

**TUESDAY, 23 FEBRUARY 2016**

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***PROCEEDINGS OF THE NATIONAL ASSEMBLY***

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The House met at 14:01.

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

**ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS** - see col 000.

**NEW MEMBERS**

(Announcement)

The SPEAKER: Hon members, I wish to announce that the vacancies which occurred in the National Assembly owing to the resignation of Mr I Mosala and Mr S P Mashatile have been filled by the nominations of Mr H P Chauke with effect from 09 December 2015, and Ms D Z Senokoanyane with effect from 05 February 2016, respectively.

The members made and subscribed the oath in the Deputy Speaker's Office. [Applause.]

**INCIDENT ON 17 FEBRUARY 2017 DURING DEBATE ON STATE OF THE  
NATION ADDRESS**

(Personal Explanation by Deputy Minister of Higher Education)

The SPEAKER: Hon members, on 18 February 2016, the Deputy Minister of Higher Education, Mr M C Manana, wrote to me to request an opportunity to give a personal explanation on an incident that occurred during the debate on the President's state of the nation address on 17 February 2016.

Rule 69(2) of the National Assembly states that:

A member may also, with the prior consent of the presiding officer, explain matters of a personal nature, but such matters may not be debated, and the member must confine himself or herself strictly to the vindication of his or her own conduct.

I will now allow the member the opportunity as requested.

The DEPUTY MINISTER OF HIGHER EDUCATION: Hon Speaker, indeed on 19 February 2016, I wrote to the Speaker of the National Assembly requesting an opportunity to address the House in order to offer an explanation regarding the word that I uttered on 18 February 2016, on the occasion of the second day of the debate of the state of the nation address.

At the height of turmoil and heightened tension in the House following an altercation between the Deputy Chairperson of the National Council of Provinces and the Chief Whip of the Opposition, I exchanged some words with the Leader of the Opposition and finished off by passing a word to the caucus of the DA who at that point were chanting, ``You must go'', a remark that was directed at the presiding officer.

Parliament should remain a festival of ideas and a platform where discussions are shaped by the real aspirations of our people. It is for this reason that I wish to retract the word and apologise profusely to the Speaker of the National Assembly and the House, and to the DA caucus and its leader, Mr Mmusi Maimane who is not only a colleague, but also a friend and brother. I also wish to apologise for not withdrawing when asked to do so by the presiding officer. There must be a greater sense of interparty friendship and brotherhood among ourselves not

only for our sake, but for the sake of the nation we lead. Thank you very much, hon Speaker. [Applause.]

Mr N F SHIVAMBU: Hon Speaker!

The SPEAKER: I'm still talking, hon the Chief Whip of the EFF.

Mr N F SHIVAMBU: May you please recognise me immediately after talking.

#### **UNPARLIAMENTARY LANGUAGE**

(Ruling)

The SPEAKER: Hon members, on Wednesday, 17 February 2016, during the joint debate on the ... [Interjections.]

Mr N F SHIVAMBU: Speaker!

The SPEAKER: ... President's state of the nation address, the hon Mr G S Radebe rose on a point of order asking whether it was parliamentary for the hon Mr M G P Lekota to refer to members as ``factions'' in Parliament. In response, the Deputy Chairperson

of the National Council of Provinces who was presiding at the time ruled that, and I quote him:

Members should refrain from using words that are divisive in the House.

An exchange with the hon the Chief Whip of the Opposition ensued, and culminated in him being instructed to leave the Chamber for having disregarded the authority of the Chair by refusing to withdraw a remark that the Deputy Chairperson is talking "rubbish."

On Thursday, 18 February 2016, after the President's reply to the debate on his state of the nation address and after the Chairperson of the National Council of Provinces had delivered and considered rulings on certain matters, the hon Mr M Waters requested that a ruling be made on the use of the words ``faction'' and ``rubbish''. I indicated that the matters were receiving consideration and that I would return to the House with a ruling. I must point out at the outset that this is not a review of the ruling by the Deputy Chairperson of the National Council of Provinces. The Rules do not provide for such a procedure. I am dealing with this merely in order to provide clarity on a matter that led to an undesirable situation in the

Joint Sitting. In any event, please keep in mind that this matter concerns a presiding officer of the other House.

Having had an opportunity to study the unrevised Hansard and discuss the matter with the Deputy Chairperson, I wish to state the following. The Deputy Chairperson of the National Council of Provinces, in his response to the point of order by the hon Radebe, stated as follows:

Can I take the point that we don't have factions in Parliament and therefore, hon member, can you refrain from using words that are divisive in the House.

To this ruling the hon the Chief Whip of the Opposition stated, amongst others, the following:

You are talking complete rubbish now and you are making this House a joke. You are turning this House into a joke. You are not fit to sit in that Chair.

It is on record, hon members, that the hon Steenhuisen later expressed regret for the nature of his exchange with the Deputy Chairperson.

It is the responsibility of the presiding officer to ensure the smooth running of proceedings and to ascertain whether certain behaviours or remarks are detracting or could potentially impact on the decorum and proper functioning of the House.

The Chair does therefore, when necessary, caution members about behaviours or the use of expressions that could detract from the level of debate.

My reading of the Hansard is that the hon Deputy Chairperson did not rule the word ``faction'' unparliamentary, but appealed to members to refrain from using words that are divisive in the House, as I have quoted. Such an approach may have been informed by the context at the time. The word ``faction'' will generally not be considered unparliamentary. As indicated, the Deputy Chairperson did not rule it to be unparliamentary either.

With regard to the use of the word ``rubbish'' I must stress that when making a ruling on whether a remark is unparliamentary or not, a presiding officer always has regard for the tone and context in which the remark was used. The presiding officer, in the interest of maintaining and upholding an established practice in a fair and consistent way, may revert or echo previous rulings, but could also rule differently where specific

circumstances exist. According to the list of unparliamentary words and expressions that have been compiled over the years, ``rubbish'' has generally not been ruled unparliamentary except in cases where the context may have warranted that.

In the case in question, the presiding officer had regard to the tone and context in which the remark was used and, understandably, took exception to the manner in which the Chief Whip of the Opposition was addressing him personally. But, as I have already indicated, that matter has been settled.

Hon members, we come from different backgrounds and speak different languages. This has an impact on the way we understand, perceive and receive certain words. It has been observed that many members of this House appear to take strong offence to the word ``rubbish''. English is a rich language with a multitude of words that denote the same meaning and emotion, but do not necessarily have a similar potential to hurt and demean. I would urge hon members to explore that diversity when we address one another.

Hon members, if a member disagrees with a ruling of the Chair, that member may request in writing that the principle of the ruling be referred to the Rules committee for consideration.



Members may not always agree with one another, including with the presiding officers, but there are appropriate ways of addressing one another as well as forums where these matters can be raised.

Lastly, as for the other rulings on point of orders raised during the speech of the hon Mr J Julius of the National Council of Provinces, these rulings will be dealt with in the National Council of Provinces in terms of Rule 14(s) (2) of the Joint Rules which states that:

A ruling that has to be given after the sitting has adjourned shall be given in the House to which the offending member belongs.

And I have now come to the conclusion of the ruling.

Hon Shivambu, you wanted to have my attention.

Mr N F SHIVAMBU: Speaker, I wanted to clarify the question that you have dealt with now, on whether a specific House can deal with the violation that happened in the Joint Sitting. I wanted to clarify that, but I guess you have dealt with that in terms of Rule 14(s). So, it is clarified.

**NOTICES OF MOTION**

Ms D CARTER: Hon Speaker, I hereby give notice that on the next sitting day of the House I shall move on behalf of the Cope:

That the House debates the impact of medical aids offering an umbrella to South Africans when the sun is shining and ripping the umbrella away when there is a thunderstorm looming in the form of dread disease.

I so move.

Ms P E ADAMS: One of the most important parts of advancing prosperity is a society in which small business co-operatives flourish.

Hon Speaker, I hereby give notice that on the next sitting day of the House I shall move on behalf of the ANC:

That the House debates enabling the creation of a conducive environment and support services for small and medium enterprises.

Thank you.

Mr M S F DE FREITAS: Hon Speaker, I hereby give notice that on the next sitting day of the House I shall move on behalf of the DA:

That the House debates the current shambolic state of the Passenger Rail Agency of South Africa, Prasa, and causes thereof, and what needs to be done to change this.

Thank you.

Nks N V MENTE: Somlomo ohloniphekileyo, ndenza isaziso sokuba, xa le Ndlu ihlala kwakhona, ndiza kwenza isiphakamiso egameni le-EFF:

Sokuba le Ndlu -

- (a) ixoxe ngokuxhatshazwa kwabantu baseCofimvaba abangoogobityholo abahlala kufutshane nedolophu;
- (b) aba bahlali bakhutshwe ngesixhanti baze badilizelwa izindlu nguMasipala weNgingqi Intsika Yethu, olawulwa yi-ANC; kwaye

- (c) sonke siyayazi ukuba into yokususa abantu endaweni abaneminyaka behlala kuyo ayikho semthethweni.

Enkosi.

*(Translation of isiXhosa notice of motion follows.)*

[Ms N V MENTE: Hon Speaker, I hereby give notice that at the next sitting of the House, I will move on behalf of the EFF:

That this House -

- (a) debates the abuse of people who live in an informal settlement near the town of Cofimvaba;
- (b) notes this community was forcefully removed and their houses demolished by the District Municipality of Intsika Yethu, which is under the leadership of the ANC; and
- (c) believes that we all know that it is illegal to forcefully remove people from a place they have been calling home for many years.

Thank you.]

Mr M S MABIKA: Hon Speaker, I hereby give notice that on the next sitting day of the House I shall move on behalf of the NFP:

That the House deliberates on the issue of the efforts of civil society to assist communities affected by the crippling drought and the inadequate response of the national, provincial and local governments to assist communities crippled by the devastating drought in South Africa.

I so move.

Ms L L VAN DER MERWE: Hon Speaker, I hereby give notice that on the next sitting day of the House I shall move on behalf of the IFP:

That the House -

- (1) reflects on the fact that the SA Social Security Agency, Sassa's grant fraud and illegal deductions are on the increase;
- (2) considers that despite the number of investigations by the department of Social Development and a vast public outcry, the disadvantaged sections of our society especially women, the elderly and the people with

disabilities are being deprived of their livelihoods without any recourse available to them; and

- (3) therefore calls for a commission of inquiry to be established to look into this issue as a matter of urgency, and to report back to this House and the public with its findings.

I so move.

Ms V VAN DYK: Hon Speaker, I hereby give notice that on the next sitting day of the House I shall move on behalf of the DA:

That the House debates the state of NGOs or NPOs in South Africa, particularly their financial restraints which are now leading to the closure of many.

I thank you.

Ms L N MJOBO: As part of turning the economy around and cutting wastage, hon Speaker, I hereby give notice that on the next sitting day of the House I shall move on behalf of the ANC:

That the House debates moving Parliament from Cape Town to Pretoria to cut costs.

[Interjections.] [Applause.]

Me E R WILSON: Agb Speaker, hiermee gee ek kennis namens die DA:

Dat die Huis op die volgende sittingsdag die gebrekkige infrastruktuur vir telefonie en swak of geen selfoonpvangs in groot areas in Namakwaland debatteer.

*(Translation of Afrikaans paragraph follows.)*

[Ms E R WILSON: Hon Speaker, I hereby give notice on behalf of the DA:

That on the next sitting day this House debates the inadequate infrastructure for telephony and poor or no cell phone reception in large areas of Namaqualand.]

Ms M O MOKAUSE: Hon Speaker, I hereby give notice that on the next sitting day of the House I shall move on behalf of the EFF:

That the House debates and finds solutions on the ongoing retrenchments by mining houses throughout South Africa.

Mr T Z M KHOZA: The scourge of racism in South Africa is still haunting the country with racial classification, inequality and an ever-growing racial stereotyping.

Hon Speaker, I hereby give notice that on the next sitting day of the House I shall move on behalf of the ANC:

That the House debates ways to fix the demon of racism that is haunting South Africa.

Rev K R J MESHOE: Hon Speaker, I hereby give notice that on the next sitting day of the House I shall move on behalf of the ACDP:

That the House debates ways to stop the growing number of violent protests taking place in our country today, particularly the destruction of buildings and property by both high school and university students when disputes arise.

Thank you.

Mr M H REDELINGHUYS: Hon Speaker, I hereby give notice that on the next sitting day of the House I shall move on behalf of the DA:



That the House debates the violence faced by lesbian, gay, bisexual, transgender and queer, LGBTQ-Y people in our communities and lesbian, bisexual and transgender women in particular in the light of the brutal murder of Motshidisi Pascalina who never lived to see her matric results after her body was discovered in a veld, mutilated and burnt.

I so move.

Mr H M Z MMEMEZI: Hon Speaker, because of the urgent need to put our economy back on a growth path, I hereby give notice that on the next sitting day of the House I shall move on behalf of the ANC:

That the House debates the one-stop-shop Invest South Africa initiative to signal that South Africa is truly open for business.

Thank you. [Applause.]

Mr L J BASSON: Hon Speaker, I hereby give notice that on the next sitting day of the House I shall move on behalf of the DA:

That the House debates the 2014 Green Drop report on waste water treatment plants of which 25% are at critical risk, 31%

at high risk, 26% at medium risk and only 16% of our waste water treatment plants are at low risk.

I so move.

Dr P MAESELA: Economic transformation and black empowerment remain a challenge in our society.

Hon Speaker, I hereby give notice that on the next sitting day of the House I shall move on behalf of the ANC:

That the House debates black industrialist schemes and promoting the participation of black entrepreneurs in manufacturing.

I so move. Thank you.

Ms D CARTER: Hon Speaker, I hereby give notice that on the next sitting day of the House I shall move on behalf of the Cope:

That the House debates the patently unfair and undemocratic practice of using state funds to buy voter support by means of food parcels before by-elections, municipal and national elections.

I so move.

**GIFT OF THE GIVERS COMMENDED FOR ASSISTING KOMAGGAS COMMUNITY  
WITH WATER**

(Draft Resolution)

Mr A M SHAIK-EMAM: Madam Speaker, I move without notice on behalf of the NFP:

That the House –

- (1) notes that on Friday, 12 February 2016, I received a call from the Khoi community pleading for assistance for the community in Komaggas in the Northern Cape who are severely affected by water shortages;
- (2) further notes that I immediately contacted the Gift of the Givers to assist and also wrote to the Minister of Water and Sanitation for her immediate intervention;
- (3) acknowledges that, within 5 days, the Gift of the Givers had:

- i. delivered 50 000 litres of water and a further 100 000 litres of water is on its way;
- ii. provided 25 tons of animal feed; and
- iii. they are in the process of providing 4 boreholes at a cost of approximately R5 million as a long-term solution;

(4) further acknowledges that the Gift of the Givers are on their way to Qwaqwa in the Free State to find a long-term solution to the water crisis there, and that they are also intervening in the water crisis at the hospital in Vryheid;

(5) commends the Gift of the Givers for their prompt response in not only providing water as a temporary measure, but in finding a long-term solution, ensuring that the people of Komaggas never go without water again, and not forgetting the provision of animal feed to the farmers;

(6) further commends the Gift of the Givers for their commitment and dedication and humanitarian aid provided to millions of our citizens; and

- (7) applauds the Minister of Water and Sanitation for her intervention in this regard.

Agreed to.

**PROTEAS CONGRATULATED ON VICTORY AGAINST ENGLAND**

(Draft Resolution)

Mr M P SIBANDE: Madam Speaker, I move without notice:

That the House –

- (1) notes that on Sunday, 14 February 2016, the SA Cricket Team, the Proteas, became the fourth side to come from 2-0 down to win a One Day International (ODI) series, after defeating England by five wickets in Cape Town;
- (2) further notes that South African captain, A B de Villiers, playing his 200th ODI, made a sparkling century – the 24th of his career – to lead his side to victory with 36 balls remaining;

- (3) acknowledges that the skipper received outstanding support from Hashim Amla with 59 off 93 balls and all-rounder David Wiese, who played some tremendous shots in his 32 balls faced;
- (4) further acknowledges that Kagiso Rabada was again terrific in claiming 3 for 34 in nine overs, while Wiese and Imran Tahir also took three wickets; and
- (5) congratulates the Proteas on their five-wicket victory after being 2-0 down earlier, and making a strong comeback to win the ODI series 3-2.

Agreed to.

**EFF JULIUS MALEMA LEADS PAYBACK-THE-MONEY MARCH TO  
CONSTITUTIONAL COURT**

(Draft Resolution)

Mr T RAWULA: Madam Speaker, I rise on behalf of the EFF to move without notice:

That the House –

- (1) notes that the EFF under the leadership of the ever vibrant commander-in-chief Julius Malema led the 15 000 strong payback-the-money march to the Constitutional Court to compel Mr Zupta to pay back the money, as instructed by the Public Protector;
- (2) further notes that, unlike the other parties who struggle to get members to participate in their ill-fated marches against themselves, the 15 000 people who attended the payback-the-money march were not bussed in from other provinces, but were EFF members from around Johannesburg;
- (3) acknowledges that the refusal of Mr Zupta to pay back the money for a period of over three years and his subsequent acknowledgement that, indeed, he should pay back the money is indicative of the deeply embedded nature of corruption under his watch and the normalisation of fraud and deception, which he has come to symbolise;
- (4) further acknowledges that the call for Mr Zupta to pay back the money is not only concerned with how much Mr Zuma must pay but concerned with ensuring accountability and

protecting our Constitution from the vultures circling around and the future of our country;

(5) calls on all Members of this House to reconnect with their consciences and remember where they come from in order for them to reject corruption in all its manifestations by first rejecting Mr Zupta and the corroding influence he has had on our body politic over the past 10 years;

(6) further calls on all South Africans to reclaim their dignity which has been soiled considerably by Mr Zupta and his cronies the Guptas; and

(7) further calls on South Africans to join the only hope for jobs and growth, the EFF, in our attempt to free this nation from corruption and underdevelopment.

[Applause.]

The SPEAKER: Hon member, eh ... Hon Chief Whip, can I recognise you before I make the ruling that I was about to make.



The CHIEF WHIP OF THE MAJORITY PARTY: Speaker, we strongly object to that motion.

The SPEAKER: So, the motion is then dropped.

**SECTION OF VANTAGE GOLDFIELDS LILY MINE NEAR BARBERTON COLLAPSES**

(Draft Resolution)

Mr J R B LORIMER: Madam Speaker, I move without notice:

That the House -

- (1) notes that on Friday, 5 February 2016, a section of the Vantage Goldfields Lily Mine near Barberton in Mpumalanga collapsed into a sinkhole;
- (2) further notes that three workers have been trapped since that day when the converted shipping container, where they were on duty, collapsed into the 80 metre-deep hole;
- (3) acknowledges that attempts to rescue Yvonne Mnisi, Pretty Mabuza and Solomon Nyarendu have been ongoing and unsuccessful thus far;

- (4) further acknowledges that rescuers have been working nonstop to reach the trapped workers, but that rescue efforts have been frustrated by three subsequent collapses;
- (5) thanks the team of rescuers who have courageously agreed to put their own lives at risk to save that of others;
- (6) conveys its heartfelt sympathies to the families and colleagues of the three trapped workers; and
- (7) continues to hold these workers and their families in our thoughts and prayers.

Agreed to.

**FORT HARE UNIVERSITY CELEBRATES ITS CENTENARY**

(Draft Resolution)

Ms H H MALGAS: Madam Speaker, I move without notice:

That the House -

- (1) notes that the University of Fort Hare is celebrating a hundred years of its existence in 2016;
- (2) further notes that Monday, 8 February 2016, was the actual centenary but the national and Southern African Development Community, SADC, celebrations will take place in May;
- (3) acknowledges that Fort Hare was established in 1916 and it was originally called the South African Native College and it attracted a range of students from various political, religious and cultural backgrounds who were drawn to its unashamedly Africanist academic tradition and culture of nonracism, critical debate and of aspiration towards educational excellence;
- (4) further acknowledges that this historically black university in the small town of Alice in the Eastern Cape, with its long tradition of academic excellence, was recognized as one of the most prestigious institutions of higher learning on the African continent, and it produced graduates that went on to play formative roles in the

history of their countries, both in South Africa and way beyond its borders;

(5) recalls that it is the only Southern African university to have produced five heads of state: Nelson Mandela of South Africa, Yusuf Lule of Uganda, Robert Mugabe of Zimbabwe, Ntsu Mokhehle of Lesotho and Sir Seretse Khama of Botswana;

(6) further recalls that legendary black academics like Z K Matthews and D D T Jabavu played a leading role in campus life - igniting the passion for social justice and political activism in their students;

(7) understands that it was at the University of Fort Hare that the late former President Comrade Nelson Mandela enrolled in 1939, after graduating from Healdtown Methodist Boarding School; and

(8) congratulates Fort Hare University on the occasion of its centenary.

Agreed to.

**WORLD CANCER DAY**

(Draft Resolution)

Ms S J NKOMO: Madam Speaker, I move without notice:

That the House –

- (1) notes World Cancer Day which is marked on 4 February every year;
- (2) further notes that this day aims to unite the world's population in the fight against cancer;
- (3) acknowledges that part of the goal for this day is to save millions of preventable deaths each year by raising awareness and education about the disease, pressing governments and individuals across the world to take action;
- (4) recognises the valiant efforts of Dr Mario Oriani-Ambrosini, MP, in introducing legislation aimed at finding alternative and innovative cures for cancer in order to assist all South Africans suffering from this dread disease;

- (5) further recognises the continuing efforts of Mr Narend Singh, MP, in championing the Medical Innovation Bill, which is currently before the Portfolio Committee on Health;
- (6) remembers that World Cancer Day is the ideal opportunity to spread the word and raise the profile of cancer in people's minds and through the world's media; and
- (7) calls on the Department of Health to leave no stone unturned in the eradication of this dread disease from within the borders of South Africa.

Agreed to.

**EVICTION AND DEMOLITION OF GUGU KHUMALO MPANZA'S HOUSE IN  
KWADUKUZA, KWAZULU-NATAL**

(Draft Resolution)

Mr P G MOTEKA: Speaker, I move without notice:

That the House -

- (1) notes note that the Zupta-led government is so cruel even to the elders. One example is the homeless gogo, Gugu Khumalo Mpanza of KwaDukuza Etete in KwaZulu-Natal, who was evicted from her family land and home, and her family house was demolished by the ANC-run KwaDukuza Municipality to build a community hall;
- (2) further notes that Gugu Khumalo is a 65-year-old pensioner with three children and two grandchildren who are homeless because of the actions of the evil government, and she is currently renting in different areas for herself and her family;
- (3) acknowledges that Gugu Khumalo has done everything in her power to fight for her rights, her land and home, and she wrote and approached all offices, including the provincial and national departments, the Office of the Premier of KwaZulu-Natal, the Presidency, land and agrarian department, Office of the Public Protector and Parliament through petitions, but until now she is still homeless;
- (4) further acknowledges that Gugu Khumalo has all documents and letters to prove her attempts to deal with this

problem, including the title deed of her home, which was demolished by the evil government;

- (5) notes that Gugu Khumalo was further evicted from the new development house which was built as an alternative home and she was sent to the streets again by the cruel ANC-led municipality of KwaDukuza, and we have a copy of the eviction letter which shows she is homeless because of ANC cruelty; and

- (6) calls on the Ministers of Human Settlements and of Co-operative Governance and Traditional Affairs to stop corrupt ANC officials in KwaDukuza from messing with our people's lives.

There being an objection, the motion without notice became a notice of motion.

**SOUTH AFRICAN LEARNERS WIN 2016 INTERNATIONAL SCHOOLS MOOT COURT  
COMPETITION**

(Draft Resolution)

Mr N SINGH: Hon Speaker, I hereby move without notice:

That the House -



- (1) congratulates a group of South African learners for winning the 2016 International Schools Moot Court Competition at the Hague;
- (2) notes that the winning team comprised of the learners: Nthabiseng Mbatha, Simon Motsheweni, Paseka Selinyane, Claire Rankin, Clara-Marie Macheke, Katelyn Chettle and Shandre Smit, representing schools ranging from rural schools to former model C schools;
- (3) further notes that the students competed against rivals from Argentina, Bulgaria, Germany, Mongolia, the Netherlands, Poland, Romania, Russia, St Martin, the United States of America and Venezuela;
- (4) acknowledges that they had won the local competition which was supervised by the judges at the Constitutional Court in South Africa;
- (5) wishes all the learners that competed in the competition all the best in their future endeavours, particularly in academia, where they have shown great potential from a young age; and

- (6) encourages all learners in South Africa to adopt the same fighting and winning spirit that these learners displayed when they took up the challenge of this competition and came out triumphant.

Agreed to.

**PROTEAS' VICTORY IN FINAL TEST AGAINST ENGLAND**

(Draft Resolution)

Mr T C R WALTERS: I hereby move without notice:

That the House -

- (1) notes that on 26 January, the Proteas cruised to a stunning 280 run victory in the fourth and final test against England in Centurion;
- (2) further notes that bowling sensation, Kagiso Rabada, took four wickets on the day, helping the Proteas seal their only victory of the series;

- (3) acknowledges that Rabada took an amazing 13 wickets in the fourth test match, equalling the record for the most wickets taken in a test match by a Protea;
- (4) further acknowledges that Rabada's 144 for 13 is the second best all-time test match bowling figure for South Africa, behind Makhaya Ntini's 132 for 13 against the West Indies in 2005; and
- (5) congratulates Kagiso Rabada on a magnificent bowling performance and for being named the leading wicket-taker of the series.

Agreed to.

**FIFTY-FIRST COMMEMORATION OF MALCOLM X'S ASSASSINATION**

(Draft Resolution)

Dr H CHEWANE: Speaker, I move without notice:

That the House -

- (1) notes that 21 February marked 51 years since the assassination of Malcolm X, a radical leader of black people in the United States of America who fought for the freedom and liberty of black people in that country and throughout the world;
- (2) further notes that Malcolm X was about to deliver a speech at the Audubon when three gunmen rushed to the stage and shot him 15 times, aged only 39;
- (3) acknowledges that, to this day, Malcolm X remains a transformation figure: his story is one of a life changed, as he came out of the ghetto - like many of us - but managed to raise himself up to be a leader with a global vision;
- (4) further acknowledges that for 12 years before his assassination, Malcolm X had been a close confidant and charismatic recruiter and organiser who helped Elijah Muhammad lift the Nation of Islam into national visibility;
- (5) notes that Malcolm X stoked pride in many poor, black communities with his unflinching indictment of whites for

- their mistreatment of African-Americans and calls for black separatism and black self-defence, and that stoking of black pride made him a recipient of many insults and death threats from white supremacists;
- (6) acknowledges that Malcolm's life was a reminder of our humanity, our brotherhood, our living black brotherhood, and this was his meaning to us his people, black people from all over the world;
- (7) further acknowledges that even though his mortal remains may be consigned to earth, the common mother of all, we are secure in the knowledge that his mortal body is no longer a man but a seed which, after the winter of our discontent, will come forth again to meet us, and we will know him then for what he stood for, a prince of our own, a black shining prince who didn't hesitate to die because he loved us so much; and
- (8) calls on all proud black people in South Africa to honour the spirit of this giant, this prophet, by rallying behind the only organisation in this country that honours the teachings of all black martyrs, of which Malcolm X is a significant member.

There being an objection, the motion without notice became a notice of motion.

**TEN PEOPLE KILLED BY LIGHTNING IN KWAZULU-NATAL**

(Draft Resolution)

Mr M S MABIKA: I move without notice:

That the House -

- (1) notes that 10 people were killed as a result of lightning strikes in KwaZulu-Natal last week;
- (2) further notes that three of the deaths occurred at uMzimkhulu on Friday, 19 February, when a heavy electrical storm injured several people and caused extensive damage to more than 80 homes in the area;
- (3) acknowledges that, in a separate incident, a 28-year-old woman died when she was reportedly struck by lightning in her Ndwedwe home on Sunday, 21 February;

- (4) further acknowledges that six people were killed by lightning at KwaMachi near Harding on Thursday, 18 February, and two learners of Nothando High School at Umhlabuyalingana on Saturday, 20 February;
- (5) conveys its condolences to the families and loved ones of those who died during the lightning strikes; and
- (6) calls on the KwaZulu-Natal provincial government to assist people in lightning-prone areas with lightning conductors as a matter of urgency.

Agreed to.

**GENERATIONS: THE LEGACY ACTOR RAPULANA SEIPHEMO INVOLVED IN  
SERIOUS CAR ACCIDENT**

(Draft Resolution)

Mr L R MBINDA: I move without notice:

That the House -

- (1) notes that *Generations: The Legacy* actor, Rapulana Seiphemo, was involved in a serious car accident on Sunday, 14 February 2016;
- (2) further notes that the high and alarming rate of road accidents is of great concern in our country, especially accidents involving young people, which can claim their precious lives;
- (3) wishes Rapulana Seiphemo a speedy recovery; and
- (4) further wishes that all South Africans can support Seiphemo during this trying time, and hopes that the Seiphemo family will remain very strong during this period.

Agreed to.

**SOUTH AFRICAN KEVIN GOVENDER JOINTLY AWARDED 2016 EDINBURGH  
MEDAL WITH INTERNATIONAL ASTRONOMICAL UNION**

(Draft Resolution)

Dr A LOTRIET: I move without notice:



That the House -

- (1) notes that the 2016 Edinburgh Medal will be jointly awarded to South African Kevin Govender and the International Astronomical Union on Wednesday, 30 March;
- (2) further notes that this is a prestigious award given to women and men of science and technology whose professional achievements are judged to have made a significant contribution to the understanding and wellbeing of humanity;
- (3) acknowledges that Kevin Govender receives the award for the creation and practical establishment of the Office of Astronomy for Development, which integrates the pursuit of scientific knowledge with social development for those most in need;
- (4) recognises that under the pioneering stewardship of Kevin Govender, the Office of Astronomy for Development, hosted in South Africa in partnership with the National Research Foundation, has successfully harnessed astronomy in the service of education and capacity-building; and

- (5) congratulates Kevin Govender and wishes him everything of the best when receiving the award at the 2016 Edinburgh International Science Festival.

Agreed to.

**GANG VIOLENCE ON CAPE FLATS CLAIMS INNOCENT LIVES**

(Draft Resolution)

Mr N PAULSEN: I move without notice:

That the House -

- (1) notes that the gang violence and the resultant unfortunate and unnecessary loss of life in townships on the Cape Flats has not abated;
- (2) further notes that in the past two weeks seven people have been casualties of the scourge;
- (3) acknowledges that among the victims in 2016 was Sharon Saban who was 50 years old and was killed in the crossfire while on her way to a tuck-shop a few days

before her mother's 70th birthday and is survived by five children, grandchildren and a 70-year-old mother;

(4) further acknowledges that Shameema Adams, who was 35 years old, was killed in the crossfire and bled to death after taking a bullet to the neck that shattered an artery;

(5) notes that Faizel Jacobs, a young man, was also killed in the crossfire;

(6) further notes that in 2014, Charles Kriel, in his early 30s, a former Manenberg High School learner, was shot in his face at point blank range while trying to get to his brother who was a gang member, and is survived by his partner and two children, one of whom is a five-year-old boy who sang a hymn at the funeral and his sister collapsed shouting ``hy was my broer, a gentle soul - murdered'';

(7) acknowledges that in 2013, Sadick Stemmet, a seven-year-old Grade 1 learner at the time took a bullet to the spine while playing outside his house and he is paralysed from the waist down;

- (8) further acknowledges that there are many more names, faces, stories and even more survivors who live with the pain of the traumatic memories;
- (9) notes that hitherto intervention from both the national and provincial governments has failed to bring any form of adequate relief to any of our affected communities; and
- (10) calls on voters in our townships to reject the ANC who governs nationally and the DA here in Cape Town and the Western Cape in the upcoming local government elections, as they have shown no interest in poor black and coloured communities.

There being an objection, the motion without notice became a notice of motion.

