- OVERSIGHT VISIT TO FREE STATE PROVINCE FROM 13-17 AUGUST 2018**

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There was no debate.

Ms S R van SCHALKWYK: I move that the report be adopted.

*Declarations of vote:*

Mr M SHACKLETON: Deputy Speaker, whilst we support this report because it contains the truth. The findings are deeply concerning as far as national security; provincial health infrastructure and the persistent use of bucket toilets in the Free State are concerned.

We were told as the committee that at the Tempe Military Base, the barracks are so under maintained that soldiers rent accommodation in nearby townships, and if they had to be called up the service, the SA National Defense Force, SANDF, would not know where they are. This is not an image of a safe South Africa.

The Bloemfontein three military hospitals were not built to specification. They have no mortuary and no laundry. The alarm system and boom gates are not working and fencing is inadequate.

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At the Bloemfontein Airforce Base, the lack of a boundary wall together with a damaged perimeter fence through which vehicles can enter, makes securing the base's assets virtually impossible.

Roads in and around the base are unsuitable for travelling whilst the flaking of the roof insulation is damaging aircraft engines. Surely, we can take the defense of our nation seriously. The security of the Republic must not, and cannot be a joke. At Dr J S Moroka Hospital the roofs are leaking; there is no budget for maintenance and staff has been short paid by R950 000.

In the Setsoto Municipality sewerage spillages continue, as top structures are built before infrastructure is installed, and people are using bucket toilets because the toilets that have been built don't flush due to low water pressure. This does not display a government that has its act together; it is flushing taxpayers' money away.

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We support the recommendations that the Auditor-General conduct performance audits on the implementation of the bucket eradication programme and that the quarterly briefings should be made to the committee on the rollout of the programme. I thank you.

Mr M N PAULSEN: Deputy Speaker, Commissars of the EFF and fellow South Africans, for the past five years the EFF has maintained that Parliament is wasting a lot of money on trips that are supposed to be oversight trips, but instead are turned into holiday trips, party-funded meetings and campaigning for the ruling party.

The National Assembly had an opportunity to visit the province that the Secretary-General of the ANC, Mr Ace Magashule, has looted and left on the brink of collapse. Public healthcare in the Free State has completely collapsed. The clinics in Thaba Nchu, Nelson Mandela and Phekolong do not have basic medication, equipment or staff.

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Support staff had to drive around looking for water everywhere because the water is either not drinkable or is not available at all. Now, here is a report that does not reflect on a real state of affairs, the complete collapse and chaos because money was allocated in a manner that prioritises in enriching the former Premier.

The ANC wants to pretend that we are adopting the report that are reflecting the true state of affairs, but the reality is, they are abusing parliamentary processes to hide the chaos in the Free State and all other provinces they govern. When the EFF government takes over after 2019 elections in the Free State and all other provinces, we will build strong internal state capacity.

We will build proper clinics, schools, water, and infrastructure; we will make sure that money that is allocated is appropriated for the purpose which it was intended for, unlike amasela [thieves], the whole bunch of you. The EFF rejects this report. Thank you very much.

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Ms D Z SENOKOANYANE: Hon Deputy Speaker, perhaps I should start by saying that it is very interesting to listen to people who were not even part of an oversight visit, and you can actually hear from what they are saying that they have no clue as to what happened there. [Applause.] They have raised issues like, if you go to a hospital ... [Interjections.]

Dr M Q NDLOZI: Deputy Speaker, I am rising on a point of order.

The DEPUTY SPEAKER: What is the point of order?

Dr M Q NDLOZI: Most of us here were not at the oversight visit. You are supposed to report to us.

The DEPUTY SPEAKER: Hon member, you are debating.

Dr M Q NDLOZI: Just report, because if that is the principle ... [Interjections.]

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The DEPUTY SPEAKER: You are debating. I'm switching off your microphone now, please. You are not on the floor of the House for debate.

Ms D Z SENOKOANYANE: I will forgive you, hon member. Deputy Speaker, I just want to say that, you know when hospitals implement services, it depends on the norms and standard of that particular hospital. It doesn't mean that every hospital must have a mortuary and everything. I think that's one thing you must get into your heads.

We went to the Free State as part of our oversight responsibility because we wanted to get first hand information, which we did, and of course, I cannot stand here and say that we are very proud and happy about what we saw there, but it was useful in a sense that we were actually able to identify areas of importance, and as we visited there, we were able to put things together.

I can therefore mention just few things that we visited military services where we found that there were serious challenges like

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challenges of security; challenges of infrastructure in particular, including in the three military hospitals. We visited health services and we find out, particularly at the J S Moroka Hospital, that they also have serious infrastructural problems.

At the J S Moroka Hospital, we can commend the staff that is working there, the nurses, doctors and other support staff that is working under difficult conditions, but they continue doing good work in that hospital. We also visited Water and Sanitation Projects. There I can say that we do have a crisis. We found lots of challenges where the bulk infrastructure is quite wanting.

But I also want to add for those who do not know, that we have put a report together; we invited the affected departments and we came back together as a committee and engaged with them. As I stand here, I can tell you that there is a lot that is already happening because it wasn't just an exercise where we were just visiting the Free State, but we needed to get information. Work has already started.

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We have the Department of Defense, Health, Water and Sanitation and Public Works departments that have already started the work which be presented to us. Therefore, people mustn't really come and talk as if nothing is happening in the Free State. We do have problems, like I said that we are all worried about the level of challenges faced by the province.

I also know that this ANC government is going to take the process forward, which is the reason why we visited the province in the first place. We didn't just make an oversight visit, but we are dealing with the challenges that we have witnessed. I thank you, Chair. [Applause.]

