**TUESDAY, 25 FEBRUARY 2014**

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***PROCEEDINGS OF THE NATIONAL ASSEMBLY***

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The House met at 09:06.

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.

**SEQUENCE OF PROCEEDINGS FROM 25 FEBRUARY 2014 TO 13 MARCH 2014**

(Draft Resolution)

The CHIEF WHIP OF THE MAJORITY PARTY: Hon 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, resolves that from Tuesday, 25 February 2014, to Thursday, 13 March 2014, the proceedings will be in the sequence as agreed to by the National Assembly Programme Committee.

**MOTION OF CONDOLENCE**

*(The Late Mr M B Skosana)*

Mr M A MNCWANGO: Mr Speaker, Your Excellency the Deputy President, hon Ministers and colleagues, I move the Draft Resolution printed in my name on the Order Paper as follows:

That the House -

1. notes with great sadness the death of Inkatha Freedom Party (IFP) Member of Parliament and House Chairperson of the National Assembly, Mr Moleeane Ben Skosana on 11 February 2014;
2. further notes that Mr Skosana, born on 7 May 1947 in Sharpeville, was a qualified teacher, who also studied Social Development and International Affairs and obtained a Master of Science Degree;
3. acknowledges that prior to 1994, he worked as a training officer in community development structures and also served in various development and welfare structures such as the Ecumenical Rural Development and Welfare Agency in Zululand, the Anglican Diocese of Zululand and the Zululand Churches’ Health and Welfare Association;
4. recalls that Mr Skosana joined the IFP (the National Cultural Liberation Movement) at its inception in 1975 and represented the IFP in the Convention for a Democratic South Africa negotiations, which crafted the basis for our departure from the apartheid past to a democratic South Africa;
5. further recalls that Mr Skosana was appointed to the IFP’s central committee in 1984 and served as chairperson of its subcommittee on community development, and from 1987 until South Africa’s first democratic elections in 1994, he served in London as its permanent representative responsible for Europe and the USA;
6. remembers that Mr Skosana, during his career as a member of the National Assembly since 1994, served in various capacities, including Minister of Correctional Services from 1998 to 2004, vice-chairperson of the Foreign Relations Committee of the American Correctional Association, member of the Foreign Affairs Parliamentary Portfolio Committee and as House Chairperson for Internal Arrangements in the National Assembly from 2007, in which capacity he also chaired the Quarterly Consultative Forum;
7. further remembers that on 31 March 2006, Mr Skosana met with the Dalai Lama during a South African parliamentary visit to Dharamsala, India;
8. recognises his deep compassion, commitment and courage which he proved in his lifelong, selfless service to his country;
9. conveys appreciation for his contribution in furthering our democracy and improving the lives of the people of our country; and
10. extends its heartfelt condolences to the Skosana family, his colleagues and friends on the loss of a dedicated servant of the people.

Mr M A MNCWANGO: Hon Speaker, His Excellency the Deputy President, hon Ministers and colleagues, it is a pleasure for me to present this motion of condolence on behalf of my leader, Prince Mangosuthu Buthelezi, who apologises for not being able to do it himself. The message reads as follows.

It is fitting that the hon Mr Ben Skosana should receive such high accolades and fine tributes in this august House. He served his nation through the party he loved, but not for the sake of his party alone. He served for the sake of all South Africa. He sought a shared vision, a common goal and a means for us all to work together across political divides.

Mr Ben Skosana was the epitome of the peacemaker, the negotiator and the diplomat. This, as much as his fine leadership, was recognised in his appointment as House Chairperson of the National Assembly in 2007. He served in that position with dignity, fairness and commitment. It is thus not surprising to hear voices from across the political spectrum praising the hon Mr Skosana and thanking him for all he did and all he gave in the service of our nation.

We thank him for his leadership as Minister of Correctional Services in the Cabinets of President Nelson Mandela and President Thabo Mbeki. We honour him for the guidance and deep insight he offered to the Portfolio Committee on International Relations and Co-operation.

We praise him, too, for the contribution he made in the debates and deliberations of this House. He brought a serene presence that reminded us all, in the midst of the most challenging issues, of the fundamental reason why we serve in this House: We serve for the sake of our people and our people’s welfare.

He chose social development and international relations as his fields of further study and excelled in both. It is not strange that he combined these two fields, for he understood that the affairs of the international stage and global politics affect the day-to-day life of the ordinary man and woman - and the most noble goal of politics and governance is to make that life easier, better, more rewarding.

Mr Skosana’s contribution to the IFP spanned almost four decades – since our party’s inception. In that time, he served us well as the permanent representative of Inkatha in London and also as a senior leader in our caucus and on our national council. Going beyond every leadership position he filled in his distinguished career, however, Mr Skosana left his mark on our hearts as a true friend and a loyal comrade. I count him among the few who stayed honest and faithful throughout the many tribulations of our nation’s past and the many storms of politics I personally endured.

He was a gentleman - humble, honest, and loyal. He leaves a gap in the leadership of our country that cannot be filled. However, we who are left behind must do what we can to take up the work he so diligently pursued – the work of reconciliation, peace and nation-building.

On behalf of the IFP, I wish all of us strength as we come to terms with this tremendous loss. May we take comfort in knowing that our brother has entered eternal rest so well deserved. May his memory inspire us all. I thank you. [Applause.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Speaker, hon Ministers and Deputy Ministers, and hon members, it is with profound sadness and a deep sense of loss that I rise on behalf of the ANC to express my condolences on the sudden death of the IFP stalwart, veteran Member of Parliament and one of Parliament’s presiding officers, the hon Ben Skosana.

Ntate Skosana, as he was affectionately known to us, collapsed and died in the early evening of 11 February 2014 while performing his parliamentary duties. His passing came as we were preparing for the last state of the nation address of this fourth democratic Parliament and on the eve of the 20-year celebrations of freedom in our country.

Upon receiving the news that Oom Ben had collapsed at a popular restaurant, we rushed to the scene, where we were informed that this well-respected public representative and leader was no more. One cannot forget the sombre mood and immense sense of loss that prevailed as his lifeless body lay next to the table where he had been having a working dinner with the Minister of Public Works, the hon Thulas Nxesi. At this point, I wish to record our gratitude to the hon Minister and his protectors for the tireless efforts they made to resuscitate the hon Skosana and the courageous support and leadership the Minister provided as this tragedy unfolded.

Before he passed away that evening, we had seen him going about his normal parliamentary duties in the course of the day. We were with him. We also knew that when it came to his health, he always insisted on leading a healthy lifestyle. Despite his age, he still demonstrated exemplary commitment to his work, put in extra hours and never rested until the job was done. Even when the time for his sad passing came, it found him busy at work, doing what he lived and loved, serving the people of South Africa.

He was an experienced and astute politician, a diligent and dedicated servant, and a committed and selfless patriot. It was qualities such as these that endeared him to the ANC, which found in him a capable compatriot worthy of an invitation to serve the people’s cause for the transformation of South Africa. He was invited twice to serve as the Minister for Correctional Services, in the executives of President Mandela and also of President Thabo Mbeki. In this capacity, he served with diligence, playing a role in the transformation of South Africa’s prison system from that of the dark ages of apartheid to a system that featured correction, rehabilitation and reintegration centres based on the values of human rights.

At the time of his death, he was House Chairperson for Internal Arrangements in the National Assembly, through which he championed the task of building the capacity and wellbeing of Members of Parliament by ensuring that they have better support and health services in Parliament to enhance their capacity to serve the people. In this role, the hon Skosana was primarily tasked with assisting the Speaker to look after the interests of members and to ensure that their needs were attended to. As a steward for all Members of the National Assembly, across party lines, he was to ensure that their interests were taken into account properly.

In this role, his responsibilities included ensuring the wellbeing and the interests of members; overseeing and ensuring the alignment of structures dealing with members’ interests and facilities; ensuring the enhancement of the capacity of members; ensuring the development and implementation of policy in respect of former members; and ensuring that the Members’ Support Office implemented the approved policies to support Members of Parliament.

Sometimes issues around the facilities for members can take time to resolve. At times we find that amendments or policies that are needed to change earlier arrangements or to introduce a new dispensation take a long time. The hon Skosana was therefore a critical link between members, who are normally united across party lines and, may I say, impatient about these matters, and the presiding officers were expected to speed up delivery in these crucial areas. He executed his tasks with diligence and quietly went about his duties without much fanfare.

Who will forget his ability to listen to the views of all Members of Parliament in discussion forums and his good sense of humour, whether in the Chief Whips’ Forum, the Programming Committee, the Quarterly Consultative Forum, or elsewhere. While he was a good listener, he would not allow anyone to take advantage of his well-disposed demeanour. In short, he was a true gentleman.

As one of the most experienced Members of Parliament in our democratic Parliament, and having served in all the Parliaments since 1994, he proved to have a distinct advantage and was excellently positioned to work in the area of members’ interests. He readily shared his vast experience and knowledge with us and proved to be a reliable compatriot in all the facets of our work.

He embodied the qualities necessary for reconciliation, nation-building and unity. Furthermore, he understood that the process of building a nonracial, nonsexist, democratic and prosperous South Africa required collective commitment, collective action and hard work.

Indeed, his sudden death has caught by surprise all of us in the ANC who worked closely with him and it has sent shockwaves through the entire parliamentary establishment. We are engulfed by a deep sense of sorrow and grief at such a loss. In fact, it feels as if a library has burnt down. South Africa owes him a debt of gratitude for the selfless service to the people and for the passion he demonstrated for the success of this nation.

At his funeral in Vereeniging last Sunday, one of his daughters said that her father was a soldier who died with his boots on. However, she went further to say that, as a soldier, his uniform was his suit and tie; his weapons were his pen and paper; and the battles and the wars that he fought were right here in Parliament, during debating. What a legacy to leave your children, to all of us and to his colleagues - to always strive to resolve differences peacefully.

The ANC also wishes to thank the leader of the IFP, the hon Mangosuthu Buthelezi, for accepting the request when the hon Skosana was approached to take on parliamentary duties as an office bearer. He served in this position in the Third and Fourth Parliaments and he did so with dedication, dignity and humility. He certainly added value, making us all proud.

The ANC extends our heartfelt sympathies and condolences to his family and friends, as well as to his party, the IFP, and its leadership. May his soul rest in peace. I thank you. [Applause.]

The CHIEF WHIP OF THE OPPOSITION: Hon Speaker, it is indeed with great sadness and regret that we offer our farewell to the hon Ben Skosana, a man who served this Parliament – indeed, the nation - with distinction and dignity.

Many of us still remember the frantic efforts in some quarters of South Africa to instil fear about the future in the early nineties and particularly while the Codesa, Convention for a Democratic South Africa, talks were in progress. Some even built underground shelters for safety and large numbers of people hoarded endless supplies of tinned food and other nonperishable goods. The supermarkets experienced an unparalleled boom indeed!

I can openly and honestly declare, here at the podium, that I was never susceptible to those prophets of doom. On the contrary, I often got involved in counter arguments. After all, I, along with my parents, was intricately involved in the peaceful transition and independence celebrations of the Kingdom of Lesotho in the early 1960s. However, I must admit that in April 1994, I, along with others, first entered the portals of Parliament with some trepidation, because we did not quite know what to expect.

What a surprise when we were placed in the negotiating theme committees alongside strangers who were totally committed to their ideals, under the gracious leadership of the late President Nelson Mandela, who wanted only the best for South Africa. A totally different picture emerged.

Many of these strangers became friends and later leaders, and I count among them some of our finest leaders, for whom I have the greatest respect. One such highly respected comrade that crossed paths with me in these historic passages and one who soon emerged as a respected leader was none other than the hon Ben Skosana.

Yesterday, at the memorial service held in the Old Assembly Chamber, I said that when I received the sorrowful phone call from the hon Koos van der Merwe on the fateful evening of 11 February, I experienced a feeling of profound sadness similar to having heard news to that effect of a dear family member. That made me realise that we are actually all one big family in this worthy institution, despite our different political philosophies, despite our different religions, and despite our different cultures. This made me realise the true meaning of ubuntu.

I am indeed privileged and honoured to have known Ben Skosana for 20 years and to remember him as a colleague and a friend. He always fondly called me “Oom Watson”, and by the tone of the “Oom” I could tell whether he agreed or disagreed with me. But I can honestly say that I never experienced him to be angry or aggrieved. He was a gentle giant, but at the same time an orator who could put across his point clearly, and he stood his ground proudly. He was a man who always sought to find solutions rather than invoke confrontation.

It is therefore my pleasure to convey the sincere condolences of the DA to his dear wife, his son, his two daughters and all his friends and colleagues, particularly his colleagues in the IFP. Ben Skosana was respected in life, and he will be remembered in death.

Lala ngoxolo, bab’ uSkosana, lala ngoxolo. [Rest in peace, Mr Skosana. Rest in peace.]

I thank you. [Applause.]

The SPEAKER: Order! I thank the hon member. Before I invite the next speaker, who will be the hon Kilian, I want to recognise in the gallery the family of Mr Skosana - his daughters and his wife. We welcome you. [Applause.]

Mrs J D KILIAN: Hon Speaker, hon Deputy President, Ministers and the House, I rise on behalf of my party, Cope, to present our condolences on the passing of the hon Ben Skosana to his family and to the IFP. In particular I rise on behalf of the Chief Whip, Mr Botha, who could unfortunately not be here today.