**ART OF MOTION SCHOOL BALLET DANCER LEROY MOKGATLE AWARDED PRIX  
DE LAUSANNE SCHOLARSHIP**

(Draft Resolution)

Mr M W RABOTAPI: I move without notice:

That the House -

- (1) notes that a 16-year old South African ballet dancer from the Art of Motion school in Johannesburg, Leroy Mokgatle, has been awarded the prestigious Prix de Lausanne scholarship;
- (2) further notes that Mokgatle was crowned the audience favourite at the competition which was held in Switzerland on Saturday, 6 February;
- (3) acknowledges that this is the first time that a South African receives this sought-after scholarship since Ann Wixley won it in 1988;
- (4) recalls that Mokgatle won a gold medal at the Genée International Ballet Competition which was held in London in September 2015;
- (5) acknowledges that he will now be able to further his studies at any one of the 66 prestigious Prix de Lausanne partner schools or dance companies around the world; and

- (6) congratulates Mokgatle on this massive achievement and wishes him well as he continues to fly the South African flag high on the world's ballet stage.

Agreed to.

### **ANNUAL UBUNTU DIPLOMACY AWARDS 2016**

(Draft Resolution)

Mr M P SIBANDE: I move without notice:

That the House -

- (1) notes that the Ministry of International Relations and Co-operation hosted the annual Ubuntu Diplomacy Awards at Cape Town International Convention Centre on Saturday, 13 February 2016, under the theme ``Celebrating Excellence in Diplomacy'';
- (2) further notes that the event is aimed at recognising the South African industry leaders and eminent persons for their distinguished service and contribution in promoting

South Africa's national interests and values across the world;

- (3) acknowledges that Standard Bank was awarded the Ubuntu Economic Diplomacy Award (Africa);
- (4) further acknowledges that Discovery Health was awarded the Ubuntu Economic Diplomacy Award (Global);
- (5) notes that Rescue SA and the Motsepe Foundation were jointly awarded the Ubuntu Social Responsibility Award;
- (6) further notes that DJ Black Coffee and Bra Hugh Masekela were jointly awarded the Ubuntu Arts and Cultural Diplomacy Award;
- (7) recognises that Catherine Constantinides was awarded the Ubuntu Youth Diplomacy Award;
- (8) further recognises that Wayde van Niekerk was awarded the Ubuntu Sport Diplomacy Award;
- (9) acknowledges that Bene L. M'poko was awarded the Ubuntu Ambassadorial Excellence Award; and

(10) further acknowledges that Agnes Msimang and Johnny Makhathini were awarded the O R Tambo Lifetime Achievement Award; and

(11) congratulates all the winners on the night for their wonderful achievements.

Ms H O HLOPHE: Madam Speaker, we suspect corruption around those awards. Therefore we object.

There being an objection, the motion without notice became a notice of motion.

### **CONVICTIONS GAINED FOR CABLE THEFT**

(Draft Resolution)

Mr A M SHAIK-EMAM: Speaker, I move without notice:

That the House –

(1) notes that five people convicted for cable theft were collectively sentenced to 140 years imprisonment by the



High Court sitting in Kroonstad on Monday,  
22 February 2016;

- (2) further notes that the thefts occurred mainly in the Free State and Mpumalanga provinces and that, as a result, this affected Eskom, Transnet, Telkom and local municipalities;
- (3) acknowledges that the suspected leader of the syndicate was sentenced to 48 years imprisonment after being found guilty on eight counts of theft and one of organised crime, whilst the other four men were sentenced to 44, 15, 16 and 17 years imprisonment respectively;
- (4) conveys its gratitude to the investigating and prosecuting authorities who succeeded in bringing this crime to court so that justice could prevail; and
- (5) encourages all citizens of the country to report cable theft to the police.

Agreed to.

**WATER CRISIS IN LIMPOPO**

(Draft Resolution)

Ms D VAN DER WALT: Speaker, I hereby move without notice:

That the House –

- (1) notes with concern that in Phagameng, Modimolle, Limpopo, residents have had no water for over seven months now, and embarked on protest marches on Friday and today to demand their constitutional right to water, which is a basic human right;
- (2) also notes that the residents in other parts of Modimolle have had very poor quality, contaminated water delivered to them which was not safe to drink, and that even their washing was stained due to the colour of the water distributed to their households;
- (3) further notes that the mayor, Ms Elizabeth ``Meisie'' Lekalakala, and the accounting officer, Mr N S Bambo, do not communicate as required by law, nor are they providing any alternatives to ensure that their town's residents are provided with clean water on a daily basis;

- (4) also notes that the citizens of Mookgophong – which is now amalgamated with Modimolle Municipality – towards the end of 2014, had no water continuously for over 900 hours and, since December 2015 up to today, suffer several days every week with no water, and currently have had no water for the past five days;
- (5) also notes that Thabazimbi Municipality's water quota from Magalies Water was cut drastically because the municipality owes them over R30 million, and it is now the citizens of Thabazimbi who must suffer the sins of the officials and politicians of this municipality;
- (6) also notes that today is the tenth day that Polokwane residents are without water due to poor service delivery, no long-term planning and unqualified staff, and – I must say – careless politicians;
- (7) further notes that several schools, health institutions, our most vulnerable citizens and the economic sector are negatively affected by the non-delivery or poor delivery of water – a human right;

- (8) calls on the President and the Deputy President to instruct the Cabinet Ministers of Water and Sanitation, Co-operative Governance and Traditional Affairs, Energy and of Agriculture to get out and see for themselves how the citizens in these towns are suffering; get their counterparts in these municipalities to either get it right, or go, and report back to Parliament on how they will immediately fix this critical provision of water to the citizens of Limpopo.

The SPEAKER: If there are no objections, I put the motion.

Ms H MALGAS: The ANC objects, Madam Speaker. Thank you.

[Interjections.]

There being an objection, the motion without notice became a notice of motion.

#### **LANGUAGE POLICY AT SOUTH AFRICAN UNIVERSITIES**

(Draft Resolution)

Ms E N LOUW: Madam Speaker, I move without notice:

That the House –

- (1) notes the continuous tension around the issue of language at the University of Pretoria;
- (2) further notes that students at the University of Pretoria are demanding that the language of instruction be English, since the majority of the students at that public university prefer English;
- (3) acknowledges that the university's resistance and its protection of Afrikaans is an anti-transformation stance which seeks to impose Afrikaans on black people, in the same way apartheid did;
- (4) also acknowledges that only 30% of students at the University of Pretoria prefer Afrikaans as their language of instruction, but that the university is adamant that the rest of the students - which is 70% of them - must be dominated by this numerical minority;
- (5) further acknowledges that Afrikaans at university continues to be used as a language of cultural domination and exclusion of black students;

(6) calls upon the Minister of Higher Education to develop a clear policy to deal with universities such as the University of Stellenbosch and the University of Free State that still see themselves as enclaves of white Afrikaner domination, in which black students are still made to feel like second-class citizens;

(7) acknowledges that, in a country that still has Afrikaans songs like ``Die Stem'' as part of its national anthem, white Afrikaner racists will continue thinking that they are entitled to oppress and exclude black people on the basis of their language which was favoured during apartheid and is still favoured now by the ANC and the Kohler-Barnards of the DA.

The SPEAKER: If there are no objections, I put the motion.

Ms H MALGAS: The ANC objects, Madam Speaker. Thank you.

[Interjections.]

The CHIEF WHIP OF THE OPPOSITION: Madam Speaker, we object.

Also, I would like to raise two points of order, in terms of the Rules, if I may?

Firstly, a member may not impute that a Member of this House is racist. So I would ask that the member withdraws that.

Secondly, we refer to each other in the House as honourable or missus; we do not just call out the person's surname in the House.

The SPEAKER: Who said a member is racist? Was it the hon member who was reading the motion without notice? Hon member?

Mr N F SHIVAMBU: Speaker ...

The SPEAKER: No, I am calling that hon member who delivered ...  
[Inaudible.]

Mr N F SHIVAMBU: I rise on a procedural point, before you make a ruling on her withdrawing whatever you said she said, or is being claimed she said. The principle is that, once a motion has been objected to, it falls away. So that word that she said - whatever she said - no longer holds water here. It is no longer part of these proceedings. So there is no need to go that far.

The SPEAKER: The procedural point is upheld. Any further motions without notice?

The CHIEF WHIP OF THE OPPOSITION: Sorry, Madam Speaker, does that ... I would like clarity ...

The SPEAKER: The motion without notice was dropped.

The CHIEF WHIP OF THE OPPOSITION: But can I seek clarity from you then, because you are setting a precedent now. So, I can get up and use unparliamentary language, impute improper motives in any motion without notice now, and it is going to be acceptable?

The SPEAKER: No, it is not acceptable; it has been dropped.

The CHIEF WHIP OF THE OPPOSITION: But that is what the ruling is. So I can do it as long as the motion ...

The SPEAKER: So it is actually not even a factor in this House right now.

The CHIEF WHIP OF THE OPPOSITION: But the words have been repeated in this House. So that's ...

The SPEAKER: No, they should not be repeated...



The CHIEF WHIP OF THE OPPOSITION: No problem. We'll be back on Thursday.

The SPEAKER: Hon Chief Whip, are you rising on a point of order?  
[Interjections.]

The CHIEF WHIP OF THE MAJORITY PARTY: Yes, Madam Speaker. We truly share the aggrieved nature of the Leader of the Opposition, precisely because, to allow ...

The SPEAKER: He is not here. The Leader of the Opposition is not here. The Chief Whip of the Opposition is.

The CHIEF WHIP OF THE MAJORITY PARTY: The Chief Whip of the Opposition. The reason is very plain. We are using ... The motions without notice that are being dropped are, little by little, introducing assaults on the persons referred to. We do not want to accept that. [Applause.]

The motion itself can be dropped, but the little-by-little attacks on us as individuals are wrong.

The EFF calls the President of the ANC and that of the country a ``Zupta''. [Interjections.] Such a person does not exist here!

[Interjections.] Hon Kohler-Barnard should be respected in the same way. Her reputation should not be impugned.

[Interjections.]

The SPEAKER: Your point is acceptable, but right now, in fact, it is not relevant ... [Interjections.] ... because we have dropped that motion without notice and we would like to proceed to the next hon member, hon Kwanka of the UDM. [Interjections.]

**BOUTROS BOUTROS-GHALI PASSES AWAY AT AGE OF 93 ON**

**16 FEBRUARY 2016**

(Draft Resolution)

Mr N L S KWANKWA: Madam Speaker, I hereby move without notice:

That the House –

- (1) notes that former UN Secretary-General, Boutros Boutros-Ghali, who took office during the war in the former Yugoslavia and was in office during the massacres in Rwanda, died at the age of 93 on 16 February 2016;
- (2) further notes that he was a diplomat who helped secure peace deals between Israel and his native country, Egypt;

- (3) acknowledges that he served as the UN chief from January 1992 and he became the world's leading spokesperson and practitioner of internationalism until December 1996 when he was succeeded by Mr Kofi Annan;
- (4) further acknowledges his immense contribution in helping to organise famine relief in the Horn of Africa;
- (5) recalls that he held up the UN and its various agencies as an organisation that could promote international peace and security, economic development and human rights through international co-operation;
- (6) further recalls that he also contributed to the mobilisation of the international coalition that saw to the successful carrying out of elections in South Africa in 1994 which ended white minority rule;
- (7) recognises that Boutros Boutros-Ghali became Secretary-General of the International Organisation Of La Francophonie after leaving the UN in 1997, and that, despite many difficulties during his term, he served the UN with distinction; and

(8) sends its condolences to his family and friends.

Agreed to.

**RETRENCHMENTS AT ANGLO-AMERICAN'S SISHEN PLANT AT KURUMAN A  
CONSEQUENCE OF POOR GOVERNMENT**

(Draft Resolution)

Ms M O MOKAUSE: Speaker, I move without notice:

That the House –

- (1) notes the retrenchments facing the mineworkers at Anglo-American's Sishen plant in Kuruman in the Northern Cape;
- (2) further notes that close to 4 000 contractors and mineworkers are facing the prospect of being retrenched;
- (3) acknowledges that the ANC government, as the government of the day, lacked commitment to avert this situation, because they are all in the pockets of these capitalists who milk our country and then retrench our people;

- (4) further acknowledges that this demonstrates the failure of the current system under the leadership of Zupta and his cronies at Luthuli House to structurally ensure that our country's minerals and resources benefit the people of the country more than it does the greedy multinationals and their puppets in the ANC;
- (5) further notes that the current action by Anglo-American allowed by the government of the ANC does not only affect the mineworkers, but also deeply affects their children who will never see university doors, only because of the useless ANC and its corrupt leader, Zupta;
- (6) notes that the wellbeing of mineworkers, petrol attendants, and all those who toil very hard to feed their families has never been a concern of the ANC - it is only their vote that matters for the Zupta-led wrecking machine;
- (7) calls on the ANC government to stop misleading our people and secure jobs, as promised;
- (8) further calls on the Minister of Zupta-Mosebengi Zwane to intervene to save the jobs of mineworkers at Anglo-

American's Sishen plant and stop going around like a headless chicken securing deals for Zuptas.

The SPEAKER: Hon member, I would like you to withdraw the many mentions of a name that, really, we are not familiar with.

[Interjections.] Even before I put the motion, I would like you to withdraw that.

Mr N F SHIVAMBU: Hon Speaker ...

The SPEAKER: Hon Shivambu, I am talking to an hon member of this House.

Mr N F SHIVAMBU: Yes, yes, before you take that route ...

The SPEAKER: No, I am not going to be told by you what I should do.

Mr N F SHIVAMBU: No, but I want to raise a point of order.

The SPEAKER: Take your seat, hon Shivambu.

Mr N F SHIVAMBU: I want to raise a point of order.

[Interjections.]

The SPEAKER: No, hon Shivambu. Take your seat. I am in the middle of ... [Inaudible.] [Interjections.]

Mr N F SHIVAMBU: But a point of order is allowed in this House. [Interjections.]

The SPEAKER: Hon Shivambu, take your seat. If you don't want to actually do what the Chair is telling you, I will have to ask you to leave the Chamber. [Interjections.]

Mr N F SHIVAMBU: But I am rising on a point of order!

The SPEAKER: No, hon Shivambu, you don't come in in the middle of my statement. You can't do that. Hon member, please withdraw that.

Ms M O MOKAUSE: We call on those affected to know that the EFF is the only hope they have to get the useless ANC out of that ... [Interjections.]

The SPEAKER: Hon member, I told you to withdraw. [Interjections.]

Ms M O MOKAUSE: Which word should I withdraw?

The SPEAKER: Withdraw all the references to Zupta. Withdraw.  
[Interjections.]

Ms M O MOKAUSE: Why? [Interjections.] No, no, no!

The SPEAKER: You referred to an hon Minister by a name he does not have. [Interjections.] Withdraw, hon member.

[Interjections.] Hon member, withdraw. [Interjections.] You know. You have the draft motion in your hand. Are you going to withdraw or not?

Ms M O MOKAUSE: My Chief Whip's hand is up, so I can't speak ...  
[Inaudible.] [Interjections.]

The SPEAKER: No, you are not going to tell me how to preside. Are you going to withdraw or not, hon member? [Interjections.] If you don't, hon member, please withdraw from the Chamber. [Interjections.] Hon member, withdraw from the Chamber.

Mr N F SHIVAMBU: Hon Speaker ...

The SPEAKER: Hon Shivambu, I have not recognised you ...



Mr N F SHIVAMBU: But I am asking for recognition.

The SPEAKER: I am recognising that hon member that I am talking to. [Interjections.] Hon Mokause, withdraw.

Ms M O MOKAUSE: Hon Speaker, it is unfair, but I withdraw.  
[Interjections.]

The SPEAKER: Hon Mokause, you can't withdraw conditionally. You can't tell me it is unfair. You either withdraw unconditionally, or you have not withdrawn. Hon Mokause, withdraw unconditionally.

Ms M O MOKAUSE: Hon Speaker, I withdraw.

The SPEAKER: Thank you. Hon Shivambu?

Mr N F SHIVAMBU: Hon Speaker, there is nothing wrong with saying the word ``Zupta'' in this Parliament.

The SPEAKER: Hon Shivambu ...

Mr N F SHIVAMBU: It is not unparliamentary because we are going to use it consistently and ... [Inaudible.]

The SPEAKER: I don't know on what point you are rising.

Mr N F SHIVAMBU: It is a point of order.

The SPEAKER: There is no such point of order. Just take your seat.

Mr N F SHIVAMBU: [Inaudible.] ... the Chief Whip of the Majority Party ... [Inaudible.]

The SPEAKER: Hon Shivambu, take your seat.

Mr N F SHIVAMBU: [Inaudible.] ... but Zupta is a word we are going to use to refer to someone who ... [Inaudible.]

[Interjections.]

The SPEAKER: Hon Shivambu, take your seat. [Interjections.] Are there any further motions without notice? [Interjections.]

The CHIEF WHIP OF THE OPPOSITION: Madam Speaker, I had my ... [Inaudible.]

Ms H O HLOPHE: Madam Speaker?

The SPEAKER: Yes, hon Hlophe?

Ms H O HLOPHE: It is unfair, Madam Speaker. We have been called names here. We have been called fascists here.

The SPEAKER: No, hon Hlophe.

Ms H O HLOPHE: So today, you are making us withdraw ``Zupta''

...

The SPEAKER: There is no point on which you are on your feet.

Just take your seat. Hon Steenhuisen?

The CHIEF WHIP OF THE OPPOSITION: If I may rise on Rule 63,

Madam Speaker.

Ms H MALGAS: Madam Speaker, we would like you to record that the ANC objects to the motion. [Interjections.]

The SPEAKER: Hon Steenhuisen? [Interjections.] Order, hon members!

The CHIEF WHIP OF THE OPPOSITION: Madam Speaker, I want to point out that you stopped the hon member whilst the motion was still being read, to - rightly so - protect a member of this House. I want it on record that you did not afford the same courtesy to Ms Kohler-Barnard, as a member of the opposition. It is inconsistent ruling, Madam Speaker.

The SPEAKER: When? What happened to Ms Kohler-Barnard?

The CHIEF WHIP OF THE OPPOSITION: When she was insulted in the motion that the EFF member brought forward. You said that it had fallen away and that we could not do anything about it. Yet you were quite happy to stop the hon member when it was the President being insulted. That is inconsistent!

The SPEAKER: I have no clue of what you are talking about.

[Interjections.]

The CHIEF WHIP OF THE OPPOSITION: I took a point of order, Madam Speaker! [Interjections.] I took a point of order a few moments ago!

The SPEAKER: Hon Steenhuisen, may I go back to whatever might have happened, because I really don't know which one you are talking about. [Interjections.]

The CHIEF WHIP OF THE OPPOSITION: You've got to be kidding me!

The SPEAKER: So, I really ... [Interjections.] ... whether your hands are up or you are screaming, I will look back at what you are referring to. [Interjections.] Are there any further motions without notice?

Ms E N LOUW: Speaker, I rise on a point of order.

The SPEAKER: What is the point of order?

Ms E N LOUW: Speaker, I just want to check with you for clarity about the Rules. We are on the same Rules of the National Assembly, right? I just want to check with you, what is wrong with calling a person ``Zupta'', and why are you ruling that as unparliamentary? On which Rule are you basing that ruling?

The SPEAKER: Hon member, I would like you to take your seat because I have dealt with that issue.

Fortunately, the hon member has co-operated. I now want to proceed with the business of the House.

**CHARL SCHWARTZEL WINS TSHWANE OPEN GOLF TITLE**

(Draft Resolution)

Mr M P SIBANDE: Speaker, I hereby move without notice:

That the House -

- (1) notes that on Sunday, 14 February 2016, South African Charl Schwartzel scooped the Tshwane Golf Title after beating Jeff Winther of Denmark in the Tshwane Open at Pretoria Country Club;
- (2) acknowledges that the 31-year-old's total of 16-under was comfortably ahead of Jeff Winther in second on eight-under for the week;
- (3) further acknowledges that this was Schwartzel's eighth European Tour title on home soil as he gears up his preparations for this year's majors;

- (4) recalls that it was one of the few titles that still eludes Schwartzel on South African soil, and he would have been especially keen to compete after losing in a playoff to England's Andy Sullivan in the 2015 SA Open;
- (5) further recalls that South African Anthony Michael was third on six-under, with another trio of locals in Justin Walters, Richard Sterne and Dean Burmester sharing fourth on five-under; and
- (6) congratulates Charl on this wonderful victory and wishes him well in his future matches.

The SPEAKER: If there are no objections I put the motion ...  
[Interjections.] In light of the objection, the motion without notice may not be proceeded with.

**WATER CRISIS IN NORTH WEST PROVINCE**

(Draft Resolution)

Ms M O MOKAUSE: Hon Speaker, I hereby move without notice:

That the House -

- (1) notes the lack of water in Huhudi Township in Vryburg, Ipelegeng in Schweizer-Reneke and many other parts of North West province;
- (2) further notes that the useless ANC government, when it gives reports to our people even in this very same Parliament, claims to have a good story to tell;
- (3) acknowledges that the reality is that South Africans still live without clean drinkable water and still fetch water from contaminated streams; yet the ANC government says it's a good story to tell. What kind of good story is it when our people still live without water, a basic necessity?;
- (4) further acknowledges that the EFF will not sit back and allow the ANC and its useless Cabinet Ministers to mislead the country;
- (5) further notes that South Africa has an escalating water crisis, especially in rural areas; the taps are dry or there are no taps at all;



- (6) calls upon the Ministry of Water and Sanitation to stop howling in this House and misleading the country and deliver service to our people as promised;
- (7) further calls upon the people of South Africa to continuously demand what belongs to them and reject laziness from officials who are supposed to provide basic services to them; and
- (8) further calls upon the people of Ipelegeng in Schweizer-Reneke, Huhudi in Vryburg and elsewhere in the country to reject the corrupt ANC government when we go to the polls later this year.

The SPEAKER: If there are no objections, I put the motion ...

[Interjections.]

There being an objection, the motion without notice became a notice of motion.

#### **POVERTY IN NORTHERN CAPE**

(Draft Resolution)

Ms M O MOKAUSE: Hon Speaker, I hereby move without notice:

That the House -

- (1) notes the ignorance by the Northern Cape province and Gamagara Local Municipality;
- (2) further notes that the unemployment rate is very high in the area of Olifantshoek, and that leads to alcohol abuse and negligence of minors;
- (3) acknowledges that the phenomenon of minors who continue to roam the streets, standing on street corners and begging at night is rising and this is because the ANC government cares for people only during election time;
- (4) further acknowledges that ordinary people's votes matter with the ANC but not their wellbeing;
- (5) further notes that the useless and greedy Premier of the Northern Cape, Sylvia Lucas, used more than R50 000 of taxpayers' money to buy Kentucky Fried Chicken, KFC, instead of investing in the wellbeing of young kids in Olifantshoek and the surrounding areas;

- (6) further acknowledges that the Minister of Social Development funded a march to protest in support of one man, and one man only - Zupta - instead of investing in the livelihood of young people in such poverty-stricken areas;
- (7) calls upon the Minister and MEC of Social Development to invest in those poverty-stricken areas, intervene and provide much-needed services; and
- (8) further calls upon the people of Olifantshoek in the Gamagara municipal area to reject the ANC government, come the elections.

[Interjections.]

The CHIEF WHIP OF THE MAJORITY PARTY: There is no person in this House called ``Zupta''. The hon President cannot be called ``Zupta''. I object and she must withdraw.

The SPEAKER: Hon Mokause, please withdraw that name.

Mr N F SHIVAMBU: Hon Speaker, ... [Interjections.]

The SPEAKER: No, hon Shivambu ... [Interjections.]

Mr N F SHIVAMBU: ... there was never a suggestion by hon Mokause ... [Interjections.]

The SPEAKER: No, hon Shivambu ... [Interjections.]

Mr N F SHIVAMBU: ... that there is a Zupta in this House. She said that ... [Interjections.]

The SPEAKER: ... hon Shivambu, I am not talking to you. I am talking to hon Mokause right now. I am saying, hon Mokause, withdraw. [Interjections.]

Mr N F SHIVAMBU: ... there is a member of executive council of the province, MEC, who has squandered ... [Inaudible.]

Ms M O MOKAUSE: Hon Speaker, tell us who is the member of this House ... [Interjections.]

The SPEAKER: Hon Mokause, please withdraw.

Ms M O MOKAUSE: ... who is called ``Zupta''? Just tell us. Who is the member of this House called ``Zupta''? Tell us.

[Interjections.]

The SPEAKER: I am asking you ... [Interjections.]

Ms M O MOKAUSE: You need to get used to ... [Interjections.]

The SPEAKER: I am asking you to withdraw, hon Mokause, ...

[Interjections.]

Ms M O MOKAUSE: ... asking because we are going to use it more frequently in the very same House. [Interjections.]

The SPEAKER: ... if you don't withdraw, I ask you to withdraw from the Chamber. I have asked you three times now, withdraw.

Ms M O MOKAUSE: I withdraw.

Mr N F SHIVAMBU: But hon Speaker, Speaker ... [Interjections.]

The SPEAKER: Hon Shivambu.

Mr N F SHIVAMBU: ... but you are disrespecting us here. You are not applying the Rules properly.

The SPEAKER: Hon Shivambu, hon Shivambu, hon Shivambu ...

[Interjections.]

Mr N F SHIVAMBU: ...you are disrespecting us and you are taking advantage because ... [Interjections.]

The SPEAKER: Hon Shivambu... Hon Shivambu... Hon Shivambu ...

Mr N F SHIVAMBU: ... you have got those thugs outside there, who will come inside the House. Don't do that, Baleka.

The SPEAKER: ... I have not recognised you. [Interjections.]

Mr N F SHIVAMBU: Don't do that.

The SPEAKER: And you have no right to call me by my first name.

Mr N F SHIVAMBU: I have a right to call you Baleka.

[Interjections.]

The SPEAKER: You have no right. In fact you must leave the Chamber, hon Shivambu. [Interjections.] Hon Shivambu, hon ... I call you honourable even when you have been dishonourable ... and I now ask you to leave the Chamber! [Interjections.]

Mr N F SHIVAMBU: On what basis? [Interjections.] On what basis am I leaving the House?

The SPEAKER: On the basis that you are busy undermining the Chair. [Interjections.]

Mr N F SHIVAMBU: I am not undermining the Chair. I am saying that ... [Interjections.]

The SPEAKER: Leave the House!

Mr N F SHIVAMBU: ... you must govern this House according to the Rules.

The SPEAKER: Leave the House! Hon Shivambu, leave the House. [Interjections.]

Mr N F SHIVAMBU: Why should I leave the House?

The SPEAKER: Hon Shivambu ... [Interjections.]

Mr N F SHIVAMBU: Why? On which Rule? [Interjections.]

The SPEAKER: ... because you want to disobey the Rules and protocols of this House. [Interjections.]

Mr N F SHIVAMBU: On which grounds? On which Rule?

[Interjections.]

The SPEAKER: On grounds that you are even calling the Chair by the first name. That's the level of disrespect. Hon ...

[Interjections.]

Mr N F SHIVAMBU: But I must call you by your first name because ... [Inaudible.] you are not doing anything. [Interjections.]

The SPEAKER: ... Shivambu, please leave. Please leave, hon Shivambu. Leave the House, hon Shivambu. I am asking the Serjeant-at-arms to assist me to make sure that hon Shivambu leaves the House. [Interjections.]

Mr N F SHIVAMBU: You are useless, Baleka. You are not helping with anything. The corruption ... [Inaudible.] [Interjections.]



The SPEAKER: I asked you ... [Interjections.]

Mr N F SHIVAMBU: ... from the mines ... [Inaudible.] It's what makes you to be corrupt every day. Corruption of Baleka Mbete.

The SPEAKER: Please go and get him out of the House.

[Interjections.]

Mr N F Shivambu, having disregarded the authority of the Chair, the Speaker ordered him to withdraw from the Chamber for the remainder of the day's sitting.

The member thereupon withdrew from the Chamber.

Ms M O MOKAUSE: Hon Speaker, it must be noted that these people were not born members. It must be noted. We can't be forced to call these people ``hon members''. We can't be forced.

[Interjections.] And we won't call you ``hon'', because you don't deserve it! [Interjections.]

The SPEAKER: Hon members, we were still busy with motions without notice, which I suspect we have exhausted.

[Interjections.]

Ms H H MALGAS: Madam Speaker, we would like to object. The Chief Whip spoke, and we would like to object to this motion.

Ms H O HLOPHE: Speaker, hon Speaker.

The SPEAKER: The last motion without notice has been objected to. Hon Hlophe.

Ms H O HLOPHE: Speaker, my microphone is off. Hey, shut up; I am not talking to you! [Interjections.] Hon Speaker, may I address you?

The SPEAKER: Go ahead, hon Hlophe.

Ms H O HLOPHE: Hon Speaker, we want to put it on record that you are not helping this House, especially the EFF, when they raise points of order. Hon Speaker, you don't even want listen to us when we want to get clarity on the Rules that we are applying in this House. You just don't want to listen to us. Madam Speaker, I want to put it on record that, by doing so, you are ill-treating the members of the EFF all the time. I believe that, as members of this House, we are equal and we look to you, as a Speaker of this national Parliament, to chair the sittings

fairly. But each time we rise, you just want us to sit down. Is it because we are challenging you as to who is the member that hon Mokause referred to as ``Zupta''? This is just because the Chief Whip of the ANC said she can't call a member of this House a ``Zupta''. We wanted that clarity. So, anything said by the ANC goes. Speaker, as a neutral person, you were supposed to listen to all parties and make a fair decision. [Interjections.]

The SPEAKER: Hon Hlophe, can you now take your seat? A person in the Chair is not in the Chair because they are stupid. So, you can't tell me that, when a person is using words in order to insult and to abuse the integrity of another person who is in fact elected by this House. You are not allowed to impugn the integrity of a person elected by the House, even if they are not in the House, instead of doing it in the proper way by way of a substantive motion. And you people, time and again, break that Rule. We actually tolerate you a lot of the time. We give you an opportunity to have your say even when you are wrong. So, I must say to you that we are not going to have unlimited patience with clear abuse of Rules and a clear abuse of the integrity of the House itself. [Applause.]

The DEPUTY MINISTER OF BASIC EDUCATION: Speaker, I thank you for the opportunity. The concern that I was going to raise was

firstly, the belligerence and the boorishness of the hon member in relation to the Chair. This has occurred over and over again. The Rules are extremely clear that no member may utilise rude and offensive language. This has been demonstrated over and over again.

May I, with respect, use an analogy? If I were to call the hon members ``julgans'' simply because I associate the word Julius with hooligan, then they would find that offensive.

[Interjections.] Similarly, ... I am not suggesting that they are that. I am not suggesting that they are. [Interjections.]  
Hon Chair, ... [Interjections.]

Ms E N LOUW: Speaker, on a point of order: ...

Mr M S MBATHA: Speaker, on a point of order: ...

Ms E N LOUW: Speaker, on a point of order: ...

The DEPUTY MINISTER OF BASIC EDUCATION: I said if I were to ...  
[Interjections.]

The SPEAKER: You can't all rise on a point of order.

Ms E N LOUW: Speaker, I am rising on a point of order on what he was saying. That is why I am rising on a point of order.

[Interjections.]

The SPEAKER: Hon members, can you allow the hon Deputy Minister to finish and then I will recognise you. If one person rises, then we can deal with one point of order. Hon Surty, finalise your statement. [Interjections.]

The DEPUTY MINISTER OF BASIC EDUCATION: Hon Chairperson, I did not refer to a matter. I merely gave an example of what could be regarded as rude and offensive, and I am certainly not asserting that. [Interjections.]

There is another point. The point that has been raised by the hon members is in relation to the word ``Zupta''. I want to say very, very clearly that these hon members have in the past suggested that the hon President was being manipulated by the Guptas. The combination of words ``Gupta'' and ``Zuma'' is a clear demonstration of that belief, and I indeed regard it as being offensive. [Interjections.]

It is my view that ... [Interjections.] ... ostensibly and quite clearly, the hon members do not wish to give me an opportunity

to express my view. [Interjections.] They argue and cry for freedom of expression, and yet are not tolerant of the opportunity for another member to express himself. It simply means that freedom of expression applies only to them in an unlimited way, and no other member in this hon House has to be heard.