The DEPUTY SPEAKER: Hon members, the motion is that the report be adopted. Are there any objections?

HON MEMBERS: No.

Mr M N PAULSEN: Deputy Speaker, you are very fast. Please note the objection of the EFF.

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The DEPUTY SPEAKER: Okay.

Mr M N PAULSEN: Please.

The DEPUTY SPEAKER: Alright.

Motion agreed to.

Report accordingly adopted.

**CONSIDERATION OF REPORT OF STANDING COMMITTEE ON APPROPRIATIONS**

**- MUNICIPAL INNOVATIVE INFRASTRUCTURE FINANCING CONFERENCE**

There was no debate.

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

That the Report be adopted.

*Declarations of vote:*

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Mr K J MILEHAM: Deputy Speaker, I attended the Municipal Innovative Infrastructure Financing Conference as a representative of the Portfolio Committee on Co-operative Governance and Traditional Affairs. Let me start by saying that this report does reflect the proceedings of the conference and as such the DA will support it. But we will be remiss if we did not point out that this conference spectacularly failed to address the elephant in the room. That elephant is not the fact that there is insufficient finance for municipal infrastructure projects, but rather our municipalities are woefully unable to properly manage the funds that they do have and the cause of this problem sits right here in this House.

The coalition of corruption between the ANC and the EFF has seen municipalities illegally depositing funds in VBS Mutual Bank. Funds which were used to support the lavish lifestyles of people like the commander in thieves and his trustee side wearing red overalls. People like the Vhembe District mayor and the ANC deputy provincial chairperson Florence Radzilani and people like former North West premier Supra Mahumapelo.

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This coalition of corruption has also seen the ousting of a well regarded government in Nelson Mandela Bay Municipality to be replaced by Mongameli Bobani, a man even his own party cannot stand. In Nelson Mandela Bay where some of those financing we were talking about at the conference was actually being explored and implemented notably R700 million loan to finance infrastructure maintenance and upgrades. The new Bobani coalition of looters wants to restructure that loan illegally, I must add, to fund festive season events and pay off municipal creditors.

It is no surprise that our municipalities are unable to inadequately manage their finances when you consider that there are 112 out of 257 municipalities passed unfunded municipal budgets. Or according to a reply to a parliamentary question I asked earlier this year, only 94 out of 257 accounting officers, and a mere 79 out of 257 chief financial officers at municipalities, meet the minimum competencies as laid down by the National Treasury. It is no surprise that our municipalities are unable to manage their finances when the Auditor-General on a regular basis bemoans the fact that there are no consequences

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for financial misconduct. The Auditor-General, AG, again identified a number of shortcomings in the development and maintenance of infrastructure by municipalities. This include the underspending of grants, delays in projects completion, poor quality workmanship and inadequate monitoring of contractors. Now it would be noted that nowhere does he talk about an inability to raise funding. And it is certainly no surprise that our municipalities are unable to manage their finances when the Department of Co-operative Governance and Traditional Affairs itself got a disclaimed audit opinion and failed to submit its annual reports on time. One has to ask exactly what kind of example are they setting for municipalities.

On Raphuti earlier spoke about the excellent job that the ANC has done in government over the past 25 years. I have just one question: where? According to reports today KwaZulu-Natal municipalities are experiencing looting on a grand scale to the extent that they are now in the brink of eminent collapse. Or perhaps we should talk about Geoff Makhubu, the former ANC member of mayoral committee, MMC, for Finance in the City of

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Johannesburg who enriched himself to the tune of R30 million paid in influence to Regiments Capital

Chairperson, we do not deny the need for innovative financing solutions at municipalities. We must take care however to ensure that proper governance structures, and here we talk about effective checks and balances, are in place to ensure that those financing solutions do not become a trove for the corrupt to feed at. The problems in our municipalities don't arise from money, but they arise from a failure of governance. We need to stop talking about the finances and start talking about making municipalities more accountable for their spending. We need to focus less on how much they are getting and more on how much they are achieving.

Only the DA has demonstrated the benefits of clean government that benefit all South Africans. Only the DA is truly focused on ensuring that municipal funds are used for their correct purpose and that people are getting value for money. Only the DA is committed to building one South Africa for all. Orange glow on

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the horizon is not a new dawn, but it's our municipalities burning.

Mr N M PAULSEN: Deputy Speaker, all over the world including in emerging economies municipal infrastructure is a backbone of economic growth and in the funding mechanism for municipal infrastructure must be sustainable, prioritise maintenance, job creation and asset creation for communities. The ANC government did not only collapse governance in local government, but they also collapsed the ability of municipalities to develop long-term infrastructure plans, budget for infrastructure and build enough capacity to actually build much needed water supply, sanitation , roads and recreational infrastructure facilities.

The ANC planned the collapsed of the ability of municipality to do anything they started by forcing them to outsource everything. Now they have completely collapsed them and they are moving to the next stage to put these municipalities and the citizens in debt.

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The so-called financiers who provide a focus on the evolution of municipal trading services and our innovative infrastructure financing can help municipalities on nothing but International Monetary Fund, IMF, and World Bank supported capitalists will knock municipalities and the citizens of every cent.

We cannot fund long-term infrastructure through borrowed money especially from people who have no interest in the development of our country. We must start by rearranging how we divide national raised revenue and prioritise local government. Let us us built sufficient internal state capacity of engineers, artisans, planners and developers will use the land that we are going to expropriate without compensation to reshape the face of society and we will not be able to do this with borrowed money.

Lastly, municipalities must be able to have their own state-owned municipal banks and well funds to invest their own money including offshore investment to build enough reserve to maintain all the infrastructure that will be build through state finance. Thank you very much. We reject this report.

