

TUESDAY, 24 NOVEMBER 2015

PROCEEDINGS OF THE NATIONAL COUNCIL OF PROVINCES

The Council met at 14:07.

The Deputy Chairperson (Mr R J Tau) took the Chair and requested members to observe a moment of silence for prayers or meditation.

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS - see col 000.

Mr W F FABER: Hon Chair, I would just like to know if is it parliamentary for the House Chair or the Deputy Chairperson to preside over us without wearing a jacket and tie. As those do not look like any traditional clothes, I really object to it, hon Deputy Chair.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): That is not a point of order. I take it as a humorous comment. Hon member, on what point are you rising?

Mr O S TERBLANCHE: Hon Chair, I am new here. I am not really *au fait* with all your practices, but is it acceptable that the Order Paper has just been delivered to the Table now before we have had

access to it prior to this sitting?

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): I take it that it was distributed a long time ago. What normally happens is that copies are put on the Table in case a member has left his or hers in office.

Mr O S TERBLANCHE: I am afraid this was not. I specifically requested an Order Paper all morning and nobody had it. So, if it was then sent, could you perhaps just determine what time was it sent and to whom it was sent?

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Can I look into that ...

Mr O S TERBLANCHE: Thank you.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): ... and come back on that matter? Hon Van Lingen?

Ms E C VAN LINGEN: Deputy Chairperson, on a point of order: This Order Paper was not circulated. We are seeing this Order Paper for the first time now, here, in the House, and that is not acceptable.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Hon member, I thought I made a ruling on the matter to say that I will look into

it and come back to the House. Thank you very much. Is there any member who wishes to give a notice of motion? I see no hand.

Ms E C VAN LINGEN: I am sorry to interrupt you, Deputy Chair. I have members here from the Eastern Cape and they need to be logged in as members, today. [Interjections.] We need the hon members to log in so that they can participate and look at the Order Paper, etc. [Interjections.]

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Hon Chief Whip?

The CHIEF WHIP OF THE NCOP: Deputy Chair, the hon member is a veteran member of this House and I think she knows where the speakers' list gets processed. However, if she submits the names to me, we will consider her request. But, going forward, Chair, she is a veteran. She knows how the speakers' list is prepared. Thank you.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): I think the issue was not necessarily about the speakers' list. We would know better - that in terms of the Rules of the House and the Constitution, members of the legislatures can attend sittings of the National Council of Provinces as special delegates. So, I would take it that members are here as special delegates. Thank you very much. Does any member wish to give a notice of motion?

Ms E C VAN LINGEN: My sincere apology for persisting on the matter,

but they also have voting rights, and without access to the system, they cannot vote.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Hon member ... hon Van Lingen, I take it that you know this very well. In case the machine or whatever equipment that we use does not work when it comes to voting and a member is supposed to vote on a section 75 Bill, or whatever, then a member will indicate that his or her machine is not working. Thank you very much. May we proceed now to notices of motions? Baba?

NOTICES OF MOTION

Mr M T MHLANGA: Thank you, Deputy Chair. I hereby move on behalf of the ANC:

That the Council at its next sitting—

Debates the nonexistence of transformation of the Cape Bar Council, and that the Minister of Justice and Correctional Services, the hon Michael Masutha, met the Cape Bar Council in March this year and voiced some concern about a list of advocates for promotion to senior counsel, also known as silk status. The Cape Bar Council shows that the ...

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Hon member, I am

sorry to interrupt you. Is that a notice of motion or a motion without notice?

Mr M T MHLANGA: A notice of motion.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Because it sounds to me like a motion without notice. [Interjections.]

Mr M T MHLANGA: It is a notice of ...

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Can you hold it, then, and present it as a motion without notice?

Mr M T MHLANGA: Alright.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Thank you very much. We proceed to motions without notices and may I start with you, hon member? You may proceed with the motion without notice.

LACK OF TRANSFORMATION AT THE CAPE BAR COUNCIL

(Draft Resolution)

Mr M T MHLANGA: Deputy Chair, I hereby move without notice on behalf of the ANC:

That the Council—

- (1) debates the nonexistence of transformation at the Cape Bar Council, and in the justice and correctional services sectors;
- (2) notes that the Minister of Justice and Correctional Services, the hon Michael Masutha, met the Cape Bar Council in March, this year, and voiced concerns about a list of advocates for promotion to senior counsel, or to silk status;
- (3) also notes that the Cape Bar Council figures show that the majority of silks are white men, and that 86 of the 95 silks are men, and 9 are women;
- (4) further notes that of the 17 advocates who were promoted at the Cape Bar Council last week, 13 are white, 3 are coloured, and 1 is Indian, but there are 0 black Africans; and
- (5) that they have thrown down the gauntlet to the Cape Bar Council to shape up or ship out.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Is there any objection to the motion? No, therefore the motion is agreed to in

accordance with section 65 of the Constitution. Hon Ximbi? Oh, sorry, sorry, sorry. Hon Prins?

NEWS OF THE SUCCESS OF ESKOM

(Draft Resolution)

Ms E PRINS: Deputy Chairperson, I hereby move a motion without notice ...

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Hon Faber, you know that in terms of the Rules of this House, you are not supposed to be standing up if you are not addressing the Chair. Please settle down. You may proceed, hon Prins.

Ms E PRINS: Deputy Chairperson, I hereby move a motion without notice on behalf of the ANC:

That the Council—

- (1) notes the encouraging news of the success of Eskom in keeping the lights on for the past 100 days - a commendable achievement, especially in terms of maintenance being ramped up;
- (2) also notes the promise by Eskom that it is unlikely to load

shed during this summer period and may even avoid it next winter as the utility is gradually catching up on its maintenance backlog and is making its generating units more efficient;

- (3) further notes that Mr Brian Molefe, Eskom's chief executive officer, said that although customer demand would be higher because of the unusually hot weather, Eskom expected to be able to carry out maintenance with no load shedding; and
- (4) therefore, congratulates the leadership of Eskom for bringing stability to the utility and encourages the community to continue using electricity sparingly.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Is there any objection to the motion? There is an objection. Therefore, the motion is not agreed to. The motion without notice will therefore become a notice of motion on the Order Paper.

SUSPENSION OF DA COUNCILLORS

(Draft Resolution)

Ms L C DLAMINI: Hon Chair, I hereby move without notice on behalf of the ANC:

That the Council ...

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Hon Faber, could you settle down, please? [Interjections.]

An HON MEMBER: He's like a jack-in-the-box! [Interjections.]

Ms L C DLAMINI: Kindergarten.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): You may proceed, hon Dlamini.

Ms L C DLAMINI: I hereby move without notice on behalf of the ANC:

That the Council—

- (1) notes that the ANC and other opposition parties in the Breede Valley Local Municipality asked the council to suspend DA councillors, Sammy Goedeman and Frank van Zyl, as mayoral committee members, pending an investigation into their conduct;
- (2) also notes that members of the public have accused Goedeman of doing business with the council through a business registered in the name of one of his close friends, and that Van Zyl was accused of doing private work during normal

working hours, in contravention of the agreement with the municipality;

- (3) further notes that Cllr Goedeman's friend was awarded a tender without following the normal tender processes for work above R30 000 by asking for three quotations instead of having an open tender process; and
- (4) therefore, calls on the DA-controlled Breede Valley Local Municipality to suspend the two councillors from the mayoral committee pending the outcome of an investigation into their conduct, and to therefore practise what they preach.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Is there any objection to the motion? [Interjections.] Therefore, the motion is agreed to in terms of section 65 of the Constitution. Hon Sefako? [Interjections.] Is that an ... Hon members, order! Are you objecting, hon Van Lingen? [Interjections.] Therefore, the motion is not agreed to. The motion without notice will therefore become a notice of motion on the Order Paper.

COSATU CONGRESS

(Draft Resolution)

Mr O J SEFAKO: Hon Deputy Chair, I hereby move without notice on

behalf of the ANC:

That the Council—

- (1) knows and welcomes the fact that the Congress of SA Trade Unions, Cosatu, is holding its 12th national congress at Gallagher Estate this week, where it will, among other things, elect leadership;
- (2) also notes, with appreciation, that although the federation has been marred by internal challenges, it is surviving to the extent of being able to hold its congress to take stock and develop a strategic and new mandate;
- (3) further notes that the robust engagement among the affiliates during the congress saw a level of patience and tolerance that demonstrated the democracy in which the federation is entrenched; and
- (4) therefore, wishes them well in their endeavours to shape up a federation that is strong, united, and more cohesive than ever, to effectively deliver its mandate.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Is there any objection to the motion? The motion is objected to. Therefore, it will become a notice of motion on the Order Paper.

Hon Chetty? Hon Chetty, you had your hand up.

Mr M CHETTY: [Inaudible.]

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Oh, alright.

FIRE AT EKUPHUMLENI OLD AGE HOME, PORT ELIZABETH

(Draft Resolution)

Ms Z V NCITHA: Chair, I hereby move without notice:

That the Council—

- (1) notes with concern that a fire broke out in the Ekuphumleni Old Age Home, in Port Elizabeth, last Saturday;
- (2) also notes that this incident cost the lives of three senior citizens, two of whom suffered from epilepsy and died due to smoke inhalation, and the third, who was wheelchair-bound, died from burn wounds;
- (3) also notes that the three victims were males aged between 70 and 75, who were full of life and loved by staff and residents of the home;

- (4) calls on authorities to establish the cause of the fire and work tirelessly to improve the home's conditions so that it is safe and comfortable for the disabled residents;
- (5) further notes and acknowledges the prompt response by the Nelson Mandela Metro when called in to deal with the fire; and
- (6) extends its heartfelt condolences to the families on the loss of their loved ones.

Motion accordingly agreed to in accordance with section 65 of the Constitution.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Hon members, I wish to remind members, again ... I understand that there are hon members who are new here. Incidentally, it seems we have a problem. I wanted to advise a member to make use of the service officers, and so on. It suddenly occurred to me that they are not here with us.

SUSPENSION OF RULE 239(1) FOR CONSIDERATION OF DIVISION OF REVENUE

AMENDMENT BILL

(Draft Resolution)

The CHIEF WHIP OF THE NCOP: Deputy Chairperson of the Council, I move the draft resolution printed in my name on the Order Paper, as follows:

That Rule 239(1) which provides, *inter alia*, that the consideration of a Bill may not commence before at least three working days have lapsed since the committee's report was tabled, be suspended for the purposes of consideration of the Division of Revenue Amendment Bill, Bill 27 of 2015.

Declarations of vote:

Ms C LABUSCHAGNE: Deputy Chair, the Western Cape wants to make a declaration that we don't want to vote in favour of this motion, because there are big procedural questions around how the NCOP is conducting our considerations. An example of that is in the Whip's meeting we've just had. A proposal was made to move the reports planned for Thursday afternoon, 26 November, to Wednesday afternoon, 25 November. The reason we could not move them was that they had not yet appeared in the ATCs.

My next question was how we then proceed with a report on the Division of Revenue Amendment Bill and the Bill itself in this House at 14:00, now, when the select committee meeting was only this morning. This was not in the ATCs nor on the Order Paper, so we are inconsistent in how we make our decisions, and this is procedurally incorrect. So, we vote against that motion. Thank you.

Mr S G MTHIMUNYE: Hon Deputy Chair, to us, the Division of Revenue Amendment Bill is cardinal, in the sense that it adds value to the already rolling, massive infrastructure programmes that are happening in our province. The passing of this particular Bill also answers the aspirations of those 3 million plus people of Mpumalanga. It is on that basis that we think this Bill must go through and be passed by this House and we look to all the like-minded, progressive people of this House to agree to this Bill going through so that our people can continue to benefit from the massive restructuring programme that is happening in our provinces.

Mr B G NTHEBE: Deputy Chair, the Division of Revenue Amendment Bill and the amendments are explicitly supported by Mpumalanga. It is well accepted by us. This argument was raised in the Whippery, as alluded to by another member, and clarity was then forthcoming in terms of what needs to be done. It is not a prerequisite that it appears in the ATCs for it to be considered here. We agree with Mpumalanga and all the other provinces that this should be done. Therefore, the suggestion, as proposed, is accepted.

Mr M I RAYI: Deputy Chair, I think the argument raised by the DA is a flat one. The Free State wishes to say that we need to proceed with this Bill that is supposed to be dealt with, as this House. Enkosi [Thank you].

Mr C J DE BEER: Hon Chairperson, the Northern Cape votes in favour

of this motion - that we proceed with the legislation.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Is there any province that I might have left out? Oh, KwaZulu-Natal.

Mr J M MTHETHWA: Deputy Chair, we support this Bill. It must continue and we must pass this Bill.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Thank you very much.

Question put: That the motion be agreed to.

IN FAVOUR: Eastern Cape, Free State, Gauteng, KwaZulu-Natal, Limpopo, Mpumalanga, Northern Cape, North West.

AGAINST: Western Cape.

Motion accordingly agreed to in accordance with section 65 of the Constitution.

**CONSIDERATION OF DIVISION OF REVENUE AMENDMENT BILL AND REPORT OF
SELECT COMMITTEE ON APPROPRIATIONS THEREON**

Mr S J MOHAI: Deputy Chair and hon members, the Division of Revenue Amendment Bill of 2015 was tabled by the Minister of Finance, the

hon Nene, and consequently, referred to the Select Committee on Appropriations on 21 October 2015. After the tabling and referral of the Bill, the committee received briefings from various stakeholders and negotiating and final mandates from provincial legislatures, as required by the Money Bills act of 2009, and the Mandating Procedures of Provinces Act of 2008.

During its deliberations on the Bill, the committee encountered some challenges, such as tight timeframes within which to comply with the process. It is also common knowledge that some of the issues raised the most were, amongst others, the consideration of negotiating mandates from provincial legislatures prior to the National Assembly passing the Bill and the Council referring the Bill to the committee; the legal implications of the expired timeframes that required appropriations committees to report to the respective Houses within nine days after the adoption of the report on the Fiscal Framework; and the delay in submission of the final mandates from some provinces.

In response to the issues raised, the committee was of the view that consideration of the Bill by the committee prior to the National Assembly passing the Bill should be seen as part of the preparatory work done to ensure compliance with the tight timeframes that are required by the Money Bills act.

The purpose of the nine-day timeframe should be seen as an aim to

ensure that money Bills are considered in time to fit in the budget cycle prescribed in other legislation, such as the Public Finance Management Act. The committee further deferred its decision to finalise its report on the Bill to early on 24 November, this morning, so that all provinces could be afforded an opportunity to present their final mandates before the committee decides on the Bill.

In its consideration of the final mandates during the meeting dated 24 November 2015, the committee noted the concerns raised with regard to the appropriateness of the final mandates from the Eastern Cape, the Northern Cape, and Limpopo. It further noted that the Western Cape did not support the Bill. On the strength of the appropriateness of the other final mandates received from all the other provinces, however, the committee proceeded and considered the final mandates, as planned.

The purpose of the Bill is to fast-track service delivery through the reprioritisation of funds, the conversion of certain conditional grants from indirect to direct grants, the provision of additional funds for unforeseen and unavoidable expenses, the shifting of funds, and the use of any savings to defray unavoidable expenditures.

The Bill further proposes the release of funds to fund expenditure pressures within provinces, owing to higher-than-anticipated wage

settlements, and to help municipalities sustain the provision of free basic services to low-income households in order to mitigate rising electricity costs and population growth.

The following are some of the recommendations of the committee on its findings and observations. The National Treasury should strengthen its monitoring and support mechanisms over provinces and municipalities. Further, the committee is of the view that there is a need for a very holistic approach to deal with the need for additional funding for post-school education.

In conclusion, the committee reports to the House that the Bill has been agreed to without any amendments, but with some recommendations made to the Minister of Finance for consideration, particularly on the issues that provinces raised that warrant a response from National Treasury in preparing the final budget. Thank you, Deputy Chair. [Applause.]

Debate concluded.

Declarations of vote:

Ms C LABUSCHAGNE: Deputy Chair, on behalf of the DA in the Western Cape, we would like to record the following declaration. The report from the Select Committee on Appropriations of the final mandate on the Division of Revenue Amendment Bill from the nine provinces should not be adopted. Subsequent to the meeting of the Select

Committee on Appropriations, today, the DA has written to the Chairperson of the NCOP requesting an urgent appeal regarding the deliberations of the Select Committee on Appropriations on the Division of Revenue Amendment Bill. The chairperson of the committee ignored the concerns we attempted to raise, which included flawed final mandates owing to dates of deliberations and conferral of authority.

Having consulted with our members in all provincial legislatures, it has become clear that the processes followed in several provincial legislatures do not comply with the Mandating Procedures of Provinces Act of 2008, nor with the Constitution, and are therefore invalid. For example, in the Eastern Cape provincial legislature, the final mandate produced in the committee this morning was exactly the same as the final mandate produced at the meeting of the committee on Thursday, 19 November 2015.

When the select committee sat today, all previously flawed final mandates were resubmitted to the committee with new dates, indicating that the provincial legislature had sat since the meeting of 19 November 2015 to redo their final mandates. Several provincial legislatures have not held plenary sessions since the previous meeting of the committee on 19 November 2015. Should this be the case, final mandates considered by the committee this morning are also invalid, as they would not constitute a legal conferral of authority. Given, then, this disruption of the

committee meeting, we also request that it be established and confirmed whether the committee, in fact, passed its report on the Division of Revenue Amendment Bill before we vote on the report in this House.