The hon Ben Skosana was a gentle man - we can call him a gentle giant – who made friends easily wherever he went and whatever he did. He was steadfast in his support for his party, the IFP, and represented the party in different fora soberly, intelligently and capably. From 1994 he served as an MP, Minister, and, in the last part of his life, as House Chairperson, where we all experienced his wisdom and his calmness when we had severely confrontational debates. Mr Skosana studiously avoided controversy and confrontation. He followed arguments closely and his interventions sought always to obtain clarity and a way forward.

He was never easily convinced to change course, preferring to go by what had been tried and tested. For him, consistency was very important. He pushed nobody and never allowed anyone to push him. He knew his mind and he followed his convictions faithfully. Those of us who worked closely with him in different meetings in the House knew exactly where we stood with him. He was always approachable and very friendly. He was also very businesslike and direct. However, he did not tolerate fools gladly.

In the committees of Parliament, the hon Skosana preferred that we got into an item and discussed the essence of the matter in a straightforward manner. Although he did not like people to digress or argue incessantly, he preferred to steer a meeting to ensure that maximum consensus and alignment were achieved. He would rather take small steps, consolidate the gains and then ensure growing consensus.

His modesty was known to everyone. He was always a team player. He never pushed himself and never vaunted his achievements. If anything, he underplayed his successes and generally disclosed little about his personal life. Although he was a public figure, he was a very private man.

Born in Sharpeville on 7 May 1947, he naturally absorbed much of the political turmoil of the area and the time. When he completed his schooling, he trained as a teacher at the Wilberforce Training College. He then went to Canada to study further. From there he proceeded to study for a BSc and MSc in international affairs at the Pacific Western University in the United States. The hon Buthelezi valued his colleague Ben Skosana for his insights and also for his insights on international matters.

For all of us who saw him working diligently and performing his parliamentary duties and responsibilities up to the very last - a man who started the term before most of us other MPs were around - news of his unexpected and sudden passing came as a tremendous shock.

To the hon Prince Buthelezi, to his colleagues and his friends, and, most importantly, to his family, we extend our heartfelt condolences. The IFP was privileged to have among them a man of his singular goodness, who made a friend of all and an enemy of none. He did his duties ably and he served South Africa most capably. We have surely lost a good MP and a good man, and South Africa will be the poorer.

Hamba kahle [go well], dear colleague and trusted leader. May you rest in peace. I thank you. [Applause.]

Mr S Z NTAPANE: Mr Speaker and hon members, the UDM is saddened by the sudden passing away of hon Ben Skosana. Once again, this country has lost one of its shining stars. He was a hardworking House Chairperson and a humble servant - a person who showed a great deal of genuine respect. From the day he became aware that I am a traditional leader, whenever he talked to me, he never failed to refer to me as Ndabezitha. He was a true gentleman and had a very good demeanour.

Like most committed soldiers, the late hon Ben Skosana died with his boots on. I would like to extend our heartfelt condolences to the family, Prince Buthelezi, the IFP and friends of the late hon Skosana. Among his friends, I would love to single out hon Minister Nxesi ...

... ubone kakubi mntwana kaDlangamandla, akwaba uye waya kuhlolo lwengqondo. Ukuba awukayi ndakucebisa ukuba uye kuba mhlawumbi ethubeni le nto iya kuba nobuzaza. [... you had a bad experience, child of Dlangamandla [clan name]; I hope you went for counselling. If you have not yet gone for it, I would advise you to go because maybe what happened might have dire consequences as time goes by.]

The prayers of the UDM are for his family, all his friends and the IFP during this time of grief. May his soul rest in peace. I thank you. [Applause.]

Dr C P MULDER: Hon Speaker, hon Deputy President, the family of Mr Skosana in the gallery and hon colleagues, I rise to associate myself with the motion of the IFP that was brought to the House today, as well as with the words uttered by the other colleagues with regard to our colleague the late Ben Skosana.

Mr Skosana was part of the ever-smaller group of senior politicians who came to the House in 1994. Since 1994, he played various roles in different structures of Parliament throughout the past 20 years. For the past five years, I had the honour to sit next to Mr Skosana on a weekly basis in the Chief Whips’ Forum and we became good friends in the process.

I never saw the hon Skosana angry, not even once. I was never in the IFP’s caucus side, so I don’t know if perhaps that happened there. [Laughter.] However, like all those who interacted with Mr Skosana in the structures of Parliament and in committee meetings, I never saw him angry, not even once. He controlled himself. He had strong points of view, but he never lost his temper. He was very convincing in what he used to say and how he did his work.

On behalf of the FF Plus, I would like to extend our sincere condolences not only to the IFP but, obviously, also to the family of Mr Skosana. He had a very strong and positive influence in this Parliament. We all know how rowdy this House can get, but Mr Skosana had the ability to restore us all to calm in a few seconds. We salute a very good colleague. Thank you. [Applause.]

Mrs C DUDLEY: Hon Speaker, on behalf of the leader of the ACDP, Rev Meshoe, Steven Swart and myself, once again, I extend sincere and heartfelt condolences to the hon Skosana’s wife, two daughters and son, as well as to his friends and colleagues in the IFP and Parliament.

I have been privileged to work alongside hon Skosana ever since I came to Parliament in 1999, serving on the Portfolio Committee on International Relations and Co-operation, attending Chief Whips’ Forums, and through his work in the Speaker’s office. His passing has reminded us of the positive impact his life has had on our South African story over many years.

Hon Skosana, also the Minister of Correctional Services some years ago, has been a role model for many of us and set a good example of political maturity when it came to working across party lines, focusing on nation-building and a shared future for all South Africans. However, I do remember one time when he shared his disappointment and was at least a little bit angry. That was when he was not appointed as an admininistrative officer for the Pan-African Parliament. There was a reason why he shared that with the ACDP.

As I was returning from his funeral in Vereeniging on Sunday evening, walking through the airport, I read these words in an advert: “It is good to say ‘well said’, but it is even better to say ‘well done’.” The thought crossed my mind that this could be said of the hon Skosana, a man who said what needed to be said, but may be remembered more for what he did. Parliament can be a hard taskmaster, and hon Skosana gave generously of himself and of his time.

I also loved the picture that his daughter painted of her father at his funeral on Sunday, when she described him as a soldier who put on his uniform, his suit, each morning and reported for duty. She described his weapons as weapons of peace in the form of papers and pens.

It is comforting to know that hon Skosana had a relationship with the Lord, Jesus Christ, and that his family can fully expect him to be with his Maker right now. In fact, the words “rest in peace” take on new meaning as we imagine hon Skosana actually getting to rest. Of course, he will be part of a cloud of witnesses looking down on us, encouraging us to run the race before us with equal diligence and grace. Thank you. [Applause.]

Mr R B BHOOLA: Mr Speaker, while we all know that we live through the grace of God Almighty, it was a sad day for our country when we learned that a much loved, revered and humble servant, hon Ben Skosana, was no more.

It is with a heavy heart that I, representing the MF, stand here before you to pay tribute to this gentle giant and revered House Chairperson. The MF conveys its deepest condolences to the Skosana family, his friends and his political home, the IFP. My heart goes out to you and we wish you strength and courage during these trying times as you deal with your irreplaceable loss.

As we all know, the hon Skosana was a lifelong member of the IFP. What made him significantly different was his ability to transcend party affiliation and serve his country with honour, dignity and integrity. He was a man who held impartiality in service in the highest regard. Today, politics has degenerated to such a level that political parties seem incapable of working together to create a better country for all its people. Today I make this humble appeal to all members to remember hon Skosana for rising above that, for serving his country, not simply as an IFP member, but also as a patriot, committed to our country and putting the interests of the people first. This was evident when he served as Minister of Correctional Services, a role he played with diligence and forbearance, ultimately transforming our prison system into a place of correction and rehabilitation.

As a fearless opponent of apartheid and a veteran of Parliament, it was fitting that hon Skosana should assume the role of House Chairperson. It is in this role that we bid farewell to this outstanding leader. The IFP has lost possibly one of its greatest sons. We have certainly lost a true patriot.

On a personal note, I am humbled by hon Skosana’s spirit of humility and his amazing ability not only to bring people together, but also to be an incredible individual who could win the heart of a five-year-old child, the respect of a 16-year-old youth and the confidence of an 85-year-old veteran respectively. Yesterday, at the memorial service, I listened to the Deputy Speaker indicating that the hon Skosana had the glory and the glamour. Indeed, he had touched the hearts of many women in the ANC. South Africa owes the hon Skosana a debt of gratitude for the selfless service to our people and for the sheer commitment he showed in creating a better South Africa.

You fought a good fight, ran the race and kept the faith. Hon Skosana, we salute you, and you’ll be missed dearly. May your soul rest in peace! Hamba kahle, lala ngoxolo! [Go well and rest in peace!] [Applause.]

Mr V B NDLOVU: Hon Speaker, hon Deputy Speaker, hon Deputy President, hon Ministers, Deputy Ministers present and hon colleagues, I am here to do a vote of thanks on behalf of the family.

Firstly, I want to dedicate our vote of thanks to Mr Thulas Nxesi, the Minister of Public Works, and hon Oliphant, the Minister of Labour, for the diligent work they did on the day. Secondly, I want to devote my thanks to the staff at the restaurant where everything happened. Thirdly, I want to dedicate this vote of thanks to the Speaker, Deputy Speaker, all Members of Parliament and the staff of Parliament for what they did immediately after they heard of Mr Skosana’s demise.

Fourthly, thank you to all Ministers, Deputy Ministers and members of this House for attending the funeral and even the memorial service for Mr Ben Skosana yesterday. Fifthly, I would like to thank the Deputy President for all he did to honour the life of Mr Skosana. Sixthly, let me thank His Excellency, the President of the country, for declaring the funeral a provincial state funeral; and the premier of Gauteng, Nomvula Mokonyane, for making sure that the funeral ran smoothly in the Vereeniging City Hall.

On behalf of the family, again, thanks to all parties for their kind words and messages of condolence from the demise of Mr Skosana to today. Our thanks also go to his party’s president, the leadership and all its members, for what they have done to make sure that his life is celebrated, that he will be remembered and that his memory will stay with us forever.

Ngithanda ukubonga enkosikazini nasezinganeni zikaMhlanga ekutheni basiboleke futhi basinike isikhathi sokuthi sikwazi ukusebenza naye. Sibonga kakhulu kukho konke okwenzekile. Ahambe kahle uMhlanga, amukelwe oyise noyisemkhulu lapho ekhona abakubo bakwazi ukulilizela njengoba thina sikhala ngemuva ngokuhamba kwakhe. (*Translation of isiZulu paragraph follows.)*

[I would like to thank the wife and the children of Mr Mhlanga for giving him to us and for granting us time to work with him. We are very grateful for everything that he has done. Farewell Mr Mhlanga – we hope that he will be welcomed by his ancestors where he is going and that his family is able to ululate on the other side as we are grieving his death.]

Thank you. [Applause.]

Debate concluded.

Motion agreed to, all members standing.

The SPEAKER: Order! The presiding officers associate themselves with this motion. The condolences of the House will be conveyed to the Skosana family.

**MOTION OF CONDOLENCE**

*(The Late Mr C M Moni)*

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

That the House -

1. notes with great sadness the passing of ANC Member of Parliament in the National Assembly, Mr Crosby Moni, on 23 December 2013 due to Malaria;
2. further notes that Mr Crosby Moni was a very dedicated, humble and loyal activist who joined Parliament in 2011, representing the constituency of Benoni on the East Rand;
3. remembers that his political activism cut across the entire revolutionary tripartite alliance, having held leadership positions within all the structures of the alliance formations;
4. further remembers that he served the ANC as the Mpumalanga deputy chairperson before being elected as Deputy President of the National Union of Mineworkers in 2000 and later as South African Communist Party Central Committee member in 2009;
5. acknowledges that he obtained a Management Diploma in 1994 at the University of Cape Town and in 2007, he obtained a B.A. (Arts) Degree, majoring in Sociology and Politics at the University of Johannesburg;
6. recalls that Mr Crosby Moni was one of the best cadres that the ANC revolutionary movement has ever produced and was truly a reservoir of political knowledge, whose immense contribution to debates both within the structures of caucus and within Parliament will be sorely missed; and
7. conveys its deepest condolences to his wife, Nokwakha, his three sons and two daughters.

Mrs H H MALGAS: Hon Speaker, hon Deputy President, hon Ministers, hon Deputy Ministers and all hon members present in the House today, I would like to open my speech with a quote to pay tribute to the hon Crosby Moni: “You are not your résumé, you are your work.” That was written by the author Seth Godin. Let me talk about the work of the hon Moni and also testify to the person he was.

The late hon Crosby Moni was a humble servant of the people and a committed activist. After joining Parliament in 2011, he served in both the Portfolio Committee on Basic Education and the Portfolio Committee on Higher Education. He served the Portfolio Committee on Basic Education - and, indeed, the nation at large - with dedication, skill, perseverance and selflessness. He was hardworking and loyal to the committee in the same way that he displayed loyalty to his country and its people. For him, being a parliamentarian served as a device to be used to verbalise and advocate for the needs and aspirations of ordinary people.