What is happening consistently and repeatedly is an erosion of the integrity of this House and the authority of the Chair, who has a particular responsibility to ensure that there is order.

[Interjections.] I therefore urge you, Madam Speaker, to look seriously into the conduct of the offending members and take whatever appropriate steps are necessary. I thank you.

[Applause.]

The SPEAKER: I want to recognise the hon member of the EFF with the doek [scarf].

Ms E N LOUW: Hon Speaker, I told you earlier that my surname is Low but I can understand that sometimes you forget things.

[Interjections.]

Hon Speaker, members of this House are mandated to come to this House and put out what they ... [Interjections.]... Wait! Hon

Surty has just raised ... [Interjections.] The Deputy Minister has just raised this issue and look at how they are shouting.

The SPEAKER: Can you please proceed, hon member, and make your point.

Ms E N LOUW: Firstly, you called us, ``you people''. We are not ``you people''. We are hon members, just as you want to be called an hon member. So, we are not ``you people''. We are sent here and mandated by EFF members. So, you are not doing us a favour letting us be here. You are not going to say to us that you are running out of patience with us. It is not for you to decide when our term in Parliament is ending. It is not for you to decide, because we are sent here by members of the EFF, not by you, hon Speaker. So, us being here is not on your account; it is through the members of the EFF who voted for us to be here.

Secondly, the hon Deputy Minister compared hon Julius Malema to a hooligan. [Interjections.] He did. He implied it.

[Interjections.]

The SPEAKER: Order! I want to hear what the hon member is saying.

Ms E N LOUW: You see how they, from the side of the ANC, are making a noise. I have never seen such old people who can make such a lot of noise. They are like kids.

The SPEAKER: Please proceed, hon member.

Ms E N LOUW: He must withdraw that word ``hooligans''. We are not sent here by him. Again, we are sent here by EFF members, and are not here through your favour or pleasure. Thank you.

[Interjections.]

The SPEAKER: Thank you for the information, hon members. Are there any further motions?

Dr H CHEWANE: Speaker, I rise on a point of order.

The SPEAKER: What is your point of order?

Dr H CHEWANE: Speaker, it is inherently your duty as a presiding officer to protect the integrity of the Members of Parliament.

The hon Deputy Minister stood there and said that an hon member of this Parliament is a hooligan. [Interjections.] Not only that. He said that Julius is associated with hooliganism. There



is a principle ... [Interjections.] Speaker, I am addressing you.

There is a principle narrative in this House that is supported by the Rules that members of this House are not called by their names; they are called honourable. Again, it is also understood by your own rulings that we can't have a Member of Parliament who stands and demeans other Members of Parliament, and you as Speaker are not able to rule on that.

We demand that the hon Deputy Minister apologises for the remarks that he made about the leader of an opposition party, hon Julius Malema. He should withdraw and you should be able to rule on that. We request that you rule on that. It can't be that it is just information. We call for order because we think that it is not consistent with the Rules of this House.

The SPEAKER: Hon member, I've heard you and that is why I am going to consult Hansard to see what you are saying ...

[Interjections.] ... and I will rule.

Ms H O HLOPHE: Hon Speaker, let me just help you right there.

The SPEAKER: No, I don't need your help. Hon Hlophe, take your seat.

Ms H O HLOPHE: No, hon Speaker, ask him ...

The SPEAKER: No, hon Hlophe, I don't need your help.

Ms H O HLOPHE: Hon Speaker.

The SPEAKER: I do not need your help. Please, take your seat.

Ms H O HLOPHE: Hon Speaker, you have just chucked out the Deputy President of the EFF, because he called you on your first name.

The SPEAKER: Hlophe, take ...

Ms H O HLOPHE: But he called our President a hooligan.

The SPEAKER: I am going to look at that. That is exactly what I am going to look at.

Ms H O HLOPHE: Speaker, ask him.

The SPEAKER: If need be, I will rule and I will make him withdraw, if he needs to withdraw. So, there is no problem with that. [Interjections.]

Dr H CHEWANE: Speaker, even if you proceed in that line, what we want to remind you of is that, in the past, if you have not heard something, you always check ...

The SPEAKER: Hon member, I did not recognise you.

Dr H CHEWANE: Why don't you check with this particular ...

The SPEAKER: I did not recognise you. Please take your seat.

The MINISTER OF SCIENCE AND TECHNOLOGY: Speaker, I sincerely regret that I always wait for you to recognise me, because members stand up and they are able to speak. This is most unfair. We raise our hands and wait.

The point on which I am rising is with respect to Rule 61. With respect to Rule 61, I wish to agree with the hon member of the EFF that when Rule 61 is breached, the Speaker should take action in terms of the Rules of this House.

That Rule reads:

No member shall refer to any other member by his or her first name or names only.

I believe that the action we have seen in House has to be strongly taken as a disciplinary matter by you, as the presiding officer. Thank you very much.

The CHIEF WHIP OF THE OPPOSITION: Madam Speaker, I agree wholeheartedly with the hon Pandor and that is exactly the point I rose on earlier when the hon Kohler-Barnard's name was used both with improper motives of racism implied to her, and her names used without the prefix ``honourable''.

I do want to say - the Chief Whip will bear me out - that the whole issue of motions without notice has extensively been debated in the various forums, and I thought that we had reached a compromise where we could actually have them starting to move forward again.

I regret to say - I say this with the deepest respect and I respect you as the elected Speaker of the House. Let me get that out of the way. - I think that the earlier ruling that you made is inconsistent with the Guide to Procedure as well as the

Annotated Digest of Rulings, and I would like to just share the ruling with you. It was made on 23 April 1998 by the Chairperson of Committees and I quote:

All members of the House are entitled to respect and no member is entitled to more respect than another member.

I would venture to say to you today that I agree with your ruling on the matter earlier, but with respect, the President has been afforded more respect than the hon Kohler-Barnard was offered by yourself, and protection. I would ask that both your ruling on my earlier point of order as well as the one by the Chief Whip get referred to the Rules Committee as soon as possible. Otherwise, I fear that these motions without notice again are going to become just a slanging match in this House and not achieve what they should. I respectfully ask that that gets forwarded to the Rules Committee for clarity as soon as possible.

The SPEAKER: Hon Steenhuisen, I did earlier say, on the matter of hon Kohler-Barnard, that I do want to check what happened, because, clearly, I may have missed something that you are referring to. So, before we refer it to the Rules Committee, I want to look at it and I will come back on that matter.

The CHIEF WHIP OF THE MAJORITY PARTY: In this book, page 114 relates to Rule 102(2). There is a mistaken notion that if a motion without notice has been ruled out of order, it will fall away and not be reflected in the records of the House. The Rule book does not agree with that. It says once a motion without notice is ruled out of order, it does not fall away, but is converted into a notice of motion. Now, with all the words that we objected to ... That is why we do not want a motion without notice to be read here when we object to it, because it will be reflected in the records of this House, and therefore the integrity of this House will be tarnished.

The SPEAKER: Both Chief Whips are raising strong issues relating to how we continue to have problems when we have motions without notice. It clearly continues to be a practice in the House that - although it has been again and again processed at the Chief Whips' Forum - turns out to be something else.

I therefore would like us to have a discussion with the Chief Whips' Forum on this matter of motions without notice, which used to be motions without controversy. These are motions where we never had to disagree; motions where we passed condolences on people who had passed on or where we passed congratulatory messages on to people who had done well in our society. But,

suddenly, in the Fifth Parliament, they have become controversial. [Interjections.]

I think that's the fundamental part of the discussion that needs to be held yet again, so that we agree on what it is we want to do with this type of a motion - a motion without notice - because, for as long as we have been in this Parliament for the past 21 years, motions without notice were not controversial.

Mr J P MTHEMBU: Hon Speaker, I fully agree with your summation. However, indeed one EFF member today, in this sitting, referred to President Zuma as ``Zupta''. [Interjections.] This is a reference, and we have said that all of us sitting here are not little babies. What has been said about who ``Zupta'' is is on record; they have said it in this House. They have also said it in their press conferences, and they have said it everywhere else. It is a derogatory name for President Zuma. All that I am requesting, in keeping with your ruling, is that that member who stood up earlier to refer to President Zuma as ``Zupta'' withdraws the ``Zupta'' version. Thank you. That's all.

The SPEAKER: I had actually prevailed on the hon member and, as far as I know, she has withdrawn.

Mr J P MTHEMBU: Hon Speaker, with your indulgence, she was the second member. There is the first one ... [Interjections.] ... who raised the Zuma narrative. [Interjections.] By the way ... [Interjections.] ... we can consult ... [Interjections.]

Mr A MATLHOKO: Did you recognise ... [Interjections.] Did you recognise him? [Interjections.] Did you recognise him, hon Speaker?

The SPEAKER: But ...

Mr A MATLHOKO: He just stood up and ...

The SPEAKER: Don't also shoot up and shout at me.

Mr A MATLHOKO: Kuyafana [It is the same.]. It is the same.

The SPEAKER: Don't just shoot up and scream.

**LIMITING OF BUSINESS OF HOUSE ON 24 FEBURARY 2016 TO  
INTRODUCTION OF APPROPRIATION BILL AND REVENUE LAWS AMENDMENT  
BILL, AND TABLING OF DIVISION OF REVENUE BILL AND RELATED  
MATTERS**



(Draft Resolution)

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

That the House, notwithstanding Rule 29 which provides for the sequence of proceedings, limit the business for Wednesday, 24 February 2016, to the introduction of the Appropriation Bill and the Revenue Laws Amendment Bill, and the tabling of the Division of Revenue Bill and related matters.

Agreed to.

**SECOND READING DEBATE - PERFORMING ANIMALS PROTECTION AMENDMENT  
BILL TO BE REVIVED**

(Draft Resolution)

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

That the following item that was on the Order Paper and which, in terms of Rule 298, lapsed at the end of the last sitting day of the 2015 annual session, be revived for consideration by the National Assembly:

(1) Second Reading debate - Performing Animals Protection Amendment Bill [B9B-2015] (National Assembly - sec 75) - (Minister of Agriculture, Forestry and Fisheries).

Agreed to.

**ESTABLISHMENT OF AD HOC JOINT COMMITTEE TO RECOMMEND CANDIDATES  
FOR APPOINTMENT TO BOARD OF NATIONAL YOUTH DEVELOPMENT AGENCY**

(Draft Resolution)

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

That the House, subject to the concurrence of the National Council of Provinces, establishes an ad hoc joint committee in terms of Joint Rule 138, the committee to -

(1) consider the request by the Minister in the Presidency: Planning, Monitoring and Evaluation, tabled in the *Announcements, Tablings and Committee Reports* on 18

August 2015 and 26 January 2016, for Parliament to recommend seven candidates for appointment to the board of the National Youth Development Agency in terms of section 9 of the National Youth Development Agency Act, 2008 (No 54 of 2008).

- (2) consist of 11 members of the National Assembly, as follows: African National Congress, 6; Democratic Alliance, 2; Economic Freedom Fighters, 1, and other parties, 2, and 9 members of the National Council of Provinces;
- (3) exercise those powers in Joint Rule 32 that may assist it in carrying out its task; and
- (4) report by 15 March 2016.

Ms N V MENTE: Hon Speaker, just before we agree to the motion - we are not against the motion. However, I would need your indulgence on this issue - currently there is an ongoing process within the Department of Planning, Monitoring and Evaluation Portfolio Committee. Are we now saying we are going to run a parallel process to that one or is it being scratched off?

Secondly, is this a response to a letter which the EFF wrote to your office with regards to the flawed processes of this particular ad hoc committee and the appointment of the board members of the National Youth Development Agency? I would like you to answer me on those two.

Thirdly, if that is the case, can we then be afforded an apology as Members of Parliament who were called to come to a portfolio committee meeting which was not supposed to have taken place?

Thank you.

The SPEAKER: No. Hon members, this matter and how it should be dealt with has been under discussion with the various relevant committees of both Houses. And indeed, the history of how it has been done in the past and all of that and certain assumptions that had initially been made were all consulted on, and a final agreement was reached in accordance with the way in which it is now announced in the Announcements, Tablings and Committee Reports, ATCs.

So, this ad hoc committee that is being created is the culmination of a process that has been going on, up and down, with all role-players. I know that there is also communication

that relates to the EFF having raised a question and there is a response to that.

As I say, the announcement is in the ATCs but the ad hoc committee has to be created because we have a deadline in relation to this board of the NYDA.

Agreed to.

**SANRAL HANDS OVER 72 HECTARES OF LAND TO BUILD HOUSES FOR  
INFORMAL SETTLEMENT DWELLERS IN KNYSNA**

(Member's Statement)

Mr H M Z MMEMEZI (ANC): Hon Speaker, the ANC welcomes the handover of 72 hectares of land by the SA National Roads Agency Limited, Sanral, to the Human Settlements department on Friday, 19 February 2016, in Knysna, in the Western Cape. The ANC-led government plans to use the land to build houses for Knysna residents. The land will be used to build 500 houses, a clinic, a school and a police station. The Ministers of Transport and Human Settlements officiated at this handover ceremony. The ANC wants to close the gap between the rich and poor and to make sure that the people of Knysna also enjoy the kind of decent life that everybody else around this province enjoys.

The Department of Human Settlements has committed itself to move the informal settlement dwellers to their new homes within the next two years. This has created a lot of excitement among the poor households of Knysna, who have confirmed that they cannot wait for construction to begin. The land, previously owned by Sanral, was initially earmarked for the construction of a road to ease congestion on the N2 along the Garden Route. The ANC-led government welcomes this project and commits to acquire an additional 201 hectares of land to address the housing backlog in Knysna. [Applause.]

#### **DA'S VISION FOR BUFFALO CITY METRO**

(Member's Statement)

Ms T STANDER (DA): An ANC member confessed to the Ndevana police that a Buffalo City Metro, BCM, ANC branch chairperson approached him to assassinate DA branch chairperson, Thanduxolo Xothongo, and her mother. It was Matthew who quoted Jesus saying:

Beware of false prophets, who come to you in sheep's clothing, but inwardly are ravenous wolves. You will know them by their fruits.

The fruits of the ANC are corruption, bribery and terrorism, as they desperately clutch onto power. As the ANC fractures and collapses, the DA is growing, uniting and strengthening members from across Dimbaza to Macleantown, Zwelitsha to Mdantsane, Khayelitsha to the greater East London.

The DA's vision sees the fear the ANC generates smothered by ensuring freedom, justice and safe communities. The DA's vision sees the dreams of opportunity reignited and the potential of people unleashed under a DA government that provides quality education and jobs to the 280 000 people unemployed in the BCM. The DA's vision fuels hope of a fair society that cuts corruption and delivers to all. The DA's values of redress, reconciliation, delivery and diversity will return dignity, heal divisions and mend hearts. The DA will not back down from this new struggle for freedom, fairness and opportunity. We are resolute and unafraid. [Time expired.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Please note that the time allocation for a statement is very specific and we will apply it as such.

**EFF HANDS OVER LEARNING MATERIAL TO GRADE 12 LEARNERS**

## (Member's Statement)

Ms H O HLOPHE (EFF): The EFF is the only party that is concerned on a daily basis with the struggles of our people. It is the only party that specifically takes education seriously, inspired by the goal of ensuring universal access to education for all. The deputy president - let me just clarify, not the Deputy President of the country but the deputy president of the EFF and the Chief Whip of our caucus in Parliament - led the handing over of essential learning and teaching support material to more than 200 Grade 12 learners ... [Applause.] ... in two schools he adopted. The names of the schools are George Sonto High and Mphambo High School in Malamulele ... You must listen because you are working ... in Limpopo province on Friday, 19 February 2016.

This learning material includes study guides for all learners studying mathematics, life sciences, accounting and English and video lessons sourced from Americom and Mindset Learn, as well as laptops, projectors and screens.

The EFF deputy president, Commissar Floyd Nyiko Shivambu, will also engage the learners on career information and admission, bursaries, applications to post-secondary and training institutions, inclusive of universities, universities of



technology and Technical and Vocational Education and Training, TVET.

The HOUSE CHAIRPERSON (Mr C T Frolick): Your time has expired.

Ms H O HLOPHE (EFF): Hayi, it can't be. It can't be, Chair. This is valuable information.

The HOUSE CHAIRPERSON (Mr C T Frolick): Your time has expired. You must use another opportunity to share that information.

Ms H O HLOPHE: Hayi, Chair.

### **ANC MARCH FOR UNITY**

(Member's Statement)

Ms P E ADAMS (ANC): Chairperson, the ANC commends thousands of its members, supporters and ordinary South Africans who took part in its march for unity, nonracialism and democracy through the streets of Pretoria to the Union Building last Friday. The march was aimed at facilitating a national conversation among South Africans following the recent racist practices that have played out in some parts of our country.

This was a historic and peaceful march organised by the ANC and we applaud all our members for turning out in their thousands to take a stand against racism and all forms of prejudices and discrimination that have no place in our democratic society. We found it very disturbing that in recent months the country has witnessed incidences of racism, which at times were disguised as freedom of speech. The ANC calls upon all South Africans and all South African national groups to deepen democracy by embracing unity as a cornerstone for a better South Africa.

#RacismMustFall. I thank you. [Applause.]

#### **GOVERNMENT MONEY NOT FOR ELECTIONEERING**

(Member's Statement)

Mr M HLENGWA (IFP): Hon Chairperson, the government does not contest elections and neither does the state. Therefore state and government money should not be used for elections. By-election after by-election, the Department of Social Development is busy with food parcels all over the country. In Tlokwe and - I witnessed it myself on Sunday - ebaQulusini, the MEC of Social Development was there with loads and loads of food parcels. You are campaigning out of desperation, abusing state - taxpayers'-

money, to further your own gains. The fact that the playing fields are not even speaks to the fact that money is the milk of politics and, having been given the responsibility to oversee the money of the state, you are abusing it. If there is no by-election, there are no food parcels; where there is a by-election, there are food parcels.

Abantu bethu anibahloniphi. Nibabukela phansi. Nibenza izicashalala zokudla engabe niyahamba niyobakhankasa ngokuthembeka nangokweqiniso. (*Translation of isiZulu paragraph follows.*)

[You do not respect our people. You undermine them. You use them by giving them food parcels instead of campaigning faithfully and truthfully to them.]

This is to the extent that in ebaQulusini there is no water but you were bringing food parcels where you had erected a huge tent. Three houses down, there were three old ladies who needed wheelchairs and are living in a small house with 11 children. You could have given them the help that they need; you are busy with food parcels. This must come to an end if these elections are ...You cannot continue doing this. [Time expired]

[Applause.]

**COMMEMORATING 50 YEARS SINCE FORCED REMOVALS FROM DISTRICT SIX**

(Member's Statement)

Ms D H MATHEBE (ANC): Chairperson, the ANC joins the people of Cape Town in remembering that it is 50 years since the start of the destruction of District Six. Originally established in 1867 in terms of a colonial ordinance, District Six began as a community of freed slaves, labourers and immigrants. District Six was declared a whites-only area by the National Party government in 1966 in terms of the Group Areas Act of 1950. Sixty thousand black people were forcibly removed from areas in and around Cape Town, including District Six, and were resettled around the Cape Flats.

The bulldozing of homes and relocation of communities to the barren Cape Flats led to a sense of alienation that continues to be felt within many of our communities in Cape Town even today.

Sadly, a disturbing form of segregation continues to be enforced by the City of Cape Town through a network of municipal planning bylaws that have the effect of confining black people to the periphery of the CBD.

As we mark this event we do so with sadness, but at the same time acknowledge that these and other lessons from our painful past continue to remind us of our collective responsibility to build a truly united and nonracial South Africa. I thank you.

[Applause.]

**DISRUPTION OF MR LEKOTA'S SPEECH BY THE RULING PARTY**

(Member's Statement)

Ms D CARTER (Cope): Chairperson, Cope is shocked. The opposition is shocked. The nation is also shocked. The ruling party has killed the all-important neutrality that prevailed in earlier parliaments. Today there is open hostility and open partiality. The legislature has become a limp appendage of the executive because the ruling party majority has surrendered the legislature to the executive.

Honourable behaviour is no longer the norm in this honourable House. The ruling party could not bear to hear hon Lekota speak the truth last week. They drowned out his attempts to speak. The House curbed his freedom of expression and the privilege enjoyed by MPs to speak fearlessly. The ruling party cannot bear to hear

the truth. Hon Lekota ruffles their feathers by his mere presence. As a Robben Islander, Lekota holds up a mirror to the ruling party in which they dare not see themselves.

If what is happening in the House is not rapidly contained, disorder is going to spill out onto the streets and civil insurrection will follow. The ruling party has lost the moral high ground and is therefore unable to hold our society together.

The ruling party continuously accuses other parties of disruptive behaviour in this House. But, last week the nation saw to what extent ruling party...

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

Ms D CARTER (Cope): [Inaudible.] ... disrupting the House.  
[Inaudible.] ... a shebeen is more orderly than this House ...

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

Ms D CARTER (Cope): Thank you. [Time expired.]

**SCHOOL UNIFORMS HANDED OUT TO CHILDREN IN CAPE TOWN**

(Member's Statement)

Mr T Z M KHOZA (ANC): House Chairperson, it is every child's dream to have a school uniform, especially at the beginning of a school year, regardless of their poor family background. This should be a happy time for every child.

As the ANC we are aware that, for children from poor households, the excitement of the beginning of a school year can quickly be replaced by feelings of despair if their families cannot afford schooling necessities.

It is for this reason that the ANC welcomes the handing over of new school uniform packs to struggling children in Cape Town by the Minister and Deputy Minister of Social Development on Saturday, 13 February 2016. Targeting children from poor households, a number of schools from Gugulethu and Langa in Cape Town were given school uniform packs. A school uniform pack consists of three pairs of socks, two tunics or skirts for girl children, and two pairs of shorts or trousers for boys. The

uniform packs also come with a jersey, a tie and two shirts per child.

The provision of school ... [Interjections.] ... [Inaudible.]  
[Applause.] [Time expired.]

**CALL FOR PRESIDENT JACOB ZUMA TO WITHDRAW FROM DEBATES  
ON THE ECONOMY**

(Member's Statement)

Mr D J MAYNIER (DA): Chairperson, last week I said that, on 9 December 2015, President Jacob Zuma pressed the red button and dropped what amounted to a nuclear bomb on the economy of South Africa. The decision to fire the former Minister of Finance, Nhlanhla Nene, turned an economic downturn into an economic crisis and unleashed a firestorm which destroyed investor confidence in South Africa.

But now, this week, with 48 hours to go before the tabling of the how-to-beat-a-ratings-downgrade budget, the President drops another bomb – this time a mini nuclear bomb – by saying that ‘‘the hon Des Van Rooyen was more qualified than any Minister I have ever appointed before.’’ [Interjections.] What exactly is he trying to say? [Interjections.]



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

Mr D J MAYNIER (DA): That the Finance Minister is the second-best man for the job?

Whatever the case, in the end, the statement only serves to undermine the Finance Minister and undermine investor confidence.

And so, one wonders whether the President's Cabinet colleagues don't agree with me: It is time for President Jacob Zuma to withdraw from the debates on the economy rather, like his predecessor, the hon President Thabo Mbeki, withdrew from the debates on HIV/Aids. They know and I know that we would ... [Interjections.] [Inaudible.] ... if he did it. [Applause.] [Time expired.]

**OPENING OF NEW XDR-TB UNIT AT NKQUBELA TB HOSPITAL IN MDANTSANE**

(Member's Statement)

Dr P MAESELA (ANC): Hon House Chairperson, the ANC is committed to intensifying the fight against TB by improving screening and treatment amongst the vulnerable groups. It is in this vein that we welcome the opening of the new extensively drug-resistant

tuberculosis, XDR-TB, unit in East London in the Eastern Cape. This new unit at the Nkqubela TB Hospital in Mdantsane will accommodate 60 patients, and will help to ease the pressure at Fort Grey Hospital which is the only hospital that currently caters for patients with the XDR-TB.

The ANC asserts that TB is dangerous and contagious as it has killed a lot of people throughout South Africa. The good news is that it is completely curable. Therefore, we appeal to South Africans to go for TB screening in support of the government programme of testing 1,3 million citizens for TB and HIV by September 2016, prioritising mostly farm and mineworkers and those from informal settlements.

The ANC also believes that this undertaking will assist in the improvement of the health status of the population as well as in addressing the challenges of TB. Thank you. [Applause.]

**CITIZENS STILL LIVING UNDER BAD CONDITIONS AFTER 21 YEARS OF  
DEMOCRACY**

(Member's Statement)

Mr S M JAFTA (AIC): Hon House Chairperson, it is very alarming to notice that many citizens of this country are still living under bad conditions even after 21 years of democracy. Many people living in Glanville, Ward 34, in the eThekweni Metro, occupying two buildings with more than 70 families in each building, are really deserted and not getting the services from government. These people live in old dilapidated buildings which can fall at any time. Their area is not clean and very unhealthy for human beings to live in.

It is not clear who now owns these buildings which were allegedly once owned by a certain Mr Mohamed, who is also not traceable. These people, like any other citizens of this country, deserve basic services such as clean water, electricity and others. We therefore call upon the eThekweni Metro not to close water and electricity services to such people, but to intervene and find solutions to their problem to restore their human dignity. I thank you.

**KWAZULU-NATAL PROVINCIAL GOVERNMENT TO TRAIN NURSES, DOCTORS AND**

**THERAPISTS IN SIGN LANGUAGE**

(Member's Statement)

Ms L N MJOBO (ANC): Hon House Chairperson, the ANC recognises people with disabilities as equal citizens who should also enjoy equal rights and benefits like any other citizen. It is for this reason that we welcome bold plans by the provincial government of KwaZulu-Natal to train nurses, doctors and therapists in sign language. This will ensure that there is improvement in terms of access to health facilities by people with disabilities. This is the first phase of the training of doctors, nurses, therapists and others within the next two years.

The provincial government has already trained 20 frontline workers in basic language in five health districts. These include media liaison officers, admitting clerks, porters and pharmacy assistants. A signboard declaring provincial health institutions as sign language user-friendly will be part of all provincial health institutions.

The ANC calls on all health care professionals and organisations representing people with disabilities to work together with government to find ways to deal with barriers that limit access to facilities by people with disabilities. We also call on government to ensure that the needs of people with disabilities ... [Time expired.]

**FUNDING FOR UNIVERSITIES**

(Member's Statement)

Prof B BOZZOLI (DA): Hon House Chair, I note Minister Nzimande's absence from this House but his presence on Twitter this afternoon, while our universities are literally burning amidst an unyielding torrent of protests. [Interjections.] This is the culmination of decades of neglect of this sector by the ANC-led government, a government which acted only when students were tearing down the fences around the Union Buildings last year.

The DA continues to support peaceful protests; however, rogue elements have now hijacked the legitimate demands of students. Students of all persuasions are employing violence and intimidation against staff and their fellow students.

Instead of providing decisive leadership, government is hiding behind the old excuse that a commission of inquiry is, and I quote, ``looking into it''. Yet it appears that this commission has not even met yet, and the Minister is nowhere to be seen.

Although this government engineered a quick fix for #FeesMustFall, and did provide some relief for many students, the crisis is far from over. The funding shortfalls, which

underlie 90% of these protests, are so huge and so long-standing that the very survival of our universities is at stake.

The DA thus calls on Minister Gordhan to give vice chancellors the funding they need to face this crisis. Our universities are ablaze, and the only thing that can quench the inferno is a deluge of money, not the hot air of promises and talk shops. Thank you. [Applause.]

#### **TRAPPED WORKERS AT LILY MINE**

(Member's Statement)

Ms H V NYAMBI (ANC): Hon House Chairperson, the ANC pledges solidarity and support to the families of the workers trapped at the Lily Mine and the entire nation during this difficult moment. Since day one of this unfortunate incident, government and the ANC leaders have visited the mining site and have also visited the families of the trapped miners and the management of the Lily Mine.

The ANC is encouraged by the level of commitment displayed by the management of the Lily Mine to do everything in their power to find the three trapped workers. We are satisfied that the

management has committed to bringing the workers back to the surface, regardless of the circumstances.

The families of the three miners have been camping inside the mine premises since Yvonne Mnisi, Pretty Mabuza and Solomon Nyarenda were trapped in the mineshaft on 5 February. We are fully aware that every minute counts and that time is of critical importance.

We were informed that rescue operations will resume after another delay due to a broken rescue machine. We would like to express our appreciation for the swift response and support shown by the Minister in the Department of Mineral Resources as well as the Premier of Mpumalanga province and the local mayor. I thank you. [Applause.]

#### **MEASURES PUT IN PLACE FOR ZIKA VIRUS OUTBREAK**

(Member's Statement)

Ms C N NDABA (ANC): Hon House Chairperson, the ANC welcomes the announcement by government that it has put measures in place to protect South Africa's ports of entry from any possible

infiltration of the Zika virus carried by the mosquito subspecies.

This comes after the confirmation by the Department of Health of the country's first Zika virus case - a Columbian businessman who appears to have contracted the virus outside South Africa.

The man was diagnosed after he presented himself to doctors in Johannesburg with a rash and fever. It is understood he acquired the infection in the South American countries before travelling to South Africa.

As the ANC we further welcome the assurance by our Minister of the Department of Health, Dr Aaron Motsoaledi, that there is no cause for panic. Our people are well protected against the Zika-transmitting mosquitoes.

We, however, wish to appeal to all South Africans, especially pregnant women, to adhere to the call made by the department not to travel to any area or countries where Zika virus transmission is currently ongoing, as well as to all travellers to pay special attention to their health after they return from Brazil or other affected countries. All travellers to Brazil and or



other affected countries are advised ... Thank you. [Time expired.] [Applause.]

**COMMEMORATING 50 YEARS SINCE FORCED REMOVALS FROM DISTRICT SIX**

(Minister's Response)

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS:  
House Chair, as we join the people of District Six in remembering the atrocities committed against them by the old ordinance system , let us be reminded that the dream country that we are looking for - the South Africa that we are looking for where people would be living in harmony and peace and where people will have access to opportunities without being discriminated against on the basis of race - is the one that we want all municipalities to practice at.

The indication of the usage of bylaws on the basis of race to push our people out of the central business district, CBD, of Cape Town is something that we treat as a very serious allegation. We would like hon Mathebe to furnish us with the relevant details of the alleged practice so that we can follow it up in the spirit of intergovernmental relations with the affected municipalities and the affected MEC. Thank you very much, Chair. [Applause.]

**FUNDING FOR UNIVERSITIES** (Minister's Response)

The MINISTER OF SCIENCE AND TECHNOLOGY: Chairperson, the hon member of the DA who spoke on higher education knows that what she said is far, far distant from accuracy. The ANC government has done a great deal with respect to investment in higher education since 1994. She is aware of the truth of this having been a deputy vice chancellor. She knows the investments that have been made in higher education ... [Interjections.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Minister, let me just take this point of order, please. Yes, hon member, why are you rising?

The CHIEF WHIP OF THE OPPOSITION: I am rising in terms Rule 105, subsection (8), if I may. It is about the preference of Ministers' responses. If the respective Minister is not here, the Deputy Minister needs to respond. The Deputy Minister of Higher Education is here, and I would like to understand why the Minister of Science and Technology is dealing with the question.

The HOUSE CHAIRPERSON (Mr C T Frolick): No, hon member. Firstly, if you look at the nature of the statements, some of them are

not very specific in terms of the specific area that is being addressed. Secondly, Cabinet is clustered in a particular way that does not necessarily conform to the clustering that we are using in Parliament and, in this instance, I will allow the Minister to respond. Continue, hon Minister.

The MINISTER OF SCIENCE AND TECHNOLOGY: There are several reasons for me to respond. Firstly, Science and Technology provides significant support to universities in our country because it is the major funder of postgraduate education in South Africa. The changes we are seeing in higher education relate to the role that we play, both as Science and Technology as well as Higher Education and Training.

Secondly, the hon member is well aware that the hon member from his party indicated that no changes have occurred in higher education and there is inadequate support by the ANC government since the inception of democracy. He is aware that I was the Minister of Education in South Africa and know, as does his member, that we provided significant funding increases both for support to students as well as for ensuring that we improve infrastructure in higher education institutions in the country. So, the hon member is fully aware that the motion that they have

moved does not stand the test of facts. Thank you.