Prior to this disruption of the committee meeting, we had also requested that our minority views be included in the report, in accordance with Rule 171(d). This request was overruled by the chairperson of the committee. He did not give those views in his report, which he has just presented to the House.

Finally, there are substantive errors in the report, but given the disruption by Nehawu, we were unable to raise these concerns during the meeting. On this basis, thus, the report cannot be passed. I so move. Thank you.

Mr C J DE BEER: Hon Deputy Chairperson, through the Division of Revenue Amendment Bill, priority is placed on providing social and basic services to give our people a dignified life. There is reference made to the upgrading of sanitation in different provinces, and allocation is made for that upgrading through the Division of Revenue Amendment Bill.

Mention was made of the Northern Cape. I have in my possession the minutes of a formal meeting plus the final mandate duly signed by the authority in the legislature of the Northern Cape. Here they

are and I will table them.

In terms of Rule 142 of the Northern Cape provincial legislature, I find it a bit astonishing that one province can come and dispute the rules of another legislature which is that legislature's own business. I think that is a disgrace. [Interjections.] But let's leave it there.

My province, through the Division of Revenue Amendment Bill, received R87,899 million more in equitable share. Now, the province that is disputing this whole process is receiving R337,5 million. Now, if you dispute this and you vote against the Bill, can we give the money to the Northern Cape, the Eastern Cape, or to the North West, where there are also needs? [Interjections.] Yes? Tell South Africa that.

Eleven municipalities in the Northern Cape received their equitable share funding that was withheld; 47 municipalities in the country received their allocations. We are thankful to government for these allocations and the funding given to our provinces. We support this Bill. Thank you. [Applause.]

Mr J P PARKIES: Hon Deputy Chair and hon members, the process that we are dealing with is critical in the work of Parliament: passing the money Bills. In practical terms, it means applying our minds critically to the distribution of resources in our country to meet

the challenges of service delivery and the wellbeing of our people. However, we discern in the DA hypocritical and opportunistic behaviour to undermine the process, with full understanding of the implications thereof. The sordid tactics they apply cannot be sustained and are merely opportunistic.

The equitable allocation of resources to local and provincial government seeks to have an impact on the lives of our people in the medium and long term, and the ANC will not be euphemistic about the behaviour of the DA. This is because we call - and we speak of - democracy today as being based on the principle of majority rule. We believe that the views of the majority shall always prevail over the views of the minority, and minority views cannot hold us to ransom and undermine a democratic process, because we, as the ANC, have the majority mandate and we want to support this Bill.

[Applause.]

Mr L P M NZIMANDE: Deputy Chairperson, the appropriations Bill of this year and what was presented through the Medium-Term Budget Policy Statement indicate that this year, provinces are allowed to keep monies in their accounts. They will not have to rush to return the money to the national fiscus, and that will allow them, therefore, not just to plan properly, but to also make sure that they use the money, and are accountable for the money. That will improve service delivery in the provinces. Hence, for KwaZulu-Natal, the importance of the adequacy of the amount of money

allocated lies in the fact that there is certainty of service delivery with regard to now knowing what money we have and only spending what we have.

The Constitution of this country makes provinces an independent sphere of government that is distinct, though inter-related. So, our role, as the NCOP, is based on this principle of the Constitution. Therefore, not approving the budget, as the Western Cape is declaring, and talking about unimportant and irrelevant things about the budget, shows disrespect and is a rejection of the constitutional principle which mandates all provinces to consider the budget and approve it for the benefit of the country. That is, indeed, the hypocrisy of the DA.

Then, when they are supposed to approve the budget in terms of the Constitution, they decide to reject and abandon the directive and the obligations of the Constitution by not approving the budget. [Applause.] Therefore, this is a party that is not ready to govern; that will never govern. This is a party side-lining the interests of people and parading them as supporters and creating the false belief that they are a growing party. Growing to where? They are growing to disaster. I thank you. [Applause.]

Mr T C MOTLASHUPING: Hon Deputy Chairperson, Chief Whip of the council, hon members ...

Ke nnete tota gore batho ba le bantsi ke diilakgaka, ke dinwamoro. Ga o ka ke wa gana go amogela kgaoganyo ya matlole mo nageng ya rona ya Aforika Borwa, mme morago wa tla go ja maungo a seo se leng teng mo nageng ya rona ya Aforika Borwa ... *(Translation of Setswana paragraph follows.)*

[It is true. Many people are hypocrites. They refuse the appropriation of funds in our country. However, they still want to reap its benefits in our country, South Africa ...]

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Hon member, could you take your seat?

Mr J W W JULIUS: Deputy Chairperson, there is no interpretation. Last time, it was asked that the ANC interpret what the EFF said about the President of the country. That will never work, Chairperson. So, please, I need an interpretation. Thank you.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): I thought that last time, we agreed that the presiding officer would just give a summary of what the member had said. That is what I did the last time. It was agreed to.

Mr J W W JULIUS: We did not agree to that, Deputy Chairperson. We did not agree to that and, if I remember correctly, you never gave an interpretation in the last meeting.

Mr T C MOTLASHUPING: I will interpret.

Mr J W W JULIUS: You never interpreted, Deputy Chairperson. On the other hand, you cannot interpret for me. To tell you the honest truth, there are services provided by interpreters in this Parliament for interpreting purposes, and the interpreters have to have certain qualifications to interpret. You cannot say you will interpret for me.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Hon member ... could you take your seat, hon Julius? I just want to establish this and remind members, once more. We are aware of the challenges that we are faced with. We are aware that there is industrial action taking place, currently, in the institution, and one of the services that has been affected negatively is interpretation. I cannot understand why a member would then dispute the fact that I did it. I interpreted and explained what the hon Gaehler said last time and nobody objected to that - unless, perhaps, the member was not in the House when I did it.

Mr J W W JULIUS: Just ask the member to speak English! Let the member speak English. It is easy.

Mr T C MOTLASHUPING: Yes, I will speak English.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Hon member, I

cannot allow this to continue. Hon member Motlashuping, could you continue with the debate?

Mr T C MOTLASHUPING: Yes. This country cannot be held to ransom by any interpretation.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Is that a point of order, hon Gaehler?

Mr L B GAEHLER: Deputy Chairperson, I am worried because you have asked the hon member there to sit down. He does not respect you because he remains standing. Make him respect you.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Alright. Could you follow my order the next time to sit down?

Mr T C MOTLASHUPING: Yes. I will do so.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Alright, thank you.

Mr T C MOTLASHUPING: My apologies, hon Deputy Chair. I was saying that this country cannot be held to ransom by those who would not want to see progress in this country. We are mandated by the majority of the people in this country to ensure that we deliver quality service delivery to our people. Act 52 of 2008, the

Mandating Procedures of Provinces Act, states, firstly, that mandates that are sent to this Council should be on the province's letterhead; secondly, that there should be the name and the number of the Bill; and thirdly, that voting ...

Mr L B GAEHLER: On a point of order, Deputy Chair: Is it parliamentary to say that members of the opposition are holding this country to ransom? That is what he said - that we are holding you, as government, to ransom. Is that parliamentary?

[Interjections.]

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): I did not pick up on that, hon member. Could I come back to that? Could you continue with the debate, hon member?

Mr T C MOTLASHUPING: You do not have to come back to that, Chair. I said we cannot be held to ransom. I never mentioned the opposition. If you feel guilty, then it means it is your baby to nurse.

[Laughter.]

People can either vote for or against. That is the third rule. The fourth is that the signature of the Speaker should be on the mandate, and the form must be submitted in a prescribed format.

The North West has, of course, and with due respect, adhered to all procedures and everything else that had to be followed. The North

West supports ...

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): On what point are you rising, hon member?

Mr F ESSACK: Hon Deputy Chairperson, through you, would you check with the member if he is prepared to take a question?

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Are you prepared to take a question, hon member?

Mr T C MOTLASHUPING: I am prepared to take a question.

Mr F ESSACK: Through you, hon Deputy Chairperson: Does the hon speaker believe that it is constitutionally correct for any committee in Parliament to accept a flawed process, especially in appropriations, if mandates are flawed? Is that acceptable?

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Hon member, can I rule on that? That is not a question. That is a point of debate, now. Continue with what you were raising.

Mr F ESSACK: I am asking if it is parliamentarily correct to accept a flawed mandate!

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): No, no, no, no.

Could you take your seat, hon member?

Mr F ESSACK: Is it constitutionally correct?

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Can you take your seat, hon member?

Mr T C MOTLASHUPING: We are not ...

Mr F ESSACK: You are lucky you are being covered by the Deputy Chairperson.

Mr T C MOTLASHUPING: We are not co-governing. We have a mandate to run this country. The North West province supports the Bill.

[Applause.]

Ms T WANA: Deputy Chairperson, good afternoon, everybody. The Eastern Cape stands here in support of the Bill. We are not surprised by the behaviour of the DA, because this is the only organisation that can sit at the same table as the oppressors. Also, even Zille is currently hiring everybody to obstruct the governing of the ANC.

It has been verified that 6 million of the poorest of the poor people are in the Eastern Cape. So, we support and will always be behind this budget. Thank you very much. [Applause.]

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Hon members, in light of there being no other province to make a declaration, we shall now proceed by putting the question to provinces in an alphabetical order. Eastern Cape?

Ms T WANA: The Eastern Cape supports.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Free State?

Ms M F TLAKE: The Free State supports.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Gauteng?

Mr L B GAEHLER: Gauteng supports, hon Deputy Chair.

Mr C HATTINGH: Deputy Chairperson, on a point of order: I do not want to say this continually. I am still new here, but I see those members did not stand up when they addressed you. I think they should respect the Chair and stand up when they speak, hon Deputy Chair. Could you perhaps rule on that, whether they should ...

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): No, she did stand up. I saw her standing up.

Mr C HATTINGH: No, the two ladies did not stand up.

[Interjections.]

Mr J P PARKIES: Deputy Chair, on a point of order: The hon Manana Tlake is not well and it is common knowledge for members or ...

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): I will forgive the member.

Mr J P PARKIES: We will pardon this ignorance. We will pardon your ignorance, my friend.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): I forgive the member.

Mr J P PARKIES: Yes, we will pardon your ignorance.

[Interjections.]

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Hon members, order! Order, please! Can we proceed now?

Question put: That the Bill be agreed to.

IN FAVOUR: Eastern Cape, Free State, Gauteng, KwaZulu-Natal, Limpopo, Mpumalanga, Northern Cape, North West.

AGAINST: Western Cape.

Bill accordingly agreed to in accordance with section 65 of the Constitution.

**CONSIDERATION OF REPORT OF SELECT COMMITTEE ON LAND AND MINERAL
RESOURCES - OVERSIGHT VISIT TO NORTH WEST PROVINCE**

Mr O J SEFAKO: Hon Deputy Chair, hon Chief Whip, hon members, thank you very much for the opportunity to present the oversight report of the Select Committee on Land and Mineral Resources on the visit to the North West province, the Third Order of the Day.

The Select Committee on Land and Mineral Resources conducted oversight in the North West from 18 to 22 August 2015, focusing on public participation during the applications for mining permits and licences, and on the development of a mining social and labour plan within local municipal areas.

The committee identified the need to visit the regional office of the department of mineral resources, based on submissions received identifying challenges with public engagement. The oversight visit was planned to include consultations with the regional office of the department, local municipal officials, and interested and affected members of the community.

Matters raised by the community related to the management of the regional office and included the following: a perceived lack of

public consultation regarding permit applications and processing; poor consultation during the review process of permit applications; and a lack of a visible impact on mining social and labour plans in terms of sustainable development and job-creation at municipalities where mining activity has had a significant infrastructural, environmental, and socioeconomic impact.

The committee focused on the Madibeng Local Municipality, located in the Bojanala Platinum District Municipality within the North West province. It was noted that even though a significant number of mines operate within the local and district municipal boundaries, the municipalities were struggling with challenges related to revamping municipal and national roads, improving electricity, water, and sanitation services in formal and informal settlements, and addressing and assisting with the high youth unemployment rate, especially in areas surrounding various mining operations.

The municipality further highlighted certain challenges emanating from within the mining industry. The current method of dealing with mining houses is outdated, and a new approach is needed to force mines to openly and properly structure and implement the social labour plan to be developed. The municipalities informed the committee that the biggest challenge is that most, if not all social labour plan development has been agreed to elsewhere without engagement with local municipalities in the decisions.

A key outcome that emanated from a public hearing held during the oversight visit was that the socioeconomic impact of the social labour plan project appeared to be relatively limited. A notable challenge was noticed in terms of intergovernmental relations. There is room for improvement in terms of collaboration between the department and the local and district municipalities. The most obvious area where this disconnect was observed was in terms of the support of municipal, local economic development and integration of the social labour plans with the municipal Integrated Development Plan, IDP. The municipalities' initiative to create a mining forum was highly appreciated at which all stakeholders were encouraged to give their support, including that of mining and senior officials.

Mining activity is not contributing significantly to the financial viability of the municipalities and does not provide adequate support for infrastructure development and the maintenance of projects, even though these companies are major users of municipal infrastructure, such as roads and water in those areas. The population growth in the municipalities has resulted in a mushrooming of informal settlements, and the number of people residing in the municipalities is placing significant pressure on social service capacity.

Regarding recommendations, it is suggested that the committee schedule a follow-up visit to the Madibeng Local Municipality in order to verify the status and impact of the mining sector's social

and labour plans and of housing development, in light of the current weak performance of the mining sector. The visit could also gauge the capacity that social labour plans have had in order to develop alternative sustainable income for mining communities. Additionally, the committee could also consider assisting in improving the relationship between the Department of Mineral Resources, the provincial government, and the municipal authorities.

The most critical outcome of such an improvement in the relationship would improve the linkage between the social labour plans of the mining companies and the IDP. A volume of evidence emerged from this, and the oversight committee's briefing even suggested that there was room for critical review of the current legislative environment.

There were, however, also some positive issues relating to those social labour plans. [Time expired.] [Applause.]

Debate concluded.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Hon members might have observed - and some, I thought, would bring this to my attention - that the member was allowed to continue and that I allowed him to. The member was presenting a report on the Third Order and not the Second Order. So, we will proceed with the voting

on the Third Order and then go back to the Second Order. I did not want to disrupt him when he was already in the middle of his speech. The Third Order is the Consideration of the Report on the Oversight Visit to North West Province.

Question put: That the Report be adopted.

IN FAVOUR: Eastern Cape, Free State, Gauteng, KwaZulu-Natal, Limpopo, Mpumalanga, Northern Cape, North West, Western Cape.

Report accordingly adopted in accordance with section 65 of the Constitution.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): The Secretary will now read the Second Order of the Day.

CONSIDERATION OF REPORT OF SELECT COMMITTEE ON LAND AND MINERAL RESOURCES - ACCEPTANCE OF THE BAN AMENDMENT TO THE BASEL CONVENTION ON THE CONTROL OF TRANS-BOUNDARY MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL WITH EXPLANATORY MEMORANDUM

Mr O J SEFAKO: Thank you very much, hon Deputy Chair, hon Chief Whip, and hon members, for allowing me to present the select committee report on the Ban Amendment to the Basel Convention. The Select Committee on Land and Mineral Resources was briefed by the Department of Environmental Affairs regarding the importance of the

adoption of the Ban Amendment to the Basel Convention. The committee was also made aware of the critical role that South Africa is able to play in the hazardous waste management industry within the SADC region and how the adoption of the Ban Amendment would not interfere with the crucial specialist industry.

The Basel Convention regulates the movement of hazardous waste between countries using the Prior Informed Consent Regulation. The Convention further obliges its parties to ensure that hazardous and other waste is managed and disposed of in an environmentally sound manner. South Africa has been a party to the Basel Convention since 1994 and continues to comply with the regulations of the convention.

Within the SADC region, similar regulations to control the movement of hazardous waste have been proposed. South Africa has, however, not yet become a signatory to the Bamako Convention, as it proposes an outright ban of the transport and treatment of hazardous waste within the SADC region. As pointed out by the Minister of Environmental Affairs, the hon Ms Edna Molewa, South Africa fulfils a critical waste management role within the region, which would be restricted by the Bamako Convention. The function will not be threatened by the Ban Amendment.

Therefore, the adoption of this amendment merely confirms South Africa's current compliance with the stipulations of the Basel

Convention and the existence of constitutionally guaranteed rights with regard to securing a safe living environment for citizens. South Africa's waste management legislation also complies with the requirements of international waste management standards, as set out in the Basel Convention.

Considering this fact and the role that South Africa performs when accepting waste from SADC countries for treatment, the committee supported the adoption of the Ban Amendment to the Basel Convention, recognising South Africa's compliance with the Convention and the value and technical expertise of our waste management industry. Thank you. [Applause.]

Debate concluded.

Question put: That the Report be adopted.

IN FAVOUR: Eastern Cape, Free State, Gauteng, KwaZulu-Natal, Limpopo, Mpumalanga, Northern Cape, North West, Western Cape.

Report accordingly adopted in accordance with section 65 of the Constitution.

**CONSIDERATION OF REPORT OF SELECT COMMITTEE ON EDUCATION AND
RECREATION - OVERSIGHT VISIT TO THE FREE STATE**

Ms L L ZWANE: Deputy Chairperson of the Council, hon members, the Select Committee on Education and Recreation conducted an oversight visit to the Mangaung Metropolitan Municipality in the Free State, from 8 to 11 September 2015. This was in accordance with the prescripts of section 42 of the Constitution, which mandates members of the National Council of Provinces to make laws and exercise oversight over the activities of the executive.