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Mr S C MNCWABE: Deputy Speaker, this report is deliberated upon at a very critical time when we have to talk about infrastructure challenges for both urban and rural municipalities and ways of delivering co-ordination at local government level. Creditworthiness, financial health and good governance within municipalities are some of the pertinent issues in this report and that include proper planning, project preparation and project management.

As we discuss this report some of municipalities are undergoing a painful route as some of the finances especially in Limpopo had to disappear with the collapse of VBS Mutual Bank. Over and above the flouting of supply chain management policy by certain officials we have to face this scourge of fraud and corruption conducted at both management and political level to the extent that struggling municipalities cannot deliver on their funding mandate. We have roads that are worn out, halls that are worn out, a lack in supply of water and electricity, poor sanitation and a lot of challenges within municipalities.

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At this conference it was concluded that there is a need to look at innovative alternative models to funding as commercial banks cannot do long-term lending. To this end it was agreed that partnerships be allowed for more comprehensive loans. There was also a need to assess why public-private partnerships have not taken off more substantially in South Africa when compared to other countries. There was also a need to focus on municipalities which had the potential but lack the requisite capacity to invest. It also became clear that most municipalities failed to spend on the municipality infrastructure grant. And there were those which flawed supply chain management processes. There was also a need for each municipality to develop an infrastructure assets assessment in order to determine the remaining life span of assets. Operations and maintenance plans needed to be developed. The NFP however supports this report. Thank you.

Mr M HLENGWA: Hon Deputy Speaker, at the outset let me say that the IFP supports this report. We strongly believe that every now and again there is a need to reflect on the state of health and state of functionality of all our government structures in

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particular municipalities, primarily because all development is local. Therefore, that being the case we need to ensure that municipalities are always effective and deficient in the work that they do because they are at the coalface of service delivery. Therefore, this conference was an important exercise to ascertain and determine the extent to which the municipalities are capable and able to maintain their infrastructure and to develop further infrastructure in the collective interests of socioeconomic development.

The realities of rural-urban migration continue to be urban if unaddressed correctly for the state of health of urban municipalities. It is the IFP's fundamental believe that municipalities whilst underfunded we still need to instil further capacities in municipalities in terms of their own financial management. The extent to which fruitless irregular and wasteful expenditure has become a norm in municipalities without consequences primarily derails the effectiveness of municipalities and, of course, on service delivery.

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There is a overreliance on national government to a large extent which then makes municipalities who are at the coalface of service delivery to become bystanders in the delivery process because their expectations is that national or provincial actually has got the more capacity than they should. Therefore, they do need to be a paradigm shift, planning shift and the financing shift towards ensuring that municipalities receive the finances. However, furthermore the technical support which enables them to actually perform their duties better for our people.

*IsiZulu:*

Ngakhoke mhlonishwa Sekela Somlomo, njenge-IFP, siyohlezi silishaya njalo ikhwelo lokuthi omasipala njengoHulumeni basekhaya kunesidingo esikhulu sokuthi ngaso sonke isikhathi banikezwe izinsizakusebenza nezingqalasizinda ezisezinkeni eliphezulu zokubalekelela ukuba babhekane nezinsalelo zentuthuko ezisezindaweni zasemakhaya. Ukushoda kukagesi nokungabi khona kwamanzi ezindaweni eziningi nanokuthi izingqalasizinda ezikhona azikho esimweni esihambisana nesikhathi esiphila kusona.

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Ngezinye zezinto ezenza ukuthi abantu bakithi basalele emuva ngentuthuko ikakhulukazi uma ukhuluma ngezindawo zasemakhaya

Kunesidingo esikhulu-ke sokuthi uHulumeni kazwelonke ungasondeli nje komasipala ngokuletha izimali kodwa usondele komasipala ngokuqinisekisa ukuthi omasipala bazokwazi ukwenza umsebenzi wabo. Okuyikhona okusithokozisayo mhlonishwa Sekela Somlomo ukuthi i-IFP la iphethe khona iyaqhuba kodwa ayiqhubi ngokubuyela emuva. Siyabonga.

Mr M W L FILTANE: Hon Deputy Speaker, to where we have so many municipalities declared by the ANC government to be distress is an absolute disgrace. You are fully in charge of the municipalities. You have got the numbers. You have got the budget. You have got the intension, but you are not moving at all. All you can do is to declare that they are in distress. Take the example of Buffalo City Metropolitan, BCM, down in East London, in King Williamstown, no refuse is collected for weeks-on-end risking people's lives and yet, you still want votes. Poor governance is reportedly at the centre of the staff

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problems. It was only today that they had to be bought out of their misery. That is an absolute disgrace.

Infrastructure needs finance in order for it to be developed, but if you cannot even manage the budget that you have got then you are so much far from being able to develop infrastructure and that has got consequences, let alone even thinking about innovative ways of a developing infrastructure. It is just way above the ANC's level of thinking and implementation. Pre-existing infrastructure is not being maintained at all, it is collapsing right under your watch and yet, you have got the budget, you have got the experience and you have been there for a long time. You should know what to do in order to make sure that people get what is due to them.

Sports facilities are not being maintained and as such sports enthusiasts are suffering because the ANC government is not maintaining sports facilities even if you get a capital for developing that infrastructure, it just collapses under your watch. Fortunately, these are not made up stories. You go to the towns and you can see it just collapsing. I could never believe

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it when in O R Tambo a coupler years back the small budget that was allocated for R1,4 million for sports was a mere R200 000. What an insult to sports people.