[Interjections.]

The CHIEF WHIP OF THE OPPOSITION: Chairperson, I rise in terms of Rule 105. It's a statement made by the hon Bozzoli and not a motion ... [Interjections.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Yes, we are dealing with statements, hon member.

#### **MEASURES PUT IN PLACE FOR ZIKA VIRUS OUTBREAK**

(Minister's Response)

The MINISTER OF HEALTH: House Chair, on the issue of the Zika virus, I am quite aware that every time there is an outbreak of disease, people get worried to the extent that they do sometimes panic. So, it would be important to give more information. I would like to start by stating that I am on record for mentioning that I don't regard the incident that took place last year involving a Colombian businessman as the country's first case of Zika because, as I said, that infection never took place here on our soil.

What I would also like the House to know is that the Zika virus is not a new virus. It was isolated as far back as 1947 in the rhesus monkey in the Zika Forest in Uganda. That's where it got its name from. From there, there was isolation from humans in Nigeria in 1968. The Zika virus doesn't kill. We don't know any person since that time who died because of this virus. The disease itself is self-limiting with flu-like symptoms and it will only be there for two to seven days; thereafter it disappears, as it did with this Colombian businessman.

The biggest problem with Zika is in relation to pregnant women, and that's where our biggest fear is. We fear the disabilities that the foetus might experience like microcephaly [my-kroh-SEF-uh-lee]; some people call it microcephaly [my-kroh-KEF-uh-lee]. I want to reassure the House that we are ready. Remember, it was not too long ago that we had the ebola outbreak. The teams, the methods and procedures that we used to fight ebola are still in place, and we have just reactivated them. We feel that everything is in order.

Lastly, chairperson ... Thank you. [Time expired.]

**EFF HANDS OVER LEARNING MATERIAL TO GRADE 12 LEARNERS**

(Minister's Response)

The DEPUTY MINISTER OF BASIC EDUCATION: Chairperson, I would like to thank the hon Hlophe for the statement that she made. Indeed, the deputy president of the EFF must be congratulated and commended for the support that he provides to the schools. We also would like to take this opportunity to thank all political parties and the private sector for the collaboration. After all, the President has said that education is a societal issue and it is indeed a priority of this government.

Hon Chairperson, we have developed manifesto values in our system of education which is informed by the recognition of human dignity, respect and tolerance. We do believe that this forum here, being the most significant forum in terms whereof our learners will be inspired in terms of conduct, would invite members to act in a manner that accords with the dignity of the House, respect for authority and tolerance. That kind of expression of unity is significant.

We do believe that the hon Hlophe would be able to convey the sentiment to the leadership so that indeed we could encourage our learners to emulate the leadership in this particular House. I thank you.

**GOVERNMENT MONEY NOT FOR ELECTIONEERING SCHOOL UNIFORMS HANDED  
OUT TO CHILDREN IN CAPE TOWN**

**KWAZULU-NATAL PROVINCIAL GOVERNMENT TO TRAIN NURSES, DOCTORS AND  
THERAPISTS IN SIGN LANGUAGE**

(Minister's Responses)

The DEPUTY MINISTER OF SOCIAL DEVELOPMENT: House Chair, I'll just deal with the three questions remaining that are directed to Social Development. Firstly, to the hon members, in 2004 the National Assembly passed the Social Assistance Act, Act 13 of 2004. In that Act, we talk about social relief of distress.

I really want to correct members and urge them to read that Act so that they don't think Social Development has anything to do with food parcels. We don't deal with food parcels, but we deal with what the Act prescribes and it has nothing at all to do with elections because it simply says that South Africans that are poor can only be fed during elections. We don't. The Social Assistance Act is very clear on that matter. [Interjections.]

Allow me, House Chair, to deal with the second aspect. We thank the hon member for the recognition for the children who are

supposed to receive uniforms. It is also reflected in the same Act because every poor South African child that requires a uniform has the right to get it. We have rolled out, just in these two months, more than 160 000 uniforms and we continue to do so in partnership with the principals. Let me also say that it has nothing to do with elections. Since 2004, children have been getting uniforms, as directed by the Act.

Lastly, we encourage all departments that have frontline employees to join the department of health in KwaZulu-Natal in ensuring that the inherent dignity of deaf people is assured so that those who are at the frontline point of providing services can speak to deaf people in sign language, as that is their first language. We congratulate the department. Thank you very much. [Time expired.]

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON PUBLIC WORKS -  
EXPROPRIATION BILL**

There was no debate.

The DEPUTY CHIEF WHIP OF THE MAJORITY PARTY: Hon House  
Chairperson, I move that the Report be adopted.



The HOUSE CHAIRPERSON (Mr C T Frolick): The motion is that the Report be adopted. Are there any objections? [Interjections.] Are there any objections? [Interjections.] There are objections. I put the question. Those in favour will say ``Aye''. [Interjections]. And those against will say ``No''. [Interjections.] I think the ``Ayes'' have it.

The objection that was mooted will be recorded. The Secretary will read the Second Order. [Interjections.]

Ms H O HLOPHE: Just put it on record that the EFF is objecting to this report, Chair.

The HOUSE CHAIRPERSON (Mr C T Frolick): It will be noted.

Motion agreed to.

Report accordingly adopted (Economic Freedom Fighters dissenting).

**EXPROPRIATION BILL**

(Second Reading debate)

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon members, amendments to the Bill had been proposed in terms of Assembly Rule 254, and have been published on the Order Paper. Members may address these amendments during the course of the debate on the Expropriation Bill.

The CHIEF WHIP OF THE OPPOSITION: House Chairperson!

The HOUSE CHAIRPERSON (Mr C T Frolick): Yes, hon Chief Whip.

The CHIEF WHIP OF THE OPPOSITION: Hon House Chair, I rise on Rule 254. The amendments, as far as I can see, are not above the line. They are much further down. So, shouldn't they be lifted above the line for consideration in the House today?

The HOUSE CHAIRPERSON (Mr C T Frolick): What we will do, hon Steenhuisen, indeed, is that it will be considered. It will be part of the proceedings before we formally deal with the consideration of the Expropriation Bill. So, we will get to that point in terms of our procedure.

The MINISTER OF PUBLIC WORKS: House Chair, ... [Interjections.]

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

The MINISTER OF PUBLIC WORKS: ... hon Ministers, Deputy Ministers and hon members, thank you for this opportunity to speak in support of the Expropriation Bill.

Let me begin by briefly reminding the House why we need a new law on Expropriation.

Expropriation is recognised as an essential mechanism for the state to acquire property in certain instances such as for essential infrastructure, land reform and conservation and is thus protected by the Constitution.

The general framework for expropriation is outlined in section 25 of the Constitution, which provides that the property may be expropriated only in terms of a law of general application, and that no law may permit arbitrary deprivation of property. The Constitution further determines that expropriation may only occur for public purpose or in the public interest and subject to the payment of compensation. The concept of 'public interest' includes the nation's commitment to land reform, reforms to bring about equitable access for all South Africans to all South Africa's natural resources, and other forms to redress the results of the past racial discriminatory laws and practices.

So, the prevailing Expropriation Act of 1975 confers the powers to expropriate property for public purposes on the Minister of Public Works, and generally sets out procedures to be followed by the expropriating authority when carrying out the expropriation.

The review of the 1995 Expropriation Act became necessary to ensure consistency with the spirit and the provisions of the 1996 Constitution, in particular, with the equality clause, with the property clause, and with the need for just administrative action, as well as to extend the purpose for expropriation to include public interest.

So, the main changes are as follows then: The 1995 Act limits compensation to owners, holders of registered rights and only holders of certain unregistered rights. Section 25 of the Constitution, however, requires compensation to be paid to all persons affected by expropriation.

Compensation in terms of the 1975 Act is determined primarily on the basis of the market value. Section 25 of the Constitution, however, requires that just and equitable compensation be paid and that such compensation be determined by having regard to all

relevant circumstances. I want to emphasise that - all relevant circumstances - without placing undue weight on any single factor, as is happening now, where people just talk about the market value of the property.

I quote from the Constitution.

- ... having regard to all relevant circumstances, including -
- (a) the current use of the property;
  - (b) the history of the acquisition and use of the property;
  - (c) the market value of the property;
  - (d) the extent of direct state investment and subsidy in the acquisition and beneficial capital improvement of the property; and
  - (e) the purpose of the expropriation.

This Bill is about equity, given the history of dispossession and colonialism.

The 1995 Act does not embody constitutional principles of just administrative action. Indeed, the 1995 Act is draconian in comparison to the new Bill, which incorporates the constitutional principle of administrative justice. This principle of administrative justice is so important because you can have all the rights, but if you do not have the tools to implement them, all these rights will just remain rights on paper.

There is a long list of authorities within all the spheres of government that are empowered to expropriate property through the various pieces of legislation, which prescribe varying procedures for expropriation. There is, therefore, the need to provide certainty to all parties involved in an expropriation.

The Expropriation Bill does not interfere with the powers of the existing expropriating authorities. Rather the Bill ensures that the procedures for all expropriations are uniform, consistent with the Constitution, and fair to all the parties.

And I want to emphasise this: equity, equity, and equity is key in our country today. Thank you. [Applause.]

Mr B A D MARTINS: Hon Chairperson, hon Minister and Deputy Minister of Public Works, and hon members of the House, one of the most fundamental historic injustices in South Africa was the systematic dispossession of black people in general and Africans in particular of their land by the 1913 Land Act, which spawned poverty, unemployment and inequality in its wake.

The plight of the uMgungundlovu land claimants of Mbizana in the Eastern Cape is an example of the bitter harvest of apartheid Bantustan policy. In 1978 the peasants, subsistence farmers and villagers of the Wild Coast area of Mbizana were ordered to abandon their land and vacate their villages and to find themselves alternate places of abode.

From 1979 to 1981, they were forcefully removed from their homes and not given alternative land to build themselves new homes. They were not compensated for the pastoral land crops and homes. The community ultimately settled on a rocky infertile outpost of Mbizana and lived in grinding poverty and misery.

Decisive action and effective radical economic transformation is required to address the injustices of the past. The Expropriation Bill is one of the measures by the ANC government to effect transformation in the national interest and to

contribute to the eradication of poverty, unemployment and inequality.

The Constitution of the Republic of South Africa of 1996 recognises expropriation as an essential mechanism for the state to acquire property for a public purpose or in the public interest, subject to just and equitable compensation being paid.

The Expropriation Act, Act 63 of 1975, predates the expropriation provision provided for in section 25(2) of the Constitution. The Constitution is the supreme law of South Africa. Legislation or conduct inconsistent with it is invalid, and the obligations it imposes must be fulfilled. At present there are numerous authorities within all spheres of government which have the power to expropriate property through various pieces of legislation. There is thus a need to ensure uniformity in the manner in which organs of state undertake expropriation.

The Expropriation Bill seeks to ensure consistency with the Constitution and uniformity of procedure of all expropriations without interfering with the powers of expropriating authorities. The objective of the Bill is to align the Expropriation Act of 1975 with the Constitution, and to provide



a common framework to guide the processes and procedures for expropriation of property by organs of the state.

The Bill does not seek to interfere with the powers of expropriation conferred on provinces by specific legislation, but prescribes uniform procedures to be followed by all expropriating authorities when exercising their powers.

The preamble of the Bill in its entirety is the overarching framework which will govern the interpretation and implementation of the Bill once it is enacted. The preamble is based on section 25 of the 1996 Constitution of the Republic of South Africa which, under the heading ``Property'', stipulates, amongst others, the following:

Section 25(1) states that:

No one may be deprived of property except in terms of law of general application, and no law may permit arbitrary deprivation of property.

Section 25(2) states that:

Property may be expropriated only in terms of law of general application -

(a) for a public purpose or in the public interest; and

(b) subject to compensation, the amount of which and the time and manner of payment of which have either been agreed to by those affected or decided ... by a court.

Section 25(3) furthermore states that:

The amount of the compensation and the time and manner of payment must be just and equitable, reflecting an equitable balance between the public interest and the interests of those affected, having regard to all relevant circumstances, ...

Section 25(4) stipulates:

(a) the public interest includes the nation's commitment to land reform, and to reforms to bring about equitable access to all South Africa's natural resources; and  
(b) property is not limited to land.

Section 25(7), on the other hand, states:

A person or community dispossessed of property after 19 June 1913 as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to restitution of that property or to equitable redress.

The Portfolio Committee on Public Works, in execution of its mandate, called for written submissions and received a total of 29 submissions from interested parties and organisations. The portfolio committee also held public hearings over several days. Nine individuals representing various organisations addressed the portfolio committee.

The committee deliberated on the submissions it received. These deliberations resulted in the ``B'' version of the Bill, namely the Expropriation Bill [B4-2015], which the portfolio committee considered on 26 January 2016. The portfolio committee concluded its deliberations on the Bill on 2 February 2016. The Bill was adopted with amendments. The objections raised by members are addenda to the portfolio committee's report.

The state law advisers are of the opinion that the Bill must be dealt with in accordance with the procedure prescribed in section 76(3) of the Constitution since it, in substantial measure, falls within several of the areas of concurrence of national and provincial legislative competence listed in Schedule 4 of the Constitution.

Hon members, I recommend the Bill to the House for adoption. I thank you. [Applause.]

Ms S P KOPANE: Chairperson, the Expropriation Bill has been a highly contentious Bill, one which we have ultimately decided to oppose.

In principle, the idea of an Expropriation Bill is something we do not oppose as a party, because it's mandated by the Constitution as set out in section 25 thereof, which states: Property may be expropriated only in terms of law of general application -

- (a) for a public purpose or in the public interest; and
- (b) subject to compensation ...

However, we cannot allow this Bill to be passed in its current form. The Bill does not go far enough to protect all citizens from a power-hungry government who'd have the potential to abuse the right to expropriate, to the detriment of the economy and all South Africans.

There are many aspects of the Bill which are of major concern to us. Of particular concern is the mechanism through which compensation is determined. In its current form the Bill ensures that specific circumstances are considered when determining the amount of compensation. However, hon Minister, you know that the

Bill is silent on who determines the nature and the extent of the considerations. It appears as if it is the expropriating authority who will ultimately determine the considerations which are, amongst others, the market value, the history of acquisition and the use of the property.

The question then arises whether the expropriating authority has adequate skills to accurately and fairly determine the above-mentioned considerations. We suspect not, and this will surely lead to the property owners being financially disadvantaged. Furthermore, another major concern is the timing on when the right of possession passes. As it currently stands, the right of possession passes on the day stated in the Notice of Expropriation.

In theory one should receive compensation prior to the date so that the property owner has sufficient finances to find alternative accommodation, which is simply logical and fair. However, there is no provision to ensure that those who are losing their property are paid compensation within a reasonable time prior to the state taking control of the property. This will inevitably lead to the instances where property owners are obliged to vacate their land but have not yet been paid the

compensation and, thus, they are unable to find alternative accommodation.

These are but a few of the multitude of concerns we have regarding this Bill in its current form. If the Bill is passed today in this form, it will really have a detrimental impact on the economy. It is essential that all citizens know their property rights are secure. Moreover, it is crucial for foreign investments that property rights are secure. Without this knowledge, South Africa will no longer remain a desirable destination for foreign investment. If the ANC-led government is serious about growing the economy and creating jobs, they will have no other choice but to refer this Expropriation Bill back to the drawing board so that an adequate balance is achieved between the rights of the property owners and the government's right to expropriate property in the public interest for a public purpose and upon just and equitable compensation. Thank you. [Applause.]

Mr T RAWULA: Chair, I speak here on behalf of Commissar Marshall Dlamini who has since left to convene the election taskforce in eThekweni.

The EFF is the only party that rejects this Bill from a correct and progressive perspective. The fact of the matter is that the land was stolen by the white minority regime and those who currently occupy the land are occupying stolen property, stolen from the black majority. The EFF calls for the total expropriation of South African land without compensation so that we can restore the dignity of our people because, as long as our people remain landless, we'll remain a conquered nation by the white people and their handlers, which is white monopoly capital.

We call for the expropriation of land without compensation so that we can grow our agricultural industry because, as things currently stand, we're the net importers of food. That means we are a nation that cannot feed itself. When it comes to the issue of land in South Africa, we have two problems. The first problem is the white people who continue to occupy our land without any remorse. They do that because they know South Africa is a pretentious society. Even the reconciliation that they preach about, they know it's pretentious. South Africa is the only country that went to war because of land but when we achieved victory and freedom, instead of getting the land, we were rewarded by exchanging meals in restaurants with white people, as if that is what we fought for.

If white people want to continue with these pretentious arrangements, they must speak to the ANC because it is only the ANC who believes that exchanging fake smiles with whites in the corridors of this Parliament is an achievement. White people continue to occupy our land; white people continue to run our economy, and white people continue to insult us and call us names. As the EFF, we are here to fight for our land and economy, and we know the enemy.

The second problem is this useless ANC government that 11 million landless black South Africans voted into power to pass laws that will restore their dignity, but they go to Parliament and get excited by dining with white people and betray their voters.

We are rejecting this Bill as we don't believe it's done in the interests of the majority of the citizens of this country who are black. In 1913, under the colonial dispensation, a white man with a white adviser led a government delegation to pass laws which forcefully removed our people from their land. In 1948 the apartheid dispensation intensified their theft of our land. Under the ANC government, 22 years into democracy, another white man called Jeremy Cronin, with a white adviser, is here today



leading a government delegation that is here to pass the law that says government must pay for the land that is expropriated.

[Interjections.]

Ms H H MALGAS: Chair, I have a point of order. The member at the podium referred to hon Jeremy Cronin as Jeremy Cronin and he insulted him too. I think that you should just check that.

[Interjections.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, thank you. Continue, hon member. [Interjections.]

Mr T RAWULA: We're saying that because the former Minister of Finance, Nhlanhla Nene, told this House last year that the South African government had reached its spending and borrowing capacity, which means they don't have money to buy land. When you've got two contradicting views of the Ministers of the same government ... [Interjections.]

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

Mr T RAWULA: ... you reach a stalemate, and when you reach a stalemate, the status quo remains. The current status now is

that two million white people own 79% of South African land and 42 million blacks only own 8% of the land. We're also rejecting this Bill because it is in contradiction with section 25(3)(b) of the Constitution, which clearly states that before you compensate you must determine how the land was acquired.

South African history tells us that the land was stolen by white people from black people. The only sane thing that we should be doing today is advocate for a constitutional review] ... and amend section 25 of the Constitution and stop playing games. Amandla! [Time expired.] [Applause.]

The HOUSE CHAIRPERSON (Mr C T Frolick): The next speaker is the hon Sithole. [Interjections.] Order, hon members! Order! Hon members! Hon members from both the ANC and the EFF. Order, hon members! Continue, hon member.

Mr K P SITHOLE: Hon House Chairperson, let me state at the outset that the IFP supports this Bill, but just has two reservations.

This is a Bill which, if passed into law, will confer sweeping and almost unilateral powers through which government can expropriate land in the public interest or for public purposes.

In other words, it means extremely contentious processes. We support this Bill because we recognise the urgent attention that this issue requires.

The Bill is both necessary and long overdue as this government has belaboured addressing the issue over the last 20 years. It must be remembered that this Bill seeks to repeal the Expropriation Act, Act 63 of 1975. The needs of landless communities in South Africa must be addressed. Government seems to still not have plans to accommodate tenants and farm workers, some of whom are third generation tenants with nowhere to go when they are evicted by landowners. This is a powder keg of contention which must not be allowed to explode. We have already seen strained relations and farm murders taking place over land issues. This requires urgent attention.

Adding to this are the government's delays in buying land that is freely and readily available on the market. This means farms lie fallow and lose their value, making it too costly for new owners to make the farm financially viable. Farms then fail but it is government that helped create such failures.

Returning to the Bill, we have reservations with its drafting, namely, the ambiguity and vagueness of certain sections which

could open up a volley of litigation which, in turn, would delay the purpose of the Bill.

In respect of compensation paid to landowners whose land was expropriated, we remain firm in the resolve that this must be of fair market value. Expropriation terminates use and ownership of land. How then can the owner whose land was expropriated be expected to remain financially responsible for the upkeep and maintenance of property after the expropriation? We also state once again that the land of traditional communities should be seen as already perfectly allocated, and should not be part of the land programmes aimed at redistribution and restitution. I thank you.

Mr M S MABIKA: Hon House Chairperson, the Expropriation Bill in its current form before us has been tabled by the Minister with the intention of speeding up the land reform process. The current track record of land reform, however, shows that almost 73% of all projects have failed. Our government spent billions of rand on buying land for reform purposes but then failed to empower the newly and emergent farmers through knowledge and technical assistance. This failure has resulted in productive farms now being unproductive and emergent farmers feeling that

they have failed whereas it is the government that has failed them.

So, the failure of our land reform programme is not only due to availability of land but also due to the failure of the government to understand that land reform is more than just about land. It is about resources, knowledge, skills transfer and technical assistance. As long as the ANC fails to comprehend this, our land reform programme will continue to fall short of expectations and aspirations of our people.

The Bill, according to the hon Minister of Public Works, will also facilitate the speeding up of infrastructure programmes. The NFP is fully in support of any programme of action to speed up infrastructure development because we are serious about service delivery to our people. However, we question whether the Expropriation Bill will succeed in this regard. The current ANC-led government is failing to deliver services and develop infrastructure because of the incompetence of its officials and the confusion in its policies. For as long as the ANC remains in power, the people will continue to suffer from lack of service delivery and infrastructure because ANC cadre deployment will continue to fail them.

What we find most alarming as the NFP is that the Bill will give the state the power to take the property upfront by notice of expropriation and without an order of the court. There are not sufficient safeguards in the Bill to protect people from greedy individuals in government. We may find a landgrab by ruling political elites on an unimagined scale. We firmly believe that any decision to expropriate property from any South African should be subject to an order of the court. With the rampant corruption in government and the incompetence of the ANC-deployed cadres, expropriation of private property cannot be left in the hands of politically-aligned individuals. Our people need protection against abuse of power and the Bill in its current form falls far short of the ideal.

In conclusion, the NFP has serious reservations about the Expropriation Bill in its current form but, despite our caution, we will support the Bill. I thank you.

Mr M L W FILTANE: The Bill lacks constitutional compliance.

Chapter 2 section 9(3) of the Constitution states that:

The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race ...

I spoke to the people of Mbizana just now, and they confirmed that in spite of the promises, even by the current government, they are still owed money by government. So, you do not want to trust government when it comes to promising to compensate people. Most relevant here is section 25(7) which states that:

A person or community dispossessed of property after 19 June 1913 as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to restitution of that property or to equitable redress.

I may as well, because of its importance, refer to subsection 8 which provides that:

No provision of this section may impede the state from taking legislative and other measures to achieve land, water and related reform, in order to redress the results of past racial discrimination ...

Now, the balance of the Bill currently debated seems to lean more towards the provisions of section 25(7) to the extent that it may, by default, border on not satisfying the provisions of section 9(3) ...

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Filtane, can you just take your seat, please.

Hon members, there are too many meetings taking place here in the House, that are quite audible and make it difficult to follow the speaker in front. Let us show some respect to the speaker at the podium and allow him to be heard please; continue, hon member.

Mr M L W FILTANE: ... read together with section 25(8) of the Constitution.

This being the case, we argue that the Bill requires to be balanced so that it does not exclude the people whose property was dispossessed before 1913. This may be contrary to the provisions of section 9(2) of the Constitution. In any event, as it may be, a substantial amount of property was dispossessed before 19 June 1913. So, if the Bill passes in its current form, it means that the land of people who acquired land in South Africa before 1913 can never be touched, and the problems of people who were dispossessed of their land before 1913 can never be addressed by the government. So, consider your verdicts. Do



not just vote just because you belong to a certain political party.

By accepting the Bill as it is, the government would unintentionally and unavoidably exclude all instances of unregistered ownership before 1913.

Towards the end, I want to say that another important part is that the regulatory impact assessment, Ria, has not been done. So, even if this Bill is passed, there is no guarantee that the department would have the money for acquiring the land. So, it would be an exercise in futility; consider your judgment.

Lastly, the people are not being given a fair chance. When the government wants to expropriate under urgent circumstances, it gives them 20 days but the people have got an even shorter period of time. So, again, on the basis of unconstitutionality, we cannot support it in this current form. Thank you. [Time expired.]

Dr P J GROENEWALD: Voorsitter, laat ek ter aanvang sê die VF Plus verwerp hierdie wetsontwerp. Ons verwerp selfs dat dit enigsins wenslik is om so 'n wet in hierdie Parlement te debatteer.

Hierdie wetsontwerp is slegte nuus vir grondeienaars in Suid-Afrika. Dit is algemeen in die wêreld dat daar so iets soos 'n onteieningswet is, en ons het so 'n wet gehad, maar hierdie wet herroep die vorige wet, en die groot verskil is daarin dat wette wêreldwyd wat onteiening behels gewoonlik sê dat dit ten doel het om grond te onteien in belang van openbare gebruik - as jy 'n brug wil bou, 'n pad of wat ook al.

In hierdie geval waar ons nou met hierdie wetsontwerp sit, het ons 'n tweede aspek by, naamlik dat dit ook in openbare belang kan wees. Ja, Voorsitter, ek weet dit is binne die perke en aspekte van artikel 25 van die Grondwet wat sê dat dit spesifiek ook aangewend kan word vir grondhervorming in Suid-Afrika.

Ek wil ook vandag hê dat die mense en elke grondeenaar in Suid-Afrika moet weet dat hierdie wet die voorlaaste wet is waar grondgrype in Suid-Afrika op 'n wettige manier gedoen gaan word. In Zimbabwe het hulle dit onwettig gedoen. In Suid-Afrika wil die ANC-regering grondgrype wettig doen. Die agb President het in sy staatsrede gesê dat hulle besig is met die voorbereiding van 'n Wetsontwerp op die Regulering van Grondbesit. Die kern daarvan sal wees dat daar 'n beperking geplaas sal word op hoeveel grond jy mag hê: 5 000 hektaar en, in uitsonderlike

gevalle, 12 000 hektaar. Dan sê dit uitdruklik indien jy meer grond as dit het, sal dit onteien word. So, hierdie is die voorlaaste wet. Hierdie wet moet in plek wees sodat die volgende wet, ingevolge waarvan jou grond van jou weggeneem sal word, net eenvoudig dan deurgevoer kan word. Dis wettige grondgrype deur die regering.

Daar is baie tegniese aspekte wat bespreek kan word, byvoorbeeld die definisie van "grond". Ja, dis wyd, maar dit is die definisie in artikel 25 van die Grondwet, en ek hoop die instellings, veral die F W de Klerk-stigting, sal hierdie saak na die Grondwethof toe neem, want hulle vertel vir die mense dis ongrondwetlik. Kom ons toets dit in die Grondwethof.

Laastens, die EVV wat die heeltyd net kom met hul behepthheid dat die wittes die grond gesteel het ... almal weet dis onwaar. Die probleem is net, en ek gaan nie betrokke raak by daardie debat nie, want u weet, agb Voorsitter, daar is 'n spreekwoord wat sê dat 'n generaal nie van sy perd af klim vir elke brakkie wat vir hom blaf nie. So hou op blaf. [Tyd verstreke.] (*Translation of Afrikaans paragraphs follows.*)

[Dr P J GROENEWALD: Chair, let me state at the outset that the FF Plus rejects this Bill. We even reject any desirability to debate such a Bill in this Parliament.

This Bill spells bad news for landowners in South Africa. It is a worldwide phenomenon that Acts of expropriation exist, and we had such an Act, but this Act revokes the previous Act, and the important difference is that across the world Acts which entail expropriation usually state that it's object is to expropriate land in the interest of public use - if you would like to build a bridge, a road or whatever else.

In this instance where we are now dealing with this Bill, a second aspect is involved, namely that it may also be in the interest of the public. Yes, Chair, I am aware that it is within the limits and conditions of section 25 of the Constitution which states that it may specifically be applied to land restitution in South Africa.

I also would like people and every landowner in South Africa to know that this law is the second-last Act by means of which land grabs in South Africa will occur legally. In Zimbabwe this was done illegally. In South Africa the ANC government would like to execute land grabs according to law. The hon President said in

his state of the nation address that they are busy with the preparation of a Bill on the Regulation of Land Ownership. The gist of this will be that a limit will be placed on the amount of land you may own: 5 000 hectares and, in exceptional cases, 12 000 hectares. Then it emphatically states that should you have more land it will be expropriated. So, this is the second-last Act. This Act should be in place so that the next Act, according to which land will be taken away from you, can simply be implemented. This is land grabs made legal by the government.

There are many technical aspects which could be discussed, for example the definition of ``land.'' Yes, it is extensive, but this is the definition in section 25 of the Constitution, and I hope the institutions, especially the F W de Klerk Foundation, will take this case to the Constitutional Court, as they are telling the people it is unconstitutional. Let's put it to the test in the Constitutional Court.

Finally, the EFF who continually repeats their obsession that the whites stole the land ... everybody knows this is not true. The problem is just, I am not going to get involved in that debate, hon Chair. There is a saying which goes that a general does not get off his horse every time a doggy barks at him. So stop the barking. [Time expired.]

Ms D CARTER: Chairperson, the word ``expropriate'' simply means to deprive an owner of property. South Africa is a constitutional democracy and has, as its cornerstone, a Bill of Rights that enshrines the right to property. The Constitution also provides for expropriation by the state, subject to limitations. Whilst Cope is supportive of the need for the state to expropriate privately owned immovable property, it must be done lawfully and within the prescripts of our Constitution.

In its present format, the purpose of this Bill is to authorise the state by means of a simple notice to expropriate private property when it is deemed to be in the public interest. In essence, the state, be it national, provincial or local, state-owned entities such as Eskom and Telkom, as well as other state entities and agencies would be empowered - by an administrative order and without an appropriate court order - to expropriate any land, including residential, business, agricultural and mining, without regard to the common law and our Constitution.

Where this proposed power is abused, it puts the onus on the landowner to seek redress and relief from a court at great personal expense. The question is the following: What happens in cases where the landowners cannot afford the legal costs? As the

Bill reads, the state is also empowered to unilaterally determine the amount of compensation without taking into consideration, for example, any registered bonds on the property or the financial loss incurred by the owner or the bank. That is a concern.

Cope considers the current Bill unconstitutional as it allows the state to expropriate property by simple government notice without a court order. At a time when we, as a nation, are trying to stave off the real threat of being relegated to junk status, and when we are trying to create an environment conducive to economic growth, job creation, and policy certainty, the ruling party, in its wisdom, then proposes that Parliament adopts an expropriation Bill that contains questionable constitutional provisions, a Bill that facilitates the possibility for the unchecked abuse of power and authority to expropriate private property.

What happens in the event of constructive expropriation where restrictions are placed on land usage? We cannot say that it will not happen. We have seen what party politics does. The Bill should be referred back, and the constitutionality of its provisions should be verified and revised. Definitions should be reconsidered, especially the definitions added by the portfolio

committee. The time for playing electoral party politics is over, as we endeavour to create an environment conducive to investor confidence.. [Time expired.]

Mrs C DUDLEY: Chair, speedy land reform and infrastructure development - both worthy goals - are being unwisely used to condone the dismantling of constitutional protections from state abuse.

My hon colleagues in the ANC and IFP, would you really like to see this legislation in the hands of, say, an EFF government or even a DA one? [Interjections.] This 2015 Expropriation Bill empowers both the Minister of Public Works ... [Interjections.]

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

Mrs C DUDLEY: These protections are not there for a select few but for all in South Africa who own property or aspire to owning property. This 2015 Expropriation Bill empowers both the Minister of Public Works and all organs of state to expropriate property for public purposes or in the public interest.

[Interjections.] It seeks to allow any expropriating - my point - any expropriating authority to take property by simply serving a notice of expropriation on the owner, with ownership then



passing automatically to the state on the date of expropriation in the notice.