The objective of the visit was meant to cover three areas. Firstly, we were supposed to engage the department of basic education in the Free State with regard to the rationalisation of schools. We wanted to have an idea of how this programme is rolled out in this particular province and also what the outcomes are.

Another area that we wanted to exercise oversight of was the University of the Free State. In terms of our annual performance plan, the major reason the select committee decided to go there was to monitor the extent to which the university is transforming, given the fact that we know that this university has a history of racial segregation and racist tendencies that were in the media in 2008. We also decided to visit the Anglo-Boer War Museum, with a view to establishing whether the capturing of historical activities regarding the wars has been recorded in a fashion that is balanced.

I now proceed to the findings of the committee. When we engaged the department of basic education in the Free State, we did observe

that the process of rationalising schools in the Free State is still ongoing. At the time of the visit, a further 84 schools had been identified for closure.

Once a school has been identified for rationalisation, learners are accommodated in hostels which are subsidised by the department. The first phase of rationalisation, however, had been concluded, and, at the time of our visit, the next round of rationalisation was about to ensue in those schools that had 20 or fewer learners. What we observed was that the department of basic education is spending quite a substantial part of its budget on learner transport and on ensuring that hostels are built for learners that are moved from a school that is due to close to a school that is receiving learners. The department also informed us that they make sure that wherever there is a need to rationalise, they leave the situation until all the Annual National Assessments have been completed. Then they start the process of rationalisation.

With regard to the University of the Free State, we were informed, in that we had a good meeting with the vice chancellor, lecturers, and the top management of the university, as well as with the students' representative council, SRC. We did observe and we did hear that the process of transformation is in progress. The transformation programme includes a compulsory core curriculum for all first-year students that has been introduced, regardless of the discipline, and without which no student can obtain a university

degree.

There are difficult issues that we discussed with the management and the SRC - issues relating to racial discrimination and racist tendencies by some of the students of the university. We were also informed that whenever the year begins, there are sessions that are well organised and that there are well-qualified tutors that engage in sessions on issues relating to transformation and on issues that are meant to assist the students to accept one another as different races.

The select committee also raised the issue of symbols. As we entered the university, the symbols that are there do not give a balanced view of the history of this country, and the university management undertook to ensure that that will be addressed. In fact, they said they had received funding which was going to be used to address exactly that issue.

With regard to our third point, that is, the visit to the Anglo-Boer War Museum, we found that the museum had established an educational centre and a children's museum. There are museum outreach programmes to schools which focus, in the main, on disadvantaged communities. A research centre was also established at the museum, with an expansion of the website and an increase in the documentation available in electronic format.

Regarding recommendations, the select committee felt that the following issues could be addressed by the Free State department of basic education. They should look at the curriculum that is offered by the releasing schools and that of the receiving schools. The select committee also felt that it was critical to look at the issue of the languages of both the releasing and receiving schools. We also raised the issue of learner-teacher support material of both the releasing and receiving schools.

The status of the school infrastructure of the releasing school should meet the requirements of the norms and standards and should be prioritised for those schools that need to be given a facelift or renovated. We also felt that cognisance should be given to issues relating to providing adequate sanitation, water, and electricity.

With regard to the University of the Free State, we advise that the university - whilst it has started with the programme of transformation - fast-track the programme of transformation, especially in academic staff personnel. The Department of Higher Education and Training should encourage all universities to follow the example of the University of the Free State and scrap the application fees so that many more young people from poor communities, in particular, are able to access education. This should not just be pie-in-the-sky.

With regard to the Anglo-Boer War Museum, there has to be a plan aimed at strengthening its programme on social cohesion and on outlining the role it plays with regard to outreach programmes to strengthen this particular programme. In capturing the history, the museum should not leave out those people that are important, such as the women that participated in wars. They should also strengthen their fundraising because it would appear that they do have financial constraints. In addition, the history that is captured there, once it has been balanced, should also form part of the school curriculum and there should also be equity. [Time expired.]

Debate concluded.

Question put: That the Report be adopted.

IN FAVOUR: Eastern Cape, Free State, Gauteng, KwaZulu-Natal, Limpopo, Mpumalanga, Northern Cape, North West, Western Cape.

Report accordingly adopted in accordance with section 65 of the Constitution.

**CONSIDERATION OF REPORT OF SELECT COMMITTEE ON EDUCATION AND
RECREATION - OVERSIGHT VISITS TO THE NORTH WEST AND GAUTENG
PROVINCES**

Ms L L ZWANE: Deputy Chairperson of the Council and hon members,

the Select Committee on Education and Recreation conducted a visit to two provinces: the North West and Gauteng. The purpose was to look at the Tlhabane Education Centre, the Fifa Legacy Project, and Freedom Park, in Gauteng.

The Tlhabane Education Centre is located in the Bojanala Education District in a rural area. It is the largest in the North West. In this district, there are 544 schools, 9 038 teachers, and 279 000 learners. This centre is actually used for the professional development of teachers. It's also used for information and communications technology, ICT, and various other community programmes.

The Tlhabane Education Centre requires infrastructure in order to perform its duties. As a result, it faces challenges in ICT support because there is no training given to staff. It is also used by community members for various community programmes but is dealing with financial constraints to such an extent that there is an over-reliance on the provincial office for all the activities that are undertaken by the centre.

With regard to the 2010 Fifa Legacy Project and the artificial turf at the college in Mogwase, this project has contributed to the social development of youth in underprivileged areas. At least 4 000 youths have used this sports facility, and 50% of them attend programmes on skills development. The project involved the

construction of combi courts, the rehabilitation of football pitches, and the provision of basic football equipment.

Furthermore, the programmes, operations, and maintenance of this structure need to be relooked at.

When it comes to Freedom Park, it has a number of elements to its physical composition. There are outreach programmes that are run in Gauteng, the Western Cape, the Northern Cape, the Free State, KwaZulu-Natal, and Mpumalanga. In Gauteng, a number of roadshows were conducted in all five regions of the province. Between October and December, over 50 000 people actually visited the park, including 52 schools.

Freedom Park has challenges in terms of sustainability, in that there have to be funds to maintain it. There were also reports that the staff working there are misaligned. A balance has to be created to ensure that Freedom Park functions maximally. The recommendations are that the Department of Arts and Culture should ensure that Freedom Park is taken care of in terms of a budgetary allocation that assists it to sustain and review its activities with a view to expanding its scope.

With regard to the Mogwase Artificial Turf, which is a Fifa 2010 Legacy Project, the Department of Sport and Recreation has to ensure that this structure is fully supported because it plays a major role in terms of social cohesion. Youth and community

development can actually be of maximum benefit if this project is fully supported by the Department of Sport and Recreation.

I think, Deputy Chairperson, that is the end of my report. Thank you. [Applause.]

Debate concluded.

Question put: That the Report be adopted.

IN FAVOUR: Eastern Cape, Free State, Gauteng, KwaZulu-Natal, Limpopo, Mpumalanga, Northern Cape, North West, Western Cape.

Report accordingly adopted in accordance with section 65 of the Constitution.

**CONSIDERATION OF REPORT OF SELECT COMMITTEE ON PETITIONS AND
EXECUTIVE UNDERTAKINGS - HEARING OF THE PAUL MKHIZE PETITION, HELD
ON 5 NOVEMBER 2014 AT PARLIAMENT**

**CONSIDERATION OF REPORT OF SELECT COMMITTEE ON PETITIONS AND
EXECUTIVE UNDERTAKINGS - HEARING OF THE PATERNITY LEAVE PETITION,
HELD ON 26 NOVEMBER 2014 AT PARLIAMENT**

**CONSIDERATION OF REPORT OF SELECT COMMITTEE ON PETITIONS AND
EXECUTIVE UNDERTAKINGS - HEARING OF THE MAYIBUYE-TRANSNET PETITION,**

HELD ON 26 NOVEMBER 2014 AT PARLIAMENT

Ms G M MANOPOLE: Hon Deputy Chair, hon Chief Whip, hon Deputy Minister, NCOP members, I hereby present the report of the Select Committee on Petitions and Executive Undertakings on the hearing of the Paul Mkhize Petition, held on 5 November 2014. The petition was submitted by Mr Paul Mkhize and tabled in the ATC on 26 September 2011, after which it was referred to the Select Committee on Petitions and Executive Undertakings for consideration.

The petition relates to the death of his wife, the late Thembela Matiwane. The petitioner was married to the deceased in terms of customary law, on 1 April 2014. The deceased died at Groote Schuur Hospital in Cape Town after giving birth to their daughter. Her death was attributed to natural causes and medical complications.

The petitioner is of the belief that she did not die from natural causes but as a result of medical negligence on the part of the attending doctors and nurses at Mowbray Maternity Hospital, where she had been admitted before being transferred to Groote Schuur Hospital. It is for this reason that the petitioner requested the assistance and intervention of the committee in reopening the inquest into his late wife's death.

The committee convened a hearing and invited all stakeholders to

make presentations or representations. However, the other stakeholders who were invited and were present did not submit any oral or written submissions. Mr Mkhize reiterated to the committee during the hearing that he required its assistance and intervention in the reopening of the inquest into the death of his wife in terms of section 17(a) of the Inquests Act, Act 58 of 1959. Said section of the Act provides that the Minister of Justice may, after the determination of an inquest, request the Judge President of the Supreme Court provincial division designated by any Supreme Court judge to reopen the inquest.

After the hearing, the committee came to a conclusion and made the recommendations that all supplementary documents in possession of the petitioner be submitted to the committee; that submission be requested from the implicated hospital and health facilities, Mowbray Maternity Hospital, Groote Schuur Hospital, Kloof Hospital, and St Mary's Hospital; that the Office of the Premier of the Western Cape be requested to appraise the Office of the Chief Director of the Department of Health on the petition; that the legal adviser of the Office of the Premier of the Western Cape, who dealt with the case at that time, be given 21 days within which to make a written submission to the petitions committee; and that the Council request information and advise the provincial government with regard to the investigation conducted against the hospital; and that it request all stakeholders who were in attendance at the hearing to submit written reports to the committee.

The next matter is the report of Select Committee on Petitions and Executive Undertakings on the hearing of the Paternity Leave Petition, held on 26 November 2014, at Parliament. The Paternity Leave Petition was submitted to the National Council of Provinces on 1 July 2014, and was subsequently referred to the Select Committee on Petitions and Executive Undertakings.

The petitioner is Hendri Petrus Terblanche from the Western Cape. The petitioner seeks the assistance of the committee in amending the provisions of the Basic Employment Act and in providing 10 days' paternity leave for fathers upon the birth or adoption of a child. The committee conducted a hearing, and stakeholders, including the Department of Labour, were present.

After submissions by the petitioner and stakeholders were made during the hearing, the committee made the following observations. The paternity leave the petitioner sought to introduce with the assistance of the committee would be granted only to fathers upon the birth or adoption of a child. There was a socioeconomic cost attached to the introduction of paternity leave, but the impact had not been assessed and/or qualified in the South African context.

Therefore, the committee recommends that further consultation be held with the Portfolio Committee on Labour and the Department of Labour on the petition, given that they are better placed to assist the committee in bringing the petition to the attention of Nedlac -

a forum which suits all affected stakeholders: government, organised labour, organised business, and community-based organisations.

The committee further recommends that, in the interim, the Department of Labour look into the possibility of conducting an economic impact assessment in relation to the introduction of paternity leave or increased family responsibility leave.

The third report is the report of the Select Committee on Petitions and Executive Undertakings on the hearing of the Mayibuye-Transnet Petition, held on 26 November 2014, at Parliament.

The Mayibuye-Transnet Petition was referred to the Select Committee on Petitions and Executive Undertakings by the Office of the Secretary to the National Council of Provinces on 1 October 2014, and emanates from the Eastern Cape. Prior to the referral to the committee, the 126 delegates and their representative, Mr Matshaya, paid an unannounced visit to Parliament, on 22 September 2014. The delegates were met and hosted by the Secretary of the NCOP and the Secretary of the National Assembly. The committee convened a hearing and invited the petitioners and the other stakeholders who were present.

After observation by the committee, 10 findings were made, and I will highlight a few of them. Firstly, Mr Matshaya had no documents

in his possession that could prove to the committee that he had been mandated to act on behalf of both sets of petitioners.

Secondly, Mr Matshaya had signed a document, which he had in his possession, purporting to be powers of attorney from the individual petitioners. However, on closer scrutiny by the committee's legal adviser, the documents were determined to be acknowledgment of debt, given that they were in reference to the payment of monthly instalments of R1 000.

In conducting a preliminary investigation into the claims made by the petitioners in the petition referred to the committee, the various officials of the NCOP were merely acting on the instruction of the House Secretaries. Therefore, the committee recommends the following. Mr Matshaya is to produce documentary evidence proving that he was mandated to represent the petitioners and to provide a comprehensive list of all petitioners and all their details.

The committee is to request a legal opinion from Parliament's legal services on the legality of Mr Matshaya accepting monies from the petitioners in relation to the petition, depending on the nature of the legal services received. Furthermore, an investigation will have to be undertaken into Mr Matshaya's receiving and paying back the monies from the petitioners.

Lastly, the committee will only make a determination once it is

satisfied it has all the necessary information and has consulted other relevant stakeholders. The committee will meet and engage with its sister committee in the Eastern Cape legislature and with other stakeholders including, but not limited to, the provincial labour department, the board of Mayibuye Transport Corporation, MTC, and the premier's office.

The committee submits the report for adoption and approval by the Council. Thank you, Deputy Chair.

Debate concluded.

Question put: That the Report of Select Committee on Petitions and Executive Undertakings on Hearing of the Paul Mkhize Petition, held on 5 November 2014 at Parliament, be adopted.

IN FAVOUR: Eastern Cape, Free State, Gauteng, KwaZulu-Natal, Limpopo, Mpumalanga, Northern Cape, North West, Western Cape.

Report accordingly adopted in accordance with section 65 of the Constitution.

Question put: That the Report of Select Committee on Petitions and Executive Undertakings on Hearing of the Paternity Leave Petition, held on 26 November 2014 at Parliament, be adopted.

IN FAVOUR: Eastern Cape, Free State, Gauteng, KwaZulu-Natal, Limpopo, Mpumalanga, Northern Cape, North West, Western Cape.

Report accordingly adopted in accordance with section 65 of the Constitution.

Question put: That the Report of Select Committee on Petitions and Executive Undertakings on Hearing of the Mayibuye-Transnet Petition, held on 26 November 2014 at Parliament, be adopted.

IN FAVOUR: Eastern Cape, Free State, Gauteng, KwaZulu-Natal, Limpopo, Mpumalanga, Northern Cape, North West, Western Cape.

Report accordingly adopted in accordance with section 65 of the Constitution.

**CONSIDERATION OF REPORT OF SELECT COMMITTEE ON CO-OPERATIVE
GOVERNANCE AND TRADITIONAL AFFAIRS - NOTICES OF INTERVENTION ISSUED
IN TERMS OF SECTION 139(1) (B) AND 139(4) OF THE CONSTITUTION, 1996,
IN OUDTSHOORN LOCAL MUNICIPALITY**

Mr M J MOHAPI: Chairperson, Chief Whip, hon members, allow me to present to the NCOP the report of the Select Committee on Co-operative Governance and Traditional Affairs, issued in terms of sections 139(1) (b) and 139(4) of the Constitution in terms of the Oudtshoorn Local Municipality.

Following an unannounced visit to the municipality earlier this year, the Minister of Co-operative Governance and Traditional Affairs wrote to the municipality on 30 March, proposing a support and good governance package, in terms of section 154 of the Constitution. The municipality failed to adopt this package. The Minister and the MEC for local government in the Western Cape then called upon the municipality to adopt the support and good governance package by 5 June 2015, failing which, other forms of intervention provided for in the Constitution would be considered.

Based on an assessment by a joint Back to Basics team from the national and provincial departments, the Minister and the MEC came to the conclusion that urgent action was required to address the challenges in the municipality. On 31 July 2015, the provincial government, supported by the national Minister of the Department of Co-operative Governance and Traditional Affairs, intervened in the Oudtshoorn Local Municipality, in terms of section 139(1)(b) of the Constitution, as a corrective measure of last resort to bring stability, good governance, and service delivery for all residents in the municipality.

In terms of justifying the invocation of section 139(1)(b), the intervention followed numerous attempts by national and provincial government to deal with ongoing challenges faced by the municipality with regard to political and administrative instability; nonfunctional council structures; irregular acting

appointments in senior positions; service delivery challenges relating to water, pollution, and refuse removal, and a general breakdown in the delivery of services to communities; irregular appointment of service providers and procurement processes; poor communication with communities; Eskom debt; and a decline in the tourism industry.

In terms of deliberations in its meeting of 3 November with the Deputy Minister of the Department of Co-operative Governance and Traditional Affairs and officials from the Western Cape provincial department of local government, including the administrator, the committee observed that there was a joint agreement in both the national and provincial sphere in respect of intervention in the Oudtshoorn Local Municipality, which is nonpolitical business. A technical director from the provincial department was deployed to provide advice and technical assistance on various infrastructure projects, as was an acting chief financial officer. A special adviser was deployed to assist with the functioning of the council in terms of various committees, policies, delegations, council meetings, and the Municipal Public Accounts Committee. The administrator resumed the responsibility of the acting municipal manager as the accounting officer until a new acting municipal manager is appointed.