Under expenditure, irregular expenditure and wasteful expenditure have become the order of the day. If a new child were to leave school and learn how to govern under the ANC rule, they would only learn that this is the only way in which to run a municipality. In fact, it is not to run it, it is to ruin municipalities. You simply cannot trust the ANC government no matter if they have got the numbers. It is about time people begin to look at more sensible ways of running municipalities and not depend entirely on the ANC. Otherwise, this country is going down to the drain. Thank you, Chair.

*IsiZulu:*

Mnu N E GCWABAZA: Sekela Somlomo ohloniphekile, i-ANC ikushayela ihlombe ukuthi i-SA Local Government Association, Salga isukume imeme abatshalizimali imeme nePhalamende isebenzisa iKomidi Elingenakuguquka Lesabelozimali ukuyohlahla indlela ngemicimbi

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yokuthi ingatholakala kanjani imali eyanele yokuthi kusizakale omasipala ukuthi baqhubeke nokwakha izingqalasizinda.

Ikomidi Elingenakuguquka Lesabelozimali linentshisekelo kulolu daba ngoba nalo liyabandakanyeka ngasohlangothini lwePhalamende ukuhlahla imali ebheke komasipala futhi linokwazi ukuthi imali eyabelwa omasipala ayanele ukuthi ifeze lomcimbi wokwakha izingqalasizinda. Ngokunjalo ke kuyakhuthaza ukuthi lenkomfa yavela nezindlela eziningi zokuthi imali ingatholakala kanjani.

Okusemqoka ukuthi labatshalizimali bamabhizinisi angasese banomdlandla wokuthi uhlelo lokusizakala komasipala ngokwezimali lwenzeke, lokhu-ke okwenza isiqiniseko sokuthi uhlelo lwe-ANC lwe-public-private partnership ekwakiweni kwezingqalasizinda yilona oluhle kakhulu noluzodala ukuthi kubekhona ukubambisana. Abantu-ke abakhuluma la abathi izingqalasizinda azikho abahambe bayobheka ezindaweni lapho behlala khona ukuthi i-ANC ifake izingqalasizinda ezingakanani zamanzi. Babheke ukuthi izingqalasizinda zikagesi namanzi zingakanani, [Ubuwelewele.] amaholo omphakathi angakanani asekhawe, amagrawondi okudlala

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izingane maningi kangakanani asekiwe ikakhulukazi ngamakhansela e-ANC.

*IsiZulu:*

Nk M S KHAWULA: Sekela Somlomo, nginephuzu lokukhalima okuphambukayo.

USEKELA SOMLOMO: Lithini iphuzu lakho lokukhalima okuphambukayo?

Nk M S KHAWULA: Umhlonishwa bakithi akuve ngimthemba, ugqoke nanothayi obomvu, amaholo lawa akhuluma ngawo ayakhokhelwa. Ehamba ethi amanzi awekho, e-19 amanzi awekho, emakhaya awekho amanzi nogesi. [Ubuwelewele.] Hhayi! Hhayi! Hhayi! Hawu!  
[Ubuwelewele.]

*English:*

Hon member, that is not a point of order, we switch off the microphone. No, no, no, that is wrong. Go ahead, hon member.

*IsiZulu:*

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Mnu N E GCWABAZA: Ngithi-ke abantu bakithi bangakhohliswa ngabantu abafika la bakhulume into engekho kodwa behlala ezindaweni la kukhona izingqalasizinda ezakhiwe yi-ANC. Okwe-DA kuyethusa ngoba kukhona umbiko othi kuyothatha iminyaka eyishumi nesithupha ukuthi i-DA ikwazi ukwakha izingqalasizinda ikakhulukazi ukwakhela abantu izindlu la eNtshonalanga Koloni ...

*English:*

... 60 years. It will take 60 years if the DA continues to govern the Western Cape. Fortunately, the people of the Western Cape know now that the DA is no longer the vehicle to help them to better their lives. The people of the Western Cape now know that the ANC is the only party that can build a better life for all the people of the Western Cape and for all the people of this country. [Applause.] It is why the people of the Western Cape are going to vote you out in the 2019 elections and voting the ANC. [Applause.]

We therefore, would like to impress upon the SA Local Government Association, Salga, to continue to pursue this avenues through

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which additional funding can be raised for municipalities. We acknowledge that there are challenges in terms of financial management. We have never denied that, but ...

*IsiZulu:*

... ngesikhathi sikhuluma lana nge- ...

*English:*

... Adjustment Appropriations Bill we reported that there is money set aside to train unemployed graduates for deployment to all the municipalities so that one, they can be employed; and two, so that they can provide the much needed skills by the municipalities. That is the ANC for you. I thank you.

[Applause.]

Ms M L DUNJWA: Order, hon Deputy Speaker, the member behind the DA Chief Whip of the Opposition is on a phone in the House. The one immediately after him I would appreciate if you can rule on that.

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The DEPUTY SPEAKER: Hon members, please let's not do that. Let's not do that, hon members. Hon members, the motion is that the report be adopted. Are there any objections?

HON MEMBERS: No.

The DEPUTY SPEAKER: No objections, agreed to.

Mr N PAULSEN: Note the objection of the EFF, hon Deputy Speaker.

The DEPUTY SPEAKER: Okay, we will note your objection, sir. Hon members, let's proceed to the next item which is farewell speeches. Hon Khubisa will lead us in that regard.

Report accordingly adopted (Economic Freedom Fighters dissenting).

**FAREWELL SPEECHES**

Mr M W L FILTANE: Chair, on a point of order: Is this farewell to the ANC government? [Laughter.]

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The DEPUTY SPEAKER: Its farewell to you hon member for disobeying the Rules. Why do you want to be disruptive at the last minute? [Laughter.]