Whilst the amount of compensation must be included in the notice of expropriation, an owner who objects and does not start court proceedings contesting the amount within 60 days will be deemed to have accepted the offer. If a magistrate's court or high court decides on a smaller amount than offered, the owner then has to pay all the legal costs, which will be deducted from the compensation. So, only the very wealthy could even consider taking this kind of risk. Therefore, any state offer would, for most people, amount to an offer which cannot be refused.

Our Constitution does make provision for expropriation, an instrument used throughout the centuries by countries worldwide. It is, however, accepted that expropriation is never done lightly. It is the exception, rather than the rule. Under the common law, the state cannot simply seize property without obtaining a court order, and the Constitution strengthened these common law protections.

With the passing of this Bill today, expropriation without reasonable legal protection against abuse is no longer just a threat to those in the agricultural sector, as the Bill gives

all state entities the power to take from churches, banks, commercial businesses, food producers, miners and ordinary people with no guarantee of fair compensation. The Expropriation Bill, as it stands, creates insecurity. Rushed through without safeguards for home, land and factory owners of all races, it will only create more financial mayhem with unthinkable consequences for the rand. Government would be wise to look north and think again.

The ACDP has called for the creation of a specifically dedicated valuations court which would be required to sign off on all determinations on compensation to be paid to property owners in the event of forced expropriation. The ACDP also calls on this House today not to pass this Bill before amending it to, at the very least, require the court to approve compensation in cases of forced expropriation. I thank you.

Mr F ADAMS: Hon Chairperson, hon Ministers, Deputy Ministers, Members of the National Assembly, ladies and gentlemen, the ANC remains committed to dealing with a century-old injustice that rendered the majority of our people pariahs in the land of our birth. The heinous 1913 Natives Land Act and resultant land dispossessions directly contributed to the ongoing problems of poverty. I remember it clearly, because I was a victim of that.

As a 13-year-old boy, coming home from school in District Six, I saw that our furniture had been loaded onto a white truck driven by a white, Afrikaner male who was very rude to my parents. He didn't even allow us boxes to pack our clothes, and all that, hon Waters. We were just dumped in Lavender Hill.

[Interjections.]

So, you cannot forget the past and the injustice that has been done to you. [Interjections.] That's why the DA still likes to cling onto the 1975 Verwoerdian, Paul Kruger and P W Botha Expropriation Act. They still want to cling, because they still want to benefit from that. [Interjections.]

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

Mr F ADAMS: They still want to benefit. Yes! [Interjections.] They still want to benefit from that. [Interjections.] It is against this backdrop that the ANC-led government ...

Mr M WATERS: Chairperson ...

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Adams, will you just take a seat, please? [Interjections.] Why are you rising, hon member?

Mr M WATERS: Chairperson, I believe the hon Adams is very confused. He was the one that joined the National Party, not us. [Interjections.]

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

Mr F ADAMS: Chairperson, let me just correct the hon Waters. Yes, that is why I am titling it, ``out with the old, in with the new''. At that time, I was a member of the National Party ... [Interjections.] ... but I have seen the light and come home. [Interjections.]

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

Mr F ADAMS: They forget, Chairperson. They forget - all the nationalists sitting in their ranks that benefited from the 1975 Bill -most of the National Party members that are in their ranks. [Interjections.] That's why they are here today - with

the help of the National Party. They even came to the ANC to say open up this walk-over clause so that members can cross the floor, so that we can form one party ... [Interjections.] ... and what was the party about? To fight black discrimination, to fight against blacks. That's why they came out with swart gevaar [black peril]. [Interjections.]

They came out and still, today, they have swart gevaar in their midst. They still run their campaigns today on swart gevaar [black peril]. [Interjections.] You know that, hon Waters. You know that as well as everyone else in this room does. So, that's why, in your own ranks, people are saying, Let's move out because we don't want to be used by the white man any more. [Interjections.]

You know that. You know that the National Party put you in power and ...

Dr P J GROENEWALD: Agb Voorsitter ... [Hon Chairperson ...]

The HOUSE CHAIRPERSON (Mr C T Frolick): Why are you rising, hon member? [Interjections.] Order, hon members!

Dr P J GROENEWALD: Agb Voorsitter, op 'n punt van orde: Ek wil weet of dit parlementêr is dat 'n agb lid daar kan staan, sy bloeddruk so opjaag dat ... [Hon Chairperson, on a point of order: I would like to know whether it is parliamentary that an hon member may stand there, chasing up his blood pressure to such an extent that ...]

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, you know that's not a point of order. You know that. [Interjections.]

Mr F ADAMS: Don't worry, Chairperson. I want to reassure the hon Groenewald that we've got doctors in the House. [Interjections.]

Mr T RAWULA: Chairperson, on a point of order ...

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Adams, will you take your seat, please. Why are you rising, hon member?

Mr T RAWULA: Chair, if the hon member acknowledges that the land was stolen ...

The HOUSE CHAIRPERSON (Mr C T Frolick): No, hon member. That is not a point of order! Take your seat. [Interjections.] Take your seat.

Hon members, let me caution you not to deliberately disrupt the speaker at the podium with spurious points of order. It's a debate. Whether you like what the member is saying, or not, is immaterial. It's a view. Continue, hon member.

Mr F ADAMS: Chairperson, one of the resolutions from the ANC's 52nd conference, in Polokwane, was to call for the expropriation of property in the public interest or for public purpose, in accordance with the Constitution, in order to achieve equity, redress, social justice and sustainable development. We depart from the premise that South Africa's Constitution is the supreme law of this country. Any piece of legislation that exists that is inconsistent with it is invalid.

The authoritative terms of section 2 of the Constitution strengthen the case for the redrafting of the Expropriation Act in order to ensure consistency with the spirit and provisions of the Constitution. The provisions of the Constitution alluded to are: the right to equality, section 9; property rights, section 25; access to information, section 32; and lawful, reasonable and procedurally fair administrative decision-making, section 33.

The Expropriation Act of 1975 - which the DA loves so much - is not only outdated, but is also not harmonious with our Constitution. In fact, to put it bluntly, it is draconian, as the Minister has also alluded. The arbitrariness in the exercise of power granted authorities unfettered discretion. Our Constitution clearly states that no one may be deprived of property, except in terms of law of general application, and no law may permit arbitrary deprivation of property. It goes further and mandates the state to take reasonable legislative and other measures within its available resources to foster conditions which enable citizens to gain access to land on an equitable basis. Of course, our Constitution does put it clearly that property is not limited to land.

Section 9(1) of our Constitution states explicitly that everyone is equal before the law and has the right to equal protection and benefit of the law. In section 9(2), it states, in part, that equality includes the full and equal enjoyment of all rights and freedoms.

You know, hon members, as we look where the DA governs here in the Western Cape - we are talking about rights and freedom - we've got pieces of land in Masiphumelele, which is a suburb in Noordhoek, where people's houses are being burnt down every



second month. There are 148 ha, which the former Mayor of Cape Town, now the Premier, promised people to build houses on. However, for the protection of the DA's vote and electorate, they need to protect the wealthy in Noordhoek, because once they start building and giving that land to the Masiphumelele squatters, they will block the way of the wealthy people that build their houses there.

Here, even in yesterday's *Cape Argus*, they were saying that they don't want to give away the land at Somerset Hospital. They either want to sell it off, hon Van der Walt, to those people who have. What about the have-nots? As someone quite rightly said last week, you only want black votes. [Interjections.] Black lives don't matter. [Applause.]

The road we've travelled thus far to get where we are with this Bill today was fairly lengthy - necessarily so, because our aim is to produce a constitutionally compliant Act. If the comments we got during the public hearings are anything to go by, we strongly believe that we have struck the right chord. The Bill that is presented here is, indeed, cutting-edge.

That's why they are referring to the National Party. They can't live beyond the past. They can't live in the future. They are

living with the dead. That is why they still long for them to come back. [Interjections.] That is why they still long for them to be back ... [Interjections.] ... because you can't move out of the old and move into the future. You are stuck in the past. You are stuck in the past!

Section 33(1) of our Constitution is clear. It states that everyone has the right to administrative action that is lawful, reasonable and procedurally fair. Section 33(3) states, in part, that national legislation must be enacted to give effect to these rights, and must provide for the review of administrative action by a court or, where appropriate, an independent and impartial tribunal. This subsection is reinforced by section 34, which states that everyone has the right to have any dispute that can be resolved by the application of law decided in a fair public hearing before a court or, where appropriate, another independent and impartial tribunal or forum.

We now have a Bill that has got all the checks and balances. If I remember clearly, I know it was the then-National Party and DP component which formed the DA that begged the ANC to write checks and balances into the Constitution. Those checks and balances are in the Constitution today, and today, you guys who begged the ANC ...

An HON MEMBER: You are wrong!

Mr F ADAMS: ... for those checks and balances, are crying foul.

[Interjections.] Have your facts checked, hon Waters - through you, hon Chairperson. Have your facts checked.

In this Bill, when an expropriating authority is considering the expropriation of property, he or she must, amongst others, ascertain the suitability of the property for the purpose for which it is required and the existence of registered and unregistered rights in such property, and the impact of such rights on the intended use of the property. Really, this is meticulous!

A valuer and other specialists shall also be authorised, for purposes of ascertaining the value of the property, to do the necessary inspection and investigation. After the necessary information has been established, the expropriating authority issues a notice of contemplated expropriation. That notice must contain the reason for the intended expropriation of that particular property - for example, the property will be used for public purpose, to build a dam or to construct a road.

In addition, the Bill also allows any person who may be affected to lodge any objection to the intended expropriation. Further, it ensures that the views of anyone whose rights are about to be adversely affected are heard - unlike in the Western Cape, where views don't count. Views are not being heard. Here, the views of the people of Camps Bay and Bakoven are being heard. What does the DA do? They reject those views because they want to please their electorate.

I now want to pose a question. I wonder: How many of you have got property in London? How many of you have got property in Europe? You know you can't buy property there. It's either leasehold or freehold. Here, however, you want to say whenever our President says no foreigners can own property, you want to kick up the bucket and kick up a storm.

With that in mind, the ANC made progress with the promulgation of the Property Valuation Act and the establishment of the Office of the Valuer-General, completed in October 2012.

The ANC's 53rd conference, in Mangaung, resolved that the principle of just and equitable compensation should be in line with the Constitution. Clauses 12 to 20 of the Bill deal with

the determination and payment of compensation to persons whose property or rights are expropriated.

The order derived from our Constitution is that the state must come up with the necessary legislation. Critically, the legislation drafted must not be in conflict with the Constitution. Given the respect we have for the Constitution, we followed its instructions. It was never our instruction to rewrite the Constitution or fight it, like some parties do in the House.

We are not enemies of the Constitution. [Interjections.] We are not enemies of the Constitution. That is why we cannot say ``expropriation without compensation''. The Constitution says clearly that property may be expropriated only in terms of law of general application for a public purpose and in the public interest, subject to compensation which must be just and equitable.

If the expropriating authority does not accept the amount claimed by a claimant, the expropriating authority must make an offer of just and equitable compensation to the claimant, furnishing full particulars of how such amount is made up and calculated. An amount asked for by the claimant must be just and

equitable, and particulars demonstrating how that claim was calculated and reached must be made available to the expropriating authority.

The Bill creates two types of redress mechanisms in regard to disagreements, namely, mediation or litigation. Formal and informal resolutions of dispute could be explored and entered into. The Bill does make mention of mediation if the parties agree to it, if they feel they want to take it to court. That is how the ANC deals - fairness - unlike the DA or some other parties, whose leader criticises in South Africa and then goes abroad and wines and dines with capitalists in London!

[Interjections.] Wine and dine, and go and beg for and collect money abroad from the capitalists.

They can approach a competent court to decide or approve just and equitable compensation. [Interjections.] Actually, on any matter relating to the application of this Act, an aggrieved party may approach a court.

Ms N V MENTE: Chairperson ...

Mr F ADAMS: We are aware ...

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Adams, will you take your seat, please? Yes, hon member, why are you rising?

Ms N V MENTE: Yes. Can the member take a question?

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Adams, are you prepared to take a question?

Mr F ADAMS: No, Chair.

The HOUSE CHAIRPERSON (Mr C T Frolick): The hon member is not prepared to take a question. [Interjections.] Take your seat, hon member. Continue, hon Adams.

Mr F ADAMS: We, as the ANC, are aware of resistance from the opposition parties and groups and sections of society that oppose transformation and that are comfortable with the status quo. I think that the hon member owes South Africa an answer. We must ask them the question: Why does their leader go to London, wine and dine with capitalists and criticise them in his own home? [Interjections.]

Ms E N LOUW: Chairperson, on a point of order ...

Mr F ADAMS: This will not make them stall the process.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Adams, let me take this point of order. Why are you rising, hon member?

Ms E N LOUW: I would like to check, hon Chair, if the member is willing to take a question.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Adams, are you prepared to take a question from the member?

Mr F ADAMS: No, Chair.

The HOUSE CHAIRPERSON (Mr C T Frolick): No, the member is not prepared to take a question. [Interjections.] Take your seat, please.

Ms E N LOUW: On a point of order, Chair ...

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

Ms H O HLOPHE: This member must stop being jealous ...



The HOUSE CHAIRPERSON (Mr C T Frolick): No, hon member. That is not ...

Ms H O HLOPHE: ... because the commander-in-chief was invited there, and we speak our minds there without fear or favour.

The HOUSE CHAIRPERSON (Mr C T Frolick): Take your seat, hon member.

Ms H O HLOPHE: Stop being jealous!

The HOUSE CHAIRPERSON (Mr C T Frolick): Continue, hon Adams.

Mr F ADAMS: You don't have to give the answer to me. Give it to South Africa. [Interjections.]

Ms M O MOKAUSE: On a point of order, Chair ...

Mr F ADAMS: This won't make them stall the process aimed at achieving the objectives ...

Ms M O MOKAUSE: House Chair ...

Mr F ADAMS: ... of the national democratic revolution.

Therefore, the ANC ...

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Adams ...

Mr F ADAMS: ... supports the Bill. I thank you, Chair.

[Applause.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Thank you.

Ms M O MOKAUSE: House Chair ...

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

Ms M O MOKAUSE: On a point of order ...

The HOUSE CHAIRPERSON (Mr C T Frolick): What is the point of order?

Ms M O MOKAUSE: The member from the ANC knows exactly that the ANC benefited.

The HOUSE CHAIRPERSON (Mr C T Frolick): No, hon member.

Ms M O MOKAUSE: They had money.

The HOUSE CHAIRPERSON (Mr C T Frolick): What is the point of order?

Ms M O MOKAUSE: They were given money from abroad to fight apartheid.

The HOUSE CHAIRPERSON (Mr C T Frolick): That is not a point of order. Take your seat, please.

Ms M O MOKAUSE: We are not taking any money from abroad. You brought money from abroad to fight apartheid. [Interjections.]

The HOUSE CHAIRPERSON (Mr C T Frolick): The hon Jafta.

Ms M O MOKAUSE: We will be very lucky if we receive money to fight you! [Interjections.] To fight you!

The HOUSE CHAIRPERSON (Mr C T Frolick): Take your seat, hon member! [Interjections.] Continue, hon Jafta. Order, hon members! [Interjections.] Order, hon members! [Interjections.]

Mr S M JAFTA: Hon Chairperson, any government or state ...  
[Interjections.]

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

Mr S M JAFTA: ... with a political history similar to ours here in South Africa and with the intention to redress imbalances of the past is obliged, in one way or another, to take over properties which are privately owned if that is for the benefit or in the interests of the public.

The Expropriation Bill 2015 seeks exactly to do the same thing - to give the state the power to expropriate privately owned properties, mainly for public purpose or in the public interest.

We know that it is not feasible to list every circumstance in which the state may take private property in the public interest. Therefore, the Bill should include all the efforts to define expropriation and place boundaries on the scope of the public interest. Although this Bill takes into consideration the history of acquisition, the AIC views it as nondiscriminatory. It establishes the right to adequate compensation and also allows for an appeal process to take place.

We see it as something that will foster national unity and reconciliation among South Africans and give confirmation that ``South Africa belongs to all who live in it''. In some

expropriation cases, the modalities may go beyond financial compensation. Those also need to be considered. While the AIC supports the equitable distribution and use of properties in the country, we are also against the violation of human rights of other individuals or groups.

Therefore, we support the Expropriation Bill as we see it as necessary to unite a nation like ours, which is scarred by the past political conflicts.

We also urge all political parties to support this Bill as it means that the state will have peaceful and lawful processes of taking over privately owned properties while doing that for public purposes. I thank you. [Applause.]

Mr L R MBINDA: Hon Chair, hon Mulder, the history of land repossession goes as far back as even before 1652. It was grabbed and there were wars of resistance, in case you have forgotten that.

The majority of the land in this country is privately owned, even by foreigners. Even after 21 years of democracy, only 9% has been redistributed to the indigenous people.

The PAC has always been very critical of the outlook, interpretation and the implications of section 25 of our Constitution. This has always been guided by our political understanding of how it came to exist. We said it previously and we will continue to say it: The Convention for a Democratic South Africa, Codesa, and all other related negotiations were a compromise to the interests of the working class in this country.

History keeps on reminding us about how dispossession was conducted - through illegal and forceful means characterised by the mass genocide of our people. It is 21 years since 1994, and we are here in Parliament to legitimise the stolen property. What a shame for our nation! Our people remain landless and homeless while hectares and hectares of this land is privately owned by individuals who remain beneficiaries of colonisation and of white monopoly capital.

We must be taking forward the prosecution of those responsible for apartheid crimes, and not compensating beneficiaries of the crimes of apartheid. The ruling party must revisit its priorities in as far as the development of our people is concerned. The billions and billions of rands cannot be used to compensate people that have stolen, but must instead be used to

at least cater for free education. The people of South Africa need jobs.

As the PAC, we remain adamant that the expropriation of land is long overdue, and we welcome the fact that the ruling party now sees the need to expropriate after years of political reluctance. It is our wish and hope that the aspect of compensation in the Bill will be revised, with special reference to the historic background of the ownership. It remains our belief that the land must be expropriated without any compensation.

Mrs A M DREYER: House Chairperson, considering the fact that the Bill under consideration is very controversial, the Portfolio Committee on Public Works functioned remarkably well. This is largely due to the patience and fairness of the chairman, Mr Ben Martins, who allowed, in a tolerant and friendly manner, all views to be heard. This contributed to a constructive atmosphere throughout the deliberations. Perhaps that is why hon member Freddie Adams is not the chairperson of that committee.

[Applause.]

The committee did hold public hearings that were well attended, and a variety of organisations made useful presentations. Deputy

Minister Jeremy Cronin attended all of those hearings and indicated his willingness to take on board various proposals throughout these hearings. Indeed, during the committee deliberations, the ANC agreed to many of the DA's recommendations. Cools heads prevailed in dealing with controversial matters.

The Bill has had a long and arduous journey before it got to where it is today. It has been in the pipeline since 2008. It was withdrawn twice and was submitted for a third time in Parliament in February 2015, after being amended substantially. I want to thank Minister Nxesi for explaining the Bill to us in broad terms. He is not even listening! [Interjections.]

However, although the Bill has undergone many amendments - I just thanked you, Minister - certainly resulting in an improved version of the original Bill, there are still serious concerns about this Bill. I want to say to Mr Martins, who also raised the matter of the systematic dispossession of land in the past, something that was part of an unjust system, that we agree with him. It was unjust. It can never be justified. [Applause.] That is exactly why we have to ensure that it never happens again. No government should be allowed to dispossess people of land



without just and equitable compensation. Once was one time too many.

In democratic countries with vibrant and growing economies ...

The HOUSE CHAIRPERSON (Mr C T Frolick): Deputy Minister, what point do you rise on?

The DEPUTY MINISTER OF RURAL DEVELOPMENT AND LAND REFORM (Mr M Skwatsha): Chairperson, I would like to know whether the member will take a question?

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, are you prepared to take a question?

Mrs A M DREYER: After my speech, Chairperson.

The HOUSE CHAIRPERSON (Mr C T Frolick): There is an indication that the member will do so if she has time left at the end of her speech. Thank you. Continue, hon member.

Mrs A M DREYER: In democratic countries with vibrant and growing economies, the right to private property is respected. Security of property rights creates favourable conditions for investors

because they would be confident that their capital would be safe. This helps the economy to grow and to create jobs.

President Zuma knows South Africa has to grow its economy.

During the state of the nation debate, he said:

To achieve our objectives of creating jobs, reducing inequality and pushing back the frontiers of poverty, we need faster growth.

However, the Bill before this House today will not help in achieving this goal of faster growth. In fact, the contrary is true. Why do I say this? There are five key principles at stake here. Unlike member Adams who stood here to incite people and incite racial violence, I just want to say that I will provide rational explanations for our argument. Mr Adams did seem to know an awful lot about the old National Party, and maybe that is because he learned at the feet of P W Botha. [Applause.]

We have a saying in Afrikaans: ``Leë blikke maak die meeste geraas.'' [Empty vessels make the most noise.] We know who made the most noise here today.

Mr F ADAMS: On a point of order, Chair.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Dreyer, please take your seat. What is the point of order, hon member?

Mr F ADAMS: Hon Dreyer is misleading the House. I never worked with Mr Botha. [Interjections.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Take your seat, hon member. Continue, hon Dreyer.

Mrs A M DREYER: The first principle we have to look at is that for economic growth and investment to take place, there must be certainty about what is understood under the term ``property''. In this Bill, ``property'' is simply defined as ``not limited to land''. This is not a clear definition, and it is wide open to interpretation, creating the potential for abuse by any power-hungry government. Citizens must be protected against abuse by governments.

For example, does this so-called definition mean intangible property, like pension funds, shares, patent rights and other intellectual property? Or does it refer to movable property like taxi fleets, cattle and other farming stock? Could that also be expropriated? Yes, Mr Dlamini is not here today, but Mr Rawula

spoke on his behalf. It could be your cows that they want to expropriate without compensation. [Interjections.] This is a threat to all citizens, whether they are commercial farmers, developing farmers or taxi owners. If you are not sure that your property is safe from the long fingers of government, you will not invest. In fact, you may take your investment elsewhere where it is safe.

The second principle is that the scope of expropriation must be limited. In this Bill before us, the term ``expropriation'' is too vague. For example, government has been taking custodianship of property. This is a deprivation of property, but because it is not regarded as expropriation, no compensation is paid. Because of the uncertainty on what is meant by ``property'' and because custodianship of property is not regarded as expropriation, we believe this Bill will compromise the security of property rights. It will create uncertainty in the markets and a loss of confidence among investors. It will lead to a loss of investment and capital flight. It will weaken an already fragile economy and result in even further job losses. South Africa cannot afford this.

During the state of the nation debate, President Zuma also said, ``It is important to act decisively to remove domestic

constraints to growth''. We cannot change the global economic conditions, but we can do a lot to change the local conditions. Let us change the local conditions to make South Africa an attractive destination and send this Bill back.

A third and key principle in any Bill is that the letter and spirit of the Constitution must apply. We believe that this Bill is at odds with the Constitution. The state does not have unlimited power, and the new Bill provides expropriating authorities with powers that appear to exceed those contained in the Constitution. My colleague hon Patricia Kopane expanded on this, and there were also other members from the UDM and the ACDP who expanded on this principle, so I will not talk further on the principle.

However, I would like to say that, if left unchecked, this will do great damage to the already strained economy by increasing risk and uncertainty for investors and spurring on disinvestment. Again, this will cost South Africa more jobs. Therefore, Parliament must satisfy itself that the Bill is indeed in line with the Constitution.

The fourth principle is to determine just and equitable compensation to owners. It is of serious concern that land may

be expropriated at potentially less than the amount owed to a bank or another financial institution through a mortgage bond. This places banks and property owners in a very difficult situation where loans cannot be seen as properly secured. Mr Martins, it is because of the importance of proper compensation that we proposed, in one of our amendments, that we must strengthen that clause: just and equitable compensation.

The last principle is that a socioeconomic impact assessment must be done. During the state of the nation debate, President Zuma announced that ``that from 1 September 2015 all future legislation and regulations will be subject to a socio-economic impact assessment before being passed''. This is an excellent proposal, and I only ask the following: Why wait until then? Let's do it straight away whilst this piece of legislation is still a Bill that has not been enacted.

I conclude in my mother tongue.

Tydens die staatsrede-debat beklemtoon President Zuma telkens dat die ekonomie moet groei. Ons stem almal saam. Om dit te bewerkstellig, is beleggersvertroue egter noodsaaklik, en hierdie vertroue word slegs geskep deur sekerheid oor eiendomsreg. Privaateiendomsreg is die hoeksteen van 'n gesonde

en groeiende ekonomie, maar onder die ANC-regering gebeur die teenoorgestelde. Die ANC wil al meer grond in die staat se naam kry, soos met hierdie wetsontwerp en ook ander beoog word. Dit lei tot 'n gebrek aan vertrou by beleggers, en twyfel ontstaan oor die sekerheid van eiendomsreg. Dit is 'n resep vir stagnasie en uiteindelijke agteruitgang van die ekonomie.

Terwyl die ANC eiendomsreg afwater, wil die DA, waar ons ookal regeer, dit verstewig vir al die mense. Weereens, mnr Adams, hier is die feite oor Kaapstad: Die DA-beheerde administrasie in Kaapstad het oor die afgelope drie jaar reeds 14 200 titelaktes aan huiseienaars oorgedra. [Applous.] 'n Verdere 10 000 oordragte vind binnekort plaas. Sodoende word mense se huise 'n ekonomiese bate waarmee hul kan woeker. Hierdie nuwe huiseienaars verdien egter, soos alle ander eienaars, gemoedsrus dat hul eiendom veilig is teen die lang vingers van 'n oneerlike beheervraat van 'n staat.

Die DA is gekant teen hierdie wetsontwerp. [Applous.]

*(Translation of Afrikaans paragraphs follows.)*

[During the debate on the state of the nation address, President Zuma repeatedly emphasised that the economy should grow. We all agree. In order to achieve that, investors' trust is necessary,

and this trust is only created by certainty regarding right of ownership. Private ownership is the cornerstone of a healthy and growing economy but, under the ANC government, the opposite is taking place. The ANC wants more and more land to become state-owned, as intended by this Bill and also others. It leads to a lack of trust with the investors, and doubt develops regarding right of ownership. This is a recipe for stagnation and the ultimate decline of the economy.

While the ANC is watering down the right of ownership, the DA, wherever we govern, will strengthen it for all the people. Once again, Mr Adams, here are the facts regarding Cape Town: The DA controlled administration in Cape Town has over the past three years transferred 14 200 title deeds to homeowners. [Applause.] A further 10 000 transfers will soon be taking place.

Consequently, the homes of people become an asset they can leverage. These new homeowners, however, like all other property owners, deserve to enjoy peace of mind that their property is safe against the long fingers of the state as a control freak.

The DA is against this Bill. [Applause.]

Mr Chairperson, with your permission, I will now table the DA's proposed amendments, and I want to read it to you.



The amendments are the following: in clause 1, line 35 after ``surveyed'' to insert ``by a competent person''; in clause 2, page 6, line 35 to omit ``may'' and to substitute it with ``shall''; in clause 7, page 11 ...

The DEPUTY MINISTER OF RURAL DEVELOPMENT AND LAND REFORM (Mr M Skwatsha): Chairperson ...

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Dreyer, please take your seat. What point do you rise on, Deputy Minister?

The DEPUTY MINISTER OF RURAL DEVELOPMENT AND LAND REFORM (Mr M Skwatsha): On the question about Paul Kruger, I was promised ...  
[Interjections.]

The HOUSE CHAIRPERSON (Mr C T Frolick): No, Deputy Minister. Please take your seat. Continue, hon Dreyer.

The DEPUTY MINISTER OF RURAL DEVELOPMENT AND LAND REFORM (Mr M Skwatsha): She said after the speech.

The HOUSE CHAIRPERSON (Mr C T Frolick): She is still busy with her speech, Deputy Minister.

Mrs A M DREYER: In clause 7, page 11 ...

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Dreyer, please take your seat again.

Ms H O HLOPHE: Chairperson, we didn't hear what the Deputy Minister said.

The HOUSE CHAIRPERSON (Mr C T Frolick): No, we are not going to go into that. Take your seat, hon member. Continue, hon Dreyer.

Mrs A M DREYER: In clause 7, page 11, line 2 to omit ``a reasonable time'' and to substitute it with ``20 days''; in clause 11, page 14, line 15 after ``compensation'' to insert ``that is just and equitable''; and in clause 23, page 20, line 32 after ``withdrawal'' to add:

``In such event the expropriating authority shall make payment of the amount claimed by the claimant for all reasonable costs and damages incurred, within 40 days from the date the claim was delivered to the expropriating authority by the claimant''.

I so move. [Applause.]

Dr C Q MADLOPHA: Hon House Chair, Ministers and Deputy Ministers present, hon members, comrades and guests in the gallery, the Freedom Charter states that:

We, the People of South Africa, declare for all our country and the world to know:

that South Africa belongs to all who live in it, black and white, and that no government can justly claim authority unless it is based on the will of all the people;

that our people have been robbed of their birthright to land, liberty and peace by a form of government founded on injustice and inequality;

that our country will never be prosperous or free until all our people live in brotherhood, enjoying equal rights and opportunities;

that only a democratic state, based on the will of all the people, can secure to all their birthright without distinction of colour, race, sex or belief.

Land, its ownership and uses, has always played and continues to play an important role in shaping the political economy of our country. The issue of land and agrarian transformation has and continues to be a central pillar to both the liberation struggle and the socioeconomic transformation phase we are

currently in. Agrarian transformation was one of the commitments undertaken by the African National Congress when it was voted into power in 1994.

The ANC's work has been central in reversing the legacy of the 1913 Natives Land Act. The preamble of the Freedom Charter says, I quote, ``South Africa belongs to all who live in it, black and white.'' Clause 4 of the Charter says that, I quote, ``The land shall be shared among those who work it!'' The ANC is faced with a massive task to translate this into a socioeconomic reality. The 1992 ANC policy document, *Ready To Govern*, addresses the approach in a democratic dispensation in a swift, progressive and principled way. It commits the ANC to develop a sustainable economy and state infrastructure that will progressively improve the quality of life of all South Africans. [Applause.]

The ANC has long acknowledged that the willing-buyer, willing-seller approach to land reform has not worked, and replaced it with the principle of just and equitable compensation in line with section 25 of the Constitution. This underpins the Expropriation Bill in its future operational functioning. President Jacob Zuma during his 2015 state of the nation address stated that ``expropriation will be done in line with the Constitution''.

The Expropriation Bill is a fundamental part of the ANC's programme for socioeconomic transformation and in addressing the challenges of poverty, inequality and unemployment. The Expropriation Bill seeks to ensure consistency with the Constitution and uniformity of procedure of all expropriations without interfering with the powers of expropriating authorities.

Land reform is necessary to right the injustices of our shameful history of land dispossession and institutional restrictions on black land ownership. It is against this backdrop that the ANC government introduced the Expropriation Bill in Parliament with the aim of advancing and expediting land reform in South Africa. The chair, hon Martins, has spoken on that. The Constitution of the Republic of South Africa 1996 recognises expropriation as an essential mechanism for the state to acquire another's property for a public purpose or in the public interest, subject to just and equitable compensation being paid. The property clause, a key pillar of the Constitution of the Republic, is in essence meant to address inequalities. That is important about this particular Bill we are debating today.

President J G Zuma in his 2013 state of the nation address told Parliament about the land question in South Africa that:

The willing-buyer, willing-seller principle previously applied had forced the state to pay more for land. Whilst the land question is a highly emotive matter, we need to resolve it amicably within the framework of the Constitution and the law.

He further assured the nation that government will continue to pursue just and equitable principles for compensation as set out in the Constitution. Thus the Bill reflects all sections and subsections and is in line with the Constitution of the Republic. This Bill, once enacted, will address many challenges that our country is facing in the form of service delivery protests. Many of these relate to shortages of land.

Municipalities are struggling to find land for housing development. We need agricultural land to address the challenges of food security. We do not have grazing land in rural areas and land for installing services needed by the people on a daily basis.