The province deployed forensic auditors to the municipality during August 2015 to conduct a forensic investigation into allegations of

fraud and corruption. The municipality is expected to act on all forensic reports and internal audit reports.

The select committee further observed that the municipal budget was based on a deficit. Therefore, it expects that the intervention should assist the Oudtshoorn Local Municipality to get the municipal budget back to a surplus; do some internal controls and have transparency in the budget and the treasury office; improve long-term financial planning and have a financial recovery plan; that there be support for the budget and treasury office to recover outstanding debt, build up financial reserves, and address the debt owed to Eskom and other third parties; and address the Auditor-General's report in relation to post-audit action and asset management. An analysis of the budget must be undertaken to ensure credibility; and a cash-back budget must be prepared for consideration by the council.

Part of the role of administrator will be to support the municipality in addressing critical challenges in the administration, such as to review and approve the organogram; review all appointments of temporary workers; review all acting positions; verify qualifications and compliance with minimum competency requirements and change management processes; align this with a new vision and code of good governance; have a performance management system; and review cases of misconduct, disciplinary cases, and other pending human resource cases.

The select committee, in considering the challenges in Oudtshoorn, recommends that the NCOP approve the intervention in Oudtshoorn in terms of section 139(1) (b) of the Constitution; that the provincial department of local government continue and accelerate the hands-on support in the municipality through the Back to Basics programme to ensure the development and implementation of municipal-specific action plans; and strengthen community participation in the municipality.

The administrator should expedite the filling of critical vacant positions in the municipality, especially at management level. The situation may have an enormous impact on service delivery, as there may be no experienced senior managers in key positions for planning and because infrastructure and financial management may be weak and exposed to undue influence.

The Select Committee on Co-operative Governance and Traditional Affairs will conduct a follow-up visit to the municipality to determine progress in the intervention and the implementation of the Back to Basics programme. The Western Cape MEC of local government should table quarterly progress reports to the NCOP and the provincial legislature on the status of the intervention in the municipality, including the termination of the intervention.

Allow me to present before the NCOP this report for the purposes of approval. I thank you. [Applause.]

Debate concluded.

Question put: That the Report be adopted.

IN FAVOUR: Eastern Cape, Free State, Gauteng, KwaZulu-Natal,
Limpopo, Mpumalanga, Northern Cape, North West, Western Cape.

Report accordingly adopted in accordance with section 65 of the
Constitution.

**DEBATE ON ADDRESSING CHALLENGES FACING BASIC EDUCATION IN SOUTH
AFRICA: MOVING WITH UTMOST SPEED TO PROVIDE A SAFE, RELIABLE, AND
EFFICIENT TRANSPORT SYSTEM FOR SCHOLARS AND ADDRESSING CHALLENGES
FACING THE DELIVERY AND SUPPLY OF LEARNER SUPPORT MATERIAL**

(Subject for Discussion)

The DEPUTY MINISTER OF BASIC EDUCATION: Deputy Chairperson, hon
MECs of education from the Eastern Cape and Limpopo, hon members
and delegates, thank you so much for extending the invitation to
the Department of Basic Education and the Ministry to address you
on two very important issues: the provision of learner-teacher
support material - that is, textbooks, in particular - and the
safety and efficient provision of transport.

I would like to take you back to when we had more than a dozen

departments of education prior to 1994, when we had the homelands and when we had the Department of Indian Affairs, the House of Delegates, the House of Representatives, the white Department of Education, and a mixture in terms of curricula, paradigm, and approach to education.

Only 21 years ago, the task in our democracy, which is not very old, was to ensure that we provide a system of education that would serve the entire nation, free of discrimination, and achieve quality in terms of the provision of that education. However, owing to our constitutional dispensation, one has to recognise that education, itself, is a concurrent competency, and the tendency in the first stages of our democracy was for provinces to determine their own approach with regard to education.

This resulted in the procurement of learner-teacher resource materials by provinces independently of each other. There were examinations that were written by provinces independent of the national department and, whilst the national department had an overall framework that was created for the purposes of education, provincial competencies determined that that choice could be exercised freely and independently of the national department.

As time went by, the wisdom of having a uniform, efficient, and effective system of education and a curriculum that would serve not only a province or several provinces, but the entire nation, found

expression in the collaboration that occurred. Indeed, we can say, with great pride and joy, that we have now achieved a stage in our evolution and development in which all provinces work together with the national department through the creation and acceptance of a curriculum by all stakeholders which serves the best interests of our learners.

Now, that certainly has a huge impact on the provision of learner-teacher support material, because, previously, already in our democracy - that is even post our democracy; I am not even talking about prior to 1994 - provinces would procure, in terms of their own catalogues, whatever textbooks they required. This created disparity, particularly where there was migration of movement among learners from one province to the other. You would have a learner moving from, say, Mpumalanga to KwaZulu-Natal, only to discover that the textbook that was used was quite different and that the content of the curriculum differed.

By achieving this kind of uniformity, we were able, as a national department, to create a forum, with the participation of provinces, in which the procurement of textbooks - the catalogues - was developed on a uniform basis for the entire nation, and the number of titles was reduced significantly. However, we have gone beyond that, and this transition augurs extremely well for the future.

We recognised through the creation, development, and design of work

books, that if there is quality in what we produce, we are able to serve learners across the country. Colleagues, you are all aware of the fact that we produce more than 54 million work books for our learners, from Grade 1 to Grade 9, to enhance literacy and numeracy - and this is in all the languages. Interestingly, this says a lot about the cohesion within the system of education: all provinces use them and the Western Cape, in particular, not only uses them, but monitors, evaluates, and assesses the use of these books. Everybody sees value in it, to the extent that private schools, or independent schools, have approached the department to procure these resources.

Now, the value of that particular exercise is this: If you took a work book for any grade and you were to purchase or acquire an equivalent work book at CNA, or at any other bookshop, you would pay approximately R120. We were able to develop, design, publish, distribute, and deliver to every single learner in every school in our country at about R10 per book. That shows that centralised procurement works and, indeed, as a result of this, provinces have reflected very deeply on the values and benefits of central procurement.

I am glad that the two MECs from Limpopo and the Eastern Cape are here. Both of these provinces were under intervention in terms of section 100 of the Constitution. I am glad to see that the NCOP is still playing its role in terms of intervention in terms of

section 139, as evidenced from the Order Paper.

Amongst the reasons for the intervention was the supply and provision of textbooks, particularly in the Eastern Cape and also, partially, in Limpopo. Both MECs will share with you that, last year and the previous year, the two provinces that were able to procure textbooks the most economically were Limpopo and the Eastern Cape. As a result of a more systemic and centralised process, the two provinces that were able to deliver so were Limpopo and the Eastern Cape. That says a lot. [Applause.] We have almost perfected the art of delivery in terms of our work books. I think we must do so also in terms of our textbooks.

What is the value and benefit of having ... in fact, this is the aspiration of the national department - we should have a core textbook per subject per grade. Now, I want hon members to listen very, very carefully. This does not exclude augmentary resource materials, but a core textbook would have this benefit. It would address the realities of migration. It would be able to ensure that there is harmony and cohesion in terms of professional teacher development. It would ensure that the curriculum implementation is uniform, and it would also respond to the realities of national papers being written across the board.

Now, obviously, there is enough space for innovation, creation, and augmentation. We are not suggesting, at all, that this is the final

script. We are saying this is the minimum core resource that you have to have. In doing so, we would be able to save millions of rand and ensure that every child has a textbook in his or her hand, across the grades.

The evidence is quite clear. We have moved from below 40% to between 87% and 92% in terms of resource material being in the hands of a learner. This is quite astounding, given the reality that over the past five years, we have been involved in the implementation of a new curriculum, which the entire country has accepted. We did so progressively, across the grades, and we have completed that task.

The task and the challenge now are not really about providing new textbooks, but about ensuring that we top up, because in terms of our empirical evidence, we have done reasonably well in terms of retrieval - 85%, across the board. Some provinces do better than other provinces. That means that you then require only 15%. The lifespan of a textbook is not less than three years and could be as much as five years. That means that, certainly, it is within our reach to have 100% coverage in terms of our textbooks, as occurs with our work books. If we can do so with our work books, why can't we do so with our textbooks?

But what is the better news? The better news is this. In order to achieve optimal efficiency on the basis of economy of scale - if at

all the intellectual property of these textbooks and work books resided in the Department of Basic Education; the textbooks were to reside with us - we would have the benefit of ensuring that we would not have to pay for any marketing and/or publishing costs and we would be able to produce at the minimal amount.

What we can celebrate is the fact that in the past few years, Grades 10, 11 and 12 have had the benefit of receiving intellectually owned property by the Department of Education, courtesy of the Mark Shuttleworth Foundation and the Siyavula Programme. This is for Grades 10, 11 and 12 for mathematics and science. The quality of these textbooks is extremely good. They have been developed by practitioners and academics who are involved in the education sector quite independently of the department and, indeed, private schools are also using that particular resource.

We have gone beyond that. For Grades 4, 5 and 6, we have mathematics, science, and technology, and for Grades 6, 7 and 8, we have mathematics, science, technology, and economics. In addition, we are ensuring that we develop textbooks for the Department of Basic Education that can be used across the provinces. The other value and benefit is that we can review, revise, and improve them from time to time, as a result of input that we receive from practitioners on the ground. They could, perhaps, say that we could do some things better. And we do so constantly - in fact, annually, with regard to our work books - and we can do so with regard to the

textbooks.

Our two key partners in terms of the development of the content material for mathematics and science are the Mark Shuttleworth Foundation, on the one hand, and the Sasol Inzalo Foundation on the other, which has produced for us for Grades 4, 5 and 6. Now, it is quite extraordinary that a Grade R child receives a resource pack of four books delivered to him or her. There are more than 850 000 children in our schools, and it doesn't matter whether you are in a Quintile 1 or a Quintile 5 school, whether you are black, white, coloured, or Indian, you receive that resource, and the same applies to our books.

What we have succeeded in doing is taking away the element of class and race in education and asked how we address equity in a way that there is a uniform standard in terms of which we can provide resources to our learners. Quite interestingly, I think, we are evolving towards a situation in which we could have transversal tenders. This has already occurred as a result of the discussions that we have had with Treasury in a workshop involving all stakeholders, including the provinces.

Let me give you a very current example. There are four provinces involved in the transversal procurement of stationery. That translates into millions of rand and we have established that they save 100%. In other words, they are able to acquire exactly the

same resource at half the cost. And to whom does the saving go? It goes to the provinces, it goes to the schools, and I think, this shows that if we work together we can, indeed, do more.

With regard to the other important issue of transport, the demand for transport is incredibly high. I am glad, again, that we have here our poorest provinces - poorest in terms of economic demands and in terms of infrastructure, and otherwise - and they are Limpopo and the Eastern Cape. If you go to the Eastern Cape, from where you stand, you might be able to see a school that is a kilometre away, and you'll say that well, that is quite nearby. But try to get to that school. You have to go down valleys and up hills, and the roads are almost impassable, if not, impossible.

We have delivered more than 85 state-of-the-art schools in the Eastern Cape, but we still sit with the challenge of ensuring that we have transport that is appropriate and roads and infrastructure that are appropriate, to encourage and invite teachers to use it. It is quite a nightmare to travel in some of these areas, and one has a similar challenge in Limpopo.

What we have been able to do is recognise that a policy is important to ensure that learners do not walk more than 5 km to school and ensure that we provide subsidised transport. The reality is - as we look at where we want to be - we know we are spending approximately R3,2 billion on transport across the country. We had

a target for this year of 71%. We have exceeded it by 4%. So, 75% of the needs assessment that we've done in relation to scholar transport has been fulfilled. We have not been able to provide transport to each and every eligible learner. I am being very honest and upfront about that. However, from where we were to where we are now, there has been huge progress.

What is interesting is we have developed policy with the Department of Transport - which in fact, becomes the custodian of transport - in terms of which it looks at the issues of safety. The Department of Transport also looks at the issues of procurement, standardisation, economy, and the creation of national co-ordinating councils with the Department of Basic Education, involving all nine provinces. This is to ensure that we have a uniform approach with regard to the implementation of transport policy with particular regard to efficiency, safety, design, and adaptation.

One cannot say that transport in Gauteng or the Western Cape would be the same as transport in KwaZulu-Natal, Limpopo, or the Eastern Cape. The needs, the demands, and the terrain are totally different and disproportionate, and one requires a sense of adaptability. Therefore, these co-ordinating councils will define and look at the needs and the demands in the particular provinces and will be able to respond to that appropriately.

We have worked extremely well with the Department of Transport, in this regard. What has occurred is that most provinces have ceded that responsibility of transport - which previously, resided in the Department of Basic Education - to the Department of Transport. The Eastern Cape has a Department of Transport, as does the North West, and soon, several other provinces will too. I do believe that, with time, we are going to have a much more uniform and efficient system.

The MECs are here. Perhaps we will appeal to them by saying that you cannot have a mechanism like this working if it operates and functions at a distance from you. You have to have your dedicated personnel from your department sit in the Department of Transport to ensure that they monitor the routes, look at the most efficient routes, and ensure that the issues of safety and efficiency are addressed timeously. Indeed, in my humble opinion, this would certainly make a difference.

What we can say with regard to the delivery of work books and textbooks is that we have gone a long way forward. Indeed, you hardly hear about situations in which there is nondelivery anymore. If there are, please bring those to my attention. You will not have to wait for five weeks. You will have a response by the next day. That is an appeal to come directly to the Minister or the Deputy Minister of Basic Education. You will be responded to. Our colleagues seated here will tell you that when we receive a query,

we take it directly to the MEC for intervention, not to an official.

With regard to transport, I think we are making very good progress. As I have indicated, approximately R3,2 billion has been spent here. The idea, basically, is not for people to exploit it, but to ensure that there are operators and service providers that work within a framework and abide by the safety standards.

Every child we have in our schools is a precious resource. We cannot allow their safety to be compromised in any way by the use of transport that is not appropriate, that is not safe, and that is not efficient.

I thank you for your kind attention and thank you, again, for your invitation. [Applause.]

Mr J W W JULIUS: Deputy Chairperson, hon Deputy Minister, hon members, education is, indeed, the best way to transform and develop our society. This was a key priority of the elected, ANC-led government, in 1994, but it is a forgotten priority by the ANC-led government under President Jacob Zuma, today. This is why I stand by the DA; why we not only continue to say this is a key priority in our country, but why we demonstrate it in the Western Cape, where we govern.

However, we still face huge challenges in our education system. The best education is still available to those that can afford to send their children to the best schools in our country. This trend is now even followed by parents that cannot afford to send their children to these schools. These parents opt to spend most of their income on the education of their children, because other schools are not suitable. They don't find them suitable at this stage. This is because they have a deep desire to change the vicious cycle of poverty that has been plaguing their families for generations.

The reason for this is that most of our public schools are poorly managed. The delivery challenge of textbooks to schools is a managerial problem. The mere fact that the Department of Basic Education will appeal the High Court ruling on the Limpopo textbook saga, arguing that they cannot meet the standard of giving every learner a textbook in Limpopo, is morally reprehensible. The hon Kgetjepe is here. Why don't you provide textbooks to every learner? Minister and Deputy Minister, this is what I bring to your attention. The Limpopo case on the provision of textbooks is being appealed. They cannot give every learner a textbook, and you said the goal is to give every learner in this country a textbook.

How can we say that there is too much pressure to deliver quality education to our children? Now, more than ever, parents are desperate for their children to get a quality education to change their livelihoods and those of their families because it is clear

that the Department of Basic Education has jumped off the school bus. This inequality in our schools is not providing the changes we so desperately need to transform our society in order to change the imbalances of the past.

Let me give you an example, Deputy Minister. The Annual National Assessments, ANAs, are supposed to give policy direction in terms of the core business of the education department - our curriculum and textbooks. We gather data every year from the ANAs to see where we are at - and rightly so - but, Deputy Minister, you cannot expect to fatten a pig by merely weighing it every time. The pig must be fed. What do we read from the data provided from the ANAs every year? We see educators and learners experiencing challenges, and what are we doing about it? What are we doing to fatten the pig? Are we merely setting more tests without doing anything with the data gained from previous assessments?

Now back to the topic. In order to address the challenges of the delivery of learner support material in the country, the SA Human Rights Commission constituted a national investigative hearing into the delivery of learner support materials to all nine provinces. It subsequently completed its work last year, in 2014, Deputy Minister. All provinces participated, except for the hon Nthebe's province, the North West. [Interjections.] They did not participate in this process.

The findings made by the national investigative hearing have proven to be of a more systemic and managerial nature, as you said, Deputy Minister. These are things that could have been avoided by competent managers at all levels in the Department of Basic Education. A caring government would not have allowed this to happen.

Findings include the poor projection of demand at school level. The department could centralise that. If they cannot say what they need, you cannot do it. This is, certainly, a competency that any principal should have. However, we face another problem impacting on the delivery of learner support material - cadre deployment in our government departments.

Poor communication is also identified. There is poor communication infrastructure in rural schools. They struggle with telephones, faxes, and the Internet. Most of these rural places don't have any communication. What has been done by the department to ensure that this Stone Age problem is rooted out? In this day and age, no Internet, no telephone, no faxes. This is still happening in rural schools, Deputy Minister.