In the three years he served the committee, he participated and engaged actively in various oversight activities and programmes of the committee to track the performance of the executives and to hold them accountable. Even though he had come from a mining background, he showed tremendous insight into measures advancing the realisation of access to basic education for all. One of his final contributions to the committee and to the nation was when he ably led a subdelegation of committee members during a content oversight visit to farm schools in the Free State and Western Cape provinces. During interaction with stakeholders ranging from organised labour and school governing bodies to school management teams, he instilled in them the belief that since they knew their environment well, they were capable of providing lasting solutions to some of the challenges they had raised. He had the conviction that people should develop a culture of responsibility. He was able to remain optimistic even in situations where pessimism was threatening to take over.

Having held leadership positions in all the structures of the ANC and the alliance formations, and as a member of the central committee of the SACP and of Sanco, as well as being the first deputy president of the National Union of Mineworkers, his broad-based experience served the committee well.

The hon Moni participated in the development of strategies and policies that aimed to ensure that quality and integrity were adhered to in our system of basic education. He facilitated public participation in service delivery and related legislative processes. He participated in national and international dialogues relating to education. He monitored and oversaw the department and its entities in their day-to-day overall performance. He engaged in various activities and programmes that focused on the development and delivery of quality public education to all South Africans, addressing resource challenges in the system - including the eradication of physical infrastructure backlogs and the provision of basic furniture to enable effective learning and teaching. Furthermore, he strengthened initiatives to mitigate poverty and its impact in the basic education sector, with a particular focus on school nutrition, scholar transport, health matters and screening, HIV and Aids, and reducing the effect of poverty-related disadvantages on curriculum delivery, and more.

The hon Moni always embodied the following principles, taken from *Long Walk to Freedom*:

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

Hon Crosby Moni passed away on 22 December 2013, after a short illness following a recent visit to Mozambique, where he contracted malaria. The ANC and the higher and basic education committees in Parliament have lost a disciplined cadre, a selfless community activist, a hard-working public representative and a talented politician. We committee members, and all Members of Parliament, would like to extend our condolences to the Moni family on the sad loss of a cadre, a friend, a colleague, a father, a husband and an uncle. Time will heal. I thank you. [Applause.]

Mr D C SMILES: Speaker, the hon Crosby Moni passed away on Sunday, 22 December 2013, after a short illness. On behalf of the DA, I would like to convey our sincerest condolences to the family of the hon Crosby Moni, MP. I would also like to extend this message to his organisation, the ANC, and to the tripartite alliance.

Hon Moni came to Parliament in 2011. He came here to serve in the Portfolio Committee on Basic Education and in the Portfolio Committee on Higher Education and Training. We will remember his contributions in Parliament, which were characterised by his humble but experienced approach to his work. Hon Moni always asked insightful questions and his contributions in debates were always meaningful and appreciated.

Hon Moni held several leadership positions in the tripartite alliance. Before he joined Parliament, he was the deputy president of the National Union of Mineworkers for many years. For that reason he was admired for his humble but meaningful contributions whenever he participated in debates of the Portfolio Committee on Basic Education. As a selfless community activist, an experienced politician and a hard-working public representative for the Benoni constituency, he will be missed dearly. As a son of the Eastern Cape – Cofimvaba in particular – he will also be missed dearly. His wife, Nokwakha, three sons, Manyano, Nkqubela and Bonga, and two daughters, Nonkosi and Bongeka, will also dearly miss him.

Agb Moni het waarde toegevoeg tot baie mense se lewens. Hy het die vrugte van die gees gedra: liefde, vrede, vreugde, vriendelikheid, geduld, getrouheid, goedhartigheid, nederigheid, en selfbeheersing. *(Translation of Afrikaans paragraph follows.)*

[Hon Moni added value to many people’s lives. He bore the fruits of the spirit: love, peace, joy, friendliness, patience, faithfulness, kind-heartedness, humility and self-control.]

May his soul rest in peace. Lala ngoxolo. [Rest in peace.] I thank you. [Applause.]

Mr W M MADISHA: Speaker, it is with the highest level of sadness that Cope rises to express its heartfelt condolences to the entire family of the hon Moni. We also express our condolences to the party he was a member of as a representative of the people in this National Assembly.

Those of us who served with him on the Education portfolio committee knew his commitment to hard work and to going the extra mile whenever the necessity arose. I also remember that although he became unwell in terms of his health, he still ensured that being here did not play second fiddle to his physical pain. It is against this background that thousands of South Africans continue to rise to thank him for his positive contribution to their lives.

Cope, too, will rise with all of them. I, as an individual, feel even more saddened by his early departure, because we both served the organised working class for almost a decade, through the progressive trade union movement. Although his organisational realm then was to serve the mineworkers, he, through the structure that was the then Federation of SA Trade Unions, helped to protect and defend the workers of the country. I must emphasise that he was extremely committed and did his best through and through. He did not speak all that much, to the best of my knowledge, but acted to defend the working class.

We thank him dearly for his selfless contribution to the survival of the working class in our time and we hope that his soul may rest in peace. Thank you very much. [Applause.]

Mr A M MPONTSHANE: Speaker, hon Deputy President, Ministers and colleagues, which words does one use to describe the man whose passing we have mourned and are still mourning today? One feels like bursting into song: “Zemk’iinkomo xa usuka wethu. Nyani zimkil’ iinkomo makhomande.” I say to all of you that time is the healer.

In both the Portfolio Committee of Basic Education and Portfolio Committee of Higher Education, I got to know Comrade Moni very well. He was a very respectful person. Whenever he referred to the President of the country, not once did he utter the words “Mr Zuma”. He always referred to him as “Msholozi”. Whenever he enquired from me about Tata Mandela’s health, he would say to me, “How is Shenge?” The man was very respectful indeed.

He was a gift to us all, but there is one thing I never told him. He had vast knowledge of my area, Ingwavuma. He always said to me that he would one day go down to Ingwavuma to collect his cattle from the people who sold him the cattle. I listened to him but, in typical communist style, he did not disclose his contacts. I started to feel threatened by this man, because I felt that he was starting to erode my electoral support in that area! However, I never told him that.

To me, the hon Moni was like a brother. Whenever we had portfolio committee meetings, the chairperson never missed the opportunity to allow us all to introduce ourselves to the stakeholders. Whenever he introduced himself, he would end with **“**thobela**”.** [Greetings.] I never asked him what it meant. Even today, I still do not know whether it means “good morning” or “good afternoon”, but he would say that with a smile. I used to say to him that he should stop making those tribal noises, and he would just laugh.

I do not quite know how to describe this quality, but he was really the kind of man who could make a person like what he or she would not otherwise like. He led me to start appreciating his organisation ... [Interjections.] ... through the way he conducted himself.

Empeleni ukuba ngangingumuntu wesifazane ngangingeke ngingabaze ngangizomqoma ... [In fact, if I were a woman I wouldn’t have hesitated - I would have accepted his love proposal ...] ... in the first place. This was the man, and ... sithi ke mfowethu ulale ngokuthula lapho ukhona, ngiyazi ukuthi ukanye nabo bonke enhlanganweni yakho. Uze ube yidlozi elihle kulabo abaseleyo abasenhlanganweni yakho. Ngiyabonga. [Ihlombe.] *(Translation of isiZulu paragraph follows.)*

[... we are saying rest in peace, wherever you are, brother; I know that you are with all your comrades from your organisation. Thank you. [Applause.]]

Mr S Z NTAPANE: Mr Speaker, hon members, on behalf of the UDM, I would like to extend our heartfelt condolences to the family, the ANC, SACP and friends of the late Member of Parliament Mr Crosby Moni.

The hon member Moni dedicated his life to fighting for justice. The fact that he was the former deputy president of the National Union of Mineworkers and was instrumental in rebuilding the SA National Civic Organisation, Sanco, bears testimony to that. We are eternally grateful to his family for allowing him to serve our nation the way he did.

Wanga umphefumlo wakhe ungalala ngoxolo. Ndiyabulela Somlomo. [Kwaqhwatywa.] [May his soul rest in peace. I thank you, Mr Speaker. [Applause.]]

Mrs C DUDLEY: Hon Speaker, the ACDP was saddened to hear about the death of Mr Crosby Moni just before Christmas last year. We understand that Mr Moni died after a short illness following a visit to Mozambique, where he contracted malaria. Hon Moni, a former deputy president of NUM, joined Parliament in 2011. I served with hon Moni on the Portfolio Committees on Basic Education and of Higher Education respectively, where his contribution was valued highly.

The ACDP extends its heartfelt condolences to Mr Moni’s wife, his three sons and two daughters, as well as to his extended family, friends, colleagues and members of the ANC. Thank you. [Applause.]

Ms N GINA: Hon Speaker, hon Deputy President, Ministers, hon members, today we are speaking about the hon Moni. There are a few things that I would love to say about him. He was an organic intellectual. This is a person who grew up in the struggle of the working class, and we all know what his character was. He was ever worried about the unity of the workers in this country, knowing full well that they were the ones shaping this country.

We saw the unity that hon Moni had fought for while still a leadder in the labour movement when he brought it with him to our portfolio committees, both to Basic Education and Higher Education. This man was a unifier. This man unified the opposition parties represented in the committees - the ANC and others. We could all connect with hon Moni in a very easy way.

Hon Moni had a distinct character. We know that he was a migrant worker while he was growing up. He spent most of his time in Mpumalanga and Johannesburg, but we saw a person who never distanced himself from his origins in the villages of Cofimvaba. This was even attested to at his funeral, where people from Cofimvaba were saying that they had suffered a huge loss and did not know who would now help them as the hon Moni had helped them. As we speak, the people in Cofimvaba, through the work of Mr Moni and the ruling party, are able to go to the wall ...

Bakutshela kahle ukuthi, bachofoza obondeni kubenogesi ngenxa yemisebenzi kamhlonishwa uMoni. Bakutshela kahle ukuthi ... [They tell you very proudly that they just switch on the electricity as a result of hon Moni’s work. They also tell you that ...]

... they have schools in their villages as a result of the efforts of hon Moni. They have running water, thanks to hon Moni. Indeed, hon Moni was one of the exemplary leaders of our movement. We are going to miss him.

Hon Moni always provided guidance in the committee. He was a good listener who did not speak just any old how. We knew full well that hon Moni would listen to us all and then, at the end, he would come up with a very intelligent idea and give guidance to the committee. I think that is why we hear even members of the opposition parties refer to the hon Moni as an exemplary leader, as a person you always wanted to be close to and as a very strict person.

When you consider the track record of the hon Moni, it reveals that he was always on time, not only in Parliament, but wherever he was a leader. You knew that when you talked to hon Moni, or gave him a task to do, he would deliver on time. He would do his work at the level that was expected of him. We really need people and leaders like the hon Moni.

What I would like to say again about the hon Moni is that he hated extremists and popularists. Yes, he was a leader, but you would never see hon Moni coming onto the stage or ascending the podium, trying to be popular with the working class or speaking about things that our government could never achieve. We knew very well that he was always there to connect the working class and the government, knowing exactly in which areas we wanted to take our country forward.

Above all, and despite all the hardships that he went through, hon Moni was nevertheless a life-long learner. Even given the hardships that he experienced in his life, he ended up obtaining a BA degree, because he loved education. Hence, when he joined us in Parliament, it was good for him to serve in the committees on education, where he excelled.

We would like to convey our heartfelt condolences to his family, whom he loved very much. Whenever we were with hon Moni, we knew that he would talk about his wife, his sons and his daughters. He hoped only the best for them, and for what he was preparing for his family.

Again, our condolences go to the SACP, where he was a central committee member. We know of the contribution he made to the ANC at large and to the whole country.

Sithi ulale ngoxolo, Comrade Moni, siza kuhlala sikukhumbula. Siza kubambelela koko ukushiyileyo. Enkosi. [We say rest in peace, Comrade Moni, we will always remember you. We will continue where you left off. Thank you.]

Debate concluded.

Motion agreed to, members standing.

The SPEAKER: Order! The presiding officers associate themselves with the motion. The condolences of the House will be conveyed to the Moni family.

**INFRASTRUCTURE DEVELOPMENT BILL**

(Consideration of Report thereon)

There was no debate.

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

That the Report be adopted.

Motion agreed to.

Report accordingly adopted.

**INFRASTRUCTURE DEVELOPMENT BILL**

(Second Reading debate)

The MINISTER OF ECONOMIC DEVELOPMENT: Hon Speaker, Deputy President Motlanthe, hon members, it is my great pleasure to introduce the debate on the Infrastructure Development Bill in this august House for the Second Reading debate.

Infrastructure is critical to so much of what is important to South Africans: jobs for young people; dams and pipelines to supply water for farming, for industry and for citizens; power plants to generate energy to light up homes and offices and to put warm food on the table; roads, railway lines and ports to move people and goods across our country; fibre-optic cables to promote access to communication and give young people a passport to 21st-century economic citizenship; clinics and hospitals to provide medical care to all our people; schools and universities to give access to education to the next generation; and houses to provide homes to young and old.

The investment in infrastructure lifts a nation. It promotes inclusive growth, decent jobs and development. This is particularly important in South Africa, where apartheid was rooted in overinvestment for the few and underinvestment for the majority of people. In 2011, President Zuma set up the Presidential Infrastructure Co-ordinating Commission, the PICC, to drive the delivery of infrastructure. We worked with all nine provinces and local government to unblock obstacles and to speed up regulatory approvals and construction.