The Freedom Charter correctly states that ``there shall be houses, security and comfort'' and goes further to state

that ``unused housing space is to be made available to the people.'', not as is happening in South Africa where you find space that is not occupied. The Freedom Charter says that it must be given to the people for development. [Applause.] To realise this provision of the Freedom Charter, the 1975 Expropriation Act is inadequate. We need the Expropriation Bill to bring us in line with the Constitution on the one hand but to critically address the needs of our people on the other hand. There are more people ... [Interjections.]

Ms E N LOUW: Chairperson, on a point of order.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, take your seat please. Why are you rising, hon member?

Ms E N LOUW: Chairperson, I just want to bring to your attention that there is some caucus making a noise here, and we would really like to listen to the member there. [Interjections.] So, the DA is infringing on our right to listen. Can you please deal with it?

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon members, I made an appeal earlier that we keep the noise levels down in the House

and allow the speaker at the podium ... [Interjections.] ... order, hon members! ... to be heard. Continue, hon member.

Dr C Q MADLOPHA: There are more people and more businesses that need power. The infrastructure needs to be erected to make this power available. Eskom came to our portfolio committee and stated that it struggled with delays in acquiring servitudes to erect the necessary infrastructure. The Deputy Chief Justice stated that government has been far too timid in using the property clause in the Bill of Rights to exercise its constitutionally empowered rights. The 1975 Act does not assist this process. It delays delivery. This Bill strengthens expropriating authorities to fast track the delivery of land for service delivery. The consequences of not doing this are starkly reflected in what is happening in the Cape Town Metro. Here, because land is not being released, we find massive overcrowding, leading to unhealthy living conditions and illnesses. Worse, the failure to release land in the Cape Town Metro is stifling development.

A critical function of a developmental state is its ability to lead the developmental agenda, and shape and influence the character and content of the national agenda. Without land this will not happen. Worse, the example of what is happening in the Cape



Town Metro has resulted in deaths in both formal and informal settlements precisely because of the restriction on land use for developmental purposes. This has resulted in, just as was the case of Masiphumelele that the hon Whip was talking about, 4 000 people being left homeless in November 2015; 800 shacks destroyed with everything lost and there were two deaths.

[Interjections.] So, it is a problem.

The EFF and the UDM raised the concern that the Bill would be unconstitutional because it excludes land dispossessed before 1913. This is an uninformed view of what government has been doing. [Interjections.] When reading the clauses of this Bill, it is standard practice that you read it in conjunction with other prescripts of legislation, regulations and policies of government. [Interjections.]

Mr T RAWULA: Order, Chair!

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

Mr T RAWULA: The hon Minister must never distort the ...

[Interjections.]

The HOUSE CHAIRPERSON (Mr C T Frolick): No, hon member, you can't rise to make a speech. Why are you rising?

Mr T RAWULA: No, she is misleading the House. She must not say that.

The HOUSE CHAIRPERSON (Mr C T Frolick): No. That is not a point of order. Take your seat please. Continue, hon Madlopha.

Dr C Q MADLOPHA: In the state of the nation address of 2013, the President, when addressing the reopening of the lodgment of restitution claims by people who had missed the deadline of 31 December 1998, stated that there would be:

... exceptions to the June 1913 cut-off date, to accommodate claims by the descendants of the Khoi and San, as well as heritage sites and historical landmarks.

It must be noted that the Department of Rural Development and Land Reform has already recorded progress in dealing with this matter.

The DA and UDM raised a concern on the definition of a property. The ANC believes that ``property'' is broad and need

not be reduced or confined. ``Property'', as defined in the Constitution, is a law of general application. When you confine its definition, it may contradict the Constitution.

The Constitutional Court held that the purpose of section 25 has been ... [Interjection.]

Ms H O HLOPHE: Chair, on a point of order.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Madlopha, will you please take your seat. Hon member, why are you rising?

Ms H O HLOPHE: I am rising in terms of Rule 69.

The HOUSE CHAIRPERSON (Mr C T Frolick): Yes.

Ms H O HLOPHE: Can I read it for you?

The HOUSE CHAIRPERSON (Mr C T Frolick): What is your point in terms of Rule 69?

Ms H O HLOPHE: My point of order is that the hon member here must not come to the podium and distort what the EFF has said on the debate. [Interjections.] Chair, it is allowed under Rule 69.

The HOUSE CHAIRPERSON (Mr C T Frolick): No, hon member. What we are dealing with here is a debate. There are different views. I do not deal with the facts; I am not part of the committee. I preside over the House and that is a view that the member has, and your point of order is thus not sustained.

Ms H O HLOPHE: Chair, are we suspending the Rules now?

The HOUSE CHAIRPERSON (Mr C T Frolick): No, the Rules are not suspended. Can you just take your seat, please, so that we can continue. [Interjections.]

Ms H O HLOPHE: Rule 69 is stipulated here ... [Interjections.]

The HOUSE CHAIRPERSON (Mr C T Frolick): It is not a point of order. Continue, hon Madlopha.

Ms H O HLOPHE: ... but she must not distort the point by the EFF. If she wants to be the spokesperson of the EFF, she must apply.

The HOUSE CHAIRPERSON (Mr C T Frolick): Continue, hon Madlopha.

Dr C Q MADLOPHA: The Constitutional Court held that:

The purpose of section 25 has to be seen both as protecting existing private property rights as well as serving the public interest, mainly in the sphere of land reform but not limited thereto and also as striking a proportionate balance between these two functions.

So, I think the DA, when they are looking at the side of the private owners, that they need to balance the two. They must not only talk about private owners; they must also talk about the people at large.

In recognising property as a social construct, the Constitutional Court has held that individual property rights are not absolute but subject to societal considerations.

We support the view of Professor Andre Van der Walt that when interpreting the property clause, one must ``move away from a static, typically private-law conceptualist view of the Constitution as a guarantee of the status quo to a dynamic, typically public-law view of the Constitution as an instrument for social change and transformation under the auspices of entrenched Constitutional values.

The nonabsolutist conception of individual constitutional property is the premise upon which the Constitution's vision of an orderly opening up and restoration of secure property rights is based. At this stage, our constitutional jurisprudence is for the reason given above - that it is practically impossible to furnish - the DA must listen. The High Court judge ...

... ijaji elikhulu eNkantolo eNkulu ezweni lithi, uma ngabe nina nithi kumele sichaze izakhiwo [property], lithi: ... [... the Chief Justice of the highest court in our land says: When you say we need to define property, he says: ...]

... it is practically impossible to furnish and judicially unwise to attempt a comprehensive definition of property. That is what the judge is saying. [Applause.]

... futhi kuyamangalisa ukuthi i-DA namhlanje iphikisana neNkantolo yoMthethosisekelo ngoba uma behlulwa yinkulumo lapha ePhalamende bayabaleka baye eNkantolo yoMthethosisekelo. Kodwa namhlanje ijaji leNkantolo yoMthethosisekelo lithi ...

*(Translation of isiZulu paragraph follows.)*

[... and it is surprising that, today, the DA is arguing against the Constitutional Court, because when it does not win debates here in Parliament, it runs to it. But today the judge of the Constitutional Court said ...]

``it will be judicially unwise''.

Ngakho-ke asifuni thina njengoKhongolose ukwenza izinto ezingahlakaniphile [unwise] ... [Therefore, as the ANC, we do not want to do unwise things.]

... and interfere with the Constitutional Court. We call upon all the political parties represented here in Parliament ... [Interjections.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Madlopha, will you just take your seat. There is another member who is standing and I want to know ... Take your seat, please. [Interjections.] Hon member, why are you rising? [Interjections.]

Mr S P MHLONGO: Chairperson, when our ... [Interjections.]

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

Mr S P MHLONGO: Chair, my point of order is that we are happy as the EFF that you are self-correcting the attitude of the speaker on the presentation made by our commander-in-chief because that was a debate as it is a debate by the member.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, take your seat, please. Thank you.

Dr C Q MADLOPHA: We call upon all political parties represented here in Parliament to remember the people who laid down their lives for this freedom and democracy to prevail in our country. As the President said, the issue of land is an emotive matter that needs to be resolved amicably. Having said this, and as the Constitution states, ``the will of the majority must prevail''. We are also very clear that land that has been acquired through illegal means and is being used for illegal purposes will be expropriated without compensation. We must be sensitive and responsible when we are dealing with these matters, as this is part of addressing the injustices of the past.

I want to respond to what the EFF has said. You know, the EFF is bordering on being racist. The hon Jeremy has credentials in the freedom and liberation of this country. [Applause.] The hon



Jeremy was arrested and was in exile. Where was the EFF; where were you? Where were you? [Interjections.]

Ms H O HLOPHE: Order, Chair. [Interjections.]

Dr C Q MADLOPHA: You are just being racist.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Madlopha, will you take your seat. Why are you rising, hon member?

Ms H O HLOPHE: This member must not tell us about yellow communists here. That Jeremy Cronin sold out.

The HOUSE CHAIRPERSON (Mr C T Frolick): That is not a point of order. Take your seat. Continue, hon member.

Dr C Q MADLOPHA: You know, the EFF is just posturing as peacetime heroes. You are nothing but warmongers who shout blood, guns and knives when a canon has ... [Interjections.]

Ms H O HLOPHE: Chair, we can't sit here and then called be names.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Madlopha ...

[Interjections.]

Ms H O HLOPHE: Chair, we can't tolerate this person who is calling us nothing. [Interjections.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, I have not recognised you. Take you seat, please.

Ms H O HLOPHE: Yes, but she must not call us nothing. We can't tolerate this. [Interjections.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Take your seat, hon member. Continue, hon Madlopha.

Ms H O HLOPHE: Chair, we are hon members of this House.

Dr C Q MADLOPHA: You can hear even now that they shout the ... [Interjections.]

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

Ms E N LOUW: On a point of order, Chairperson.

The HOUSE CHAIRPERSON (Mr C T Frolick): What is your point of order, hon member? Hon Madlopha, take your seat, please.

Ms E N LOUW: Is it parliamentary to call the members of this House nothing and powermongers. Is it parliamentary?

The HOUSE CHAIRPERSON (Mr C T Frolick): No, hon member, there was reference, and the reference was to a party ...

[Interjections.]

Ms E N LOUW: No, I am asking you.

The HOUSE CHAIRPERSON (Mr C T Frolick): ... and not to an individual.

Ms E N LOUW: It was to us.

The HOUSE CHAIRPERSON (Mr C T Frolick): I will check the Hansard anyway and, if needs be, I will come back with a ruling.

Ms E N LOUW: Yes, I want you to come back. If needs be, I want you to come back.

The HOUSE CHAIRPERSON (Mr C T Frolick): I will deal with it, hon member. You may take your seat now. Continue, hon Madlopha.

Dr C Q MADLOPHA: That is what happens when people ...

[Interjections.]

Ms M S KHAWULA: Sihlalo lapho ngaphambili ... [Chairperson, seated at the front there ...]

Dr C Q MADLOPHA: Hon ... [Interjections.]

Ms M S KHAWULA: Uxolo Sihlalo ... [Ubuwelewele.] [Excuse me, Chair ... [Interjections.]]

The HOUSE CHAIRPERSON (Mr C T Frolick): Order, hon members! Hon Madlopha, will you take your seat, please.

Ms M S KHAWULA: Uxolo Sihlalo ... [Excuse me, Chair ...]

The HOUSE CHAIRPERSON (Mr C T Frolick): Take your seat, please. Yes, hon member.

Nksz M S KHAWULA: Ngiphatheka kabi uma ngabe umhlonishwa lapho ngaphambili ezothi asilutho la. Njengoba sila siwutho ngoba

sivotelwe ... [Ubuwelewele.] (*Translation of isiZulu paragraph follows.*)

[Ms M S KHAWULA: It saddens me when the hon member at the front there says that we are nothing here. We are something in here as we were voted for ... [Interjections.]]

The HOUSE CHAIRPERSON (Mr C T Frolick): Order, hon member!

Nks M S KHAWULA: ... siyacela ukuthi ngempela asingadelelani lana. Angazi nje yena ukuthi ngempela ngoba ngiyamhlonipha manje yini le nto ayenzayo. Akaxolise kulokhu athi asilutho. Akaxolise manje! (*Translation of isiZulu paragraph follows.*)

[Ms M S KHAWULA: ... we are definately requesting that we should not disrespect each other here. I am not sure what it is that she is doing really, because I respect her. Let her apologise for saying that we are nothing. Let her apologise now!]

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Khawula, take your seat now. Thank you. Hon member, I said that I will check the Hansard and then I will come back with a ruling. Hon Madlopha, can you wrap up your speech, please.

Dr C Q MADLOPHA: Yes. Thank you, hon Chair.

We want to allay the fears of those who say that there is a challenge around the issue of the criteria that is going to be followed in determining compensation. It is clear in chapter five of the Bill, section 12(1), the steps that are going to be considered before you reach the determination ...

[Interjections.]

Ms M S KHAWULA: Uxolo, ngesihle. [Excuse me, with respect, please.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Madlopha, take your seat, please. Hon member, why are you rising now?

Nksz M S KHAWULA: Kulungile. Ngiyabonga. Sinenkinga kuyimanje ngale nto yomhlaba abantu bangcwatshwa emgodini bebane. Yini uma kuzokhulunywa indaba yomhlaba ... [Ubuwelewele.] ... kungakhulunywa kahle? (*Translation of isiZulu paragraph follows.*)

[Ms M S KHAWULA: It is fine. Thank you. We have a problem with the issue of land where you find that four people are buried in one grave. Why when discussing the land issue ...

[Interjections.] ... you fail to discuss issues well?]

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, that is not a point of order.

Ms M S KHAWULA: Asikulwelanga thina lokho kokuthi sizongcwatshwa emgodini sibane. [We did not fight for four people to be buried in one grave.]

The HOUSE CHAIRPERSON (Mr C T Frolick): That is not a point of order. Continue, hon member.

Dr C Q MADLOPHA: The hon Mabika was having a challenge around the issue of being fair. There is section 34 of this Bill that allows the member that is not going to be happy to take the matter to court. However, there was also a concern around the issue of people who will not have the money to go to the courts. This Bill is accommodative because it is led by a caring organisation, the African National Congress. [Applause.] We are saying, with respect to this particular Bill, you know that when there is conflict between the expropriating authority and the expropriated owner, there will be mediation and also the magistrate's courts will be used. It is not that you will need to go to the High Court. This is a caring organisation. So, that

is accommodated and is part of it and if you are not happy then section 34 will cover you.

Also there is ... [Interjections.] ... you know we become worried when the opposition parties say that they support the Constitution. They support it on the one hand, but on the other hand they do not support it, or they support it when it suits them. What they are saying here is that they support the Constitution, but 1913 is part of the Constitution that they say they are not supporting. Over and above that, there is a provision that our President has made to say that there will be exceptions that are going to take place. I think that these are going to be covered by regulations. Therefore, I do not think that there must be fear because there will be a determination around that particular one. We are saying that, as the African National Congress, we can no longer delay transformation and development. We are ready to go and defend this even in the Constitutional Court, if need be. The ANC supports this Bill.

[Applause.]

The DEPUTY MINISTER OF PUBLIC WORKS: Chairperson, hon members, finally, nearly 20 years after the adoption of our universally admired Constitution, this Expropriation Bill has arrived to be passed here, in the NA. It is almost 20 years now since



clause 25, the ``property clause'' in the Bill of Rights stated categorically, ``Property may be expropriated only in terms of law of general application for a public purpose or in the public interest.''

The Bill before us here, in this House, is precisely ...

Mr N S MATIASE: House Chair ...

The DEPUTY MINISTER OF PUBLIC WORKS: ... that law of general application.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Deputy Minister, will you take your seat? Hon member, why are you rising?

Mr N S MATIASE: House Chair, who exactly is the Deputy Minister - this Deputy Minister or the member whose name appears on the Speakers' List?

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Matiase, we have noted that on the screen another Deputy Minister's name ...

Mr N S MATIASE: Can you answer my question, hon House Chair?

The HOUSE CHAIRPERSON (Mr C T Frolick): The hon Jeremy Cronin is the Deputy Minister of Public Works, and he will now continue, in closing this debate. [Interjections.]

The DEPUTY MINISTER OF PUBLIC WORKS: Thank you, Chairperson. Although they accuse me of being a white man, I can sometimes also be a black woman! [Laughter.]

The Bill before us is, precisely, that law of general application. It complies with the constitutional requirement that there should be no arbitrariness when the state exercises its expropriating powers.

For nearly 20 years now, hon members, despite the clear injunction from our Bill of Rights, we have failed as legislators to legislate a general law of application for cases of expropriation. Of course, government - like all democratic governments around the world - does have existing expropriating powers.

The DEPUTY MINISTER OF RURAL DEVELOPMENT AND LAND REFORM:  
Chairperson ...

The DEPUTY MINISTER OF PUBLIC WORKS: Several national Ministers, all nine Premiers, and all municipalities have existing expropriating powers ...

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Deputy Minister Cronin, will you take your seat? Why are you rising, hon Deputy Minister?

The DEPUTY MINISTER OF RURAL DEVELOPMENT AND LAND REFORM: Chairperson, I wanted to ask whether the hon Deputy Minister is prepared to take a question. [Interjections.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Deputy Minister, are you prepared to take a question?

The DEPUTY MINISTER OF PUBLIC WORKS: No. Actually, I won't take the question because I'd prefer to finish. If I have time afterwards, I will do so. [Interjections.]

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

The DEPUTY MINISTER OF PUBLIC WORKS: As I was saying ...  
[Interjections.]

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

The DEPUTY MINISTER OF PUBLIC WORKS: This government, including the Premier of the Western Cape, has existing expropriating powers. [Interjections.]

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

The DEPUTY MINISTER OF PUBLIC WORKS: This is why there were quite sharp differences between the Western Cape government and the DA in Parliament in regard to getting this piece of legislation through. They have got expropriating powers, but they want to have the surety that we clearly describe in a general law of general application in terms of how to proceed. There is a variety of different laws. All municipalities have expropriating powers, as we speak. Several national Ministers and all provinces have expropriating powers. What is lacking - and which is required by the Constitution - is a law of general application about how to proceed, across the board, when expropriating.

The Bill before this House has no ambition to deprive any sphere of government, including the Western Cape government, of

existing expropriating powers. However, we seek to outline general procedures that must be followed in cases of expropriation to meet the test of constitutionality.

The absence of such a general law of application has been unfair to the public. It's been unfair to investors. It's been unfair to the judiciary, which has often been called to pronounce on cases of expropriation without clear legislative guidance - and its absence has also been unfair to expropriating authorities.

The property clause states:

The state must take reasonable legislative and other measures ... to foster conditions which enable citizens to gain access to land on an equitable basis.

That's a must. It's not a maybe or should think about. It's an imperative must.

Furthermore, the Bill of Rights asserts that, for the purposes of expropriation, the public interest includes the nation's commitment to land reform, and reforms to bring about equitable access to all South Africa's natural resources - not just land. The Bill of Rights states that no provision of the property clause ``may impede the state from taking legislative and other

measures to achieve land, water and related reform, in order to redress the results of past racial discrimination.''

There you have it. The state is required to move decisively, not just because of the ANC's electoral mandate, but as a constitutional imperative. Now, I am not suggesting that expropriation is the only, or even the primary, means for achieving equitable access for all South Africans to land, water, electricity, public transport, and so on. However, it can be a very important means for ensuring transformative progress.

Unfortunately, for over two decades, there has been uncertainty about expropriation. In the last Parliament, the former Leader of the Opposition even told us that the willing-buyer, willing-seller formula was entrenched within the Constitution. It's a case of colonial ideas occupying even a new generation of black people. You can scrutinise the Constitution with a microscope, but you won't find a single reference to willing-buyer, willing-seller.

Lack of legislated clarity on how to proceed constitutionally with expropriations has been extremely costly to our country. There are notorious cases of extortionate amounts of public money being paid in land restitution, in some cases. In the

portfolio committee, Eskom told us of cases in which finishing near-completed transmission lines was delayed by one or two landowners holding out for a willing-seller bonanza. We cannot allow uncertainty about expropriation for a public purpose to persist. That is why passing this Bill today is so important.

In the committee's public hearings, two issues, in particular, kept cropping up: the definition of property, and the question of compensation. The DA, in particular, although they have abandoned it somewhat today, has consistently tried to restrict the definition of property that might be expropriated. Two things need to be said in response.

Firstly, this is a law of general application. In many other Acts dealing with specific sectors and Ministers, property that might be expropriated is defined in various ways. You can have a look at the National Forests Act of 1998 or the Water Services Act of 1997, for instance, which describe the specific kinds of property that a Minister of Water and Sanitation, for example, might expropriate. However, this Bill we are dealing with here is, again, a law of general application.

Secondly, as the hon Madlopha has said, we were guided in our approach to what we meant by property for expropriation by the

judgment of the Constitutional Court in the case of *First National Bank of SA Limited t/a Wesbank v Commissioner for the South African Revenue Services & Another; First National Bank of SA Limited t/a Wesbank v Minister of Finance* (CCT19/01) [2002] ZACC 5. In its judgment, the Constitutional Court said: ` `... it is ... practically impossible to furnish - and judicially unwise to attempt - a comprehensive definition of property for purposes of section 25.'` That is, the property clause.

What about compensation? Firstly, the DA tried to make market value the over-riding criterion determining compensation. This is against both the spirit and the letter of the Bill of Rights.

Secondly, it is wrong to imagine that it is only wealthy property owners who might be expropriated. A just and equitable compensation for an evicted, poor community might require compensation well above market value - in the case of building a dam, for instance.

Thirdly, when the Bill of Rights refers to ``just and equitable compensation'', it is not just thinking about individuals affected by expropriation. Money paid in compensation is not government money, it is public money. Expropriating authorities



have a responsibility to ensure that, in the public interest, extortionate compensation is not extracted by individuals.

In short, the constitutional pretenders who claim to have fundamental problems with this Bill, in fact, don't have problems with the Bill, as such. They have problems with the actual 1996 Constitution of this democratic South Africa.

[Applause.]

#### **UNPARLIAMENTARY LANGUAGE**

(Ruling)

The HOUSE CHAIRPERSON (Mr C T Frolick): Thank you, hon Deputy Minister. Hon members, during the course of this debate, I undertook to look at Hansard in reference to a specific statement that was made by the hon Madlopha when she was debating this issue. I have since established that the hon member said, ``You sitting here are nothing but warmongers.'' This statement is unparliamentary and I now request the hon Madlopha to withdraw that statement. [Interjections.]

Dr C Q MADLOPHA: I withdraw.

Debate concluded.

The HOUSE CHAIRPERSON (Mr C T Frolick): Thank you, hon member.  
That concludes the debate, hon members. Order!

Amendments to the Bill have been proposed in terms of Assembly Rule 254 and published on the Order Paper in the name of the hon Mrs A M Dreyer. In terms of Rule 254, section 5 paragraph b, I have decided to put the amendments for decision by the House. The amendments that have been proposed are to five clauses which are part of the Bill. The amendments will be put together for decision. Once the House has taken a decision on them, the Second Reading of the Bill will be put for decision. I now put the amendments as they appear on the Order Paper. Are there any objections to the amendments as moved by the hon Dreyer?

The CHIEF WHIP OF THE MAJORITY PARTY: Hon House Chair, we object to all of them.

Division demanded.

The House divided.

AYES - 72: America, D; Atkinson, P G; Bagrain, M; Baker, T E;  
Balindlela, Z B N; Basson, L J; Bergman, D; Bozzoli, B;  
Brauteseth, T J; Cardo, M J; Carter, D; Davis, G R; De Kock, K;  
Dreyer, A M; Dudley, C; Esau, S; Figg, M J; Figlan, A M; Gana, S  
M; Gqada, T; Groenewald, P J; Grootboom, G A; Hadebe, T Z;  
Hunsinger, C H; James, L V; Jongbloed, Z; Kalyan, S V; Kohler,  
D; Kopane, S P; Kruger, H C; Krumbock, G R; Lees, R A; Lorimer,  
J R B; Lotriet, A; Mackay, G; Mackenzie, C; Macpherson, D W;  
Majola, T R; Malatsi, M S; Marais, E J; Masango, B S ; Matsepe,  
C D; Mazzone, N W A; Mbhele, Z N; Mcloughlin, A R; Meshoe, K R  
J; Mileham, K J; Mokgalapa, S; Motau, S C; Mulder, P W A; Ollis,  
I M; Rabotapi, M W; Redelinghuys, M H; Robertson, K P; Robinson,  
D; Stander, T; Steenhuisen, J H; Steyn, A; Stubbe, D J; Swart, S  
N; Tarabella Marchesi, N I; Topham, B R; Van Dalen, P; Van  
Damme, P T; Van Der Walt, D; Van Der Westhuizen, A P; Van Dyk,  
V; Vos, J; Walters, T C R; Waters, M; Whitfield, A G; Wilson, E  
R.

NOES - 201: Abrahams, B L; Adams, F; Adams, P E; Bam-Mugwanya,  
V; Bapela, K O; Basson, J V; Bekwa, S D; Beukman, F; Bhengu, P;  
Bhengu, F; Bhengu, N R; Bilankulu, N K; Bogopane-Zulu, H I;  
Bongo, B T; Booii, M S; Capa, R N; Capa, N; Carrim, Y I; Cele, M  
A; Chauke, H P; Chiloane, T D; Chueu, M P; Coleman, E M; Cronin,  
J P; Cwele, S C; Davies, R H; Dirks, M A; Dlakude, D E; Dlamini-

Dubazana, Z S; Dlomo, B J; Dlulane, B N; Dunjwa, M L; Ebrahim, E I; Esterhuizen, J A; Fubbs, J L; Galo, M P; Gamede, D; Gcwabaza, N E; Gigaba, K M N; Gina, N; Goqwana, M B; Gumede, D M; Hlengwa, M; Jeffery, J H; Johnson, M; Kalako, M U; Kekana, H B; Kekana, E; Kekana, C D; Kekana, M D; Kenye, T E; Khoarai, L P; Khosa, D H; Khoza, T Z M; Khoza, M B; Kilian, J D; Koornhof, G W; Lekota, M G P; Lesoma, R M; Letsatsi-Duba, D B; Loliwe, F S; Luyenge, Z; Luzipo, S; Maake, J; Mabasa, X; Mabe, B P; Mabe, P; Mabija, L; Mabika, M S; Mabilo, S P; Madella, A F; Madlopha, C Q; Maesela, P; Magadla, N W; Mahlalela, A F; Mahlangu, D G; Mahlangu, J L; Mahlobo, M D; Maila, M S A; Majola, F Z; Makhubela-Mashele, L S; Makhubele, Z S; Makondo, T; Makwetla, S P; Malgas, H; Maluleke, J M; Maluleke, B J; Manamela, K B; Manana, M C; Manana, M N S; Manana, D P; Mandela, Z M D; Mantashe, P T; Maphatsoe, E R K; Mapisa-Nqakula, N; Mapulane, M P; Martins, B A D; Masango, M S A; Masehela, E K M; Mashego-Dlamini, K C; Mashile, B L; Masina, M C; Masondo, N A; Masuku, M B; Maswanganyi, M J; Mathale, C; Mathebe, D H; Matlala, M H; Matshoba, M O; Matsimbi, C; Mavunda, R T; Maxegwana, C H M; Mbetse, B; Mchunu, S; Mdakane, M R; Memela, T C; Mfeketo, N C; Mjobo, L N; Mkongi, B M; Mmemezi, H M Z; Mmola, M P; Mnganga - Gcabashe, L A; Mnguni, P J; Mnguni, D; Mogotsi, V P; Mokoto, N R; Molebatsi, M A; Molewa, B E; Morutoa, M R; Mothapo, M R M; Motimele, M S; Motsoaledi, P A; Mpumlwana, L K B; Msimang, C T; Mthembu, J M; Mthembu, N; Mthethwa, E N;

Mthethwa, E M; Nchabeleng, M E; Ndaba, C N; Ndongeni, N; Nesi, B  
A; Ngcobo, B T; Ngwenya-Mabila, P C; Nkadimeng, M F; Nkomo, S J;  
Nkwinti, G E; Nqakula, C; Ntombela, M L D; Nxesi, T W; Nyambi, H  
V; Oliphant, M N; Oliphant, G; Pandor, G N M; Patel, E; Peters,  
E D; Phaahla, M J; Phosa, Y N; Pikinini, I A; Pilane-Majake, M  
C; Radebe, B A; Radebe, J T; Radebe, G S; Ralegoma, S M;  
Ramatlakane, L; Ramatlhodi, N A; Rantho, D Z; Raphuti, D;  
Semenya, M R; September, C; Shabangu, S; Shaik Emam, A M; Shope-  
Sithole, S C N; Sibande, M P; Sithole, K P; Siwela, E K; Sizani,  
P S; Skosana, J; Skwatsha, M; Smith, V G; Surty, M E; Thabethe,  
E; Tleane, S A; Tobias, T V; Tom, X S; Tongwane, T M A; Tseke, G  
K; Tseli, R M; Tsenoli, S L; Tshwete, P; Tsoleli, S P; Tsotetsi,  
D R; v R Koornhof, N J; Van Der Merwe, L; Van Rooyen, D; Van  
Schalkwyk, S R; Xasa, T; Xego, S T; Yengeni, L E; Zokwana, S;  
Zulu, L D.

ABSTAIN - 19: Filtane, M L W; Hlophe, H O; Ketabahle, V;  
Khawula, M S; Kwankwa, N L S; Louw, E N; Majeke, C N; Mashabela,  
N R; Matiase, N S; Matlhoko, A M; Mbatha, M S; Mente, N V;  
Mhlongo, S P; Mokaase, M O; Moteka, P G; Mulaudzi, T E; Paulsen,  
M N; Rawula, T; Sonti, N P.

Amendments accordingly negatived.

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

Division demanded.

The House divided.

AYES - 202: Abrahams, B L; Adams, F; Adams, P E; Bam-Mugwanyana, V; Bapela, K O; Basson, J V; Bekwa, S D; Beukman, F; Bhengu, P; Bhengu, F; Bhengu, N R; Bilankulu, N K; Bogopane-Zulu, H I; Bongo, B T; Booie, M S; Capa, R N; Capa, N; Carrim, Y I; Cele, M A; Chauke, H P; Chiloane, T D; Chueu, M P; Coleman, E M; Cronin, J P; Cwele, S C; Davies, R H; Dirks, M A; Dlakude, D E; Dlamini-Dubazana, Z S; Dlomo, B J; Dlulane, B N; Dunjwa, M L; Ebrahim, E I; Esterhuizen, J A; Fubbs, J L; Galo, M P; Gamede, D; Gcwabaza, N E; Gigaba, K M N; Gina, N; Goqwana, M B; Gumede, D M; Hlengwa, M; Jeffery, J H; Johnson, M; Kalako, M U; Kekana, H B; Kekana, E; Kekana, C D; Kekana, M D; Kenye, T E; Khoarai, L P; Khosa, D H; Khoza, T Z M; Khoza, M B; Kilian, J D; Koornhof, G W; Kubayi, M T; Lesoma, R M; Letsatsi-Duba, D B; Loliwe, F S; Luyenge, Z; Luzipo, S; Maake, J; Mabasa, X; Mabe, B P; Mabe, P; Mabija, L; Mabika, M S; Mabilo, S P; Madella, A F; Madlopha, C Q; Maesela, P; Magadla, N W; Mahlalela, A F; Mahlangu, D G; Mahlangu, J L; Mahlobo, M D; Maila, M S A; Majola, F Z; Makhubela-Mashele, L S; Makhubele, Z S; Makondo, T; Makwetla, S P; Malgas, H; Maluleke,

J M; Maluleke, B J; Manamela, K B; Manana, M C; Manana, M N S;  
Manana, D P; Mandela, Z M D; Mantashe, P T; Maphatsoe, E R K;  
Mapisa-Nqakula, N; Mapulane, M P; Martins, B A D; Masango, M S  
A; Masehela, E K M; Mashego-Dlamini, K C; Mashile, B L; Masina,  
M C; Masondo, N A; Masuku, M B; Maswanganyi, M J; Mathale, C;  
Mathebe, D H; Matlala, M H; Matshoba, M O; Matsimbi, C; Mavunda,  
R T; Maxegwana, C H M; Mbete, B; Mchunu, S; Mdakane, M R;  
Memela, T C; Mfeketo, N C; Mjobo, L N; Mkongi, B M; Mmemezi, H M  
Z; Mmola, M P; Mncwabe, S C; Mnganga - Gcabashe, L A; Mnguni, P  
J; Mnguni, D; Mogotsi, V P; Mokoto, N R; Molebatsi, M A; Molewa,  
B E; Morutoa, M R; Mothapo, M R M; Motimele, M S; Motsoaledi, P  
A; Mpumlwana, L K B; Msimang, C T; Mthembu, J M; Mthembu, N;  
Mthethwa, E N; Mthethwa, E M; Nchabeleng, M E; Ndaba, C N;  
Ndongeni, N; Nesi, B A; Ngcobo, B T; Ngwenya-Mabila, P C;  
Nkadimeng, M F; Nkomo, S J; Nkwinti, G E; Nqakula, C; Ntombela,  
M L D; Nxesi, T W; Nyambi, H V; Oliphant, M N; Oliphant, G;  
Pandor, G N M; Patel, E; Peters, E D; Phaahla, M J; Phosa, Y N;  
Pikinini, I A; Pilane-Majake, M C; Radebe, B A; Radebe, J T;  
Radebe, G S; Ralegoma, S M; Ramatlakane, L; Ramatlhodi, N A;  
Rantho, D Z; Raphuti, D; Semenya, M R; September, C; Shabangu,  
S; Shaik Emam, A M; Shope-Sithole, S C N; Sibande, M P; Sithole,  
K P; Siwela, E K; Sizani, P S; Skosana, J; Skwatsha, M; Smith, V  
G; Surty, M E; Thabethe, E; Tleane, S A; Tobias, T V; Tom, X S;  
Tongwane, T M A; Tseke, G K; Tseli, R M; Tsenoli, S L; Tshwete,

P; Tsoleli, S P; Tsotetsi, D R; v R Koornhof, N J; Van Der Merwe, L; Van Rooyen, D; Van Schalkwyk, S R; Xasa, T; Xego, S T; Yengeni, L E; Zokwana, S; Zulu, L D.