This hearing also found that in some provincial departments, they did not even have an accurate number of schools in their provinces. It is there, in the report. How is this possible? And you want to centralise procurement? How is this possible? You will never be

able to do it.

Furthermore, the hearing found that there was poor delivery of education systems by schools. What happened to the principals that did not make sure that the delivered learner support materials were of the right quantity and correct? There should, surely, be consequences for their actions? I wonder what happened.

Learning material for learners with disabilities also proved to be a huge challenge. It was found that there were no coherent plans outlining the process for converting learning material into Braille. This is still a huge problem. We saw it last week in the media. At a time when we have to honour women, children, and people with disabilities, this is a shame, to say the least.

The biggest problem found by the hearing in all nine provinces was that they lacked mechanisms to track and monitor the spending patterns at schools. We can prevent the spending of the learning material budget on salaries and other expenses by schools if we monitor spending patterns regularly. The hearing also found that there are inadequate procurement management systems in some provinces and even in the national Department of Basic Education.

That said, let me congratulate the Western Cape Education Department, WCED, on achieving the first-ever clean audit by an education department in South Africa. This clean audit for

education recognises that the DA-led government has spent every rand on quality education and on improving education outcomes.

Like many of the challenges facing South Africa today, Deputy Minister, the lack of political will is actually exacerbating the problem. I do not stand here only to criticise, but also to let you know that with all these issues, a DA-led government, the one you often congratulate in the Western Cape, is doing something right.

The DA has shown that it can deliver and deliver well, so rest assured that when we govern the rest of South Africa, our first goal will be to fix the mess that the ANC has put us in. I thank you, Deputy Chair. [Applause.]

Ms L L ZWANE: Deputy Chairperson of the Council, hon members, hon Deputy Minister, one of the very important statements found in the Freedom Charter is that the doors of learning shall be opened for all.

Flowing from this statement in the Freedom Charter, the Constitution of the Republic of South Africa provides that everyone has a right to basic education. It is for this reason that the ANC-led government has felt compelled to develop and implement a learner transport policy. The Department of Basic Education and the Department of Transport have come together to develop a policy and ensure that it is implemented, even at provincial level.

What is shocking, though, is that when this policy was developed, the DA was up in arms, rejecting the policy and saying that the policy was full of gaps; that it was not comprehensive enough.

An HON MEMBER: What? The same DA?

Ms L L ZWANE: The very same DA rejected this policy. I think they were using that as some kind of smokescreen. What they actually wanted was not to see children, particularly from rural areas, being taken care of. They had forgotten that the ANC-led government is actually mopping up the mess that was made by the apartheid regime, and we are going to take our time with the budget that we have. One thing is sure - we are going to reach there.

The provision of transport has always been one of the challenges confronting this government, post apartheid, and it is attributed largely to the fact that the vast majority of areas were excluded from receiving benefits during the apartheid regime. To that extent, we do want to applaud the fact that ever since the inception of this democratically elected government, there has been drastic improvement in the Department of Basic Education.

I heard Julius talk about the fact that schools - or the hon Julius ...

An HON MEMBER: Respect the elders! [Laughter.]

Ms L L ZWANE: ... the hon Julius being irrelevant, referring to the fact that there are schools that cannot access the Internet, have no electricity, and can't use fax machines, and so on. He had forgotten that the subject of this debate is the provision of learner transport and learner-teacher support material, not the issues that he was referring to. He is dreaming if he thinks that the DA will address those issues at some stage, because that will never happen. Those issues will be addressed by the ANC, and it has already started doing that. [Applause.]

An HON MEMBER: Until Jesus comes!

Ms L L ZWANE: Another matter I want to raise is that we do acknowledge the challenges that exist. This whole function is at the level of provinces. We do commend those provinces that are doing very, very well in this regard, like Mpumalanga. When you compare the number of learners that have to be transported to the number that are not yet receiving the service, it is zero. That means all the learners that are supposed to be receiving the service are receiving it in their particular province.

We are not going to be jealous by not quoting the Western Cape as being one of those provinces. We applaud the fact that, in the main, the provinces that are largely rural, like the Eastern Cape, KwaZulu-Natal, the North West, and the Free State, are doing very well. [Applause.] The Department of Basic Education still has to do

a lot in terms of supporting those provinces that are lagging behind, but a lot of good work is already being done.

Another issue that may be of importance is what this policy specifies in terms of the kind of service that needs to be rendered. Abazali [Parents] have a major role to play in education. We cannot leave everything to the Department of Basic Education - not do anything as parents to support the services that are rendered and not exercise the checks and balances in terms of ensuring that those who are given the tenders to render this service are people that are completely appropriate to do so.

Njengabazali angeke sivume umasibona ku-appointwa umuntu ongezukwazi ukuyidlulisa le service ngendlela efanele, ongenazo izimoto ezilungele ukuhamba emgaqweni. Uthole imoto ilayishe izingane sengathi ngofish, zibeziningi okudlula amandla emoto. Leyo nto idala ukuthi izingane zibesengozini yokuthi zehlelwe izingozi zomgwaqo.

Okwesibili okubalulekile ukubheka njengabazali ... (*Translation of isiZulu paragraph follows.*)

[As parents, we will not allow the appointment of a person who will not be able to render this service properly, who does not have cars that are roadworthy. You come across a vehicle loaded with children as if they were sardines, more than the stipulated capacity of the

vehicle. This puts children at a greater risk of being in road accidents.

The second important thing to consider as parents ...]

... through our governing bodies, because they are there in the schools as our representatives, is to ensure that the drivers that are actually carting these children, that are transporting these children, have the necessary credentials ...

... amalayisenisi aqondile not amalayisenisi omkokotelo nezincwadi eyifanele ezigunyazisa ukuthi lo mshayeli akwazi ukuthutha izingane zesikole. Zibhalwe futhi lezi zimoto, zibonakale uqhamka kude ukuthi le moto ... (*Translation of isiZulu paragraph follows.*)

[... proper licences - not fraudulent ones - and relevant documents authorising the driver to transport school children. These vehicles must also be labelled so that you can see from a distance that this vehicle ...]

... is actually meant to transport the learners. So, if you, as a citizen or a parent, observe problems or irregularities, you can phone the relevant numbers and report the driver driving that particular vehicle.

Nokubheka nje ukuthi labo driver abanawo yini ama-offense e-abuse,

kubhekwe konke lapho, bahlwaywe, babhekwe ukuthi bafanele yini ukuphatha izingane. Izingane, ikakhulu at primary school level azikwazi ukuhandle[ishwa]yinoma ubani. (*Translation of isiZulu paragraph follows.*)

[And just to check if those drivers do not have offences relating to abuse against them, to check everything pertaining to that, they must be investigated, to see if they qualify to transport children. Primary school children should not be handled by just any person.]

It should be a person who qualifies and has the credentials to handle children, because they are still very impressionable at that age. Again, there are parents who can afford to render the service on their own. They should not really overburden the department. I know that the thinking of some political parties is that the policy should cater for every learner. My argument is that the policy should cater for every learner in need. Every learner in need, not everybody, should enjoy the benefit, even if the parents can afford it. Those parents who can afford it should come to the rescue of the department and decrease the expense by taking over the responsibility.

A survey conducted in Pretoria, some time ago, showed that 50% of the transport used every morning from each and every household relates to the carting or transporting of children to various institutions of learning. So, to that extent, the issue of learner

transport is a serious one that should be allocated an appropriate budget.

With regard to learner-teacher support material, LTSM, I want to submit that it is all well and good that the department has taken a decision to centralise the procurement of it. I do want to emphasise, though, that it is equally important to ensure that teachers are trained to use that LTSM.

When it is delivered, it should capacitate them to dispense the National Curriculum and Assessment Policy Statement, Caps, in a way that is effective. In addition, retaining the textbooks at the end of the year so that they can be used by other learners starting that grade will drastically reduce the expense of buying textbooks and LTSM, year after year. In this way, we will be able to keep that which government has supplied for other generations and for subsequent learners in each grade.

Finally, I want to applaud the Department of Basic Education for coming up with a guideline that the provinces are using in terms of this cycle for the delivery of LTSM. To my knowledge, all schools should be ready by November, and it will be all systems go to ensure that the material that is going to be used in the ensuing year is already procured and ready for use by teachers and learners. Thank you, Deputy Chairperson. [Applause.]

Dr Y C VAWDA: Deputy Chair, allow me, first and foremost, to acknowledge the presence of our supreme forces. Whatever our perceptions may be, I greet you all with *As-salaamu-alai-kum*.

[Peace be with you.]

Hon Deputy Chair, hon Deputy Minister, hon members, the EFF has risen and the NCOP is set alight. [Interjections.] Education plays a fundamentally important role in every aspect of our lives. Education and its importance cannot be overemphasised.

The demon of financial and socioeconomic exclusion begins to manifest itself with the compromise our children face as a result of compromised basic education. This compromise comes not only in the form of the late delivery of learner support material and learner transport challenges, but in many other forms, as well.

The entire system for most children in this country is flawed, with poor classrooms, poor water supply, poor sanitation, poor administration, poor teaching methodology, poor ventilation, and poor communication. The list is never-ending.

Our position, as guided by the founding manifesto of the EFF, is that we must introduce free education for all students. An education tax must be introduced to ensure that all corporations contribute to the provision of free education. An amount of R265 billion has been set aside for education this year. However,

the South African government has only received about R17 billion in corporate tax from mining companies, a drop in the ocean of what we should be getting from these companies.

Profit shifting and capital transfers are responsible for huge losses in revenue. These can help, will help, and must be made to help, especially, the poor. With proper tax regulations, this country can afford to pay for the education of South Africans in the attainment of a first degree.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Hon member, could you just take your seat. On what point are you rising, hon member?

Ms T WANA: Thank you, Deputy Chairperson. Could the speaker take a question?

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Are you prepared to take a question, hon member?

Dr Y C VAWDA: If there is time left at the end, Chief. Besides, we would be boring the House, you know.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): I could not pick that up.

Dr Y C VAWDA: I said if there is time left at the end, I will do

so, but otherwise, we would be boring the House.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Oh. No, the member is not prepared to take a question.

Ms T WANA: But he must stick to the topic.

Dr Y C VAWDA: I take it back, Chief. I take it back! With proper tax regulations, this country could afford to pay for the education of South Africans towards the attainment of a first degree, but this government does not want an educated population. They want South Africans to remain a source of cheap labour for their capitalist friends.

The creation of employment is directly related to the level of education in a country. The preparation for individuals to take their place in the socioeconomic systems of this country, allowing them to play a meaningful role therein, begins with basic education. And, hon Deputy Minister, your department is failing this country at grass-roots level, where it matters most. More and more of our children are condemned to a life of limited opportunity because we cannot get the basics right. The demon of financial exclusion then manifests itself.

At the beginning of this year, millions of school textbooks that were meant to have been delivered to schools were found in a

warehouse in Seshego, Limpopo. This, while many schools in that very same province were left without textbooks for the better half of the first quarter of the year. By May this year, it was discovered that at least two schools here in the Western Cape - Maitland High School and Gordon High School - were without textbooks halfway through the year.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Hon Vawda, could you just hold? Take your seat. Hon Zwane, on what point are you rising?

Ms L L ZWANE: Deputy Chair, I just want to know if the member is bold enough to take a question - because I suspect somebody with a red coat put the books there.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Are you prepared to take a question?

Dr Y C VAWDA: No, sir.

This points to two fundamental problems. The first problem is the complete neglect by government of its functions to supply learner support material on time to ensure that our children get access to the best possible material to help their development. This neglect is a result of appointing highly incompetent people to be in charge of our education system.

The Department of Basic Education cannot plan properly in advance for all our schools. In the deep rural areas of our country, going to school, for most children, is like dancing with death. Children as young as seven are crossing dangerous rivers to access school, simply because corrupt officials have seen the scholar transport system as a get-rich-quick scheme. Facilities meant to assist learners to access education become enrichment schemes, like a cancer eating right at the heart of our education system with its corruption.

If a company has failed to provide textbooks to children in Limpopo, why does our government see fit to give such a company a contract to supply tablets to children at other schools? This is corruption on a grand scale. This is playing with the future of our children.

To stop this, government must immediately stop outsourcing key components of education. The department must be able to build internal capacity to deliver textbooks to schools and to deliver other services on its own. This will minimise corruption and ensure direct lines of accountability when something goes wrong.

The EFF is convinced that this government has passed the point of no return and that it can no longer control the beast of corruption and the neglect it has created. [Time expired.]

Mr M MAKUPULA (Eastern Cape): Hon Chairperson of the NCOP, Deputy Minister of Basic Education, Deputy Chairperson of the NCOP, Chief Whip, permanent members of the NCOP, distinguished guests, and members of the media, on behalf of the department of education of the Eastern Cape, allow me to share in the debate.

The Eastern Cape, as with the rest of the country, continues to be confronted by the persisting challenges of unemployment, poverty, and inequality. Economically, people are moving away from rural farming and remote areas to urban and town areas within and outside the provinces. I guess, population migration is an obvious factor that we are taking note of, as is the economic factor.

Unfortunately, as people move, they travel with their children and leave behind small, unviable, and scattered schools. This has led to a growing demand for new schools and overcrowding in the urban and town areas. Socially, crime, gangsterism, drugs, teenage pregnancy, and bullying often lead to absenteeism and high failure and drop-out rates.

Now, if one looks at the schooling and learner profile of the Eastern Cape in 2015, 1,75 million learners are accessing public education in 5 554 schools. Of those 1,75 million children, just more than 1,6 million learners - to be specific, 1 600 850 - attend no-fee schools. I think it is important to emphasise this point because many people tend to measure the height of others and tend

to forget the depth they are in. People tend to take for granted and treat as obvious the fact that the government pays a lot of money to ensure that children from poor families are actually paid for and taken care of. The only responsibility of the parent is to buy a uniform for the child; and, for that matter, the child is not even chased away from school if he or she does not have a uniform. That is a very profound point.

In addition, the same number of learners - the 1,6 million plus learners - are on the National School Nutrition Programme. At least, they get a meal a day. For many of them, this is possibly the last meal of the day.

A total of 27 514 learners have access to special and specialised education. There are 33 922 learners in the Eastern Cape attending 178 independent schools. This is the context in which the department is providing public education in the province.

With regard to scholar transport, in July 2011, the department began to work jointly with the Department of Transport to manage transport in recognition of transport being the core business of that department. We are all aware that the Department of Basic Education does not keep traffic officers, neither does it test the roadworthiness of cars. That is the responsibility of the Department of Transport.

At the beginning of 2015, there were 98 000 deserving learners, of whom, 63 000 are transported, as at November 2015, with a budget of R432 million. The other learners are accommodated in hostels, while still others are attended to through the realignment, mergers, and closures of schools.

For the 2016 academic year, there are 113 000 applications, which are being processed and verified as we speak. New tender processes are currently, as follows. They were advertised and applications closed on 23 October 2015. Currently, the tenders are being evaluated and will be awarded before the schools open in 2016.

The delivery of learner-teacher support material, LTSM, has improved greatly, and I want to add to the points raised earlier by the hon Deputy Minister: In the Eastern Cape, over the last three years, all our schools have received their learner-teacher support material before the start of the academic year. [Applause.] The state of affairs, currently, in preparation for 2016, with regard to stationery, is that 95% of stationery is already at schools for the 2016 academic year. The department is only topping up in terms of the curriculum assessment policy statement, or Caps, textbooks.

You will recall, as the hon Deputy Minister has indicated, that the lifespan of a book ranges from three to five years. The last time we bought new textbooks for the last grades was in 2014. So, all we are doing now is just topping up for new schools and schools that

have indicated that they did not retrieve 100% of their books. Orders have already been issued and textbooks will reach schools before the schools open. What is also new for 2016 is that orders for Grade 10 literature, Grade R resources, and assistive devices for special schools have already been issued and service providers have pledged that these goods will be at schools before the start of the 2016 academic year.

I must say, in conclusion, that the department is working tirelessly to ensure that the 2016 academic year runs smoothly.

Let me use the one or two minutes left to me to say to this honourable House that we must please not forget that the leopard does not change its spots. [Interjections.] There are some who opposed apartheid. They would stand up in Parliament and demand the release of Nelson Mandela, and after that, they would go and cash their payments. But they never fought apartheid. They were never there. They never went to jail for fighting apartheid. They never went to bed hungry for standing up and fighting against apartheid.

Now, we must not forget that those very same people are still amongst us. They will continue throwing all the negatives at the current government. As for the Johnny-come-latelies, we must remember that democracy has brought about many opportunities, even for those who formed parties according to the grades they got for their subjects. Some called their parties after the symbols they

got in matric, whether an E or an F. [Laughter.] They formed a party and named it after their results, the symbols they got for matric, and they are bold enough to stand here and tell us all the pipe dreams they are thinking of. [Interjections.]

Those are pipe dreams. Governing is not an easy thing. So, people must think twice before coming here and talking. People must make sure that they have made their concrete plans, done realistic work, and then ensure that they contribute effectively to the development of the country. I thank you very much, hon Deputy Chairperson.

[Applause.]

Mr B KIVEDO (Western Cape): Hon Deputy Chair, hon National Minister of Basic Education, hon Chief Whip, all the MECs from the different provinces, hon members, and distinguished guests, I acknowledge the input by the previous speakers and I also appreciate what has been said until now.