Prof N M KHUBISA: Deputy Speaker, hon members, the festive season has come again, that time of peace, joy, fellowship, love, sharing, happiness and togetherness. As we get into the mood of the festive season, we understand that families, friends and relatives will all be united in a spirit of sharing and enjoying the festivities of the season.

Let us remember those of us within our neighbourhoods who are poor and unemployed and cannot partake in any enjoyment that comes with Christmas festive season or New Year's Eve. Let us share the little we have with our brothers and sisters who, despite the fact that they have none, walked side by side with us in trying to bring about the full liberation of this country and we still have a long way to go to get the economic liberation. Let us be united on one purpose of solving the ills that beset our country regardless of our different ideologies.

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Let us remember those who are emotionally bruised and affected by so many challenges in their lives. On behalf of my leader, hon V Z Ka-MaGwaza Msibi, the NFP caucus and the entire party faithful, I wish to convey my sincere gratitude to all members of this House, the parliamentary personnel, the secretary to Parliament, Presiding Officers, team Xaso, the Chief Whips' Forum for all the collegial relationship that we displayed whilst we worked together.

This year was characterized by parliamentary vibrancy and robust discussion and this was evident by the number of ad hoc committees that did the work. We also remember those, who were with us in this House, our fellow compatriots who passed on whilst we were still fighting together. Now we need to pause and say, thank you to everyone who has assisted us to come to this point. We find comfort in the words of Tata Madiba who said:

"The time for healing of the wounds has come. The moment to reach the chasms that divide us has come. Never, never and never again shall it be that this beautiful land will again experience the oppression of one by another and suffer

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indignity of being the skunk of the world. Let freedom reign. The sun shall never set on so glorious a human achievement”

This was an inaugural address delivered on the 10 May 1994.

I urge all road users not to drink and drive. I urge all holiday makers to enjoy responsibly. I urge all of us to campaign robustly next year but no soul must be lost among all political parties.

Let the law take its course to the spoilers of this festive season. I wish all of you colleagues, Presiding Officers and everyone in this House and outside, the community, a merry Christmas and a prosperous and fruitful new year. Thank you very much. [Applause.]

Mr N L S KWANKWA: House Chair and hon members, once again we are given an opportunity not only to bid our farewell to you colleagues but to also reflect on our performance during the calendar year ending. I must say at the outset that from the UDM we are very proud to have been associated with this august House

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and we have thoroughly enjoyed working with you for the past 12 months.

I can also proudly claim that we have managed to represent those who mandated us to represent them in this important House of the people of South Africa. However, despite all these achievements - despite the passing of some good legislation - much more must still be done to ensure that indeed we build a better life for all South Africans. A lot of hard work needs to be put in to ensure that our people are able to enjoy the benefits of the pieces of legislations and Bills that were passed that goes through this House.

We must say that as the UDM that while we support the debate on the Constitutional Review Committee process and its adoption because we feel that this is an important step towards redressing past imbalances and backlogs. In this regard, the UDM is more than ready to further contribute to this very important process.

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One of the most important and critical questions this House must continue to grapple with as it undertakes this important process and its legislative mandate in general, is how to transform quantitative public participation to a qualitative one so that the laws or the Bills that we process and pass in this House, can always ensure that they pass the Constitutional muster.

Ladies and gentlemen, as long as there is poverty, unemployment, inequality and corruption, our collective commitment and dedication must always be called upon for us to double our efforts in order to address these social ills.

Deputy Speaker, on behalf of the UDM, the party I deputise and its parliamentary caucus, let me convey a word of gratitude for your sterling leadership and the role you have played over the past 12 months in helping us to build a better South Africa for all.

Finally, I want to thank the staff members, who work tirelessly on a daily basis in order to ensure that we are able to perform very well in our capacities as the representatives of our

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people. Before I sit down I want to quote Rosabeth Moss Kanter, Professor at Harvard University when he talks about the importance of building societies that are anchored on values, he said:

"In the face of turbulence and change, culture and value becomes the major source of continuity and coherence, of renewal and sustainability. Leaders must be institution-builders who imbue the organization with meaning that inspires today and endures tomorrow. They must find the common purpose and universal values that unite highly diverse people while still permitting individual identities to be expressed"

This is the role that we must try to play as leaders as we try to build a South Africa in which we all look forward to the sunrise of our tomorrow. May you all have a magical and blissful festive season and a prosperous new year. Thank you. [Applause.]  
[Time expired.]

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Mr L M NTSHAYISA: Chairperson, we are very much thankful to bid the farewell to you colleagues. What a difficult year 2018 has been in this Parliament. It is a year that we lost so many colleagues through accidents and otherwise. However, we are happy that we have come to the end of this year as if all things have come to a pretty past. There is no time to rest as we are going to the 2019 elections. We are expected at the same time to be our families. We are now getting used to the squabbles, the noise, the disorder and everything of this House; something that should not happen really.

The non-attendance of some of the Ministers to answer questions here has been a problem. We hope that there will be an improvement in this regard in future. Our complaint as the AIC is that we were just given one chance for the debate of AIC in this Parliament - five years down the line - so we are complaining. There was only one debate that we were debating.  
[Interjections.]

However comrades, this cannot stop us from bidding you farewell. It has been very nice and enjoyable to work with you. We were

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hoping that by now the ANC would have been now incorporated Matatiela into KwaZulu-Natal. [Interjections.] Perhaps just before May next year, we hope that Matatiela will be incorporated to KwaZulu-Natal as you always promised. Otherwise, we will be very much disappointed if you don't do that. This is long overdue.