NOES - 88: America, D; Atkinson, P G; Baker, T E; Balindlela, Z B N; Basson, L J; Bergman, D; Bozzoli, B; Brauteseth, T J; Cardo, M J; Carter, D; Davis, G R; De Kock, K; Dreyer, A M; Dudley, C; Esau, S; Figg, M J; Figlan, A M; Filtane, M L W; Gana, S M; Gqada, T; Groenewald, P J; Grootboom, G A; Hadebe, T Z; Hlophe, H O; Hunsinger, C H; James, L V; Jongbloed, Z; Kalyan, S V; Ketabahle, V; Khawula, M S; Kohler, D; Kopane, S P; Kruger, H C; Krumbock, G R; Kwankwa, N L S; Lees, R A; Lekota, M G P; Lorimer, J R B; Lotriet, A; Louw, E N; Mackay, G; Macpherson, D W; Majola, T R; Malatsi, M S; Marais, E J; Masango, B S ; Mashabela, N R; Matiase, N S; Matlhoko, A M; Matsepe, C D; Mazzone, N W A; Mbhele, Z N; Mcloughlin, A R; Mente, N V; Meshoe, K R J; Mhlongo, S P; Mileham, K J; Mokause, M O; Mokgalapa, S; Motau, S C; Moteka, P G; Mulaudzi, T E; Mulder, P W A; Ollis, I M; Paulsen, M N; Rabotapi, M W; Rawula, T; Redelinghuys, M H; Robertson, K P; Robinson, D; Sonti, N P; Stander, T; Steenhuisen, J H; Steyn, A; Stubbe, D J; Swart, S N; Tarabella Marchesi, N I; Topham, B R; Van Dalen, P; Van Damme, P T; Van Der Walt, D; Van Der Westhuizen, A P; Van Dyk, V; Vos, J; Walters, T C R; Waters, M; Whitfield, A G; Wilson, E R.



ABSTAIN - 2: Madisha, W M; Mbatha, M S.

Question agreed to.

Bill accordingly read a second time.

**REPORT OF PORTFOLIO COMMITTEE ON TRANSPORT - REQUEST FOR  
APPROVAL BY PARLIAMENT OF CAPE TOWN AGREEMENT OF 2012 ON  
IMPLEMENTATION OF THE PROVISIONS OF THE TORREMOLINOS PROTOCOL OF  
1993 RELATING TO THE INTERNATIONAL CONVENTION FOR THE SAFETY OF  
FISHING VESSELS, 1977 IN TERMS OF SECTION 231(2) OF CONSTITUTION**

There was no debate.

Cape Town Agreement of 2012 on the implementation of the provisions of the Torremolinos Protocol of 1993 relating to the International Convention for the Safety of Fishing Vessels, 1977, accordingly approved.

**REPORT OF PORTFOLIO COMMITTEE ON TRANSPORT - CONSIDERATION OF  
REQUEST FOR APPROVAL BY PARLIAMENT OF AFRICAN MARITIME TRANSPORT  
CHARTER IN TERMS OF SECTION 231(2) OF CONSTITUTION**

There was no debate.

African Maritime Transport Charter approved.

The House adjourned at 18:32.

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**ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS**

**FRIDAY, 27 NOVEMBER 2015**

**TABLINGS**

**National Assembly and National Council of Provinces**

**1. The Minister in The Presidency**

- (a) 2015 Third Quarterly Report of the National Conventional Arms Control Committee (NCACC), tabled in terms of section 23(1)(c) of the National Conventional Arms Control Act, 2002 (Act No 41 of 2002).

**MONDAY, 30 NOVEMBER 2015**

**ANNOUNCEMENTS**

**National Assembly and National Council of Provinces**

**The Speaker and the Chairperson**

**1. Draft Bills submitted in terms of Joint Rule 159**

- (1) **Administrative Adjudication of Road Traffic Offences Amendment Bill, 2015**,  
submitted by the Minister of Transport.

Referred to the **Portfolio Committee on Transport** and the **Select Committee on Economic and Business Development**.

**National Assembly**

**The Speaker**

**1. Introduction of Bills**

- (1) **The Minister of Transport**

- (a) **Administrative Adjudication of Road Traffic Offences Amendment Bill** [B 38 – 2015] (National Assembly – proposed sec 76) [Explanatory summary of Bill and prior notice of its introduction published in *Government Gazette* No 39395 of 12 November 2015.]

Introduction and referral to the **Portfolio Committee on Transport** of the National Assembly, as well as referral to the Joint Tagging Mechanism (JTM) for classification in terms of Joint Rule 160.

In terms of Joint Rule 154 written views on the classification of the Bill may be submitted to the JTM. The Bill may only be classified after the expiry of at least three parliamentary working days since introduction.

## **TABLINGS**

### **National Assembly and National Council of Provinces**

#### **1. The Speaker and the Chairperson**

- (a) Sectoral Parliaments - Report on the Round Table Discussions on Youth Development.

**Please see pages 6044-6079 of the ATCs.**

**TUESDAY, 1 DECEMBER 2015**

**ANNOUNCEMENTS**

**National Assembly and National Council of Provinces**

**The Speaker and the Chairperson**

**1. Bills passed by Houses – to be submitted to President for assent**

(1) Bills passed by National Council of Provinces on 1 December 2015:

(a) **Adjustments Appropriation Bill** [B 28 - 2015] (National Assembly – sec 77).

(b) **Taxation Laws Amendment Bill** [B 29B - 2015] (National Assembly – sec 77).

(c) **Tax Administration Laws Amendment Bill** [B 30 - 2015] (National Assembly – sec 75).

(d) **Finance Bill** [B 31 - 2015] (National Assembly – sec 77).

- (e) **New Development Bank Special Appropriation Bill** [B 32 - 2015] (National Assembly – sec 77).

## **2. Draft Bills submitted in terms of Joint Rule 159**

- (1) **Protected Disclosures Amendment Bill**, 2015, submitted by the Minister of Justice and Correctional Services.

Referred to the **Portfolio Committee on Justice and Correctional Services** and the **Select Committee on Security and Justice**.

## **TABLINGS**

### **National Assembly and National Council of Provinces**

#### **1. The Minister of Water and Sanitation**

- (a) Report and Financial Statements of the Amatola Water Board for 2014-15, including the Report of the Independent Auditors on the Financial Statements and Performance Information for 2014-15.

- (b) Report and Financial Statements of the Lepelle Northern Water for 2014-15, including the Report of the Independent Auditors on the Financial Statements and Performance Information for 2014-15.
  
- (b) Report and Financial Statements of the Bloem Water for 2014-15, including the Report of the Independent Auditors on the Financial Statements and Performance Information for 2014-15.
  
- (c) Report and Financial Statements of the Magalies Water for 2014-15, including the Report of the Auditor-General on the Financial Statements and Performance Information for 2014-15.
  
- (d) Report and Financial Statements of Mhlathuze Water for 2014-15, including the Report of the Independent Auditors on the Financial Statements and Performance Information for 2014-15.
  
- (e) Report and Financial Statements of Overberg Water for 2014-15, including the Report of the Independent Auditors on the Financial Statements and Performance Information for 2014-15.
  
- (f) Report and Financial Statements of the Rand Water for 2014-15, including the Report of the Independent Auditors on the Financial Statements and Performance Information for 2014-15.

- (g) Report and Financial Statements of the Umgeni Water for 2014-15, including the Report of the Auditor-General on the Financial Statements and Performance Information for 2014-15.
  
- (h) Report and Financial Statements of Sedibeng Water for 2014-15, including the Report of the Independent Auditors on the Financial Statements and Performance Information for 2014-15.

**WEDNESDAY, 2 DECEMBER 2015**

## **ANNOUNCEMENTS**

### **National Assembly**

#### **The Speaker**

#### **1. Appointment of member of Technology Innovation Agency Board**

- (1) A letter dated 23 November 2015 has been received from the Minister of Science and Technology, submitting to the National Assembly a report in terms of section 8(5) of the Technology Innovation Agency Act, 2008 (No 26 of 2008) on the appointment of Prof Diane Hildebrandt from 1 November 2015 to 30 April 2017 to replace Dr Bonakele Mehlomakulu, who tendered her resignation in May 2015.



Referred to the **Portfolio Committee on Science and Technology**.

**2. Referral to Committees of papers tabled**

(1) The following paper is referred to the **Committee on Public Accounts**:

- (a) Consolidated General Report of the Auditor-General on National and Provincial Audit Outcomes for 2014-15 [RP372-2015].

(2) The following paper is referred to the **Joint Standing Committee on Financial Management of Parliament** for consideration:

- (a) Monthly Financial Statements of Parliament – October 2015, tabled in terms of section 54(1) of the Financial Management of Parliament and Provincial Legislatures Act, 2009 (Act No 10 of 2009).

(3) The following papers are referred to the **Portfolio Committee on Police** for consideration and to the **Portfolio Committee on Women in The Presidency**:

- (a) Report of the South African Police Service for the period April 2013 – September 2013, tabled in terms of section 18(5)(d) of the Domestic Violence Act, 1998 (Act No 116 of 1998).

- (b) Report of the South African Police Service for the period October 2013 – March 2014, tabled in terms of section 18(5)(d) of the Domestic Violence Act, 1998 (Act No 116 of 1998).
  - (c) Report of the South African Police Service for the period April 2014 – September 2014, tabled in terms of section 18(5)(d) of the Domestic Violence Act, 1998 (Act No 116 of 1998).
  - (d) Report of the South African Police Service for the period October 2014 – March 2015, tabled in terms of section 18(5)(d) of the Domestic Violence Act, 1998 (Act No 116 of 1998).
- (4) The following paper is referred to the **Joint Standing Committee on Defence** for consideration and report:
- (a) 2015 Third Quarterly Report of the National Conventional Arms Control Committee (NCACC), tabled in terms of section 23(1)(c) of the National Conventional Arms Control Act, 2002 (Act No 41 of 2002).
- (5) The following papers are referred to the **Portfolio Committee on Water and Sanitation** for consideration and report. The Reports of the Auditor-General and Independent Auditors on the Financial Statements and Performance Information are referred to the **Committee on Public Accounts** for consideration:

- (a) Report and Financial Statements of the Amatola Water Board for 2014-15, including the Report of the Independent Auditors on the Financial Statements and Performance Information for 2014-15.
- (b) Report and Financial Statements of the Lepelle Northern Water Board for 2014-15, including the Report of the Independent Auditors on the Financial Statements and Performance Information for 2014-15.
- (c) Report and Financial Statements of the Bloem Water Board for 2014-15, including the Report of the Independent Auditors on the Financial Statements and Performance Information for 2014-15.
- (d) Report and Financial Statements of the Magalies Water Board for 2014-15, including the Report of the Auditor-General on the Financial Statements and Performance Information for 2014-15.
- (e) Report and Financial Statements of the Mhlatuze Water Board for 2014-15, including the Report of the Independent Auditors on the Financial Statements and Performance Information for 2014-15.
- (f) Report and Financial Statements of the Overberg Water Board for 2014-15, including the Report of the Independent Auditors on the Financial Statements and Performance Information for 2014-15.

- (g) Report and Financial Statements of the Rand Water Board for 2014-15, including the Report of the Independent Auditors on the Financial Statements and Performance Information for 2014-15.
- (h) Report and Financial Statements of the Umgeni Water Board for 2014-15, including the Report of the Auditor-General on the Financial Statements and Performance Information for 2014-15.
- (i) Report and Financial Statements of the Sedibeng Water Board for 2014-15, including the Report of the Independent Auditors on the Financial Statements and Performance Information for 2014-15.

## **TABLINGS**

### **National Assembly and National Council of Provinces**

#### **1. The Minister of Trade and Industry**

- (a) Government Notice No 1008, published in Government Gazette No 39320, dated 23 October 2015: Codes of Good Practice on Broad-Based Black Economic Empowerment, in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act, 2003 (Act No 53 of 2003).

- (b) General Notice No 1055, published in Government Gazette No 39378, dated 6 November 2015: Amended B-BBEE Verification Manual, published pursuant to the provisions of Section 9(1) and 14(2) of the Broad-Based Black Economic Empowerment Act, 2003 (Act No 53 of 2003).
- (c) General Notice No 1160, published in Government Gazette No 39429, dated 20 November 2015: Broad-Based Black Economic Empowerment Act No 53 of 2003 as amended by Act 46 of 2013: Codes of Good Practice on Broad-Based Black Economic Empowerment: Draft AgriBEE Sector Codes, in terms of the Broad-Based Black Economic Empowerment Act, 2003 (Act No 53 of 2003).
- (d) Government Notice No 1031, published in Government Gazette No 39344, dated 30 October 2015: Notice regarding the maximum number of Casino licences that may be granted throughout the republic, in terms of the National Gambling Act, 2004 (Act No 7 of 2004).
- (e) Government Notice No 1080, published in Government Gazette No 39379, dated 6 November 2015: Final Regulations on Review of Limitations on Fees and Interest Rates, made in terms of Section 171(1) of the National Credit Act, 2005 (Act No 34 of 2005).
- (f) Government Notice No 1104, published in Government Gazette No 39407, dated 13 November 2015: Invitation for public comment on the Draft Credit Life Insurance

Regulations, in terms of section 171(1)(d)(ii) of the National Credit Act, 2005 (Act No 34 of 2005).

**THURSDAY, 3 DECEMBER 2015**

## **ANNOUNCEMENTS**

**National Assembly and National Council of Provinces**

**The Speaker and the Chairperson**

### **1. Referral of Bill to National House of Traditional Leaders**

- (1) The Secretary to Parliament has, in accordance with section 18(1) of the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003), referred the **Extension of Security of Tenure Amendment Bill** [B 24 – 2015] (National Assembly – sec 75) to the National House of Traditional Leaders, which must, within 30 days from the date of the referral (2 January 2016), make any comments it wishes to make.

### **2. Classification of Bills by Joint Tagging Mechanism (JTM)**

- (1) The JTM in terms of Joint Rule 160(6) classified the following Bill as a section 75 Bill:

- (a) **Higher Education Amendment Bill** [B 36 – 2015] (National Assembly – sec 75).

## **TABLINGS**

### **National Assembly and National Council of Provinces**

#### **1. The Minister of Trade and Industry**

- (a) Government Notice No 1148, published in Government Gazette No 39430, dated 20 November 2015: Codes of Good Practice on Broad-Based Black Economic Empowerment: Amended Tourism Sector Code, in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act, 2003 (Act No 53 of 2003).

### **National Assembly**

#### **1. The Speaker**

- (a) Petition from residents of Ward 92, Ekurhuleni Metropolitan Municipality, calling on the National Assembly to hold the Rand Water Board and Ekurhuleni Metropolitan

Municipality accountable for a lack of delivery in respect of water, water infrastructure and related matters, submitted in terms of Rule 312 (Mr M Waters).

Referred to the **Portfolio Committee on Water and Sanitation** for consideration and report.

- (b) Special report from the Auditor-General dated 1 December 2015 to provide reasons for the delay in completing the audit of the financial statements of the Mantsopa Local Municipality for the financial year ended 30 June 2015, tabled in terms of section 126(4) of the Local Government: Municipal Finance Management Act, 2003 (Act No 56 of 2003).
  
- (c) Special report from the Auditor-General dated 1 December 2015 to provide reasons for the delay in completing the audit of the financial statements of the Kopanong Local Municipality for the financial year ended 30 June 2015, tabled in terms of section 126(4) of the Local Government: Municipal Finance Management Act, 2003 (Act No 56 of 2003).

**FRIDAY, 4 DECEMBER 2015**

## **ANNOUNCEMENTS**

**National Assembly and National Council of Provinces**



## **The Speaker and the Chairperson**

### **1. Draft Bills submitted in terms of Joint Rule 159**

- (1) **Broadcasting Amendment Bill**, 2015, submitted by the Minister of Communications.

Referred to the **Portfolio Committee on Communications** and the **Select Committee on Communications and Public Enterprises**.

## **National Assembly**

### **The Speaker**

#### **1. Introduction of Bills**

- (1) **The Minister of Communications**

- (a) **Broadcasting Amendment Bill** [B 39 – 2015] (National Assembly – proposed sec 75) [Explanatory summary of Bill and prior notice of its introduction published in *Government Gazette* No 39413 van 13 November 2015.]

Introduction and referral to the **Portfolio Committee on Communications** of the National Assembly, as well as referral to the Joint Tagging Mechanism (JTM) for classification in terms of Joint Rule 160.

In terms of Joint Rule 154 written views on the classification of the Bill may be submitted to the JTM. The Bill may only be classified after the expiry of at least three parliamentary working days since introduction.

**TUESDAY, 8 DECEMBER 2015**

## **ANNOUNCEMENTS**

### **National Assembly and National Council of Provinces**

#### **The Speaker and the Chairperson**

#### **1. Draft Bills submitted in terms of Joint Rule 159**

- (1) **Insurance Bill**, 2015, submitted by the Minister of Finance.

Referred to the **Standing Committee on Finance** and the **Select Committee on Finance**.

## **National Assembly**

### **The Speaker**

#### **1. Introduction of Bills**

##### **(1) The Minister of Justice and Correctional Services**

- (a) Protected Disclosures Amendment Bill [B 40 – 2015]** (National Assembly – proposed sec 75) [Explanatory summary of Bill and prior notice of its introduction published in *Government Gazette* No 39479 of 4 December 2015.]

Introduction and referral to the **Portfolio Committee on Justice and Correctional Services** of the National Assembly, as well as referral to the Joint Tagging Mechanism (JTM) for classification in terms of Joint Rule 160.

In terms of Joint Rule 154 written views on the classification of the Bill may be submitted to the JTM. The Bill may only be classified after the expiry of at least three parliamentary working days since introduction.

**WEDNESDAY, 9 DECEMBER 2015**

## **TABLINGS**

### **National Assembly**

#### **1. The Speaker**

- (a) The President of the Republic submitted a letter dated 28 November 2015 to the Speaker of the National Assembly, informing members of the Assembly of the employment of members of the South African National Defence in cooperation with the South African Police Service during the second summit of the Forum on China Africa Cooperation (FOCAC) 2015, which will be held in Sandton, Johannesburg.

**Please see pages 6135-6136 of the ATCs.**

**TUESDAY, 26 JANUARY 2016**

## **TABLINGS**

### **National Assembly and National Council of Provinces**

#### **1. The Speaker and the Chairperson**

- (a) Annual Report of the Joint Standing Committee on Intelligence for the financial year ending 31 March 2015.

**Please see page 3 of the ATCs.**

**Please see pages 4-7 of the ATCs.**

**Please see pages 8-39 of the ATCs.**

**Please see pages 40-56 of the ATCs.**

**Please see pages 57-62 of the ATCs.**

**Please see pages 63-66 of the ATCs.**

## **2. The Minister of Police**

- (a) Report of the Independent Police Investigative Directorate for the period April 2015 – September 2015, tabled in terms of section 9(n) of the Independent Police Investigative Directorate Act, 2011 (Act No 1 of 2011).

## **3. The Minister of Telecommunications and Postal Services**

- (a) Report and Financial Statements of the South African Post Office SOC Limited (SAPO) for 2014-15, including the Report of the Auditor-General on the Financial Statements and Performance Information for 2014-15.

#### **4. The Minister of Trade and Industry**

- (a) Protocol Amending the Marrakesh Agreement establishing the World Trade Organisation (WTO), including Annex 1A on the Agreement on Trade Facilitation, and Establishment of the National Committee on Trade Facilitation, tabled in terms of section 231(2) of the Constitution, 1996.
  
- (b) Explanatory Memorandum to the Protocol Amending the Marrakesh Agreement establishing the World Trade Organisation (WTO), including Annex 1A on the Agreement on Trade Facilitation, and Establishment of the National Committee on Trade Facilitation.

### **COMMITTEE REPORTS**

#### **National Assembly**

**Please see page 68 of the ATCs.**

**Please see page 68 of the ATCs.**

**Please see pages 69-96 of the ATCs.**

**THURSDAY, 28 JANUARY 2016**

**ANNOUNCEMENTS**

**National Assembly and National Council of Provinces**

**The Speaker and the Chairperson**

**1. Assent by President in respect of Bills**

- (1) **Agrément South Africa Bill** [B 3B – 2015] – Act No 11 of 2015 (assented to and signed by President on 13 December 2015).
- (2) **Finance Bill** [B 31 – 2015] – Act No 19 of 2015 (assented to and signed by President on 13 December 2015).
- (3) **New Development Bank Special Appropriation Bill** [B 32 – 2015] – Act No 20 of 2015 (assented to and signed by President on 13 December 2015).
- (4) **Disaster Management Amendment Bill** [B 10D – 2015] – Act No 16 of 2015 (assented to and signed by President on 13 December 2015).

- (5) **Defence Laws Repeal and Amendment Bill** [B 7 – 2015] – Act No 17 of 2015  
(assented to and signed by President on 13 December 2015).
- (6) **Criminal Matters Amendment Bill** [B 20B – 2015] – Act No 18 of 2015 (assented to and signed by President on 13 December 2015).
- (7) **Protection of Investment Bill** [B 18B – 2015] – Act No 22 of 2015 (assented to and signed by President on 13 December 2015).
- (8) **Medicines and Related Substances Amendment Bill** [B 6D – 2014] – Act No 14 of 2015 (assented to and signed by President on 24 December 2015).
- (9) **Tax Administration Laws Amendment Bill** [B 30 – 2015] – Act No 23 of 2015  
(assented to and signed by President on 24 December 2015).
- (10) **Judicial Matters Amendment Bill** [B 2B – 2015] – Act No 24 of 2015 (assented to and signed by President on 24 December 2015).
- (11) **Taxation Laws Amendment Bill** [B 29B – 2015] – Act No 25 of 2015 (assented to and signed by President on 24 December 2015).



## **The Speaker**

### **1. Introduction of Bills**

#### **(1) The Minister of Finance**

##### **(a) Insurance Bill [B 1 – 2016] (National Assembly – proposed sec 75)**

[Explanatory summary of Bill and prior notice of its introduction published in *Government Gazette* No 39403 of 13 November 2015.]

Introduction and referral to the **Standing Committee on Finance** of the National Assembly, as well as referral to the Joint Tagging Mechanism (JTM) for classification in terms of Joint Rule 160.

In terms of Joint Rule 154 written views on the classification of the Bill may be submitted to the JTM. The Bill may only be classified after the expiry of at least three parliamentary working days since introduction.

## **TABLINGS**

### **National Assembly and National Council of Provinces**

**1. The Minister of Environmental Affairs**

- (a) Government Notice No 1030, published in Government Gazette No 39343, dated 30 October 2015: Amendment to Environmental Impact Assessment Regulations, 2014 and Listing Notices 1, 2 and 3 of 2014, made under Sections 24(2), 24(5) and 44, read with Section 47 of the National Environmental Management Act, 1998 (Act No 107 of 1998).
- (b) Government Notice No 1033, published in Government Gazette No 39347, dated 30 October 2015: Format and procedure for the nomination of world heritage sites in the Republic of South Africa, made under Section 6 of the World Heritage Convention Act, 1999 (Act No 49 of 1999).
- (c) Government Notice No 1073, published in Government Gazette No 39379, dated 6 November 2015: Notice declaring the DWESA CWEBE Marine Protected Area under section 22A of the National Environmental Management: Protected Areas Act, 2003 (Act No 57 of 2003).
- (d) Government Notice No 1074, published in Government Gazette No 39379, dated 6 November 2015: Regulations for the DWESA CWEBE Marine Protected Area, in terms of Sections 48A(2) and 86(1)(a), (b), (c) and (d) of the National Environmental Management: Protected Areas Act, 2003 (Act No 57 of 2003).

- (e) General Notice No 965, published in Government Gazette No 39268, dated 9 October 2015: Biodiversity Economy Strategy, published in terms of section 100 of the National Environmental Management: Biodiversity Act, 2004 (Act No 10 of 2004).

## **2. The Minister of Finance**

- (a) Government Notice No R. 742, published in Government Gazette No 39126, dated 21 August 2015: Amendment of Schedule No 3 (No 3/1/710), in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (b) Government Notice R. 743, published in Government Gazette No 39126, dated 21 August 2015: Amendment of Schedule No 1 (No 1/1/1521), in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (c) Government Notice R. 601, published in Government Gazette No 39219, dated 18 September 2015: Amendment of Schedule No 1 (No 1/1/1522), in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (d) Government Notice R. 602, published in Government Gazette No 39219, dated 18 September 2015: Amendment of Schedule No 3 (No 3/1/711), in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).

- (e) Government Notice R. 894, published in Government Gazette No 39235, dated: 25 September 2015: Amendment of Schedule No 1 (No 1/1/1523), in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (f) Government Notice R. 895, published in Government Gazette No 39235, dated 25 September 2015: Amendment of Schedule No 1 (No 1/1/1524), in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (g) Government Notice R. 990, published in Government Gazette No 39300, dated 16 October 2015: Amendment of Schedule No 3 (No 3/1/712), in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (h) Government Notice R. 1027, published in Government Gazette No 39340, dated 30 October 2015: Amendment of Schedule No 1 (No 1/1/1525), in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (i) Government Notice No R. 1028, published in Government Gazette No 39340, dated 30 October 2015: Amendment of Schedule No 2 (No 2/1/370), in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (j) Government Notice No R. 614, published in Government Gazette No 39375, dated 6 November 2015: Determination of Amounts for purposes of the Act, in terms of the Military Pensions, 1976 (Act No 84 of 1976).

- (k) Government Notice No R. 615, published in Government Gazette No 39375, dated 6 November 2015: Amendment of Schedule No 2 (No 2/1/371), in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
  
- (l) Government Notice No R. 601, published in Government Gazette No 39478, dated 4 December 2015: Amendment of Schedule No 1 (No 1/1/1528), in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
  
- (m) Government Notice No R. 1214, published in Government Gazette No 39502, dated 11 December 2015: Amendment of Schedule No 4 (No 4/2/371) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
  
- (n) Government Notice No R. 1215, published in Government Gazette No 39502, 11 December 2015: Amendment of Schedule No 2 (No 2/1/372), in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
  
- (o) Government Notice No R. 1216, published in Government Gazette No 39502, 11 December 2015: Amendment of Schedule No 1 (No 1/1/1526), in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
  
- (p) Government Notice No R. 1217, published in Government Gazette No 39502, 11 December 2015: Amendment of Schedule No 5 (No 5/3/109), in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).

- (q) Government Notice No R. 1218, published in Government Gazette No 39502, 11 December 2015: Amendment of Schedule No 3 (No 3/1/714), in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (r) Government Notice No R. 1219, published in Government Gazette No 39502, 11 December 2015: Amendment of Schedule No 4 (No 4/5/2), in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (s) Government Notice No R. 1220, published in Government Gazette No 39502. 11 December 2015: Amendment of Schedule No 1 (No 1/1/1527) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (t) Government Notice No R. 1245, published in Government Gazette No 39525, 18 December 2015: Amendment of Schedule No 4 (No 4/2/372) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (u) Government Notice No R. 1246, published in Government Gazette No 39526, dated 18 December 2015: Amendment of Schedule No 2 (No 2/1/373)), in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (v) Government Notice No R. 1247, published in Government Gazette No 39527, dated 18 December 2015: Amendment of Schedule No 3 (No 3/1/715)), in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).

- (w) Government Notice No 1262, published in Government Gazette No 39538, dated 18 December 2015: Regulations in terms of paragraph 12D(5)(b) of Seventh Schedule to Income Tax Act, 1962, on information to be contained in contribution certificates, in terms of the Income Tax Act, 1962 (Act No. 58 of 1962).
- (x) Government Notice No R. 1265, published in Government Gazette No 39539, dated 18 December 2015: Amendment of Schedule No 1 (No 1/1/1532), in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (y) Government Notice No R. 1294, published in Government Gazette No 39569, dated 31 December 2015: Amendment of Rules, in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (z) Government Notice No R. 17, published in Government Gazette No 39582, dated 07 January 2016: Regulations in terms of paragraph 12D(5)(a) of Seventh Schedule to Income Tax Act, 1962, on Determination of Fund Member Category Factor ,in terms of the Income Tax Act, 1962 (Act No. 58 of 1962).
- (aa) Government Notice No R. 1159, published in Government Gazette No 39434, dated 20 November 2015: Amendment of Schedule No 3 (No 3/1/713), in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).

### **3. The Minister of Justice and Correctional Services**

- (a) Regulations setting out criteria to be applied in the determination of the judicial establishment of the Supreme Court of Appeal and divisions of the High Court of South Africa, submitted in terms of section 49(2) of the Superior Courts Act, 2013 (Act No 10 of 2013).

**WEDNESDAY, 3 FEBRUARY 2016**

## **ANNOUNCEMENTS**

### **National Assembly and National Council of Provinces**

#### **The Speaker and the Chairperson**

##### **1. Calling of Joint Sitting**

### **CALLING OF JOINT SITTING OF PARLIAMENT**

The Speaker of the National Assembly, Ms B Mbete, and the Chairperson of the National Council of Provinces, Ms T R Modise, in terms of Joint Rule 7(2), have called a joint sitting of the Houses of Parliament to conduct a debate on the President's State-of-the-



nation Address on 16 February and 17 February 2016 at 14:00, respectively and the President will reply to the debate on 18 February also at 14:00.

**B MBETE MP**  
**SPEAKER OF THE**  
**NATIONAL ASSEMBLY**

**T R MODISE MP**  
**CHAIRPERSON OF THE**  
**NATIONAL COUNCIL OF**  
**PROVINCES**

## **National Assembly**

### **The Speaker**

#### **1. Candidates recommended for appointment as Icasa councilors**

- (a) A letter dated 4 December 2015 has been received from the Minister of Communications, requesting approval by the National Assembly of the following four candidates for appointment to the Independent Communications Authority of South Africa (Icasa) in terms of section 5(1B) of the Independent Communications Authority of South Africa Act, 2000 (Act No 13 of 2000): Mr Paris Mashile, Mr Kaebetswe Modimoeng, Ms Bontlenyana Mokhele and Mr Peter Zimri.

Referred to the **Portfolio Committee on Communications** for consideration and report.