Allow me to focus specifically, firstly, on learner resource materials. Enshrined in the Constitution is the right to quality education for all South Africans, and essential to the realisation of this right to basic education is the timeous delivery of textbooks and other learner resources. Failure at any level to ensure textbook delivery constitutes a violation of this right.

It was for this reason that the Western Cape Education Department,

WCED, felt it was necessary to develop a framework for the management and retrieval of textbooks. This framework was set up in 2013 to assist schools set up adequate systems to manage textbook allocation and the retrieval of those allocated to learners the previous year.

Historically, South African learners have not had sufficient access to learning materials, and, according to the SA Human Rights Commission, a study by the Southern and Eastern Africa Consortium for Monitoring Educational Quality, Sacmeq III, found that, in 2007, the average Grade 6 learner was in a school where 45% of the learners had reading books and 36,4% had mathematics textbooks. That was then.

With the 2015 student calendar drawing to a close, it was essential for the department to prepare for the 2016 academic year well in advance in order to ensure the timeous delivery of all materials to schools. It is good to note that the Western Cape Minister of Education, Debbie Schäfer, ensured that this process began as early as June of 2015 by opening up the online ordering system. This enabled all the schools in the province to assess their needs and order the required number of books. It is also commendable that, as at October 2015, 80% of textbooks had been delivered to schools, and yesterday in the finance committee meeting, the Minister revealed that all textbooks and work books had been delivered.

The department expects 20 000 more learners to enter the education system in 2016, and one of the mechanisms to deal with the influx has been to expand existing schools. Minister Schäfer yesterday revealed that a school in Mitchells Plain was in the process of receiving six extra classrooms, while Cape Town High School in the City Bowl will be able to accommodate 200 extra learners, thanks to the expansion programme. Provision with regard to work books and textbooks has already been made for the increased numbers in each school, but with the number of learners expected, funding will be an issue. The reality is that 20 000 extra learners translates into at least 20 new schools, which the department does not have money for.

The Western Cape, currently, has 1 457 public ordinary schools, with a further 72 schools for learners with special needs. Further inroads have been made as far as learner material is concerned.

Information and communications technology has made its way into many of the schools in the Western Cape. The DA in the Western Cape believes that e-education is foremost about learning and teaching and not necessarily about technology. To quote our former MEC for education, Donald Grant: "It is the small "e" in e-education that supplements and enhances teaching and learning experiences in the classroom."

It is important to note that technology is not a substitute for our

educators, but rather a resource intended to aid them in doing their jobs. The DA vision for ICT in education is therefore one that will ensure that all our educators are empowered to use technology effectively and innovatively, and that ICT will also open up learners to more innovative ways of learning.

This resource will go a long way in ensuring that learners have all the material they need for classes. It will not only save the department a lot of time and money, but also deliver and support the curriculum; help raise the levels of teaching and learning in disadvantaged schools; educate and support educators; empower learners to join the global knowledge community; encourage learners to prepare themselves for careers in the sciences and in engineering and ICT; collect and distribute administrative information; and ensure that all schools in the province, rural and urban, have immediate access to curriculum-administered information.

As far as learner transport is concerned, the safety of learners has also been a priority for the department. As a result, the WCED has gone to great lengths to ensure learner safety in the schools. Each school has a safety committee made up of educators and members of the community aimed at ensuring that all security gaps are attended to. One such gap is that of learner safety, as far as learner transport is concerned.

We acknowledge that the transportation of learners to schools has always been a key challenge confronting not only the Western Cape, but South Africa, as a whole. Often, access to desired schools is limited as a result of the distance some need to travel, especially for learners in the remote rural areas where transport can either be limited, very costly, or both.

Over the years, the WCED has, through a number of studies and interactions with all concerned parties, found that there are serious issues for both urban and rural learners. We have since put in place a framework which details exactly what is expected of those who transport learners and the condition their vehicles need to be in in order to function as learner transport.

The Western Cape Education Department has put in place a policy for learner transport, which makes provision for transport to be provided to registered learners in public ordinary schools who meet the following criteria, *inter alia*, they reside in a geographical area that qualifies for learner transport; they reside 5 km or further away from an ordinary public school; there are 10 or more learners to commence a scheme; they do not pass a suitable ordinary public school; there is no public transport at their disposal; they do not receive any transport or hostel bursaries; and such learner transport is approved by the head of department. Currently, the number of learners eligible to benefit from scholar transport is 52 558. This is 2 558 more than the planned target for 2014-15, and

this number is set to increase in the new year.

However, of concern is the private transportation of learners. Overloading and the lack of roadworthiness of vehicles are just two of the biggest issues as far as private transport is concerned. Too often, we find that our learners are transported to school by persons without the required documentation, like drivers' licences and other permits.

Furthermore, the state of the vehicles is appalling. The department, together with law enforcement agencies in the province, has been embarking on regular operations aimed at catching learner transport operating outside the boundaries of the law. On numerous occasions, vehicles have been impounded for failing roadworthy tests and drivers not having the necessary documents permitting them to transport learners.

In conclusion, we do acknowledge that much more still needs to be done, especially in the rural areas where alternative transport is limited and reliance on private transport is high. With more learners set to enrol in the province's schools next year, the department is working nonstop to find alternatives which will benefit all the learners in the province and ensure safe and affordable transportation to and from school.

The Western Cape government has prioritised the safety of the

province's learners and is committed to providing quality education as we continue to pursue an open-opportunity society. Deputy Chair, I thank you so much. [Applause.]

Ms M F TLAKE: Hon Deputy Chair, Deputy Minister, hon colleagues in the NCOP and those from provinces, heads of departments - oh, I nearly said, ladies and gentlemen in the gallery - let me start by applauding the ANC-led government on its intervention during the 2015 Fees Must Fall student protests against fee increases for 2016. When the President of the country made an announcement on 23 October 2015 that there would be a 0% increase in the fees of South African universities for 2016, this announcement was highly applauded by students and parents.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Hon Tlake, could you just hold it there? Hon Gaehler?

Mr L B GAEHLER: Chairperson, with due respect, the hon member is not well. Could you provide a chair for her, please? It is better that she sits down, because the report we have is that she is not well.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Yes. Are you comfortable speaking from the podium?

Ms M F TLAKE: Pardon?

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Are you comfortable speaking from the podium?

Ms M F TLAKE: Yes, I am comfortable. Hon Deputy Chair, I will tell him if I am comfortable, or not.

Mr L B GAHLER: [Inaudible.]

Ms M F TLAKE: Don't mind business that does not concern you.

[Laughter.]

The President announced that there would be a 0% increase in South African university fees for 2016. This announcement was highly applauded by students and parents. The student protests have proved that South Africa is, indeed, a free country where constitutional rights and democratic processes are exercised freely. This means the students of this country can voice their frustrations, and that the ANC-led government will intervene and reach a consensus.

What we, the generation of 1976 under the then government, underwent was not like what students have undergone under the government of today. The then government used live ammunition to disperse students. What the ANC-led government displayed on 23 October was truly the embracing of the Freedom Charter, which states, "The Doors of Learning and Culture Shall Be Opened". This is the support that learners need both from the government and from

parents so that they can be educated, developed, and capacitated, and not deprived, as the students of 1976 were.

The ANC-led government is very aware that there are great challenges in learner transport, mostly in rural communities. The learners walk long distances to school in the hot sun and during the cold months of winter. This impedes access to the learning, development, and education of our children. In order to address problems in accessing education, the government of the ANC came up with this learner transport policy and bestowed a huge responsibility on provinces to provide safe, efficient, and reliable learner transport. Transport and hunger should never deter any child from becoming educated in South Africa, our land.

In my province, the Free State, the Department of Basic Education did the following to ensure that access to and the further opening of the doors of learning, as enshrined in the Freedom Charter, were realised.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Hon member, just hold it. Hon Thandi?

Ms T G MPAMBO-SIBHUKWANA: Thank you, Deputy Chairperson. It's Thandi Mpambo-Sibhukwana, hon Deputy Chair. Would the member at the podium be prepared to take a question, a very short question, from me?

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Hon member, are you prepared to take a question?

Ms M F TLAKE: Hon Deputy Chair, more especially because it is a very short one, I am not prepared to take it. [Laughter.]

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): No, she is not prepared to take your question.

Ms M F TLAKE: The Free State built three new hostels on two farms to provide accommodation for learners and teachers. It built four other hostels on different farms, which will be opened in 2016. More updating will include converting four schools into service schools so that learners with disabilities will be adequately accommodated and there will be no more challenges.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Hon Tlake, just hold on. Hon member, why are you standing up?

Mr J W W JULIUS: Thank you, Deputy Chair. I want to know if the member will take a long question.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Hon members, I cannot hear. I cannot hear you, hon Julius.

Mr J W W JULIUS: I want to know if the hon member at the podium

will take a long question. [Laughter.]

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Hon member, are you prepared to take a question?

Ms M F TLAKE: Hon Deputy Chair, I have already made the point that I will not take questions.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Alright. She is not prepared to take your question.

Ms M F TLAKE: Perhaps it is because I said "short". I actually meant questions, whether long or short.

Furthermore, we will be doing upgrading to accommodate these learners so as to get rid of the challenges in infrastructure that are unfriendly to learners with disabilities.

I heard the hon Julius saying the Western Cape received ...

[Interjections.] Deputy Chairperson, the hon member says that I was not on oversight. I was ill and I think it is actually insulting what she is saying to me.

An HON MEMBER: To an elder.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Just take note,

because now it is going to be problematic for me to make a ruling on something that I did not hear and which was off the record. Hon members, could we just avoid making statements that will make other members feel uncomfortable?

Ms M F TLAKE: Thank you, Deputy Chairperson.

I heard the hon Julius saying that the Western Cape DA received a clean audit. Oh, what a shock! I am really shocked because I do not think the hon Julius ... I wonder what they got the clean audit for because, as far as I am concerned, I don't think they have an infrastructure model that is safe and reliable for learners in Gugulethu, or Khayelitsha, or in farming communities.

I wonder if you are aware that the Western Cape actually leads in the cases of schoolchildren who become victims of gangsterism, drugs, and sexual harassment. For me, this is a million-dollar statement that you have just uttered. I wonder if the Freedom Charter is actually being realised in the Western Cape when they say, boastfully, that they received a clean audit. I wonder if the doors of learning shall be opened in the Western Cape for those children who live in poor areas, irrespective ...

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Hon Tlake, could you just hold on? Hon Labuschagne?

Ms C LABUSCHAGNE: Hon Deputy Chair, I want to know if the member would take a question - as she is questioning the Auditor-General.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Are you prepared to take a question, hon member?

Ms M F TLAKE: I have actually said I would not take questions, and I am not questioning the Auditor-General because ...

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Alright. Hon members, the hon Tlake is not prepared to take a question. Can we continue with the debate then, hon Tlake?

Ms M F TLAKE: I wonder if the doors of learning shall be opened for all the children in the Western Cape, irrespective of whether they are poor, or not. The Freedom Charter actually states that the children of this country must be developed, educated, and capacitated, irrespective of where they come from.

The hon Vawda said it is corruption for schools to offer tablets and iPads to students. This is really shocking. For me, you showed me that you belong to that BBT group - born before technology - because the world is going global. The technology can be used to train students and teachers to become technologically capacitated. I don't know how you can talk about technology capacitation as corruption. I don't know what type of corruption that is but it is

really disappointing for you to actually reveal to all of us that you belong to the BBT group - and it seems you will never get out of that situation. Thank you. [Applause.]

Mr M KHAWULA: Deputy Chairperson and hon Deputy Minister, in accordance with the Constitution of the Republic of South Africa, education is a right and it must be provided for by government in an acceptable, efficient, and effective manner. However, quality provision of quality education has continued to evade the poorest of the poor in our country. It remains a fact that more often than not, quality education is purchased by those who can afford to do so. The rest of our learners in the country have to make do with whatever is available to them, no matter what.

The meagre financial resource that is made available to provinces for them to provide scholar transport is plagued with poor planning. Firstly, it is too little to provide a completely satisfactory service.

Secondly, the little that is there is poorly implemented and badly managed. When the Department of Basic Education, nationally and in the provinces, started what they termed the rationalisation programme some four or five years ago, schools were promised assistance. The schools that were earmarked to close and have their learners moved to other schools were promised scholar transport in order to make up for the inconvenience accrued in new travelling

distances.

In some instances, this learner transport that was promised has never materialised. Schools were shut down, learners were moved to new schools, but no transport was provided. In some cases, there was too much learner transport provided to some schools that were not worse off in distance compared to some other schools within the same circuit, district, or province. This makes one wonder what the exact criteria are that are considered for schools to be regarded as qualifying for the provision of scholar transport.

Learners in needy areas are, indeed, subjected to hazardous and dangerous conditions when they have to resort to bakkies, trucks, and tractors as a means of transport to school. Some of these bakkies have to transport four or five loads to different destinations at any given time. The speed at which they travel in order to make time for all these loads subjects learners to unprecedented levels of danger. Therefore, scholar transport must be properly resourced by government.

Whilst the rationalisation of schools might be a necessary step, a lot of issues need to be considered before a school is shut down. Among those are issues of convenience, distance, service provision in the area, planned future development, and so on, and so forth.

There is still a lot that needs to be ironed out in the way

provinces provide material to schools. In KwaZulu-Natal, around 2011-12, the provincial education MEC ring-fenced a portion of the learner-teacher support material, LTSM, for all schools. This was to be used at the discretion of the MEC to purchase materials which the MEC thought schools needed in order to improve teaching and learning.

A sum of about R96 million was used to purchase dictionaries for the affected schools in the province. To this day, those dictionaries have never reached the schools and neither have the ring-fenced funds, which were used to buy dictionaries, been returned to the affected schools. The big question remains the following: What happened to this money? It is in instances like these that the national Department of Basic Education needs to rein in provinces and sort things out.

It is important, also, to look at some of the reasons parents subject the lives of their children to transport dangers when there are schools nearby. Usually, learners migrate away from schools in townships and rural areas to schools in the cities. This is all in pursuit of a quality education.

Of course, some schools in the townships and rural areas are doing very, very well. I can cite schools like Buhlebethu High School, in Umzumbe; Umlazi Comtech High School, in Durban; Zwelibanzi High School, in Umlazi, and many others. When you look at these schools,

the common factor is that they are all well managed. They have committed educators, who arrive at school on time and spend time in class, teaching, rather than in the staff room, chatting. Therefore, whilst poor infrastructure and resources are an issue, where there is commitment, quality is achieved. The department must therefore improve the way the schools are managed.

In conclusion, cadre deployment of heads of department, principals, Ward managers, circuit managers, and district and provincial managers will never provide quality education for South African learners. I thank you. [Time expired.]

Ms S H STANFLEY (Northern Cape): Hon Deputy Chairperson, hon members, Deputy Minister, nonexistent guests in the gallery, good afternoon, everybody. The purpose of today's debate is to reflect on the challenges in the education sector as they relate to the delivery of learner support material and the provision of learner transport.

As a representative of the largest province, the Northern Cape, I can assure you that providing reliable transport within a set budget is certainly no easy feat. In fact, in the past financial year, transport was provided to only 16 775 learners out of a target of 23 424. This means that 19% of the learner transport target in the Northern Cape was not met during 2014-15. No explanation has since been forthcoming on why this target was

missed or what alternative assistance was provided. Did the learners just have to walk five or more kilometres to school?

The Northern Cape Department of Transport, Safety and Liaison took over the function of learner transport in 2012 in a process similar to other provincial developments. The department's stated objective is to provide accessible, cost-effective, and safe transport which contributes to the culture of learning.

In the transition, we have experienced a number of challenges. These range from the late payment of service providers and the resulting lack of service; payments made on the basis of expired contracts, or without valid agreements in place; differences between payments made and payments stipulated in contracts; inadequate controls to prevent duplicate payments; and incorrect calculations for the use of buses that cannot seat all the learners on a specific route, to vehicles that are simply not roadworthy. For instance, about a week ago, it was reported that a bus used to transport learners near Kuruman had been involved in a serious accident. Approximately 30 learners sustained serious injuries and two lost their lives.

Approximately 2% of service providers are reluctant to enter into negotiated contracts which require compliance with roadworthiness, capacity, and other legislative requirements. From this reluctance, serious complications arise that cannot be considered anything

other than criminal. Examples include the appointment of two service providers to one route, or the appointment of a service provider in the Frances Baard District Municipality who had only one vehicle instead of the eight required.

It is clear that the delivery of safe learner transport requires ethical and effective leadership which always has the best interests of the learner in mind. It cannot be allowed that any service provider does not enter into a negotiated contract while rendering services to the provincial government. Aside from the legal ramifications, we simply cannot risk the safety of our learners by allowing service providers to use vehicles that are not roadworthy. Many of us are parents and we would never put our children in a vehicle that is not 100% safe. A service provider who refuses to enter into a negotiated contract should not be given an opportunity to render its services. Any serious violation of the negotiated terms must be grounds for immediate termination of the contract and replacement with a more willing supplier.

Due to the challenges currently present in the delivery of learner transport, talks are at an advanced stage in the Northern Cape to transfer the function back to the Northern Cape department of education. However, the head of the education department stated in a recent meeting with the Portfolio Committee on Basic Education that he was not comfortable with accepting this function, as it does not relate to the core mandate of education.

Ultimately, the final decision must be taken with the best interests of each and every learner at heart. Whichever department accepts final responsibility must do so with the understanding that learner transport is not just about buses and taxis. It is about getting our learners to school, in class, safely, and on time. We need to create access to the highest quality of education and we must acknowledge the role that safe, reliable transport plays in giving all learners equal access to quality education. I thank you.