The PICC has helped to write a successful South African story, the story of infrastructure. Large parts of the country have been turned into big, dusty construction sites with machines, men and women, bricks and cement, building the foundation of social inclusion and a strong economy. We met with engineers, universities, communities, businesspeople and organised labour.

We monitored spending levels across the state. In the past five years, we invested R1 trillion in public infrastructure. We recognised that we could wait until we were a developed economy to invest heavily in infrastructure. We will become a developed economy because we invest in infrastructure and skills to the extent that we do now. Twelve days ago the President outlined to this House and to the nation what we have done, what projects were completed and what infrastructure was delivered to communities.

As we celebrate our successes, we also identified where we needed to do more, where we had not sufficiently delivered, how we could quicken the pace of delivery and how we could improve services to our people. We distilled that experience, our strengths and our challenges into this Bill, which will give legal form to the PICC and help speed up the roll-out of public infrastructure.

The Infrastructure Development Bill recognises the constitutionally defined powers of each sphere of government. Within that framework, it integrates the work of all three spheres to create a consolidated regulatory process that avoids red tape, delays and duplication.

The Infrastructure Development Bill provides the means, through guidelines, targets and regulations, to ensure that our developmental goals of greening the economy, skilling our people, empowering black entrepreneurs and women, employing young people and industrialising our economy are indeed achieved.

This Bill recognises the importance of protecting the environment and provides for an integrated time frame for public consultation and decision-making. The Bill identifies the full product life cycle of infrastructure, including the maintenance of our physical assets.

The portfolio committee conducted public hearings, considered all the inputs and went through the Bill word for word, strengthening it where needed. Members of the committee will no doubt share their insights and report to this august House on the proceedings. This is a quality product and I am honoured to place it before the NA today. I thank you. [Applause.]

Mrs E M COLEMAN: Hon Speaker, hon Deputy Speaker, hon Minister Patel and Deputy Minister Mkhize, hon Ministers and Deputy Ministers, my colleagues, hon members and guests, the second phase of our democratic transition should be characterised by decisive action to effect a thoroughgoing economic transformation and democratic consolidation. This is critical not only to improve people’s quality of life, but also for the promotion of nation-building and social cohesion.

At the core of the second phase should be a concerted drive to eradicate poverty and reduce inequality. Every South African should enjoy a decent quality of life. This applies both to income poverty and to access to basic services. The primary focus in this regard should be higher rates of economic growth and social inclusion, reflected primarily in massive job creation, skills development, the provision of quality public goods and services, as well as the expansion of small and medium enterprises and co-operatives.

The National Infrastructure Plan is an opportunity to change the structure of the economy and apartheid spatial distortions to support beneficiation and industrialisation and to contribute to the facilitation of intra-African trade. As a flagship programme of the state, all the spheres of government have joined hands in taking it forward. We continue to tell a good story of reconstruction, development and growth through the Infrastructure Development Bill.

Today marks an important milestone in the history of this country. This is so because of the Infrastructure Development Bill, which is the first ever legislated intervention of its kind. This is an intervention that will continue to see the country’s infrastructure development being done in an accelerated and sustainable manner, and in a manner that restores the dignity of every South African by creating equal opportunities to live, and to gain access to basic essential services.

The ANC’s economic transformation programme seeks to promote a geographically inclusive economy. This will require infrastructure development to be rolled out in phases in targeted areas, especially in the former Bantustans. In this regard, we must optimise the investments that have already been made in the establishment of Industrial Development Zones through special determinations relating to incentives and access to adequate and affordable basic inputs such as electricity and water.

A case in point is a well-co-ordinated and integrated transport system that will not only develop and change the spatial patterns of the country but will also have a fundamental impact in changing the lives of rural and semi-urban communities. This intervention will see the life of Nozipho, residing in Ezamokuhle village, being transformed for the better. She will be able to take her kids to school without having to cross polluted and dangerous rivers. She will have a sustainable provision of energy without having to fetch wood in the bushes and so risk her life or risk being raped and robbed of her self-worth. She will be able to have access to tap water without having to share it with livestock. She will be able to continue with her dream of starting a business without having to worry about the distances to be travelled or the scarcity of transport to fetch and convey her goods. She will have the means to communicate with her customers and suppliers while keeping in touch with her loved ones in case she is needed. The list is endless. This is a country in pursuit of a developmental state.

The portfolio committee was satisfied with the processes leading to the finalisation of this Bill. There was a shared excitement about the prospects of the Bill, hence the unanimous adoption of the report. There was a general acceptance of the spirit and objects of the Bill. The amendments introduced in the Bill have, in part, been through the public participation process. We have listened to the submissions and engaged with them. In this regard we have dealt with what the Constitution requires of us – to listen and give due consideration to the issues the people raise.

The amendments address some of the public concerns by clarifying the intentions of the Bill with clearer formulation, while the substance and purpose of the Bill remain unchanged.

I would like to mention but a few changes that the committee has brought into existence. There were some constitutional concerns about the powers and functions of the three spheres of government and possible encroachment on the provincial or local government powers. Another area of constitutional concern was the time frames for public consultation. There was confusion regarding the use of the word “commission” to refer to both the top structure chaired by the President and to all the substructures of the commission.

There was a concern regarding procedures to be used for the expropriation of land. There was a concern that the Bill may unintentionally incorporate private infrastructure projects into the Strategic Integrated Projects, SIPs. There were also concerns about the way in which applications for various approvals would work if the Bill required them to take place simultaneously. These were some of the concerns that were looked into and effected as changes to the Bill. There were also some technical changes to make the Bill clearer and more readable.

We would like to thank all those who managed to participate in the process of the public hearings. We also want to thank the Department for Economic Development for their full and explicit responses to the concerns raised by both the public and the portfolio committee. In the same spirit, we would like to thank the legal teams of both the department and Parliament.

In conclusion, and with reference to the stories of Nthabiseng and Nozipho, which were mentioned in the state of the nation debate, I would like to quote for my fellow countrymen the words of Reverend Jesse Jackson:

Suffering breeds character and character breeds faith. In the end faith will not disappoint.

Let’s continue to shape the South Africa of our dream. Together we shall make South Africa a better place to live in. The portfolio committee would like to table the redrafted Bill for consideration and adoption by the House. The ANC supports this Bill. I thank you. [Applause.]

Mr S C MOTAU: Hon Speaker, massive infrastructure backlogs have contributed to investor concerns about the attractiveness of South Africa as an investment destination. According to research by the Department of Public Enterprises, poor state planning over the past 15 years has left the country with a R15 trillion backlog in the energy, road, rail and communications infrastructure needed to support a growing economy.

The DA therefore appreciates the need to fast-track infrastructure development and supports the intent of this Bill. Indeed, the apparent lack of co-ordination across the three spheres of government, silos among national departments, corruption and delays regarding tenders are very serious failures that need to be eliminated to facilitate the delivery of infrastructure.

However, we believe that the solution to the country’s infrastructure development backlog lies in the improvement of implementation capacity and co-ordination of existing structures. It does not lie in the creation of parallel, top-heavy centralised structures, such as the Presidential Infrastructure Co-ordinating Commission or Council.

We fear that this Bill, like the department that has spawned it, is an unnecessary, costly instrument that is most likely to frustrate rather than facilitate infrastructure development if passed in its current form.

The DA believes that the Bill gives the President, who will chair the council, extensive powers to decide on strategic infrastructure development projects in the country without any parliamentary oversight. The President does not account to any portfolio committee in Parliament. Previous attempts by the DA to amend this shortcoming have not been successful.

Given this government’s history of building a R200 million palace for President Jacob Zuma, how can we leave it to a small top-heavy government structure to determine when money is going to be spent? This is opening up the space for another Nkandlagate scandal, when what we should be doing is allowing greater transparency and more oversight. In fact, as we prepare for the biggest infrastructure project in our history - the nuclear build tender - this Bill will open the space for corruption and make the Arms Deal looklike a drop in the ocean.

Indeed, without any provision in the Bill for parliamentary oversight neither the commission nor the council can be held to account. In light of sections 42(3) and 55(2) of the Constitution, Parliament cannot pass this Bill in good faith.

This House should also note that this would be a special purpose law. If passed by Parliament, the Minister is instructed to report, according to section 19(1) of the Bill, on a quarterly basis to the council and the management committee on each Strategic Infrastructure Project.The DA’s proposal that the Minister of Economic Development also report quarterly on SIPs to the Portfolio Committee on Economic Development was rejected. The DA finds this denial of oversight by Parliament unreasonable and unacceptable. Even more confounding is the fact that the funds to be expanded on the SIPs by any of the organs of state will be funds voted by this Parliament to the organs of state involved, through the departmental budgets.

While infrastructure development is essential, it cannot happen without parliamentary oversight. Section 2(2) of the Bill provides that, and I quote:

Any person exercising a power in terms of this Act must do so in a manner consistent with the Constitution and, in particular, with the functional competencies of the different spheres of government.

We believe this clause is an attempt to pre-empt potential charges of encroachment on constitutional grounds by provinces and municipalities. This apparent concern by the department is valid. We are of the view that this Bill is inconsistent with the constitutional dispensation of the three spheres of government and the devolution of planning and implementation power to the lowest appropriate sphere.

Clause 8(4)(a) stipulates that the spatial planning and land use of an organ of state must not be in conflict with the Strategic Integrated Project designated by the commission. This clause removes the power of all organs of state responsible for planning in their area – municipal and provincial authorities – by directing them to ensure that future plans are not in conflict with an SIP. On the face of it, this clause appears to be unconstitutional.

This provision essentially usurps the functions of municipalities and provinces in that they are limited in the scope of their planning mandate by decisions and plans that have been approved by the commission.

While we agree that improved planning and co-ordination are needed with regard to infrastructure development, we believe that the Bill should rather establish mechanisms to strengthen the processes in the municipal sphere, rather than duplicating efforts in the national spheres through an attempt to centralise planning.

Section 18 of the Bill provides that, and I quote:

Whenever an environmental assessment is required in respect of a Strategic Integrated Project, such assessment must be done in terms of the National Environmental Management Act of 1998, with specific reference to Chapter 5.

This is the only reference to any environmental consideration in the Bill. The Bill is also silent on sustainable development, which is a constitutional imperative enacted through the National Environmental Management Act.

The DA’s proposal to include a definition of sustainable development in section 1 under “Definitions” was rejected. The exclusion of sustainability considerations in the Bill is a very serious omission. The need for a deliberate inclusion of sustainability as a fundamental requirement is emphasised in all major national policies, including the National Development Plan.

As indicated at the outset, the DA appreciates the need to fast-track infrastructure development in the country. We agree that efforts should be co-ordinated and integrated. However, this cannot be done at any cost. We acknowledge that environmental and related considerations should not be employed to unduly delay implementation of projects.

We do not believe that the efforts to facilitate implementation of infrastructure projects should be done at the expense of parliamentary oversight. We do not believe that centralised planning is the answer. We also do not believe that this should be done at the expense of sustainable development. The DA cannot support this “Nkandla” Bill as it stands. Thank you very much. [Applause.]

Mr L S NGONYAMA: Hon Speaker and hon Deputy President, the Minister of Economic Development has plans to plough as much as 10% of our gross domestic product annually into infrastructure development. That would be about half of state revenue, or approximately R400 billion. Even at half of that amount, infrastructure development would be greatly accelerated and South Africa would be a different country.

Why do we need this investment? It is this kind of boldness that we need to undo the solid foundation of inequality laid by apartheid. To be assured of a truly integrated and nonracial nation, South Africa needs infrastructural development of this magnitude.

South Africa’s historically underdeveloped urban and rural areas are crying out for urgent investment in site planning, roads, sanitation provision and water reticulation. The expanded use of solar lighting and solar water heating will greatly improve the quality of people’s lives with a once-off investment.

As the pressure on Eskom mounts daily to meet increasing demand, it is imperative that South Africa immediately replaces street lighting countrywide with solar lighting and all government buildings should have solar panels on their roofs.

The primary purpose of this Bill is to overcome the lack of integration, contradictory plans and unco-ordinated development efforts, because these factors raise the cost of infrastructure creation and dampen development.

With regard to the plan as contested terrain, the reality is that every plan becomes contested terrain because of hidden agendas and corrupt intentions. For obvious reasons, tenders may be put out as late as possible to circumvent the requirements of the Public Finance Management Act and specifications will be made to suit certain bidders. If transparency and accountability do not prevail, the Infrastructure Development Plan will be a wish, not an outcome that is realised.

Prioritisation, collaboration and speed are the key ingredients of this Bill. These will have to be met 100% of the time, by 100% of all those who are involved.

Clear timetables must accompany every infrastructure programme. Running costs must be available through a real digital time clock on the Internet, showing the percentage of work done, the percentage of the budget consumed and the percentage of time taken. Without such technological data available, oversight will not occur and budget overruns will continue to plague all efforts.

As there are 18 Strategic Integrated Projects, 18 digital clocks, allowing tracking by all South Africans and by Parliament, are needed to allow progress to be tracked in real time. Receiving annual reports, beautifully printed, but extensively written in the future tense, is counterproductive. We need to know from day to day how each SIP is progressing.