Comrades, let us bid you a very good farewell. We wish you and your families a merry Christmas and a prosperous new year; fare-thee-well. Thank you very much.

Mr M HLENGWA: Hoh Deputy Speaker and hon members, I rise on behalf of the IFP to wish all of you a wonderful festive season, a merry Christmas and all the best for 2019. As you reflect on the year that all of us have keenly been focused on, the reality that was on our shoulders rests the duty and responsibility to serve our people. Through many debates, many disagreements and agreements we have always not often than not, found each other in the collective interest of the people. That is what has been a driving force of our interactions.

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So, hon Deputy Speaker the notice which Prince Buthelezi has so often preached that it is okay to agree to disagree without being disagreeable has been a fundamental tenet of all our interactions in this House. We have always been reminded that we are not enemies, but we are all together colleagues in the national duty of the service of our people.

Let us convey our deepest condolences to all the political parties and families that have lost loved ones this year, our colleagues through different ways have been called to higher service. May we honour their memories by continuing with the good work that they did in this House, and well beyond its walls.

The postponement of state of the nation address this year was, of course, testing our democracy, but a test that we passed and one which reminded us that our democracy is one which is resilient and against all odds, we will most likely always survive. As we now approach 2019, having done our work for 2018, we are going into an election. May we continue with the spirit of tolerance, co-operation and reconciliation amongst ourselves

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as colleagues. But, most importantly, as South Africans always remind ourselves that what we do in this House mirrors what people will do on the ground. Let us commit ourselves to an election campaign which is free and fair, and free from fear and of course, an election which will have a credible outcome.

Hon Deputy Speaker, the IFP wants to thank the support staff of Parliament in all the various departments and sections, who have tirelessly worked hard to make our work as this Parliament all more easier because without them we are not going to be effective and efficient in our duties. So, to Parliament staff, thank you very much. Hon Deputy Speaker, as we are going into these elections, let us all know that we need to be safe on our roads. Let's not drink and drive and let this message resonate with every South African. Most importantly, as we are in December and we are looking at HIV and Aids as we celebrate the World Aids Day. Let's remember that this pandemic is not over whilst there is a widespread of antiretroviral treatment - the pandemic is not over. So to all the young people out there abstain, be faithful, condomise, no glove no love, play it safe. Merry Christmas and all the best for 2019.

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*IsiZulu:*

I-IFP inithanda nonke. Ngonyaka ozayo bese niyasivotela ngamunye ngamunye. [Ihlombe.] Sekela Somlomo ngiyabonga.

Dr M Q NDLOZI: Deputy Speaker, the year 2018 started with a delay of the state of the nation address because of the EFF motion of no confidence in Jacob Zuma. This motion resulted in the removal and the departure of the kleptocrats and kleptomaniac Jacob Zuma, who was acting in the interest and the entrenchment of his business partners the Gupta family. There had been many more motions of no confidence which came before and failed, but the first time never to succeed in scaring a President away and lead him to resignation was the one led by the Economic Freedom Fighters. [Interjections.]

Whatever you can say about 2018, the definitive moment of this Parliament was an EFF initiative and this changed the political game plan for good. It is in the year 2018 that Parliament adopted a rule for the first time for the removal of a sitting President - an impeachment rule. This too, fellow South Africans, was due to the litigation efforts of the EFF. It is

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also the motion on land expropriation without compensation which saw the establishment of the Constitutional Review Committee whose report was adopted this week. Today, we adopted a motion flowing from this initiative to establish an ad hoc committee that will work on amending section 25 of the Constitution to allow the expropriation of land without compensation.

The year 2018 has also seen EFF tabled motions and legislations that demonstrate our readiness to govern and lead our people out of the repetitive lazy and outdated set of ideas that have not worked for the last two decades. We tabled Banks Amendment Bill and the SA Reserve Bank Amendment Bill, the Health Amendment Bill, the Liquor Amendment Bill, the Anti Tax Avoidance Amendment Bill, In Sourcing Amendment Bill. Some of these Bills have been ATCed.

The banks and tax avoidance legislation signify a new philosophical and ideological approach to economic policy and developmental trajectory in general. South Africa must be opened to new ways of doing things or risk being trapped in the lousy repetition that leads to stagnation in negative growth. No one

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in this Parliament has managed to shift the ANC towards the left and pro-poor policy and ideological orientation done by the EFF. Without the red benches in Parliament, you are left mainly with the racist option which has abandoned even the most basic liberal and social democratic values and how it deals with its internal politics.

As this year ends, no party in this House particularly those with real numbers in this House and other legislative Houses across our democratic state can claim internal stability and unity of purpose than the Economic Freedom Fighters.

[Interjections.] You can disagree with our ideas, but EFF is going to end the 2019 with an unbreakable record of parliamentary impact, internal stability and unity of purpose than any political formation in here. [Interjections.]

We thank the people of South Africa who kept interesting Parliament. We wish them a great festive season. We don't wish racists a good festive season. We don't wish those who don't want our people to get the land a great festive season. We don't wish people who come to this Parliament and bash education a

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good festive season. [Interjections.] No, we say to the people of South Africa do not neglect the children, the elderly, do not drink and drive. Let us practice safe sex. Let us stay away from drugs, particularly the youth. Let us all come back in 2019 because the land is coming back. It must find us healthy and ready to work it and produce it for sustainable jobs and development for all. I thank you and to all the people of South Africa have a great and revolutionary Christmas. Thank you very much. [Applause.]

The CHIEF WHIP OF THE OPPOSITION: Deputy Speaker ...