[Applause.]

Mr L B GAHLER: Deputy Chairperson, hon Deputy Minister, hon MECs and the hon MEC from Eastern Cape, ndiyabulisa [greetings].

Developing quality learning material that promotes effective learning does not happen by chance. It requires careful planning, monitoring, and evaluation of all cost components, including the delivery of the correct learning material. Decisions about learning outcomes, learning and teaching strategies, assessment methods, and delivery modes influence the entire process of providing education.

Some provincial departments of education have greater success than others in the delivery of learner support material. However, there are some generic underlying causes that account for the challenges faced by the country in this area. These include the inaccurate projection of demand at school level. Sometimes, there is an underprojection, owing to an inaccurately projected number of

children back due to enrol in the ensuing school year. This creates variances in the supply.

Another challenge is that some schools, and, in particular, those in deep rural areas, do not have modern-day communications infrastructure. As a result, they find it difficult to communicate on time with the district offices. This results in the late capturing of their needs and, in some instances, in thumb-sucking.

There is also poor delivery verification at the point of the receiving school. This requires that physical verification of the material delivered be done by the principal - the principal has to account for the delivery.

In some provinces, the procurement of material is decentralised. Although this may have its own advantages in terms of benefiting local suppliers, there is still a need to capacitate schools so that they are able to carry out their important functions.

Scholar transport is another challenge characterised by stories of disaster or horror. Funds are mismanaged or embezzled, service providers are not paid, children are left stranded, vehicles are not roadworthy, or worst of all, children become the innocent victims of appalling driver negligence. We need to devise a national scholar transport system that involves the parents of the children.

It is not a simple undertaking to provide regular, reliable, and safe transport for scholars. The logistical challenge starts with collecting accurate data about schools. We need closer monitoring of service providers to ensure that drivers are licensed, that they have adequate insurance, and that their vehicles are roadworthy and comply with the regulations. Government needs to intervene and make sure that roads - in particular, those in rural areas - are maintained so that those vehicles can travel with less risk. In more informed communities, it is customary for parents to get involved in supporting their schools and children.

The UDM believes that the Departments of Basic Education, Transport, and Social Development should work together. That would ensure that ...

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Hon Gaehler, could you just hold on? Hon Motlashuping?

Mr T C MOTLASHUPING: Thank you, hon Deputy Chairperson. I would appreciate it if he could take my question, because he is so obsessed about the ANC that he continually ...

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Hon Motlashuping ...

Mr T C MOTLASHUPING: Is he prepared to take a question?

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Hon member, are you prepared to take a question?

Mr L B GAEHLER: Hon Chairperson, I will take the question at Cubaña, where we always meet! [Laughter.]

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): He is not prepared to take a question. [Laughter.] Please continue, hon member.

Mr L B GAEHLER: Deputy Chairperson, in closing ...

... ingxaki enkulu apha ziindlela ezingekhoyo. Now kwiiprovinces ezisezilalini apho kungekho ndlela ... *(Translation of isiXhosa paragraph follows.)*

[... the biggest problem here is poor road infrastructure. Now, in rural provinces where there is no proper road infrastructure ...]

... you will find that the transport is more expensive than in other provinces. So, that is why we say when it comes to transport, the Departments of Basic Education and Social Development must work together, because it becomes very expensive to transport children in rural areas. Siyabulela [Thank you]. Ndiyabulela [Thank you].

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Could we avoid some of the things that we would never want to hear about in the

House? [Laughter.] [Applause.]

Mr D M STOCK: Hon Deputy Chair, hon Deputy Minister, our MECs, special guests, ladies and gentlemen, every weekday morning, more than 10 million schoolchildren, or learners, throughout South Africa are transported to schools and educational institutions during peak periods. This makes a significant impact on transport demands and needs, especially in our urban areas. However, it is not only the effect of learner transport on the major transportation system that is important. It is also the transportation needs and problems of the learners, themselves, that warrant specific attention.

Before 1994, the education department had its own approach, which was very functional and which had its own criteria and formula when it came to funding and subsidising the learner transport system. When one education department was created in 1994, the learner transport subsidy was found to be fragmented, uncertain, and underfunded. There were no structures, at that stage, that could actually co-ordinate, plan, implement, or regulate such systems.

The Freedom Charter proclaims boldly that the doors of learning and of culture shall be opened to all. With regard to this statement from the Freedom Charter, uTata Nelson Mandela once said:

Education is the great engine of personal development. It is

through education that the daughter of a peasant can become a doctor, that the son of a mine worker can become the head of the mine, that a child of farm workers can become the president of a great nation. It is what we make out of what we have, not what we are given, that separates one person from another.

That is why this progressive government, under the leadership of the ANC, has made education the number one priority and has actually also taken education seriously, as evidenced from the department receiving the highest budgetary allocation.

Although the solutions to individual learner transport problems may be fairly simple, the total situation can be very complex, owing to all the different role-players, the different modes of transport, and the different circumstances throughout the country. A holistic approach to learner transport is necessary. On the one hand, the needs of the learners and of transport services, themselves, must also be taken into account. That includes, *inter alia*, affordability, subsidies, accessibility, and safety and security. On the other hand, the role and function of learner transport is whether the transportation feed must also be taken into consideration.

The ANC-led government fully understands that education and training stimulates the potential of students and learners, thereby forming the fundamental basis for societal development. Hence, in

pursuit of this supreme goal, the ANC-led government, through the Department of Basic Education, has identified education as an apex project for national consideration. Our commitment therefore is based on our aim to ensure an efficient and future-oriented education system from a basic level to the higher levels of education.

At this juncture in terms of our national democratic revolution, NDR, we are taking a long-term view, as envisioned in our policy prospectus. Hence, we need to pose the critical question, What is the socioeconomic character of the national democratic society in this current, second phase of the transition? We should, equally, take note of the progress made in the first phase of the transition, based on the national consensus that was appropriate for political transition.

Let me also take this opportunity to clarify a few issues.

Regarding the views expressed by the hon Julius, South Africa, in terms of my own understanding and interpretation, is made up of nine provinces. There is only one province in South Africa under the leadership of an opposition party - which party has minority representation in terms of electoral support - and that is the Western Cape. So, the impression cannot be created from this podium that the Western Cape, under the DA, is actually South Africa. South Africa is under the leadership of the ANC and it belongs to all of us. The ANC-led government still makes provision in its

national fiscus ...

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Hon Stock, could you just take a seat. Hon member, on what point are you rising?

Mr C HATTINGH: Hon Chairperson, the hon member has said a lot of important things. I would like to ask him a question about the national democratic revolution, if it is possible. [Interjections.]

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): No, no, no, hon members! [Interjections.] It is within the member's rights to want to know whether the member is prepared to take a question.

[Interjections.] Are you prepared to take a question, hon member?

Mr D M STOCK: Can I take the question, hon Deputy Chair? What is the question?

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): He is prepared to take the question.

Mr C HATTINGH: I would just like to understand - and I am also referring to Number One: Where does the NDR stand in terms of our Constitution? Thank you. [Interjections.]

Mr D M STOCK: Hon Deputy Chair, unfortunately, that is a point for debate. If the hon member needs an induction around the NDR, we can

induct him on it. And if he sends signals to us that he wants to cross over to the progressive ANC, the progressive national liberation movement, he is free to do so, because I can already see the signals coming from the hon member. [Interjections.]

Hon Julius, it is important always to give credit where credit is due and to always tell the truth. We know that sometimes the truth hurts, but I think, as an hon member of this House, it is important to acknowledge the truth and successes where the successes are had.

Let me also take this opportunity to demystify and actually condemn, in the highest possible terms, the impression that has been created in this House by certain hon members who are the experts in double standards. In the committees, they behave in a particular way, but when they arrive in the House - when they get to the podium - they display a different character. Some of them serve on the Select Committee on Education and Recreation, a committee I serve on. When departments come and share and present their annual reports and Budgetary Reviews with us, they give their support and agree to all the strategic objectives of the departments. However, when they get to the podium, they present a different character altogether. So, that tendency must actually be demystified. [Interjections.]

Hon Vawda, in your participation in the debate, you accuse ... or create the impression that the Northern Cape department is the most

corrupt and the most incompetent department in the Northern Cape, but from where I stand, I can actually give you the facts.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Hon Stock, could you ...

Mr D M STOCK: I can actually give you the facts.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Hon Stock, could you take your seat. Hon Vawda, on what point are you rising?

Dr Y C VAWDA: I am rising on a point of order, Deputy Chair: I said nothing about the Northern Cape. I do not know where he is getting that story from. He is misleading the House.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): If I have to make a ruling on that matter ... Hon members, I remember the hon Vawda making mention of and reference to Mpumalanga and not necessarily the Northern Cape, so I just thought that I must correct that. You can continue, hon member. [Interjections.]

Mr D M STOCK: Thank you very much, hon Deputy Chair.

[Interjections.]

Dr Y C VAWDA: I said nothing about Mpumalanga, either.

[Interjections.]

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Alright. The hon Vawda said nothing about any province. Thank you very much. Can you continue?

Mr B G NTHEBE: Vawda was debating on another country!

Mr E MAKUE: Hon Deputy Chairperson, I rise on a point of order: The hon Vawda said nothing. [Laughter.]

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): You may continue, hon Stock.

Mr D M STOCK: Thank you very much, hon Deputy Chair. The Northern Cape department, which was accused earlier on of being the most corrupt and most incompetent, has actually achieved a clean audit. In areas of learner transport where service providers were not performing to the standard required by the department, those contracts were actually cancelled.

Hon Stanley, when I saw the speakers' list, I asked myself whether you would be representing the province in today's debate or representing your party, the DA. [Interjections.] I was actually impressed by all the issues that were raised here today. They clarified any doubts I had about you, because you represented the province very well. You did not represent your party, the DA. In that regard, hon Deputy Chair, let me take this opportunity to

thank you. [Applause.]

Mr W F FABER: Hon Chair, Deputy Minister, and members, today, I can spend four minutes talking about the delivery and supply of learner support material and inform all the new ANC members sitting here - except for two or three old hands who are here ... [Interjections.] We can tell them about this subject.

Specifically, I heard speakers speaking on the ANC's successes on this subject - the delivering of books, etc. But, obviously, they did not do oversight like we did in Limpopo, in the Eastern Cape, in KwaZulu-Natal, in the Fourth Parliament. Otherwise, they would know that these are not success stories. Hon Deputy Minister, you can support me on that. I know you tell us the whole story every year, but it stays the same. So, let me rather help the ANC out of the dark and give them some light.

Let us go to learner transport. [Interjections.] A national policy regarding the provision of people transport is what is needed to deal with the crisis of scholar transport. The Department of Transport, in collaboration with the Department of Basic Education, has developed a draft people transport policy. It has been approved by the respective Ministers, and it was open for public comment until 3 December 2014. Now, that is almost a year ago. Until now, it is not known when it will be implemented, and it still has to go to Cabinet and then, to Parliament.

Deputy Minister, when will this national policy on people transport, with conditional grants from Treasury, be adopted? I would like to know when people will be granted transport, comprehensively, across South Africa. Thousands of children continue to walk long distances, as my colleague was saying. We know of some cases of children walking between 12 and 25 km to school, and this is unacceptable, members. It is really unacceptable for small children to be walking these distances. The DA asked the Minister of Transport to speed up this process, as children are suffering due to sluggish work in this department.

The budget allocation for the payment of operators for this financial year is R432 million, but questions still remain about whether the process and payments are controlled in the correct way with checks and balances. We understand that regulations must be in place for transporters, regarding safety and the picking up of scholars on time, as well as contracts, claims for services, the rendering of services, and payments.

Today, Deputy Minister, we want to give some sound advice to you and the provincial education and transport departments across the country. Regulate most of this issue, somehow. No, you don't have to pay consultancy fees, Deputy Minister, this is for mahala [free]. I am giving you sound advice.

Modern tracking devices have been around for years. You know that.

You have seen them used in a lot of companies, but for some reason, they have not been used or implemented by this department for scholar transport. If provinces implemented such a system for transport by installing these devices in their vehicles, it would sort out a lot of problems.

Firstly, vehicles could be checked to see if they were roadworthy for the safety of our children. Then we could look at saving money. We would be able to see if there was fraud or fraudulent claims.

Secondly, a control room in the department would be able to monitor the time that a vehicle picks up the children - and if it's on time, etc; where this vehicle travels; whether it's the same vehicle that is claimed on; and how fast this vehicle has travelled. With all this information on record, the safety of scholars could be monitored through, for instance, looking at the road behaviour of drivers in terms of speeding, etc.

Now, in terms of late payments to service providers, the claims would tally with the evidence on the tracking devices' records. So, this is actually quite easy. Take this tip, Deputy Minister, and go and study this.

You see, Deputy Chair, contrary to belief, the DA doesn't actually complain but, actually, has great solutions. [Time expired.]

[Applause.]

Mr I KGETJEPE (Limpopo): Hon Deputy Chairperson, hon Deputy Minister, MECs for education in the Western Cape and the Eastern Cape, hon members, we thank you for this opportunity and we are humbled to take part in this debate.

Education in this country is an Apex Priority of the ANC-led government, and our commitment to delivering on this priority is unwavering. We do not take for granted the mandate given to us by the ruling party when it declared that education is the number one priority and an essential function of our nation.

Sixty years ago, through the Freedom Charter, our people declared not only that the doors of learning and culture shall be opened to all but, further, that education shall be free, compulsory, universal, and equal for all children. Basic Education will continue to heed this declaration by opening the doors of learning and culture to all so that the lives of ordinary South Africans can be fundamentally transformed and that we will be in a position to face a brighter future.

The Department of Basic Education has made great strides in significantly ensuring that needy learners, who have had to walk distances of five or more kilometres to the nearest public school, are provided with safe and reliable transport. We have done so, and we shall continue to do so, because the Constitution of the Republic of South Africa provides for the right of access to

education by all scholars. I notice that the province of Limpopo is an exciting topic for everybody, even for those who have never been there. Limpopo is largely rural, marked by scattered rural settlements. I can see here that there are many experts here on Limpopo! [Interjections.]

The learner transport programme has expanded tremendously since the 2007 financial year.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Hon MEC, just hold on. Could you take your seat? Hon Faber?

Mr W F FABER: Yes, hon Deputy Chair, I would just like to know if this hon member was with us in Limpopo so that he could actually see the disgrace of what was going on there. I would like to know if he can answer that. [Interjections.]

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): At least use a form of respect: Can "the hon member" take a question, not "this member".

Mr W F FABER: Can this hon member take a question?

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Hon MEC, are you prepared to take a question?

Mr I KGETJEPE (Limpopo): No, I will take this question when the House adjourns.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): He is not prepared to take a question.

Mr I KGETJEPE (Limpopo): Between 2007 and 2008, 10 000 learners benefited from this programme. By 2013-14, this number had grown to 19 000. The total budget allocated for this programme was R21 million. Today, in this financial year, we have allocated about R142 million. Our budget allocation is not necessarily adequate to ensure that we are able to cover everybody that we should cover in this programme. However, in this financial year, we have budgeted to cover a total of 42 035 learners across the province, covering 415 schools, on 432 routes, and with a radius of 17 149 km.

In the past five years, we have changed the landscape in terms of the supply of teacher-learner material. The change has been for a better province, once again, showing the premium value the ANC places on education. We emphasise, therefore, that an investment in education is a prerequisite for building a country that works and, most importantly, that advances the ideals of education.

It remains our commitment to do everything we can to address the challenge of the nonavailability of textbooks. Notwithstanding the challenges that engulf this critical programme of teaching and

learning, we have made great strides and we are working very hard to ensure that the goal of supplying schools which had books outstanding and that the delivery and distribution of backorders are achieved.

In the second quarter of this year, we have made sure that we have dealt with all the complaints we have received from schools. We had 54 schools in the province with challenges in terms of receiving learner-teacher support material, specifically new textbooks. We challenge those who continue to say - and I can see even in this House, the DA - that there are children without textbooks in Limpopo to bring that information to our attention. We have been attending to that, even to date. The nongovernmental organisations, NGOs, holding conferences here in Cape Town must tell us which schools do not have textbooks so that we are able to deal with that, because we do not take our people for granted. [Applause.] [Interjections.]

We have done this, not to make headlines, but so that we are able to ensure that our people get the textbooks they require. In that way, education can prosper and we can have a successful education system as we move South Africa forward and move Limpopo forward.

In terms of scholastic stationery, we are improving every year. We have already delivered 95% of what the schools require, because we have distributed stationery directly from the manufacturers to the

schools. I must say that even though there have been challenges with regard to textbooks, there has never been a challenge with regard to scholastic stationery in Limpopo. We are doing all of this because we are a government that believes that the right to education must never be compromised at any time.

The provision of learner and teacher support material does experience challenges here and there. These include book retention and retrieval, schools using ... [Inaudible.] ... ISBN numbers, and ordering books which are not in the departmental catalogue.

However, we are working very hard with the schools to ensure that we are able to clean up. That is why we are able to meet these targets. We will make sure that our schools have received their textbooks when the first day of school starts.