We need a scrutiny plan. The National Infrastructure Plan without a thoroughly effective scrutiny plan is nothing to be excited about. The Minister, of course, is required, in terms of this Bill, to report to the Presidential Infrastructure Co-ordination Commission, but that is business as usual, Minister, and hardly what we require.

The people of our country are the ones who need to know and observe whether regional development is taking place on schedule, whether broadband is spreading rapidly across the country and whether sanitation backlogs, among other problems, are being reduced at speed. The National Infrastructure Plan must have the capacity to be monitored by citizens in their homes. Only then will people buy into the plan and take ownership of it.

It is absolutely imperative, though, that whatever infrastructure is built, operated and maintained, this should be done efficiently, cost-effectively, competently and accountably. Those conditions are specified in the Bill, those conditions appeal to us and we support those conditions. We therefore support this Bill. I thank you. [Applause.]

Mr M HLENGWA: Hon Speaker, hon Deputy President and hon members, the importance of this Bill cannot be overemphasised, particularly as the world continues to become a global village and South Africa must be an active player in it.

Infrastructure is at the centre of job creation and it is therefore at the centre of ensuring that we create an environment conducive for businesses to operate, particularly small businesses. They need infrastructure to compete favourably and to grow. We need infrastructure to create the jobs desperately needed by millions and millions of our citizens.

In no way does this Bill downplay the autonomy of the respective spheres of government, and it is important for us to continue moving forward to ensure that there is no overlap and encroachment on the respective functions and responsibilities of the different spheres of government.

Infrastructure development remains at the centre of creating an environment conducive for business, as we have pointed out, and to enable us to create jobs. Therefore, this Bill is important because it is a positive response to strengthening co-ordination in infrastructure development.

The IFP is satisfied that the portfolio committee did everything possible to take into account all the public contributions made in the public hearings. We must say that this portfolio committee stands out as probably the only committee that has gone that far in ensuring that public contributions were taken into account and that the Bill is an expression of those public hearings.

This Bill will legitimise the Presidential Infrastructure Co-ordinating Commission, enabling clearer oversight. We will also have to zoom in on reporting by the PICC. We should hold it to account and ensure that we are able to oversee its work properly. Moving forward, whether this Bill is a success or not, the proof of the pudding will be in the eating. Obviously, we hope that the PICC’s reporting functions will be improved so that we will be able to hold it to account.

The high levels of unemployment compel us to take every step possible to ensure that we accelerate job creation. This Bill is a point in case in terms of enabling us to do so. One might want to add that the hardships facing our people on a daily basis, particularly the high levels of unemployment, compel us to co-ordinate better infrastructure development in the country. A move such as this Bill enables us to do exactly that.

I am reminded of these words, which, I think, come from the Bible: “uJesu akazanga ukuzocitha kodwa uzogcwalisa.” [Jesus did not come to abolish these things, but to fulfill them.]

So, I would imagine that in the same sense ... nale Bill ayizanga kuzocitha kodwa izogcwalisa loko sekukhona. [... this Bill is not going to abolish anything, but rather augment what is already working.]

On that note, the IFP supports this Bill. I thank you. [Applause.]

Mr S J MOHAI: Hon Speaker, Deputy President, Ministers and hon members, wishful thinking cannot replace the hard facts about South Africa’s reality. The DA’s comments once more attempt to divert us from debating the main issue, without contributing anything. The ANC has tried to throw light on the imperatives of the Bill at various stages. However, the DA indicated that it would revert to its caucus. We knew then that they were going back to their corner of an untransformative forum. Indeed, they came back to reject this Bill, as expected.

The ANC is very tired of carrying the dead wood because dead wood is very heavy. There is no reason that we should continue to carry this weight. We therefore elect to continue debating the very important issues about this Infrastructure Development Bill. [Interjections.]

The SPEAKER: Order! Order!

Mr S J MOHAI: I must hasten to point out that the chairman indicated that there had been overwhelming consensus among the majority of stakeholders regarding the strategic intentions of this Bill. This alone demonstrates once more the unassailable supremacy of the ANC policy perspective within the body politic of our country.

Taking our cue from the 53rd National Conference of the ANC in Mangaung, it is worth reminding this august House that a call for action to accelerate and deepen economic transformation and to build a democratic developmental state is among the critical strategic tasks the ANC has defined for itself in this decade.

The strategic thrust of this Bill should therefore be located in the context of giving effect to these resolutions. Accordingly, the integrated and co-ordinated government-wide approach to infrastructure development and delivery is critical to the realisation of these tasks. This is particularly so against the background of a fragmented and unco-ordinated approach to service delivery among the spheres of government and across departments. This is one of the critical deficiencies of our current system of governance, as was pointed out by the National Planning Commission.

This Bill before us this morning should be celebrated as a critical turning point in our system of governance, which seeks to break rank with the culture of fragmented and unco-ordinated infrastructure delivery. The Bill will also ensure the eradication of unnecessary red tape, something that always causes delays in big infrastructure projects and always results in an escalation in costs.

Contrary to what some would want us to believe, this Bill is in no way designed to entrench encroachment into the provincial and local government functional space by the national government. Instead, the Bill seeks to bring synergy, co-ordination and integration to the infrastructure development efforts of our country. This will be done in line with the spirit of our Constitution. Our Constitution further defines South Africa as “one sovereign democratic state**”.**

The design and conceptualisation of the Infrastructure Development Bill transcend the narrow confines of structures and buildings to cover skills development, entrepreneurship and communities as our national effort to move South Africa forward. Unlike many other pieces of legislation presented to this august House, the Infrastructure Development Bill translates the best-practice model of the current configuration of the Presidential Infrastructure Co-ordinating Commission into a coherent legislative framework.

Drawing on the current best practice of existing strategic infrastructure projects, allow me to demonstrate how the Infrastructure Development Bill is going to leverage skills development, job creation and the green economy as catalysts for development. This House will certainly concede that the challenge of unemployment is not unique to South Africa, but faces all modern economies. As the ANC clearly articulated in its 2014 election manifesto, the current global economic situation has constrained the first economy from absorbing jobs. This has necessitated an imperative of focused and sustained investment in the second economy through, among other things, the Expanded Public Works Programme.

Using the example of the Medupi project, and as cited last year in August, on-site employment at the end of June 2013 was 16 006. Of those employed, 42% were Lephalale residents, of whom 70% were unskilled and semiskilled. People from Limpopo were also employed, and 53% were young people.

In terms of skills and entrepreneurship development, Hitachi has invested R24 million in the Tlhahlong Training Centre to produce 700 artisans as part of its Accelerated and Shared Growth Initiative SA, Asgisa, contractual obligations, and 404 of these artisans are qualified and employed by the private sector. The overwhelming majority of these artisans are Limpopo residents, with women constituting 17%.

Over the recent past, the green economy has occupied centre stage of public policy discourse and action within government, with the development of a series of policies and the initiation of high-impact projects. As part of the government investment in the green economy, which includes private-public partnerships, the Industrial Development Corporation has set aside R22 billion for green projects over five years, and a further R3 billion has been made available for the manufacturing of green products and components.

The Infrastructure Development Bill introduces a new developmental environmental management regime with strategic environmental assessment. Unlike the current fragmented system of environmental management, with strategic environmental assessment a balance between the three pillars of sustainability, namely social, economic and environmental, developmental environmental management is improved to guarantee our sustainable future.

The greening of our country is embedded in various strategic projects with a high development impact. These include renewable energy; improved municipal infrastructure for waste removal, public transport, improved water supply and sanitation; and the electrification of households to reduce pollution by coal and wood. For all the projects mentioned above to be success stories in our lifetime, integrated planning, co-ordination, implementation, monitoring and evaluation are critical. In this regard, the Infrastructure Development Bill provides this capacity.

In the next five years, the history of our country will narrate a story of pride in our past and confidence in our future, with the Infrastructure Development Bill firmly embedded in the storyline. Certainly, as we move forward day by day, month by month, year by year, our story is a story of a South Africa better than it was before 1994.

This Bill improves the ability of the state to manage the tension between infrastructure development and the environment. It opens the door to improved collaboration and communication between the various sectors, while vigorously maintaining the standards set in our laws. With these few words, and on behalf of the ANC, I stand here to support the Bill. [Applause.]

Mr N L KWANKWA: Mandibulele Somlomo. Somlomo, uyazi ukuba ndithe xa ndijonga apha kwezi zinto kusithiwa uKwankwa mhlophe, ndaphantse ndamelwa yintliziyo. [Thank you, hon Speaker. Hon Speaker, when I looked here and saw that Kwankwa is classified as white, I almost had a heart attack.]

Secondly, when I saw the hon Minister Nzimande on the left-hand side of the House, I thought he had also defected to the UDM. However, my ululation was brief, because I saw him return to the right-hand side of the House. [Laughter.]

Hon Speaker, hon Deputy and hon members, few people would dispute the fact that South Africa’s infrastructure deserves prioritised, properly planned and co-ordinated public investment. It is also public knowledge that over the past couple of years government has spent billions of rands on infrastructure development. With this in mind, it therefore follows that measures such as the Infrastructure Development Bill should be implemented to ensure that taxpayers get maximum value for the money spent on infrastructure development.

The UDM believes that the co-ordination of well-targeted and strategic public infrastructure development is critical for the proper functioning of the economy. We also believe that infrastructure development is the cornerstone of sustainable, social and economic development.

Kodwa ke, Somlomo, kubalulekile kakhulu ukwenza izinto elubala nokusabela kukarhulumente ukuze zikwazi ezi zinto ukuba zenzeke ngendlela eyiyo okanye le nto sizama ukuyishukuxa singurhulumente, umzekelo, ukuqinisekisa ukuba ... *(Translation of isiXhosa paragraph follows.)*

[However, Mr Speaker, it is very important to do things out in the open and the response of the government so that these things are done properly or what we as the government are trying to work on, for example, to ensure that ...]

... there is proper co-ordination and planning. If there is no transparency, the whole exercise will defeat its purpose. The other very important issue is that there are parts of the country where people are desperate for infrastructure development and maintenance. As the UDM, we therefore hope that the emphasis on Strategic Integrated Projects will not result in the neglect of the need to address past infrastructure imbalances and backlogs in previously disadvantaged communities.

Enye into endifuna ukuyicacisa, yile yokuba sisithi kurhulumente sifuna indlela engcono yokwenza izinto. KwaXhosa ke kuthiwa umntu xa ecela indlela yokwenza into umnika intambo ende ukuze akwazi ukuzixhoma, umxhase, aze athi ukuba akenzanga laa nto ebethethe ngayo, uqale uthi ke ngoku ungubholela ecaleni. *(Translation of the isiXhosa paragraph follows.)*

[One other thing that I would like to explain is that we would like the government to have a much better way of doing things. In the Xhosa nation we say that when a person has asked to be given an opportunity to do things his way, you support him, and when he fails to do what he has promised to do, you start by saying that he is a nonconformist.]

The UDM supports the Bill. Ndiyabulela. [Thank you.] [Applause.]

Ms D R TSOTETSI: Hon Speaker, hon Deputy President and hon members in the House, why is infrastructure good for South Africa? The tabling of the Infrastructure Development Bill today marks a significant milestone in the ongoing development of the infrastructure development programme of the ANC-led government. The infrastructure programme is one of the biggest on the continent of Africa and as such requires the necessary legislative underpinning to ensure its success.

Infrastructure development is a core priority over the next five years for the ANC-led government. Planned levels of investment in public sector infrastructure must be sustained and the public and private sector must be encouraged to increase their efforts in this direction.

Given the size of the infrastructure programme and the 18 Strategic Integrated Projects in the 23 economically poorest districts, the programme holds the potential for unlocking local economic development in these districts and, in turn, job creation and skills development.

The focus areas of infrastructure development include energy, water and sanitation, educational infrastructure, urban integration, transport and logistics, rural and agrologistics, industrial infrastructure, health, information and communication technologies, including broadband roll-out, and unlocking mineral wealth.

Infrastructure is a key jobs driver and its development supports other jobs drivers such as mining and beneficiation, manufacturing, agriculture and agroprocessing, tourism, the green economy and African regional economic integration. Infrastructure development and its related investment both with the budget, private sector and foreign investment must be encouraged through economic policy instruments to remain robust and targeted to shape the inclusive and dynamic economic growth of our country.

The National Infrastructure Plan must receive the dedicated attention of this House over the next five years. Oversight should be able to determine the success of the implementation of the infrastructure programme and fielding the challenges as well as ensuring an integrated and strategic approach.

The core of the Infrastructure Development Bill is the establishment of procedures and forums to support more efficient and effective public investment in infrastructure. To understand its importance, we need once more to remind ourselves of why infrastructure development is so central to economic and social progress in South Africa, more so than in most other countries.

In the mid-90s, only 3 million African households had running water onsite, 2 million households used electricity for cooking and only 2 million had flush toilets. That means that less than half of all households had access to these services. Similarly, backlogs existed for roads, schools, clinics and all forms of public investment, with the worst shortfalls being in the rural areas. Today we have made great progress. As of 2012, for instance, 7 million African households have piped water onsite, 6 million have flush toilets and almost 10 million households have electricity.