Turning and turning in the widening gyre  
The falcon cannot hear the falconer;  
Things fall apart; the centre cannot hold;  
Mere anarchy is loosed upon the world,  
The blood-dimmed tide is loosed, and everywhere  
The ceremony of innocence is drowned;  
The best lack all conviction, while the worst  
Are full of passionate intensity.

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In these words penned in his poem "The Second Coming", William Butler Yeats attempted to describe the chaos following the aftermath of the First World War. But Yeats' words, written in 1918, are as relevant today about the global situation we find ourselves in as they were then. [Interjections.]

You see, that's the problem with the EFF: they can't even be charitable at Christmas. They have gone on about education a lot in the past few days. And, you know what? Yes, let's give them the credit: They have got some qualifications. They have got lots of BAs: Bad Apples; they've got lots of LLBs: Lying, Looting and Bribery ... [Applause.] ... and they've even got some Tvet qualifications: Trashing Vodacom, Everything Taken. [Applause.] That's the education you get from there.

And so let's be clear: South Africa has not been immune to difficulties in 2018. Our economy is troubled and beset by too little growth and too much debt. [Interjections.]

The DEPUTY SPEAKER: Order, hon members! Let's listen to the member at the podium. Order, please. [Interjections.]

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The CHIEF WHIP OF THE OPPOSITION: I think he should take the three EFF members who don't even have a matric to school first before you start dealing with me. You see, this is the EFF as well: massive exploitation of the workers. You've got this little academic aristocracy that sit in the front. While they are all studying on the public dime at all these universities, they exploit the backbenchers to sit here and do the work of Parliament while they are playing games. [Applause.]

[Interjections.] I've got eight minutes more. Bring it on. I'm happy to tell the truth about you.

You know, the interesting thing as well: the hon Ndlozi comes here ... I don't often quote him but this is something the Chief Whip taught me: Claim no easy victories. Well, half the victories that he's spoken about at this podium are not EFF victories at all; they are figments of his imagination. He talks about internal stability. The only reason there is internal stability in the EFF is that if you disagree with the so-called commander in chief, you're out. Sixty-five per cent of their MPs over the last four years have been fired or moved out. Where is the hon Mokause? Where are these EFF MPs? They have all been

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purged because they disagree with the capped clique and that academic aristocracy that sit in the front of those benches.

[Applause.] [Interjections.]

But, you see, all these problems that South Africa faces can be solved. [Interjections.] We have to have the courage to stand up for our convictions and stand up for what we believe in.

[Interjections.]

The DEPUTY SPEAKER: Hon members in the EFF benches: Please listen to the member at the podium. Be fair. You were listened to. You were listened to here. Go ahead, hon member. These are farewell speeches. Go ahead, hon member.

The CHIEF WHIP OF THE OPPOSITION: Nobody can predict with certainty what we will face in 2019 as we head into an election year, but we have been through tough times in 2018 and we will, no doubt, go through tough times again. We have been guided through these tough times by men and women of great courage; men and women who have been unafraid to stand up either in this House or in their communities - and courageously speak out when

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it mattered most. And, in all the times of crisis and uncertainty that South Africa has faced, we have always produced men and women of courage and conviction ready to meet the challenge, right for the time, right for our country.

And, so, at this critical juncture of our history, we need courage and we need courage like never before. We need men and women of courage to stand up and be counted. But courage to stand up to a foe is but only one aspect of the concept of courage. Standing up to one's own associates often draws on far deeper courage.

As day after day of testimony in 2018 of the revelations of the Zondo commission emerge, the true example of our centre not holding, the true sense of how things have fallen apart, have been laid bare. In corporate settings we see how the icons of our modern business age are toppled from the pedestals upon which they flourished, their feet of clay exposed. Greed and pride clouded their humility and brought them crashing to the ground.

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Many people who once held positions of great trust in government and state-owned entities and in the corporate environment failed the test in both public and private life to have the courage to stand up to their own associates. Too many people didn't have the courage. Too many people turned a blind eye to wrongdoing.

But I truly believe that where there is courage we will find hope, and this year has demonstrated this: the excellent work done by Parliament on the many important pieces of legislation; the bipartisan work that happens in committees and corridors on a daily basis that seldom, if ever, makes the news; the shining example this Parliament held up with the Eskom inquiry; and those heady days as we closed the chapter on the Zuma years.

South Africa is a proud nation, and we are all proud South Africans. And that's why I know for sure that if good men and women of courage, regardless of party, step forward and rise to the challenges that we face courageously, then there is nothing wrong that we cannot put right, nothing so broken that we cannot fix, and no situation so bad that through courage, determination and will we cannot make good again.

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And it will not be easy. Those who for too long have ensconced themselves through patronage and rent-seeking will fight back with all they have. They will seek to discredit, denigrate and destroy anybody who seeks to expose their nefarious ways. They will not hold back on targeting people's family members and spreading disinformation in an effort to shield their ill-gotten gains. But they won't win, because individual courage and the many acts of collective courage can truly change the world.

Robert Kennedy put it best, speaking at the University of Cape Town, on a visit to South Africa a few years ago before his tragic assassination. He said, and I quote: "Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centres of energy and daring those ripples build a current which can sweep down the mightiest walls of oppression and resistance."

Let me end by thanking all of those people who operate behind the scenes, who keep our Parliament running: the ushers, the Chamber staff, the translators. Allow me also to extend, once

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again, a very big thank you to the National Assembly table team for their hard work, long hours and dedication to this institution which we are all so very proud to work in. I'd like also like to specifically thank Mr Masibulele Xaso, Collen Mahlangu and Andrew Mbanga and their offices for their patience and unfailing willingness to always assist. I also think we should extend a very special thank you to our Acting Secretary, Ms Tyawa, who stepped into her position under very difficult circumstances. To the Chief Whip, hon Mthembu; his deputy, hon Dlakude: thank you both for your leadership and the Whippery of the House. You are both always able to disagree without ever being disagreeable. [Applause.]