Currently, we have 65% of textbooks at our depot. We are working with the South African postal services to distribute the textbooks to schools in the province so that on the first day of school, the textbooks are at schools. We already have 63% of them in the depot, and we are packaging and ensuring that we are distributing to schools. We will continue to improve so that we are able to do very well and ensure that we remove this stigma that has bedevilled our provinces. I want to indicate that we have gone all out this year, and in each and every year, we are improving to make sure that we remove the stigma of there being no textbooks in Limpopo and that the ANC-led government is not able to deliver. We are able to

deliver, and deliver on time.

It is regrettable that even those who were the cause of what we experienced in Limpopo come here and talk in a holier-than-thou way. [Interjections.] We are cleaning up the mess that they made when they were at the head of government. We are doing very well to ensure this as we move forward, because we cannot put the future of this country at risk. It cannot be business as usual in Basic Education.

All successful nations invest in education and we want South Africans to compete strongly with the best in the world. The ANC-led government has committed itself to the mammoth task of social transformation, nation-building, and promoting the notion that South Africa, indeed, belongs to all who live in it, and that all shall have the right to share equally the opportunities that are plentiful in this country.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Hon MEC, can you just ... On what point are you rising, hon Julius?

Mr J W W JULIUS: Deputy Chairperson, I would like to know whether the hon member would please take a question.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Are you prepared to take a question, hon member?

Mr J W W JULIUS: On the appeal.

Mr I KGETJEPE (Limpopo): Hon member, I will take the question when I finish talking.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): He is not prepared to take the question.

Mr I KGETJEPE (Limpopo): We are not taking our foot off the gas pedal and we believe education is indispensable in unlocking the opportunities that our people deserve. We have found a winning formula, despite structural weaknesses and challenges. We remain on track and resilient in our mission to educate the nation by promoting access to equity in the provision of education. Thank you, hon Deputy Chair. [Applause.]

Ms L C DLAMINI: Hon Deputy Chair, my greetings go to the hon Deputy Minister, our special delegates, and hon members. Let me start by thanking the DA in the Western Cape for following the Northern Cape in getting a clean audit in their department of education.

[Interjections.] [Applause.] It shows how seriously they take ANC policies. We make policies - good policies - and they run with them in such a way that they get a clean audit. Thank you very much for that. [Applause.]

This debate takes place as we celebrate 60 years of the Freedom

Charter. It has been said by many speakers before me that the doors of learning and culture shall be opened to all. I was just wondering, though, whether you could say the same about the DA in the Western Cape.

I want to read a text message from a community member from the Eden District:

Hi, Chair. The lack of English medium at schools in George is a major problem. I cannot get a place at a dual-medium, public primary school in George for next year for my Grade 1 child. This place is Afrikaans, and English-speaking blacks are forced to speak the language of the oppressor.

He is saying that even Stellenbosch is willing to change. Can he say the same that the doors of learning are open to all? This is not just a debate. I always say that this is a reality. This is a person. I have a contact number I will give you, hon Deputy Chair, to assist in this matter, not to follow up. However, he must not be victimised for having raised this with the chairperson, even though I am a chairperson of another committee. [Interjections.] No, I have a contact number.

Regarding the transformation of basic education, education cannot be isolated as just one, single programme. It is part of the broad socioeconomic agenda of this government. The transformation of

basic education in South Africa, post the 1994 democratic breakthrough, is a narrative of the death of the old apartheid, colonial education system based on white supremacy and privilege at the expense of the disadvantaged African majority. Accordingly, as we seek to create this new education system, it is unavoidable that polarisation will always define our discourse between the beneficiaries of transformation and those who benefited exclusively from the old apartheid regime.

You can take a person out of the apartheid system, but you will never take apartheid tendencies out of people. We see it here, today. [Applause.] The posturing undertone and the perspectives articulated by some opposition members, especially from the DA, in this debate reflect this polarisation today. This is a narrative of the struggle between the old and dying and the yet-to-be-born, and the ANC is proud to stand for the new and yet-to-be-born in the education sector in our country.

Where do you stand, DA? Do you want to be part of us as we change this country for the better? You raised questions here about what we are doing and what we are not doing. Thanks to the ANC for coming up with these policies - policies that have to serve all South African learners. In your case, it was only for the select few. We, in the ANC, enter this debate conscious that our contract is with the people of this country and our learners.

We do not want to be deviated by people who are here to defend the gains of the past. Perhaps we need to fast-track our lifespan so that we can get new and innovative thinking from the younger generations, because those from the apartheid era are still speaking apartheid here in this House, today. [Interjections.]

As a trusted voice of the people for change, which has been confirmed by the successive overwhelming electoral mandate of our people to lead transformation, the ANC has always avoided the temptation of exaggerating its successes. We do not do that. We only talk about where we have succeeded and do not fail to own up to our shortcomings in the task of democratic transformation.

Strategic policy reflection was done at the ANC's recent fourth national general council and we appreciate the gains that we have made for people. They are testimony to that. In the past, hon Mpanbo-Sibhukwana, only a select few benefited from education. No blacks were considered for learner support material.

We are talking about scholar transport. None of the black children were considered for scholar transport. It was not there. Scholar transport that we are talking about started with the ANC now, today. At least, they have given you something to say about scholar transport. We celebrate the achievements the ANC has made, but we know that there are still challenges and we are cleaning up the mess that you made.

With due respect, the hon Vawda was saying poor this, poor that. I am worried that you are not reflecting the poor in you, as an organisation. If you really and honestly do not see anything good that has been done by the ANC in terms of education, it means that there is poor vision.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Hon Mpambo-Sibhukwana, I can see you are really enjoying yourself. You are no longer heckling, but in fact, interfering. Could you just allow the speaker to conclude this debate? I do not have to hear what you say. You can continue, hon member.

Ms L C DLAMINI: Thank you very much, hon Chair. We are saying kunalesisho lesithi susa ugongolo esweni lakho ... [There is a saying that goes, "First, remove the log out of your eye" ...]

... because you may think that the poor that you see in the ANC are the poor in your organisation. You have nothing to offer. That is why you do not see anything. In fact, you simply do not understand what is happening. This thing is too big for you. We are not blaming you - shame - because you are just young, you arrived yesterday, and you do not know what is happening. It is too big for you. That is why you do not see anything. It is just like putting an ant on top of a ball. It does not see that it is sitting on something that is moving around, because that thing is too big for it.

We want to welcome all the suggestions the ANC ...

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Hon Dlamini, could you just hold on? Hon Vawda?

Dr Y C VAUDA: Thank you, Deputy Chairperson. I am just wondering if it is parliamentary. To people, obviously, we have said nothing. That is because the hon Makue and the hon Dlamini understand nothing. So, to them, obviously, we have said nothing. So ...

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): That is not a point of order. Can you conclude the debate, hon member?

Ms L C DLAMINI: Thank you very much, hon Deputy Chair. I do want to thank the hon Faber very much for all the suggestions that he has made. The ANC is an open organisation. We are open to any suggestions that are made that will make the lives of our people better. We welcome suggestions and we do want people like you, but not people who just criticise even that which is good. We really welcome your suggestions. We look at them and see if they fit with the good policies we, the ANC, have made. Thank you very much, hon Deputy Chair. [Applause.]

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Thank you very much, hon member. Before I call on the Deputy Minister to conclude the debate, I want to say that, hon Faber, you are really enjoying

your bubble gum. Just have a decent way of dealing with it. You are very rough with it. [Laughter.] So, please, just handle it better.

The DEPUTY MINISTER OF BASIC EDUCATION: Hon Deputy Chairperson, I think it is appropriate, having heard the requests about the national democratic revolution, to explain to the hon member from the North West that if he had been at the 50th conference of the ANC in Mahikeng, he would have learnt that the national democratic revolution is about the creation of a nonracial, nonsexist, and democratic society.

It is also about freeing from bondage Africans, in particular, and blacks, in general, and improving the wellbeing of South Africans, in particular, and blacks, in general. That is what the national democratic revolution is all about. Certainly, it informed the Constitution. The ANC and the Freedom Charter, which was adopted 60 years ago, informed the content, the aspirations, and the ethos of our Constitution, which you seem to know little about.

Speaking of that - and had you listened, you would be educated and informed - I think the hon Vawda from the EFF did not listen to me the last time. What I thought he would say is that he had listened to me, as Deputy Minister, and indeed, eight out of 10 children in this country attend no-fee schools. Also, of the 20% that attend fee-paying schools, those who are poor and destitute are exempted by law from paying fees. So, there is no "fees that must fall" in

our school system. Indeed, they have fallen already and we should celebrate that reality. [Applause.] I thought he would have said to the hon members in this House and to the public, in general, that this country should take pride in the fact that, every day, more than 9,2 million children are being fed. It is important that we do so.

I will not take any questions from you, hon Vawda. Thank you very much, hon Deputy Chairperson. [Interjections.]

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Hon Deputy Minister, just for procedural purposes ...

The DEPUTY MINISTER OF BASIC EDUCATION: You may, Deputy Chairperson.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): On what point are you rising, hon member?

Dr Y C VAWDA: Thank you, Deputy Chair. I just want to point out that it is the hon Deputy Minister who also does not understand anything. Thank you, Deputy Chair.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): No, that is not a point of order.

The DEPUTY MINISTER OF BASIC EDUCATION: No, no, no, it is quite alright. He accuses everybody of having no understanding. Understanding and wisdom are confined to the hon member. In which case, we accept that amongst all of us seated here, he is the person who is endowed with all knowledge and wisdom, and we bow down to that.

But, certainly, what we cannot dispute and deny, hon Deputy Chairperson ...

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Hon Deputy Minister ... Hon Vawda, on what point are you rising?

Dr Y C VAWDA: I pointed out the hon Deputy Minister. I do not know why he is including everyone else!

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): No, that is not a point of order.

The DEPUTY MINISTER OF BASIC EDUCATION: Hon Deputy Chairperson, the scientist and person that we look to, Einstein, said the difficulty about wisdom is that it has its limits, but stupidity has none. So, that is the problem that we have here, basically. [Interjections.]
[Applause.]

As we look at what we have achieved through the course of the year,

we recognise that there are challenges, and they are immense. We have a particular responsibility to ensure, as the Freedom Charter and the national democratic revolution certainly enjoin us to do, that we see to it that we provide better for those who are poorer. And, indeed, there, the hon Vawda and I have no disagreement, at all. We simply concur that we must do more to ensure that we provide quality education to the poorest of the poor.

It is for that reason that we have provided work books to our learners. It is for that reason that we have embarked on an important programme of teacher development. And it is for that reason that we have ensured, given the reality that we are in the 21st century, that we have digitised the entire content of our curriculum.

It is for that reason that there are more than 200 readers available on your mobile phone. You can download all your past papers to smartphone or the most ordinary phone. In fact, your mathematics, your science, and your technology books have all been digitised. We are ready for the 21st century. This information can be downloaded onto a cellphone from anywhere - whether you are in Bushbuckridge, in Limpopo, or in Bizana, in the Eastern Cape.

That is the reality that we have to face, and yet, there are more challenges. We shall not despair, because your hon MEC for education in the Eastern Cape will tell you that communication, as

one of the hon members correctly pointed ... Please, please, would you please listen rather than come up with frivolous points of order? [Interjections.]

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Hon Vawda, on what point are you rising?

Dr Y C VAWDA: Deputy Chair, I am listening very attentively. The Deputy Minister has just said Bushbuckridge is in Limpopo. Bushbuckridge is not in Limpopo. [Interjections.]

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): No, hon member, that is not a point of order.

The DEPUTY MINISTER OF BASIC EDUCATION: But thank you very much. Indeed, he is correct. It is in Mpumalanga. [Interjections.] Oh, here we go again! [Laughter.]

Mr C HATTINGH: Hon Deputy Chair, I would like to know whether it is parliamentary to say that a member is coming up with nonsense before he even opens his mouth. Is that parliamentary in this House? [Interjections.]

The DEPUTY MINISTER OF BASIC EDUCATION: Hon Chair, may I just rejoin by saying that it is frivolous? I said he is coming up with frivolous interjections and frivolous is not nonsense.

Hier is die woordeboek en die vertaling daarvan. [Here is the dictionary and the translation of it.]

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Hon member, could you not rise on a point where we are going to engage in a debate? You raised the question and even before I put the question to the Deputy Minister, he has given clarity.

Mr C HATTINGH: Deputy Chair, I was expecting a response from you and not from the Deputy Minister. [Interjections.]

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Deputy Minister, can you continue?

The DEPUTY MINISTER OF BASIC EDUCATION: Thank you very much, hon Deputy Chairperson. It surely indicates that some truths do, indeed, hurt.

With regard to the system of education, we take pride in what we have succeeded in achieving as a collective - all the MECs for education, including for the Western Cape, all heads of departments and the Ministry. We have recognised that education is a system that represents the best interests of all learners, irrespective of where they come from.

So, when we talk about the provision of quality infrastructure to

the poor, we can take pride in the fact that of the 129 state-of-the-art schools that have been delivered - more than one per week, by the way - 20 have been allocated to the Western Cape, 15 have already been delivered; and tomorrow, I deliver another one in the Western Cape. I am not saying I am going to deliver it to a DA constituency. I am saying that I am delivering it to our people. They are entitled to it. That is the access that they deserve, and I think that is the length to which we must go in education. It is critical and it is necessary for us to do so.

I think the hon Tlake raised a very, very important point with regard to mergers - the rationalisation of schools. Given the reality and the challenges of transport, we should rationalise our schools in such a way that we create better facilities and accommodation through hostels when the smaller schools are closed. However, we must be mindful of the fact that, as we do so, where there are no hostels, adequate transport is provided so that we do not compromise the learners and create undue hardship and challenges for them.

We certainly want to tell the hon member from the DA that as ... I have forgotten the hon member's name but he spoke about it. Thank you very much. We are all friends.

What we should know - and what we have read has happened - is that on 27 May, the National Transport Policy was, indeed, adopted by

Cabinet. One of the tasks is to set up a co-ordinating committee to look at and audit the entire landscape to find out what the realities of transport are in each of the provinces; what routes are being followed; what to do in terms of uniform standards for service providers; what to do in regard to safety; and what to do in order to ensure that we create the safest environment for our learners to travel in. Indeed, this is what the policy framework does, and the practical implementation is something that is ongoing. You will see the impact of it, certainly within the next few months.

I would like to thank all the members, including the DA, the EFF, and all of the UDM members, by the way, for their contributions. I also thank the IFP. Thank you, sir. [Interjections.] The IFP certainly made some very, very salient points and I certainly will not ignore that, Mr Khawula. I would not ignore what you have raised because you raised certain very important issues with regard to the criteria for beneficiaries. That is, indeed, included in the policy. So, the points that you raised are legitimate and realistic.

It is important that we have these robust and exciting debates and, yes, there is a little bit of noise about politics ...

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Hon Deputy, could you just remember the UDM?

The DEPUTY MINISTER OF BASIC EDUCATION: And the UDM.

[Interjections.] I did acknowledge the UDM, hon Deputy Chairperson, but please forgive me if I have forgotten any political parties in the context of what we want to say.

One of the members - in fact, it was Mr Julius, the hon Julius - spoke about the Annual National Assessments, and I want to share this with the House. Our country does something quite unique. We have tested, universally, more than 7 million learners, and this year, we are going to test more than 9 million, particularly because there was a key difficulty in terms of the achievement of learners in Grades 7, 8 and 9. However, primary schooling has evolved - certainly, improved - year after year, and we see that in the performance of literacy and numeracy. We wanted to know what precisely is happening in Grades 7, 8 and 9, and, indeed, we are going to test them.

As a result of some dispute and certainly some disagreement, there was a decision to postpone the matter. However, I share this information with you - that the department has done everything in its power to ensure that we maintain the stability of the system and that we find common ground. We thought we had done so when the Council of Education Ministers met, but at the eleventh hour, a proposal was made to the text that had been agreed upon - that it should be voluntary.

The MECs for education and the Ministry decided that the ANA would, indeed, be written. Certainly, we have consulted with ...

[Inaudible.] ... with the governing body associations, with the Congress of South African Students, Cosas, the SA Principals' Association, and all stakeholders. They are of the view that, indeed, the ANA for 2015 must be written.

So, we share this with you to say that, between 27 November and 4 December this year, all schools will appropriately and, in terms of the circumstances in those schools, ensure that the ANA for the current year is written. The papers will then be marked next year in order not to create an undue burden on the educators. This we do in the best interests of our learners and to assess precisely what other interventions - as correctly pointed out - we should make, given the importance of the challenges of literacy and numeracy in our country.

We do believe that our system of education is evolving and we do believe that it is important for us to come together to ensure that, as public representatives ...

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Sorry, hon Deputy Minister. Hon Van Lingen?

Ms E C VAN LINGEN: Deputy Chairperson, on a point of order: The Deputy Minister had 20 minutes at the beginning of the debate. He

had five minutes to respond. He is now on 12 minutes already. I think his time is up. [Interjections.]

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): No, no, no, hon members! You do not have to jump down the hon Van Lingen's throat. I am using my discretion. [Interjections.] Could you conclude, hon Deputy Minister?

The DEPUTY MINISTER OF BASIC EDUCATION: Hon Deputy Chair, this happens very often. This even happens in the National Assembly. The DA gets up - especially when everybody is immersed in what is being said and when exciting views are expressed and conveyed - and says one's time is up.

Indeed, my time is up. I say thank you very much. I wish all the matriculants well and all the learners and the candidates who have written their examinations the best, and thank our educators and our parents for motivating and inspiring our learners. Thank you. [Applause.]

Debate concluded.

The Council adjourned at 18:12.

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