It follows that to build a more inclusive and equitable economy, we need to provide better infrastructure for our people. Overcoming the apartheid backlogs in infrastructure was always going to be costly. At the same time continued investment is needed to ensure that infrastructure also keeps up with the growing economy. We need to ensure reliable, quality electricity, water supply, waste management and logistics at a cost that ensures competitiveness.

The result is that since 1994 the ANC-led government has had to focus on increasing public investment. At the time of the democratic transition, public investment had fallen to just 4% of the gross domestic product. Economists generally agree that it must be between 7% and 10% of the GDP to enable private investment to grow. Today, public investment is at 7,3% of the GDP. The budget and our national plans have set a target of 10%.

The ANC-led government has spent more than a trillion rand on infrastructure over the past five years, including those initiatives driven through the state-owned enterprises. This is twice as high as investment under the previous administration. As the ANC, we know that the massive expansion of infrastructure, combined with the industrial policy initiatives, will expand the creation of decent work opportunities and strengthen the industrialisation of the economy.

Specifically, the ANC’s theme is “Infrastructure to drive development and jobs”.What this means in practice is that the ANC-led government will build on the success of the National Infrastructure Plan by expanding investment in infrastructure that improves the lives of our people and grows the economy. The reality is that South Africa has been turned into a massive construction site to lay the basis for Africa’s largest economy to expand and for millions of citizens to benefit.

The core infrastructure of dams, power stations, roads, railways, the bus rapid transit system, ports and fibre-optic cables will have to create an inclusive economy and unlock opportunities. Industrial infrastructure will provide the production base for the future and create opportunities for small businesses and co-operatives. The social infrastructure of hospitals, schools, universities, clinics and sanitation will provide the foundation for improved service delivery in urban and rural areas.

Rural and agrologistics infrastructure will include storage facilities, improved transport systems, processing plants for small-scale farming and co-operatives, water systems and fencing to expand rural production and create sustainable rural livelihoods.

Job creation will be a priority for infrastructure programmes and special attention will be given to young people, providing an opportunity to learn, innovate and work on construction sites and in the major projects. More than 250 000 jobs will be sustained through construction, operation and maintenance of infrastructure and manufacturing of local components for the infrastructure programme.

Regionally in southern Africa, our responsibility to regional economic integration is driven by the infrastructure development programme and industrialisation. Working together with the state-owned enterprises, development finance institutions and the private sector, we are addressing infrastructural needs in Africa so as to enhance trade, economic development and job creation across the region.

In conclusion, unlocking economic opportunities and creating jobs are central to the ANC’s economic programme. Major catalytic and integrated infrastructure projects have been identified in several provinces that will unlock economic opportunities, drive industrialisation and substantially create decent jobs for the benefit of the whole economy. In addition, investment infrastructure that unlocks our vast mineral wealth, creates jobs and supports the local beneficiation of mineral deposits for the benefit of South Africans will be taken forward.

It is important to note that reasonable consultation has taken place through public participation and submissions. I would like to emphasise public participation by quoting John C Maxwell, when he averred that to be a good leader you must be able not only to think of yourself, but also understand and learn from the thinking of others. That is what the ANC-led government believes in and it appeals to others to co-operate.

Inputs from the public participation sessions are consolidated and some will be incorporated in decision-making. This has been proven by the number of meetings and engagements for amendments between the Department of Economic Development and the Portfolio Committee on Economic Development. This is indeed the government of the people by the people. Thank you, Speaker.

Mr F BEUKMAN: Hon Speaker, Deputy President, hon members and fellow South Africans, on 6 April 2000, the first President of a democratic South Africa, President Nelson Mandela, delivered a speech, which was titled “Africa and its position in the world today”, at the London School of Economics. President Mandela said the following:

The achievement of our vision requires rapid industrialisation that exploits our scarce resources and our strategic geographical location. In turn, that requires massive programmes for infrastructural development for the regeneration of our cities and for the education of our people.

In the spirit of these remarks, the current President of the Republic, President Jacob Zuma, made an undertaking during the state of the nation address in 2012 that a Bill dealing with infrastructure would be tabled before the end of the current administration’s term of office.

Today’s debate on the Bill is therefore the culmination of a process to put in place an appropriate legal framework for the Presidential Infrastructure Co-ordinating Commission and its structures and for the maintenance of the National Infrastructure Plan.

Experiences since 2011 have shown the importance of the PICC in delivering infrastructure priorities by improving planning, co-ordination and monitoring. The PICC has already proven to be a critical mechanism in addressing these challenges, and its role and function. Why do we need an Act of Parliament? The Bill specifically aims to maintain and strengthen the national structures of the PICC and to clarify the role of departments and agencies in managing SIPs. Giving statutory effect to the PICC, its structures and the National Infrastructure Plan will ensure the consideration of the developmental objectives in infrastructure provision, including maximising employment creation and local procurement, integrated rural development, youth job creation and support for emerging enterprises. The discussions in the Portfolio Committee on Economic Development over the last six months contributed to this goal to ensure that there are appropriate mechanisms in place to promote an accountable and responsive legislative framework.

The need to regulate the PICC in a parliamentary Act is testimony to the ANC government’s commitment to ensure that the roles and rules for the different role-players are clearly defined and to maximise developmental impact. Pivotal is that the Bill provides for the existence of the PICC and its structures, which must perform the functions as indicated in the Bill.

The Bill is also a statutory instrument by which any approval, authorisation, licence, permission or exemption required in terms of other legislation can be facilitated and expedited. It is also a statutory instrument by which obstacles to the expeditious implementation of the National Infrastructure Plan can be unblocked, and generally practices and procedures which seek to ensure that infrastructure development is not merely a transactional matter.

The Bill is in line with chapter 3 of the Constitution, which promotes co-operative government and the spirit encapsulated in section 41 of the Constitution of the Republic, namely that in the Republic government is constituted of national, provincial and local spheres of government, which are distinctive, interdependent and interrelated. This is evident in section 22 of the Bill. Any person exercising a power in terms of this Act must do so in a manner that is consistent with the Constitution and in particular with the functions or competencies of the different spheres of government. Legal certainty is therefore strengthened and promoted.

Furthermore, the role of departments and agencies in managing SIPs is clarified. Procedures and structures are established to minimise unnecessary delays in planning SIPs and the obtaining of authorisation, permits and licences for the projects that they incorporate. Time frames are set out in the SIP planning process and also the appointment of relevant Ministers to chair strategic integrated processes.

There is a very important point that I don’t think the hon members to my left understand. In terms of financial accountability, the Act does not change the responsibilities of accounting officers or authorities and does not change the route for fiscal flows. Line-function departments and public entities will continue to receive money for specific infrastructure projects, like the Department of Water Affairs and Forestry, or the Department of Energy, and these departments will continue to be accountable to Parliament for the spending of money. Section 42(1) of the Constitution provides that the National Assembly, *inter alia*, provides a national forum for the public consideration of issues and scrutinises and oversees executive action. This is the task of MPs as members of oversight and portfolio committees.

Of course there is accountability by Ministers. In section 92(3)(b) of the Constitution, members of Cabinet must provide Parliament with full and regular reports concerning matters under their control. So it is untrue to say that there will not be any accountability under this Bill.

Let us be practical. Rule 201 of the National Assembly spells out the role of portfolio committees. For instance, a portfolio committee must deal with matters of oversight of the exercise within its portfolio of the national executive authority, including the implementation of legislation, any executive organ of state falling within its portfolio, any constitutional body falling within its portfolio and any other body or institution in respect of which oversight was assigned to. It may monitor, investigate, inquire into and make recommendations concerning any such organ of state. So there are rules and regulations to deal with the matter of parliamentary accountability.

Section 65 of the Public Finance Management Act, PFMA, is also very explicit about the role of the executive authority and accounting officers. The executive authority must table the annual report and financial statements referred to in sections 41 and 55(1) and the audit reports on those statements within one month by the accounting officer for the department or accounting authority. So it is therefore not correct to say that there is no accountability chain for the legislation.

Ek dink geen melding word van hierdie belangrike punte gemaak nie. Dit is belangrik om te meld dat in skedule 3 van hierdie wetsontwerp voorsiening gemaak word vir ’n strategiese geïntegreerde projek, soos die Saldanha-Noord-Kaap ontwikkelingskorridor, wat deur die SIPs gedryf word en wat ’n belangrik impak op die ekonomiese ontwikkeling van hierdie twee provinsies gaan hê. Dit bevestig die noodsaak van hierdie wetsontwerp om te verseker dat projekte van dié aard hoëvlak ondersteuning geniet om werkgeleenthede te skep. *(Translation of Afrikaans paragraph follows.)*

[I do not think any mention has been made of these important points. It is important to note that in schedule 3 of this Bill provision is made for a strategic integrated project, like the Saldanha-Northern Cape development corridor, which is driven by SIPs and will have an important impact on the economic development of these two provinces. This confirms the need for this Bill to ensure that projects of this nature enjoy high-level support to create job opportunities.]

This Bill is indeed about the future. By supporting this Bill we will ensure that every organ of state will, in its future plans for the implementation of infrastructure, spatial planning and land use, not be in conflict with any SIP designated by the PICC.

We have a good story to tell indeed. In the words of President Mandela:

The vision expressed in the ideal of the African Renaissance is that of the reconstruction and development of an Africa in which people’s lives are constantly and rapidly improving to a standard broadly in line with the best in the world.

By supporting this Bill, we are giving effect to this ideal. Thank you. [Applause.]

Ms D O CHILI: Hon House Chair, hon Deputy President, hon members, comrades and guests in the gallery, infrastructure investment must be managed carefully to ensure both cost-effectiveness and efficiency. Over the past 20 years the ANC government has developed the necessary experience, expertise and capacity to ensure collaboration between the three spheres of government and the myriad state agencies involved in infrastructure delivery as the key to achieving its stated objectives of building the economy, contributing to gross domestic product and creating sustainable jobs.

The complexity of agencies involved in what would appear to be relatively straightforward activities, like road construction, is worth considering. Road construction requires local government, which is responsible for planning the road, that then has to be linked appropriately to the national and provincial infrastructure. Its construction and maintenance must avoid disrupting water and electricity supply, as well as telecommunications networks. Here, interfacing with state-owned entities is necessary. Continuously throughout the implementation of an infrastructure project there are issues of quality assurance and safety, which require interfacing with regulators, including the national and provincial departments responsible for the infrastructure. This one example is being replicated every day throughout our provinces and in districts, requiring planning, integration with other projects and alignment.

Experience has informed the ANC government that infrastructure alignment requires clearly defined priorities that are binding on all parts of the state. Needs have to be prioritised and decisions implemented. Experience has also informed the ANC government that unless you set up easy ways for agencies to talk to each other, consultation within state structures will prove difficult and costly. What is critical are the daily acts of solidarity between implementing structures to ensure that agencies of the state support and help each other to overcome capacity problems.

The Infrastructure Development Bill provides a critical tool for managing these challenges. It is indeed an instrument that builds a new way of doing things within state structures. The Bill provides a legal mandate for the National Infrastructure Plan and the Strategic Infrastructure Projects the plan contains. That process is crucial for setting common priorities across the state. As you will be aware, these are not rigidly detailed dictates, but rather provide a map for all the spheres and agencies of the state to guide their work by showing what the main priorities are and sensitising us all to their developmental impact and imperatives.

Secondly, the Bill establishes new forums for engagement as required across the state. Again, it does not set up structures that provide for dictates from any sphere, agency or department. Rather, as the Constitution requires, these forums aim to facilitate co-operative governance to make it easy.

The key forums in this regard are the council, combined with its executive committee, secretariat, the SIP executive forum as well as the SIP steering committee. None of these structures requires a significant bureaucracy. They add virtually nothing to the budget and very little to the staffing levels. However, they make it easy for government agencies to discuss and resolve the challenges and possible contradictions that arise in the build programme. They are indeed forums and councils, places to find synergies and develop innovative solutions, rather than unwieldy bureaucratic committees.

The Bill serves as a reminder to all state agencies that we need to act urgently to upgrade infrastructure and to ensure its developmental impact. It lays down time frames to avoid unnecessary delays and requires agencies to plan their efforts to adhere to standards in the implementation process. It also encourages local procurement, ensuring that infrastructure provision deepens especially our capital goods industry, which is critical for long-term diversification.

In this context, the Bill expands the toolbox for managing the environment and expropriation processes, without changing the standards set in the law. It sets a framework for increased collaboration and efficiency in achieving our common aims to improve the living standards of our people and strengthen our economy while respecting the rights of individuals and avoiding damage to the environment.

Finally, the Bill provides the basis for the state to identify where shortfalls in capacity and resources are occurring and move to address them. It does not do this in a pre-emptive fashion, but rather by providing for more systematic monitoring and evaluation of progress in implementing priority projects.

Where blockages occur, the system of consultation established under the Bill enables co-operative work to address them. The ANC supports this Bill. [Applause.]

Mr A P VAN DER WESTHUIZEN: Chairperson and hon members, earlier on in this debate the hon Mohai found it strange that the DA first discussed this Bill in caucus before deciding whether to support it or not. The fact that the DA caucus members are allowed free debate is obviously in strong contrast to the ANC’s caucus. As I will point out later, the ANC representatives were clearly instructed just to accept whatever the officials presented to Parliament.