I'd also like to thank the Chief Whips of the other parties, notably Mr Singh, Dr Mulder, Mr Kwankwa, Prof Khubisa, Ms Dudley, Mr Ntshayisa and the hon Mkhalihi for their good spirit and hard work and the terrific co-operation we've enjoyed this year. [Applause.] I'd also like to remember specifically, as we close this annual session, our colleagues and friends from both sides of the aisle who passed away during this year. We remember them today with both respect and affection.

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May I, in this season of peace and goodwill, take this opportunity on behalf of our leader Mmusi Maimane and our party to wish all hon members of this House and their families a safe, peaceful and restful festive season. We look forward to seeing all of you in the new year when we resume with the people's business.

It's easy to sometimes feel overwhelmed by the enormity of the task that faces us and the challenges we are confronted with on a daily basis. But as I close I leave you with the words of Ernest Hemingway: "The world is a fine place and worth fighting for." Thank you. [Applause.]

The CHIEF WHIP OF THE MAJORITY PARTY: Deputy Speaker, indeed, it has been quite a year, 2018. Last night one of our colleagues on the ANC benches who is not here now, lost her mother, comrade Pinky Phosa. She had to run home. We convey our sincere condolences to the family. Nevertheless, as we all know early in the week we also lost a giant of our struggle and a father to most of us, uBaba Mendi Msimang. Of course, he has also sat on

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these benches. We also say to the family, our sincere condolences.

I also join colleagues who have also expressed their condolences for the many Members of Parliament serving who lost their lives during this period. If my count is correct, we lost over 15 members just in these five years. Indeed, we will all of us request that those who can come closer to those families, let us do so, so that we don't only see these families during the time when we buried those wonderful colleagues. Let us go there and see what it is that we can do for them and how can we assist them. I know that it is within us to do this. No matter of our political persuasions and organisations, one thing that I have learnt is that we are just human beings at heart, all of us.

[Applause.]

Together in this year, we have been able to do so many wonderful things. One of those is what has been already referred to by some of my colleagues. Coming up with a Rule that will give effect to section 89 of the Constitution, is something we must be proud of. The future generations will say that this is what

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the Fifth Parliament did. The other highlight is indeed the Eskom inquiry. It was our own contribution to eradicate corruption in our country. As we all know, the Report of that inquiry which we adopted in this House will soon be given to the Zondo Commission. Indeed, a wonderful contribution from all of us to the work of tackling corruption and state capture.

[Applause.]

Colleagues, there is this Bill that we might not talk so much about until we see its impact, the Public Audit Amendment Act, which the President has signed into law. [Applause.] As parliamentarians - over and over again - we have been asking, why do we have fruitless expenditure? Why do we have wasteful expenditure? Now, we have given the Auditor-General some teeth to deal with this matter even to order whoever has misused our monies to pay back those monies. Also, to work together with law enforcement authorities to follow up any criminality that the Auditor-General might have observed in his auditing process.

The national minimum wage is also one such piece of legislation that we have crafted this year, [Applause.] of course, coupled

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with the party political funding. Indeed, the Competition Amendment Act, which has been signed into law by the President. One of the highlights again colleagues, we have one of our elder statesmen here, uBaba Shenge, when he enjoyed his birthday and we were told, we all decided to sing for him and I think the whole of South Africa was moved when we sang a happy birthday for uBaba Buthelezi. What a moving occasion. [Applause.]

Colleagues, we have been able to do these works because we have structures of this Parliament. One of those structures - that have co-ordinated our work - is the Chief Whip's Forum. Again, I would like to thank all the Chief Whips, hon Steenhuisen, hon Michael Waters, hon Hlengiwe Mkhali, hon Ntshayisa, hon Mulder, hon Kwankwa, hon Professor Khubisa, hon Singh, of course and all the House Chairpersons; hon Didiza, hon Frolick and hon Boroto. Colleagues, I can tell you, some people see the processes here in Parliament happening so smoothly not knowing that there are some people who work in the back rooms to produce this smooth running of Parliament. Thank you very much colleagues. [Applause.]

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Of course, we will be amiss if we don't also mention the able leadership of the Speaker and the Deputy Speaker in leading the Programming Committee. To my caucus of the ANC, thank you very much for all the good things you have done in giving leadership in this House. Similarly, to the caucus staff, thank you very much for the work that you have given to us. To all the caucuses, all Members of Parliament here and the staff of our Parliament of the Republic of South Africa, we wish you all a wonderful merry Christmas. May you have a wonderful New Year? Let's add that it should also be a happy New Year. Colleagues, with these words, thank you very much. [Applause.]

The DEPUTY SPEAKER: Hon members, on behalf of the presiding officers, we associate ourselves with your good words of wishing you well as we end this year towards the end of our term in the coming New Year. We also wish that, as public representatives, we will spend the happy holidays we wish all of you to reflect on how we conducted ourselves in the true interest of the majority of those who desperately need our speaking on their behalf and acting alongside them all the way. Let us do so in the sense that when we come back to go and seek for the renewal of the

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mandate that the people gave us, we must do so mindful that many of the things we have done, many have lost their lives along the way. We also wish to associate ourselves with the recognition of those, including, ex-members who passed on this year. Thank you very much. Go have fun, please, limit the amount you take. Let us target the drugs that are used in our neighbourhoods, let's support the police and the health professionals so that they feel supported by public representatives especially. Thank you very much, the House is adjourned. [Applause.]

Debate Concluded.

The House adjourned at 19:54