## **2. Membership of Assembly**

- (a) The vacancy which occurred owing to Mr I Mosala vacating his seat with effect from 9 December 2015, has been filled with effect from 9 December 2015 by the nomination of Mr H P Chauke.

## **TABLINGS**

### **National Assembly and National Council of Provinces**

#### **1. The Minister of Finance**

- (a) Report of the Registrar of Pension Funds for 2014 [RP 370 -2015].

### **National Assembly**

#### **1. The Speaker**

- (a) Petition from residents of Rooifontein and Kamasies in Namaqualand, requesting that the road between Springbok and Vaalputs be upgraded to an asphalt surface to

assist in the safe transportation of radioactive material from Pelindaba, submitted in terms of Rule 312 (Ms V van Dyk MP).

**FRIDAY, 5 FEBRUARY 2016**

**TABLINGS**

**National Assembly and National Council of Provinces**

**The Minister of Science and Technology**

- (a) Government Notice No 1166, published in Government Gazette No 39442, dated 23 November 2015: Notice of intention to make regulations on the protection of the Karoo Central Astronomy Advantage Areas, in terms of section 9(1) and (2) of the Astronomy Geographic Advantage Act, 2007 (Act No 21 of 2007).
  
- (b) Government Notice No 1229, published in Government Gazette No 39505, dated 11 December 2015: Regulations on the protection of the Karoo Central Astronomy Advantage Areas, made in terms of sections 50 to 52 of the Astronomy Geographic Advantage Act, 2007 (Act No 21 of 2007).

**COMMITTEE REPORTS**

**National Assembly**

**Please see pages 3-18 of the ATCs.**

**MONDAY, 8 FEBRUARY 2016**

**TABLINGS**

**National Assembly and National Council of Provinces**

**1. The Minister of Trade and Industry**

- (a) Memorandum of Understanding on Economic and Technical Co-operation between the Government of the Republic of South Africa and the Republic of Liberia, tabled in terms of section 231(3) of the Constitution, 1996.
  
- (b) Explanatory Memorandum on the Memorandum of Understanding on Economic and Technical Co-operation between the Government of the Republic of South Africa and the Republic of Liberia.
  
- (c) General Notice No 1175, published in Government Gazette No 39456, dated 27 November 2015: B-BBEE Codes of Good Practice: For public comment: African Exploration Mining and Finance Corporation Broad-Based Black Economic Empowerment Facilitator Status.

- (d) General Notice No 1176, published in Government Gazette No 39456, dated 27 November 2015: B-BBEE Codes of Good Practice: For public comment: Industrial Development Corporation (IDC) Broad-Based Black Economic Empowerment Facilitator Status.

## **COMMITTEE REPORTS**

### **National Assembly**

**Please see pages 2-7 of the ATCs.**

**TUESDAY, 9 FEBRUARY 2016**

## **COMMITTEE REPORTS**

### **National Assembly**

**Please see page 2 of the ATCs.**

**Please see pages 2-4 of the ATCs.**

**Please see pages 4-5 of the ATCs.**

**Please see pages 5-6 of the ATCs.**

**Please see pages 7-30 of the ATCs.**

**Please see pages 31-55 of the ATCs.**

**WEDNESDAY, 10 FEBRUARY 2016**

## **TABLINGS**

### **National Assembly and National Council of Provinces**

#### **1. The Minister of Environmental Affairs**

- (a) Regulations pertaining to the appointment of a registration authority responsible for the registration of environmental assessment practitioners, and to the specification of tasks in relation to an application for environmental authorisation that may only be performed by a registered environmental practitioner, submitted for tabling on 10 December 2015 in terms of section 47(2) of the National Environmental Management Act, 1998 (Act No 107 of 1998).
- (b) Regulations pertaining to the financial provision for prospecting, exploration, mining or production operations, submitted for tabling on 10 December 2015 in terms of

section 47(2) of the National Environmental Management Act, 1998 (Act No 107 of 1998).

- (c) General Notice No 989, published in Government Gazette No 39287, dated 13 October 2015: National Environmental Management Laws Amendment Bill, 2015, published for public comment.
- (d) General Notice No 986, published in Government Gazette No 39297, dated 16 October 2015: Environmental Impact Assessment Guidelines for Renewable Energy, published for implementation in terms of section 24J of the National Environmental Management Act, 1998 (Act No 107 of 1998).
- (e) General Notice No 1008, published in Government Gazette No 39324, dated 23 October 2015: Notice of intent to publish the National Social Infrastructure Guideline under section 24J of the National Environmental Management Act, 1998 (Act No 107 of 1998).

## **2. The Minister of Justice and Correctional Services**

- (a) Government Notice No R. 26, published in Government Gazette No 39595, dated 14 January 2016: Regulations on the criteria for the determination of the judicial establishment of the Supreme Court of Appeal and Divisions of the High Court of South Africa, 2015 in terms of section 49(1)(b) and tabled in terms of section 49(2) of the Superior Courts Act, 2013 (Act No 10 of 2013)

- (b) Inter-Departmental Annual Report (Department of Basic Education) for 2014-15 on the Implementation of the Child Justice Act, 2008 (Act No 75 of 2008).
- (c) Revised Draft Rules, 2016, submitted to Parliament on 10 February 2016, rules of procedure for application to court in terms of the Promotion of Access to Information Act, 2000 (Act No 2 of 2000).

## **FRIDAY, 12 FEBRUARY 2016**

### **ANNOUNCEMENTS**

#### **National Assembly and the National Council of Provinces**

#### **The Speaker and the Chairperson**

#### **1. Classification of Bills by Joint Tagging Mechanism (JTM)**

- (1) The JTM in terms of Joint Rule 160(6) classified the following Bill as a section 75

Bill:

- (a) **Insurance Bill** [B 1 – 2016] (National Assembly – sec 75).



## **National Assembly**

### **The Speaker**

#### **1. Membership of Assembly**

The vacancy which occurred owing to Mr S P Mashatile vacating his seat with effect from 5 February 2016, has been filled with effect from 5 February 2016 by the nomination of Ms D Z Senokoanyane.

## **TABLINGS**

### **National Assembly and National Council of Provinces**

#### **1. The Minister of Trade and Industry**

- (a) Government Notice No 157, published in Government Gazette No 39663, dated 4 February 2016: Amendment to the regulations for matters relating to the functions of the tribunal and rules for the conduct of matters before the National Consumer Tribunal, in terms of section 171(1)(c) of the National Credit Act, 2005 (Act No 34 of 2005) and section 120(1)(c) of the Consumer Protection Act, 2008 (Act No 68 of 2008).

- (b) Government Notice No 158, published in Government Gazette No 39663, dated 4 February 2016: Invitation for the public to comment on the determination of a threshold for credit provider registration, in terms of section 42(1) of the National Credit Act, 2005 (Act No 34 of 2005).
- (c) Proclamation No R 6, published in Government Gazette No 39667, dated 9 February 2016: Commencement of the Special Economic Zones Act, 2014 (Act No 14 of 2014).

## **2. The Minister of Women in The Presidency**

- (a) South Africa's 5<sup>th</sup> Periodic Report on the Implementation of the Convention on the Elimination of All Forms of Discrimination against Women 2009-2014.

## **National Assembly**

### **1. The Speaker**

- (a) Report of the Financial and Fiscal Commission on the International BRICS Conference held on 15-16 November 2015 at the University of the Western Cape (UWC) – Bellville, South Africa.

**TUESDAY, 16 FEBRUARY 2016**

## **ANNOUNCEMENTS**

### **National Assembly**

#### **The Speaker**

#### **1. Referral to Committees of papers tabled**

(1) The following papers are referred to the **Portfolio Committee on Trade and Industry** for consideration and report:

- (a) Protocol Amending the Marrakesh Agreement establishing the World Trade Organisation (WTO), including Annex 1A on the Agreement on Trade Facilitation and Establishment of the National Committee on Trade Facilitation, tabled in terms of section 231(2) of the Constitution, 1996.
- (b) Explanatory Memorandum to the Protocol Amending the Marrakesh Agreement establishing the World Trade Organisation (WTO), including Annex 1A on the Agreement on Trade Facilitation and Establishment of the National Committee on Trade Facilitation.

(2) The following papers are referred to the **Portfolio Committee on Trade and Industry**:

- (a) Memorandum of Understanding on Economic and Technical Co-operation between the Government of the Republic of South Africa and the Republic of Liberia, tabled in terms of section 231(3) of the Constitution, 1996.
- (b) Explanatory Memorandum on the Memorandum of Understanding on Economic and Technical Co-operation between the Government of the Republic of South Africa and the Republic of Liberia.

## **TABLINGS**

### **National Assembly and National Council of Provinces**

#### **1. The Minister of Women in The Presidency**

- (a) Revised Annual Performance Plan of the Department of Women for 2015/16.

### **National Assembly**

#### **1. The Speaker**

- (a) Letter from the Minister of Energy dated 25 January 2016, to the Speaker of the National Assembly explaining the reasons for the delay in the tabling of the Annual

Report of RADIOACTIVE WASTE DISPOSAL INSTITUTE (NRWDI) for 2014-15.

**REQUEST ON BEHALF OF RADIOACTIVE WASTE DISPOSAL  
INSTITUTE (NRWDI) TO TABLE ITS 2014/15 FINANCIAL YEAR ANNUAL  
REPORT LATE**

Section 55 (1) (d) of the Public Finance Management Act, Act 1 of 1999 as amended and the Treasury Regulation 28(2) require public entities to submit an annual report on the activities of that public entity during that financial year to National Treasury, to the Executive Authority responsible for that public entity and to the Auditor-General. The Institute has requested to be exempted from complying with section 55 1(d) of the PFMA, however, the Minister of Finance has disapproved the request indicating that the application was received by the National Treasury after the end of 2014/15 financial year.

The National Treasury Guideline on the Framework for Managing Programme Performance Information and the Treasury Regulation 29, also requires a public entity to manage and submit its performance information to the National Treasury, Executive Authority and to the Auditor General (for the purpose of auditing).

The National Radioactive Waste Disposal Institute (NRWDI) has informed me that it is unable to submit its Annual Report and Annual Financial Statements for the

2014/15 financial year owing to backlogs associated with its establishment and operationalization activities, such the appointment of the CEO, the appointment of the management and senior staff, as well as the completion of various activities related to the acquisition of the required Institute's operational infrastructure and equipment, such as office furniture, computers, ICT connectivity and communications equipment, etc. This was mainly due to fact that NRWDI is not yet fully operationalized and does not have the chief executive officer and operational staff. Furthermore DoE is currently working on the finalization of the Radioactive Waste Management Fund Bill to ensure the financial sustainability of the entity. This has lead NRWDI to not being able to submit its annual financial statements and annual report within the legislated timeframes for the purpose of auditing by AGSA.

The Institute is currently busy with its above-mentioned establishment and operationalization activities using the surpluses from the seed funds that were appropriated by Parliament in 2013. These establishment activities and the Institute's day-to-day functions that are imposed on it by the Act are currently being undertaken by the Institute using the human resources provided by Necsa (South African Nuclear Energy Corporation) with the Board of the Institute providing oversight. The Department has estimated that the establishment and operationalization activities of the new Institute will take approximately 24 months before the Institute can achieve its desired full maturity to enable it to operate independently.

Because of the reasons cited above, the Institute has requested to be exempted from compliance with the above-mentioned sections of the PFMA and Treasury Regulations, but the Minister of Finance has declined the request indicating that NRWDI has submitted its application to National Treasury late.

The Minister of Finance has also informed me that NRWDI need to start preparing for the 2014/15 financial year audit and provide AGSA with the relevant files for the audit to commence. Furthermore National Treasury indicated that the Institute's annual report need to be tabled in Parliament in terms of the PFMA as required.

The letter I received from the Minister of Finance is attached hereto marked as Annexure A. The purpose of this letter is to request the approval of the Honourable Speaker to table NRWDI's 2014/15 annual report late.

Kind regards,

(Signed)

MS TINA JOEMAT-PETTERSSON, MP

MINISTER OF ENERGY

- (b) Letter from the Minister of Finance dated 15 February 2016, to the Speaker of the National Assembly explaining the reasons for the delay in the tabling of the Annual Report of South African Airways for 2014-15.

### **TABLING OF THE ANNUAL REPORT OF SOUTH AFRICAN AIRWAYS**

I refer to the previous Minister of Finance correspondence dated 29 September 2015 regarding the tabling of the Annual Report of South African Airways (SAA) and that there would be a delay in the finalisation and tabling of SAA's Annual Financial Statements (AFS) as required in terms of Section 65(1)(a) of the Public Finance Management Act (PFMA).

The extension was requested due to the financial challenges faced by SAA and that their external auditors had raised concerns regarding SAA's going concern and liquidity position.

I have been informed that at a meeting of 18 November 2015, the Standing Committee on Finance (SCOF) stipulated that SAA's AFS must be tabled in Parliament by 15 January 2016. It is also my understanding that the committee extended this date to 15 February 2016; although my office has liaised with the secretariat for the SCOF, there has been no formal confirmation of this extension in writing. Nevertheless, I would like to provide the committee with an update on the status of SAA's AFS.



SAA submitted an application for a going concern guarantee on 21 December 2015, the National Treasury team engaged immediately with them which resulted in SAA submitting an updated application on 9 January 2016. This application is currently receiving attention, however, given the potential implication for the sovereign and for the economy this matter requires extensive and careful consideration. SAA is, therefore, unable to finalise the AFS for tabling in Parliament until a decision has been made on the going concern application. I humbly request that the deadline for the tabling of SAA's AFS be extended to 15 March 2016.

In addition to the requirement that SAA table their AFS in Parliament, they are also required to present the AFS to the shareholder for adoption at its Annual General Meeting (AGM). In terms of section 61(7) of the Companies Act (2008), the airline is required to hold the AGM within 15 months of the previous AGM which was held on 30 January 2015.

I trust that this request will receive favourable consideration.

Kind regards

(signed)

PRAVIN J GORDHAN, MP

MINISTER OF FINANCE

## COMMITTEE REPORTS

### National Assembly

**Please see pages 6-7 of the ATCs.**

**WEDNESDAY, 17 FEBRUARY 2016**

## ANNOUNCEMENTS

### National Assembly

#### The Speaker

#### 1. Referral to Committees of papers tabled

(1) The following papers are referred to the **Portfolio Committee on Trade and**

#### **Industry:**

- (a) Government Notice No 1008, published in Government Gazette No 39320, dated 23 October 2015: Codes of Good Practice on Broad-Based Black Economic Empowerment, in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act, 2003 (Act No 53 of 2003).

- (b) General Notice No 1055, published in Government Gazette No 39378, dated 6 November 2015: Amended B-BBEE Verification Manual, published pursuant to the provisions of section 9(1) and 14(2) of the Broad-Based Black Economic Empowerment Act, 2003 (Act No 53 of 2003).
- (c) General Notice No 1160, published in Government Gazette No 39429, dated 20 November 2015: Broad-Based Black Economic Empowerment Act No 53 of 2003 as amended by Act 46 of 2013: Codes of Good Practice on Broad-Based Black Economic Empowerment: Draft AgriBEE Sector Codes, in terms of the Broad-Based Black Economic Empowerment Act, 2003 (Act No 53 of 2003).
- (d) Government Notice No 1031, published in Government Gazette No 39344, dated 30 October 2015: Notice regarding the maximum number of casino licences that may be granted throughout the Republic in terms of the National Gambling Act, 2004 (Act No 7 of 2004).
- (e) Government Notice No 1080, published in Government Gazette No 39379, dated 6 November 2015: Final Regulations on Review of Limitations on Fees and Interest Rates, made in terms of section 171(1) of the National Credit Act, 2005 (Act No 34 of 2005).

- (f) Government Notice No 1104, published in Government Gazette No 39407, dated 13 November 2015: Invitation for public comment on the Draft Credit Life Insurance Regulations in terms of section 171(1)(d)(ii) of the National Credit Act, 2005 (Act No 34 of 2005).
- (g) Government Notice No 1148, published in Government Gazette No 39430, dated 20 November 2015: Codes of Good Practice on Broad-Based Black Economic Empowerment: Amended Tourism Sector Code, published in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act, 2003 (Act No 53 of 2003).
- (h) General Notice No 1175, published in Government Gazette No 39456, dated 27 November 2015: B-BBEE Codes of Good Practice: African Exploration Mining and Finance Corporation Broad-Based Black Economic Empowerment Facilitator Status published for public comment.
- (i) General Notice No 1176, published in Government Gazette No 39456, dated 27 November 2015: B-BBEE Codes of Good Practice: Industrial Development Corporation (IDC) Broad-Based Black Economic Empowerment Facilitator Status published for public comment.
- (j) Government Notice No 157, published in Government Gazette No 39663, dated 4 February 2016: Amendment to the regulations for matters relating to

the functions of the tribunal and rules for the conduct of matters before the National Consumer Tribunal, in terms of section 171(1)(c) of the National Credit Act, 2005 (Act No 34 of 2005) and section 120(1)(c) of the Consumer Protection Act, 2008 (Act No 68 of 2008).

- (k) Government Notice No 158, published in Government Gazette No 39663, dated 4 February 2016: Invitation for the public to comment on the determination of a threshold for credit provider registration in terms of section 42(1) of the National Credit Act, 2005 (Act No 34 of 2005).
  - (l) Proclamation No R6, published in Government Gazette No 39667, dated 9 February 2016: Commencement of the Special Economic Zones Act, 2014 (Act No 14 of 2014).
- (2) The following papers are referred to the **Committee on Public Accounts** for consideration and to the **Standing Committee on Finance**:
- (a) Special report from the Auditor-General dated 1 December 2015 to provide reasons for the delay in completing the audit of the financial statements of the Mantsopa Local Municipality for the financial year ended 30 June 2015, tabled in terms of section 126(4) of the Local Government: Municipal Finance Management Act, 2003 (Act No 56 of 2003).

- (b) Special report from the Auditor-General dated 1 December 2015 to provide reasons for the delay in completing the audit of the financial statements of the Kopanong Local Municipality for the financial year ended 30 June 2015, tabled in terms of section 126(4) of the Local Government: Municipal Finance Management Act, 2003 (Act No 56 of 2003).
  
- (3) The following paper is referred to the **Joint Standing Committee on Defence** for consideration and report and to the **Portfolio Committee on Defence and Military Veterans**:
  - (a) Letter from the President of the Republic dated 28 November 2015 to the Speaker of the National Assembly, informing members of the Assembly of the employment of members of the South African National Defence in cooperation with the South African Police Service during the second summit of the Forum on China Africa Cooperation (FOCAC) 2015, which will be held in Sandton, Johannesburg.
  
- (4) The following paper is referred to the **Portfolio Committee on Police** for consideration:
  - (a) Report of the Independent Police Investigative Directorate for the period April 2015-September 2015, tabled in terms of section 9(n) of the Independent Police Investigative Directorate Act, 2011 (Act No 1 of 2011).

- (5) The following paper is referred to the **Portfolio Committee on Telecommunications and Postal Services** for consideration and report. The Report of the Auditor-General on the Financial Statements and Performance Information is referred to the **Committee on Public Accounts** for consideration:
- (a) Report and Financial Statements of the South African Post Office Soc Limited (Sapo) for 2014-15, including the Report of the Auditor-General on the Financial Statements and Performance Information for 2014-15.
- (6) The following papers are referred to the **Portfolio Committee on Environmental Affairs**:
- (a) Government Notice No 1030, published in Government Gazette No 39343, dated 30 October 2015: Amendment to Environmental Impact Assessment Regulations, 2014 and Listing Notices 1, 2 and 3 of 2014, made under sections 24(2), 24(5) and 44, read with section 47, of the National Environmental Management Act, 1998 (Act No 107 of 1998).
- (b) Government Notice No 1033, published in Government Gazette No 39347, dated 30 October 2015: Format and procedure for the nomination of world heritage sites in the Republic of South Africa, made under section 6 of the World Heritage Convention Act, 1999 (Act No 49 of 1999).

- (c) Government Notice No 1073, published in Government Gazette No 39379, dated 6 November 2015: Notice declaring the Dwesa-Cwebe Marine Protected Area under section 22A of the National Environmental Management: Protected Areas Act, 2003 (Act No 57 of 2003).
- (d) Government Notice No 1074, published in Government Gazette No 39379, dated 6 November 2015: Regulations for the Dwesa-Cwebe Marine Protected Area, made in terms of sections 48A(2) and 86(1)(a), (b), (c) and (d) of the National Environmental Management: Protected Areas Act, 2003 (Act No 57 of 2003).
- (e) General Notice No 965, published in Government Gazette No 39268, dated 9 October 2015: Biodiversity Economy Strategy, published in terms of section 100 of the National Environmental Management: Biodiversity Act, 2004 (Act No 10 of 2004).
- (f) Regulations pertaining to the appointment of a registration authority responsible for the registration of environmental assessment practitioners, and to the specification of tasks in relation to an application for environmental authorisation that may only be performed by a registered environmental practitioner, submitted for tabling on 10 December 2015 in terms of section



47(2) of the National Environmental Management Act, 1998 (Act No 107 of 1998).

- (g) Regulations pertaining to the financial provision for prospecting, exploration, mining or production operations, submitted for tabling on 10 December 2015 in terms of section 47(2) of the National Environmental Management Act, 1998 (Act No 107 of 1998).
  - (h) General Notice No 989, published in Government Gazette No 39287, dated 13 October 2015: National Environmental Management Laws Amendment Bill, 2015, published for public comment.
  - (i) General Notice No 986, published in Government Gazette No 39297, dated 16 October 2015: Environmental Impact Assessment Guidelines for Renewable Energy, published for implementation in terms of section 24J of the National Environmental Management Act, 1998 (Act No 107 of 1998).
  - (j) General Notice No 1008, published in Government Gazette No 39324, dated 23 October 2015: Notice of intent to publish National Social Infrastructure Guidelines under section 24J of the National Environmental Management Act, 1998 (Act No 107 of 1998).
- (7) The following papers are referred to the **Standing Committee on Finance**:

- (a) Government Notice No R. 742, published in Government Gazette No 39126, dated 21 August 2015: Amendment of Schedule No 3 (No 3/1/710), in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (b) Government Notice R. 743, published in Government Gazette No 39126, dated 21 August 2015: Amendment of Schedule No 1 (No 1/1/1521), in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (c) Government Notice R. 601, published in Government Gazette No 39219, dated 18 September 2015: Amendment of Schedule No 1 (No 1/1/1522), in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (d) Government Notice R. 602, published in Government Gazette No 39219, dated 18 September 2015: Amendment of Schedule No 3 (No 3/1/711), in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (e) Government Notice R. 894, published in Government Gazette No 39235, dated: 25 September 2015: Amendment of Schedule No 1 (No 1/1/1523), in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (f) Government Notice R. 895, published in Government Gazette No 39235, dated 25 September 2015: Amendment of Schedule No 1 (No 1/1/1524), in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).

- (g) Government Notice R. 990, published in Government Gazette No 39300, dated 16 October 2015: Amendment of Schedule No 3 (No 3/1/712) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (h) Government Notice R. 1027, published in Government Gazette No 39340, dated 30 October 2015: Amendment of Schedule No 1 (No 1/1/1525) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (i) Government Notice No R. 1028, published in Government Gazette No 39340, dated 30 October 2015: Amendment of Schedule No 2 (No 2/1/370) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (j) Government Notice No R. 614, published in Government Gazette No 39375, dated 6 November 2015: Determination of amounts for purposes of the Act, in terms of the Military Pensions Act, 1976 (Act No 84 of 1976).
- (k) Government Notice No R. 615, published in Government Gazette No 39375, dated 6 November 2015: Amendment of Schedule No 2 (No 2/1/371) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (l) Government Notice No R. 601, published in Government Gazette No 39478, dated 4 December 2015: Amendment of Schedule No 1 (No 1/1/1528) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).

- (m) Government Notice No R. 1214, published in Government Gazette No 39502, dated 11 December 2015: Amendment of Schedule No 4 (No 4/2/371) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (n) Government Notice No R. 1215, published in Government Gazette No 39502, 11 December 2015: Amendment of Schedule No 2 (No 2/1/372) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (o) Government Notice No R. 1216, published in Government Gazette No 39502, 11 December 2015: Amendment of Schedule No 1 (No 1/1/1526) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (p) Government Notice No R. 1217, published in Government Gazette No 39502, 11 December 2015: Amendment of Schedule No 5 (No 5/3/109) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (q) Government Notice No R. 1218, published in Government Gazette No 39502, 11 December 2015: Amendment of Schedule No 3 (No 3/1/714) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (r) Government Notice No R. 1219, published in Government Gazette No 39502, 11 December 2015: Amendment of Schedule No 4 (No 4/5/2) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).

- (s) Government Notice No R. 1220, published in Government Gazette No 39502, 11 December 2015: Amendment of Schedule No 1 (No 1/1/1527) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (t) Government Notice No R. 1245, published in Government Gazette No 39525, 18 December 2015: Amendment of Schedule No 4 (No 4/2/372) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (u) Government Notice No R. 1246, published in Government Gazette No 39526, dated 18 December 2015: Amendment of Schedule No 2 (No 2/1/373) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (v) Government Notice No R. 1247, published in Government Gazette No 39527, dated 18 December 2015: Amendment of Schedule No 3 (No 3/1/715) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (w) Government Notice No 1262, published in Government Gazette No 39538, dated 18 December 2015: Regulations in terms of paragraph 12D(5)(b) of Seventh Schedule to Income Tax Act, 1962, on information to be contained in contribution certificates, in terms of the Income Tax Act, 1962 (Act No. 58 of 1962).

- (x) Government Notice No R. 1265, published in Government Gazette No 39539, dated 18 December 2015: Amendment of Schedule No 1 (No 1/1/1532) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (y) Government Notice No R. 1294, published in Government Gazette No 39569, dated 31 December 2015: Amendment of Rules in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (z) Government Notice No R. 17, published in Government Gazette No 39582, dated 07 January 2016: Regulations in terms of paragraph 12D(5)(a) of Seventh Schedule to Income Tax Act, 1962, on Determination of Fund Member Category Factor, in terms of the Income Tax Act, 1962 (Act No. 58 of 1962).
- (aa) Government Notice No R. 1159, published in Government Gazette No 39434, dated 20 November 2015: Amendment of Schedule No 3 (No 3/1/713) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (bb) Report of the Registrar of Pension Funds for 2014 [RP370-2015].
- (cc) Report of the Financial and Fiscal Commission on the International Brics Conference held on 15-16 November 2015 at the University of the Western Cape (UWC) – Bellville, South Africa.

- (8) The following papers are referred to the **Portfolio Committee on Justice and Correctional Services** for consideration:
- (a) Government Notice No R.26, published in Government Gazette No 39595, dated 14 January 2016: Regulations setting out criteria to be applied in the determination of the judicial establishment of the Supreme Court of Appeal and divisions of the High Court of South Africa, submitted in terms of section 49(2) of the Superior Courts Act, 2013 (Act No 10 of 2013).
  - (b) Interdepartmental Annual Report (Department of Basic Education) for 2014-15 on the Implementation of the Child Justice Act, 2008 (Act No 75 of 2008).
- (9) The following paper is referred to the **Portfolio Committee on Transport** for consideration and report:
- (a) Petition from residents of Rooifontein and Kamasies in Namaqualand, requesting that the road between Springbok and Vaalputs be upgraded to an asphalt surface to assist in the safe transportation of radioactive material from Pelindaba, submitted in terms of Rule 312 (Ms V van Dyk MP).
- (10) The following papers are referred to the **Portfolio Committee on Science and Technology**:

- (a) Government Notice No 1166, published in Government Gazette No 39442, dated 23 November 2015: Notice of intention to make regulations on the protection of the Karoo Central Astronomy Advantage Areas declared in terms of section 9(1) and (2) of the Astronomy Geographic Advantage Act, 2007 (Act No 21 of 2007).
  - (b) Government Notice No 1229, published in Government Gazette No 39505, dated 11 December 2015: Regulations on the protection of the Karoo Central Astronomy Advantage Areas, made in terms of sections 50 to 52 of the Astronomy Geographic Advantage Act, 2007 (Act No 21 of 2007).
- (11) The following paper is referred to the **Portfolio Committee on Women in The Presidency**:
- (a) South Africa's 5<sup>th</sup> Periodic Report on the Implementation of the Convention on the Elimination of All Forms of Discrimination against Women for 2009-2014.
- (12) The following paper is referred to the **Portfolio Committee on Justice and Correctional Services** for consideration and report:
- (a) Draft Revised Rules of Procedure for Application to Court in terms of the Promotion of Access to Information Act, 2000 (Act No 2 of 2000), submitted



to Parliament for approval in terms of section 79(3) of the Promotion of Access to Information Act.

## **COMMITTEE REPORTS**

### **National Assembly**

**Please see page 12 of the ATCs.**

**Please see pages 12-13 of the ATCs.**

**Please see pages 13-14 of the ATCs.**

**THURSDAY, 18 FEBRUARY 2016**

## **COMMITTEE REPORTS**

### **National Assembly**

**Please see pages 1-5 of the ATCs.**

**Please see pages 5-28 of the ATCs.**

**Please see pages 28-41 of the ATCs.**

**FRIDAY, 19 FEBRUARY 2016**

**ANNOUNCEMENTS**

**National Assembly and the National Council of Provinces**

**The Speaker and the Chairperson**

**1. Classification of Bills by Joint Tagging Mechanism (JTM)**

(1) The JTM in terms of Joint Rule 160(6) classified the following Bill as a section 75 Bill:

(a) **Films and Publications Amendment Bill [B 37 – 2015]** (National Assembly – sec 75).

**National Assembly**

**The Speaker**

**1. Membership of Committees**

1. The following changes to Committee membership have been made by the African National Congress:

**Standing Committee on Finance**

Discharged: Van Rooyen, Mr DD

Appointed: Chauke, Mr HP

**Portfolio Committee on Health**

Discharged: Mosala, Mr I

Appointed: Senokoanyane, Ms DZ

Appointed: Khosa, Mr DH [Alternate]

**Standing Committee on Appropriations**

Discharged: Mashatile, Mr SP

Appointed: Senokoanyane, Ms DZ

**TABLINGS**

**National Assembly and National Council of Provinces**

**1. The Minister of Finance**

- (a) Municipal Budgets for the 2015 Medium Term Revenue and Expenditure Framework (MTREF), tabled in terms of section 24(3) of the Local Government: Municipal Finance Management Act, 2003 (Act No 56 of 2003).

**MONDAY, 22 FEBRUARY 2016**

**ANNOUNCEMENTS**

**National Assembly**

**The Speaker**

**1. Withdrawal of referral**

The referral of a letter dated 6 August 2015 from the Minister of Planning, Monitoring and Evaluation to the Portfolio Committee on Public Service as well as Monitoring and Evaluation for the recommendation of seven candidates to serve on the board of the National Youth Development Agency is hereby withdrawn, pending the establishment of an ad hoc joint committee for this purpose by the National Assembly and National Council of Provinces.

**TUESDAY, 23 FEBRUARY 2016**

## **ANNOUNCEMENTS**

### **National Assembly**

#### **The Speaker**

##### **1. Revival of Bill**

- (1) The **Performing Animals Protection Amendment Bill** [B 9B - 2015] (National Assembly – sec 75), which had lapsed at the end of 2015, was revived on 23 February 2016 by resolution of the National Assembly. The Bill has been placed on the Order Paper of the National Assembly for Second Reading.

## **TABLINGS**

### **National Assembly and National Council of Provinces**

#### **1. The Speaker and the Chairperson**

- (a) Monthly Financial Statements of Parliament – November 2015, tabled in terms of section 54(1) of the Financial Management of Parliament and Provincial Legislatures Act, 2009 (Act No 10 of 2009).

- (b) Monthly Financial Statements of Parliament – December 2015, tabled in terms of section 54(1) of the Financial Management of Parliament and Provincial Legislatures Act, 2009 (Act No 10 of 2009).
  
- (c) Monthly Financial Statements of Parliament – January 2016, tabled in terms of section 54(1) of the Financial Management of Parliament and Provincial Legislatures Act, 2009 (Act No 10 of 2009).