It is trite knowledge that the ANC in government is struggling to spend its capital budgets. It was stated during the debate on the state of the nation address last week that the national government has been able to spend only 76% of its capital budget. The Western Cape provincial government, however, has been able to spend almost 100% of its budget over each of the last few years. That is why it was reported in April 2011 that the National Treasury allocated 100% of its infrastructure grant to the Western Cape while Gauteng province received only 70% of its grants. The Treasury penalised Mpumalanga, the Free Sate and the Northern Cape for their poor performance by making available only 55% of their respective grants. The DA in the Western Cape is currently spending more than three times on education infrastructure alone than the ANC was able to achieve.

The ANC’s natural kneejerk reaction to their poor performance in government is to try and fix problems by introducing more and more legislation, by centralising control and by creating further bureaucracies. In the ANC’s economic textbook this is the way to create jobs. More laws that result in unchecked centralisation, however, will not ensure better infrastructure development. It will only open up the way for more corruption, which will delay key infrastructure projects and hurt the economy. In the end, it will be the unemployed who will suffer the most.

The focus should be on better governance and the effective management of all infrastructure development projects. But, when government does go the way of legislating, the least one would expect is proper consultation and to present Parliament with good legislation.

One would have thought that Minister Patel would have urged his officials to consult and listen carefully and to engage with the various stakeholders before coming to Parliament. Yet, one stakeholder after another came to the public hearings lamenting the fact that their inputs were not taken into account during the drafting process of the Bill.

I must state that to the credit of the department, once confronted by strong and legitimate criticism at the public hearings, they proposed more than 100 late amendments to the original Bill. The criticism included constitutional concerns regarding the encroachment of central government on the powers of provinces and local government. It also emerged that the Bill in its original form lacked clarity in a number of sections. This would just lead to unnecessary disputes. The resulting changes, as can be expected, only plastered over the serious defects identified by the stakeholders.

This Bill is the result of a misdiagnosis of the problem. It is lamentable that the committee, in its effort to push this Bill through in great haste, allowed no real discussion on the issues at hand. We went straight from the responses by the department to a clause-by-clause consideration of the amended Bill. The more than 100 last-minute amendments by the department were accepted without any critical discussion by the ANC members. Yet the improvements proposed by the DA were all rejected, save a few, mostly cosmetic, changes.

Let me cite some of our proposals that were rejected. The DA argued in vain that the name of the Bill should be changed to one that better describes the contents and purpose of the Bill, such as the “Strategic Infrastructure Co-ordinating Bill”. Our requests for the Bill to include references to sustainable development were rejected. Our hopes that clear criteria would be set for the designation of Strategic Integrated Projects, and that the scope of these projects would need to be clearly defined, were dashed. We have asked in vain for parliamentary oversight regarding the identification and tracking of the various Strategic Infrastructure Projects and the actions of the commission in general. Parliamentary oversight is a constitutional mandate and there is no oversight of bodies that are presided over by the President.

As it stands, almost any expensive infrastructure project can be identified as a Strategic Infrastructure Project. The temptation will be for the Presidential Infrastructure Co-ordinating Commission to just take on more and more projects as Strategic Infrastructure Projects, some of which may be benefiting private ventures. Yet there is no indication of which private ventures will be supported by special prioritised treatment. The possibility that certain individuals or companies may be granted special treatment, combined with the lack of objective criteria and transparency, opens up this well-meant initiative for serious abuse and corruption. Pressure to fast-track projects have far too often resulted in large-scale corruption, as we experienced, for instance, with our soccer stadiums. Each SIP identified and fast-tracked will mean that other equally important projects will be moved down the priority list.

We have raised concern about the infringement on the areas of competence of other spheres of government, leaving this Bill open to constitutional challenges. The language used in this Bill is quite prescriptive when, in section 8(4)(a), it says:

Every organ of state must ensure that its future planning or implementation of infrastructure or its future spatial planning and land use is not in conflict with any strategic integrated project implemented in terms of this Act.

This is bizarre, especially when one considers that mining, which by nature is a temporary activity, is included in the list of designated projects to which this Bill applies. It is also a pity that this Bill introduces some uncertainties, for example, when it deals with the thorny issue of expropriation. In section 5(3) it states:

Notwithstanding the provisions of the Expropriation Act, an expropriation in terms of subsection (1), may be effected by the commission or, at its request, by the Minister of Public Works or by such other Minister as may be determined by the commission.

This paragraph will give rise to a host of legal uncertainty, further jeopardising the property rights of South Africans.

In conclusion, while the DA supports the objectives of the Bill, we share the serious concerns expressed at the public hearings about various sections in the Bill and in particular that billions of rands will be spent without parliamentary oversight. Given President Zuma’s record from the arms deal to Nkandla, this is not something this Parliament should be party to. The DA, therefore, cannot support this Bill in its current form. I thank you. [Applause.]

Mr X MABASA: Comrade Chairperson, Comrade Deputy President, Comrades Ministers, hon members of the House, I am quite surprised that the DA regularly changes its members in committees. When those brand-new members cannot catch up with what has been done, they want to blame the ANC. [Interjections.] This Bill was discussed, but the DA could not win the discussion. [Interjections.] It is not the ANC’s fault that the DA changes member after member.

What the hon Motau and the hon Van der Westhuizen could have said was that this Bill sought to correct the damage done by the apartheid era. The DA would be progressive if it started to confront some of these ills. As long as the DA speaks in such a way that it leaves people from outside South Africa who are listening thinking that they are not South Africans, then you must know that the DA is getting more and more lost. [Interjections.] You should have realised that we are correcting all those evils caused by apartheid.

When we discuss the maintenance of infrastructure, we do so noting that the democratic South Africa comes from that dark era of apartheid, when we used to have different toilets for Africans, blacks, coloureds and Indians; when we used to have special toilets for whites, but of course what came from the toilets went through the same pipe. [Laughter.] It is surprising. We had different schools for different races. We nearly had different roads for different races.

The CHIEF WHIP OF THE OPPOSITION: Hon Chair, on a point of order: The hon member is not sticking to his speech. He is talking about toilets and he is totally out of order.

The HOUSE CHAIRPERSON (Mr C T Frolick): Order, hon members! That is not a point of order. Continue, hon member.

Mr X MABASA: It is these very separate amenities and toilets that confused most white people and the DA members could not escape from that. I pity Mr Motau, because he would not have fitted into Dr Verwoerd’s Cabinet. [Interjections.] He wouldn’t!

A country’s reconstruction and development status is judged according to its ability to maintain what it has. A good parent is judged on the manner in which he or she raises the children. An unmaintained infrastructure is like that orphaned child who walks barefoot, with rags for clothing. We have praise heaped on us by the whole world for having an excellent infrastructure that welcomed and looked after the visitors at the 2010 Fifa World Cup. A new-born baby was conceived and delivered by the ANC-led government. The ANC-led government is well aware of the fact that its next test is how to excellently maintain our infrastructure. Maintenance is critical, because once a property is badly damaged, it becomes too expensive to restore back to good shape. Once badly damaged, it becomes too expensive to repair.

I will illustrate the importance of infrastructure by discussing road infrastructure. Simplistically speaking, a tarred road or tarred freeway consists of a subbase, followed by a base, concrete and, finally, on top, by tar. What typically damages the roads are overloaded trucks and water that seeps through the cracks and meanders its way down to the base. A sinking road is another problem. Dolomite, if it is under the road structure, also causes problems. If water seeps into that dolomite, it causes the road to crack and it will need sealing at a very early stage. Such a road has to be resurfaced continually to give it long life. Maintenance consists of resurfacing and refilling the cracks with tar or with a mixture of gravel. If the above maintenance of the road is not done timeously, the road may have to be rebuilt from the start, at tremendous cost.

Let us now discuss the maintenance of a sewer. I have made references to the sewer and to the confusion that happened during the apartheid era. [Laughter.] But, of course, the South Africa of today, the one that belongs to all who live in it, knows that all the amenities belong to all of us. Constructing sewers are too expensive. We are talking about manholes, pipes and sewer dams. It is the people who must avoid throwing dead dogs into manholes. It is the people who must avoid using manholes as dumping areas. It is the people who must stop the habit of stealing metal manhole lids and selling them to scrap yards. It is the very same scrap-yard owners who must help the police to arrest whoever comes to sell metal lids that have been stolen from manholes.

It is important that sewer lines are maintained regularly to fill in cracks as they develop along the sewer lines. These cracks are sometimes caused by the roots of trees and other vegetation. Regular maintenance is the answer. It must be noted that sewer problems are sometimes caused by the inadequate size of pipes, because apartheid planners planned for only a few blacks to live in towns and townships.

Blacks were told by Verwoerd that tackling crime was not the answer. What was obviously necessary was for government to return large numbers of natives and their families to their places of origin, meaning the Bantustans. But you must note that it is the ANC of today that says South Africa belongs to all who lives in it, irrespective of colour; even irrespective of being a grandchild of all those Hertzogs and Verwoerds. The ANC says that we all belong to South Africa.

Water infrastructure has to be well maintained. The benefits of proper maintenance far outweigh the costs. Ageing pipes are to be replaced timeously. The fact that we can drink tap water in most parts of South Africa is a gift, and a credit to the ANC. It shows that it takes care of the infrastructure. Imagine if all South Africans had to buy bottled water. Water is life. Clean water means fewer illnesses such as cholera. Clean water means fewer people visiting hospitals and less hospital expenditure. As we plan and budget for new infrastructure, let us also plan and budget for its maintenance. A balance is needed between the demand for new infrastructure and the plan for maintenance expenditure.

Let me now move on to one area where I want to say the following to Mr Ngonyama: It shows ... ukuthi uke waba kuKhongolose. Ulimi lwakho luyakhombisa impela ukuthi ... [... that you were once in the ANC. Your speech proves that] ... once a Buccaneer, always a Buccaneer.

Let us go to the IFP. When you listen to their conversation, you realise that they know what apartheid is and they know how important it is to create and develop a new South Africa. Hon Kwankwa of the UDM, you spoke about accountability and backlogs.

Impela uzwe kahle ukuthi amanye walama-backlogs aqale ngalesiya sikhathi sikamkhulu u-Verwoerd. [Of course, you heard very well that some of these backlogs started during the era of Verwoerd.]

The ANC supports this democratic and developmental Bill. Thank you.

The MINISTER OF ECONOMIC DEVELOPMENT: House Chair, every speaker in this debate has highlighted the importance of infrastructure. There is absolute consensus on its importance. The question is how best we speed up delivery. A number of parties have supported the Bill as the means to speed up delivery and ensure better infrastructure. Such parties include the ANC, the IFP, Cope and the UDM.

Regrettably, though, one party couldn’t resist getting into electioneering mode. [Interjections.] On the one hand it says that we need to improve capacity, and then it goes out of its way to resist every effort to, in fact, get Parliament to put in place a law that improves capacity.

On the one hand that party says make existing structures work better; don’t create new structures. On the other hand it takes the Presidential Infrastructure Co-ordinating Commission - an existing structure on which the premier of the Western Cape also serves – and says no, we don’t need the PICC, even though it is an existing structure. On the one hand it says the Bill and its vision is not the right way. On the other hand, the government of the Western Cape participates very actively and enthusiastically in Strategic Infrastructure Project 5, which deals with the integration of infrastructure along the West Coast and the Northern Cape.

On the one hand it says: “We can’t support a Bill that fails to give parliamentary oversight, because we can’t leave it to someone to run things without Parliament’s oversight.” On the other hand, it fails to see that every single infrastructure project in the National Infrastructure Plan, with no exception, will be subject to parliamentary oversight.

Let me educate the members of the DA, as I attempted to do in the portfolio committee. Let me use SIP 3, which is the example we quoted in the committee. In SIP 3 you have the Umzimvubu Dam. The money that Parliament votes for that dam won’t go to the PICC. That money will go to the Department of Water and Environmental Affairs and its use will be subject to oversight by the Portfolio Committee on Water and Environmental Affairs.

Take the Umtata Airport runway and terminal building. The money that is voted for that project will go to the Department of Transport. That department and that budget will be accountable to Parliament.

Take the Mvezo Clinic that has just been built. The money voted for the clinic will go to the Department of Health. That department will be accountable to Parliament for every cent that was spent on the Mvezo Clinic.

Take every rural school that will be built in the Umtata District Municipality. All of those moneys will be voted either to the province or to the Department of Basic Education. That department will be fully and completely accountable to Parliament for every cent spent.

So, what is it that lies behind the concern the DA says it has? They say: “Hang on, this Bill will encroach on provincial and local government powers.” Yet, even as they say that, the hon Motau can’t resist acknowledging that the Bill itself anticipates that concern and deals with it adequately. It says that every person exercising a power in terms of this Act must do so – and the language here is quite clear – in a manner that is consistent with the Constitution. It goes further and says “... and in particular with the functional competencies of the different spheres of government”. You could hardly have a more explicit and wide-ranging recognition of the powers of each sphere of government.

Yet the Bill goes further. It says that, while we do that, we will also get the three spheres of government to work together. This talks to another constitutional principle - that of integrated and co-operative governance.

I make the point, though, that the PICC is itself not national government. The PICC, in statute – not at the pleasure of the President – incorporates the premiers of all nine provinces, the mayors of all the metros and the leadership of the SA Local Government Association. In other words, we have created here a forum of integrated governance.

Now, it may not help an election story line to recognise that government and the ruling party are getting infrastructure right and that there is much that we can be proud of and that people in rural areas and in urban areas are seeing the changes and that this Bill will speed things up further. It may not be convenient. Truth is not always convenient, but please recognise the truth when it stares you in the face. [Interjections.]

The DA says the Bill is silent on environmental sustainability. So the DA dons the green cap, but it then does not see that the Bill, in section 18, explicitly refers to the National Environmental Management Act, the very Act that addresses environmental sustainability. The Bill requires every environmental assessment to be done in terms of the National Environmental Management Act.

The DA goes a little bit further and they indicate, through the hon Van der Westhuizen, that there had not been proper consultation. It was very interesting to see the two faces of the hon Van der Westhuizen. He was constructive in the committee and is on record praising the Ministry and the department for taking into account the extensive public comments and saying that that was unusual and that, in his experience, this committee and the department really stretched themselves to hear the comments that were made.

On the other hand, there is the other face of the hon Van der Westhuizen, negative in plenary, perhaps acting under the instruction or command of caucus, and with an eye to an election, not with an eye to the best interests of the South African public. To illustrate that, what is one of the telling examples that the hon Van der Westhuizen gives? He says, you know, we are fundamentally opposed to the Bill in its current form. And exhibit one that he offers is that the name of the Bill is wrong! The Bill’s name, he says, should have been the Strategic Infrastructure Co-ordinating Bill. Wow! Now, instead it has the name Infrastructure Development Bill. So, for something as cosmetic as that, exhibit one is offered!

I think that response is really something that speaks to an election. It does not recognise that we have a Bill that should be embraced and welcomed. As the South African nation, we should be saying that we can use it to develop infrastructure to fast-track delivery.

The hon Van der Westhuizen makes a meal of issues of corruption. As I know he is familiar with the Bill, I will refer him to sections 13(1), 13(2), 13(3), 13(4), 13(5) and 13(6) of the Bill. These sections contain provisions that deal very extensively with conflicts of interest and issues around corruption and introduce stiff penalties, including imprisonment.

Hon Van der Westhuizen complains that mining is included in this Bill. Perhaps the hon Van der Westhuizen should accompany us on a trip to a mine so that he could see how mining infrastructure that is offered by the state is fundamental to the private sector’s capacity to sink a shaft and, in fact, to dig out the mineral wealth beneath the soil and monetise it.

On the other hand, I think we have had a number of helpful contributions. The hon Coleman referred to the importance of the National Infrastructure Plan. Hon Ngonyama noted the goal of 10% of GDP to be spent on infrastructure and he welcomed the clear time frames and expedited processes. Hon Hlengwa welcomed the balance that the Bill struck between a quickened pace of implementation and the recognition of the powers of every sphere.

Hon Mohai noted the new environmental management regime introduced through the work of the PICC and the Minister of Water and Environmental Affairs. Hon Kwankwa noted that previously disadvantaged communities need this Bill and the Strategic Integrated Projects more than anyone else.

Hon Tsotetsi explained to us what the Strategic Integrated Projects were and how they could be combined and co-ordinated. When, for example, a school is built, that school has to have a road. It also needs water, sanitation and electricity. That is what this Bill brings out.

Hon Beukman set out very succinctly why the PICC structures in fact need to be given statutory form and how that will assist with delivery. Hon Chili noted the role of infrastructure in economic development.

So, my concluding comment is that we have had overwhelming support for the Bill in this debate. We know that members from the DA serving on the portfolio committee welcome the Bill in their hearts. They think it is a great Bill. We know they are under the whip. We understand that, but we think this is an excellent Bill. Thank you. [Applause.]

Debate concluded.

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

Division demanded.

The House divided.

AYES – 213: Adams, P E; Bapela, K O; Berend, S R; Beukman, F; Bhengu, N R; Bhengu, F; Bhengu, P; Bikani, F C; Bonhomme, T; Booi, M S; Borman, G M; Boshigo, D F;Bothman, S G; Burgess, C V; Cebekhulu, R N; Cele, M A; Chikunga, L S; Chili, D O; Chiloane, T D; Coleman, E M; Cronin, J P; Dambuza, B N; Daniels, P N; Davies, R H; De Lange, J H; Diale, L N; Diemu, B C; Dikgacwi, M M; Dlakude, D E; Dlodlo, A; Dlomo, B J; Dlulane, B N; Dube, M C; Duma, N M; Dunjwa, M L; Ferguson, B D; Fransman, M L; Fubbs, J L; Gasebonwe, T M A; Gaum, A H; Gcwabaza, N E; Gelderblom, J P; Gina, N; Gololo, C L; Hajaig, F; Hanekom, D A; Hlengwa, M; Jeffery, J H; Johnson, M; Kenye, T E; Kganare, D A; Kholwane, S E; Khumalo, F E; Khunou, N P; Kilian, J D; Koornhof, N J J; Koornhof, G W; Kotsi, C M P; Kubayi, M T; Kwankwa, N L; Landers, L T; Line-Hendriks, H; Lishivha, T E; Luyenge, Z; Maake, J J; Mabasa, X; Mabedla, N R; Mabuza, M C; Madlala, N M; Magagula, V V; Magama, H T; Magubane, E; Mahomed, F; Makasi, X C; Makhuba, H N; Makhubela-Mashele, L S; Makhubele, Z S; Makwetla, SP; Malale, M I; Malgas, H H; Maluleka, H P; Maluleke, J M; Manana, M C; Mandela, Z M D; Manganye, J; Mangena, M S; Manuel, T A; Martins, B A D; Mashatile, S P; Mashiane, L M; Mashigo, R M; Mashishi, A C; Masilo, J M; Masutha, T M; Mathale, C C; Mathebe, D H; Mathibela, N F; Matlanyane, H F; Maunye, M M; Mavunda, D W; Mayatula, S M; Maziya, A M; Mbalula, F A; Mbhele, P D; Mdakane, M R; Mfeketo, N C; Mfulo, A; Mgabadeli, H C; Mjobo, L N; Mkhize, H B; Mkhulusi, N N P; Mlambo, E M; Mmusi, S G; Mncwango, M A; Mnisi, N A; Mocumi, P A; Moepeng, J K; Mohai, S J; Mokoena, A D; Molebatsi, M A; Molewa, B E E; Moloto, K A; Mosimane, C K K; Moss, L N; Motimele, M S; Motlanthe, K P; Motsepe, R M; Mpontshane, A M; Msweli, H S; Mthethwa, E N; Mtshali, E; Mufamadi, T A; Mushwana, F F; Nchabeleng, M E; Ndabandaba, L B G; Ndebele, J S; Ndlazi, A Z; Ndude, H N; Nelson, W J; Newhoudt-Druchen, W S; Ngcengwane, N D; Ngcobo, B T; Ngonyama, L S; Ngubeni-Maluleka, J P; Ngwenya, W; Ngwenya-Mabila, P C; Nhlengethwa, D G; Njikelana, S J; Njobe, M A A; Nkwinti, G E; Nonkonyana, M; November, N T; Nwamitwa-Shilubana, T L P; Nxesi, T W; Nxumalo, M D; Nyalungu, R E; Nyekemba, E; Nzimande, B E; Oliphant, G G; Oliphant, M N; Oosthuizen, G C; Pandor, G N M; Peters, E D; Petersen, P; Phaliso, M N; Pilane-Majake, M C C; Pilusa-Mosoane, M E; Plaatjie, S K; Pule, D D; Radebe, G S; Radebe, B A; Ramatlakane, L; Ramatlhodi, N A; Ramodibe, D M; Saal, G; Schneemann, G D; Segale-Diswai, M J; Sekgobela, P S; Selau, G J; September, C C; Sibanyoni, J B; Sibiya, D; Sindane, G S; Sisulu, M V; Sithole, S C N; Sithole, K P; Sizani, P S; Skosana, J J; Smith, V G; Smith, P F; Snell, G T; Sogoni, E M; Sonto, M R; Sosibo, J E; Surty, M E; Swanepoel, D W; Swart, S N; Thibedi, J D; Tinto, B; Tlake, M F; Tobias, T V; Tseke, G K; Tsenoli, S L; Tshabalala, J; Tshwete, P; Tsotetsi, D R; Van Rooyen, D D ; Van Wyk, A; Wayile, Z G; Xaba, P P; Ximbi, D L; Xingwana, L M; Yengeni, L E.

NOES - 55: Boinamo, G G; Bosman, L L; Coetzee, T W; De Freitas, M S F; De Goede, J; Dreyer, A M; Duncan, P C; Eloff, E H; Farrow, S B; George, D T; Greyling, L W; Harris, T D; Hoosen, M H; James, W G; Kalyan, S V; Kloppers-Lourens, J C; Kohler-Barnard, D; Kopane, S P; Lamoela, H; Lee, T D; Lorimer, J R B; Lotriet, A; Marais, S J F; Marais, E J; Max, L H; Mileham, K J; Mnqasela, M; Mokgalapa, S; More, E; Motau, S C; Mubu, K S; Ollis, I M; Rabie, P J; Rabotapi, M W; Ross, D C; Sayedali-Shah, M R; Schäfer, D A; Schmidt, H C; Selfe, J; Shinn, M R; Smalle, J F; Smuts, M; Steenhuisen, J H; Steyn, A; Steyn, A C; Stubbe, D J; Swart, M; Swathe, M M; Terblanche, J F; Van Dalen, P; Van den Berg, N J; Van der Westhuizen, A P; Van Schalkwyk, H C; Waters, M; Watson, A.

Question agreed to.

Bill accordingly read a second time.

Business suspended at 12:01 and resumed at 14:02.

**ORDER PAPER REPRINTED TO REFLECT AMENDMENTS TO RESTITUTION OF LAND RIGHTS AMENDMENT BILL**

The DEPUTY SPEAKER: Hon members, I have to announce that the Order Paper has been reprinted to reflect the amendments to the Restitution of Land Rights Amendment Bill that have been proposed in terms of Assembly Rule 254(2), in the name of the hon Mileham of the DA. These amendments will be dealt with at the conclusion of the Second Reading debate on the Bill later in the day.

**NOTICES OF MOTION**

Mr P VAN DALEN: Hon Deputy Speaker, I hereby give notice that on the next sitting day of the House I shall move the following motion of censure on behalf of the DA:

That the House -

1. notes that in paragraph x on page 5 of the Public Protector’s report named “Docked Vessels” Report No 21 of 2013/14 published on 5 December 2013, the Public Protector made the following statement:

“A week before releasing this provincial report, I received a letter from the Minister of Justice and Constitutional Development (Minister of Justice), attaching a letter from Minister Joemat-Pettersson requesting the Minister of Justice to ...

The CHIEF WHIP OF THE MAJORITY PARTY: Hon Deputy Speaker, he is no longer giving us a notice. He is reading the motion. This is not a notice of motion.

The DEPUTY SPEAKER: Order! Can we allow the member to give his notice of motion, and then we will assess it.

“A week before releasing this provincial report, I received a letter from the Minister of Justice and Constitutional Development (Minister of Justice), attaching a letter from Minister Joemat-Pettersson requesting the Minister of Justice to ...

The DEPUTY SPEAKER: Hon member, are you reading the Public Protector’s letter, or giving a notice?

Mr P VAN DALEN: I hereby give notice that on the next sitting day of the House I shall move the following motion of censure:

That the House ...

May I continue?

The DEPUTY SPEAKER: Continue with what this House must do, not with reading the report.

Mr P VAN DALEN: No, Chair, I must read the extract from the Public Protector’s report. [Interjections.] It is important that I read it for the record.

The DEPUTY SPEAKER: So it is part of your motion? [Interjections.]

Mr P VAN DALEN: Yes, Chair, it is.

The DEPUTY SPEAKER: Order! You may read it.

Mr P VAN DALEN:

“A week before releasing this provincial report, I received a letter from the Minister of Justice and Constitutional Development (Minister of Justice), attaching a letter from Minister Joemat-Pettersson requesting the Minister of Justice to intervene in this investigation and that of the NPA, which she labelled unnecessary despite having cooperated throughout the investigation and twice agreeing to defer the processing of the new tender until having had sight of this provisional report. I consider Minister Joemat-Pettersson’s action as conduct constituting interference with my investigation ...

Mrs Z S DUBAZANA: Hon Deputy Speaker ...

The DEPUTY SPEAKER: Order! Do you have a point of order?

Mrs Z S DUBAZANA: Yes, hon Deputy Speaker. The member is not being procedural. The member is out of order. Thank you.

Mrs S V KALYAN: May I address you on a point of order, Madam Deputy Speaker?

The DEPUTY SPEAKER: Yes ... [Inaudible.] [Interjections.]

Mrs S V KALYAN: The member is reading what is referred to as a substantive motion. In a substantive motion the member indicates the nature of the motion and substantiates the reasons for making the motion, which is what he is doing. It is within the Rules, guidelines and procedures, and we are following the procedure by the book. [Interjections.]

The DEPUTY SPEAKER: Hon members, can we allow the member to continue?

Mr P VAN DALEN: I hereby give notice that on the next sitting day of the House I shall move the following motion of censure:

That the House ...

The DEPUTY MINISTER OF HOME AFFAIRS: Hon Deputy Speaker ...

The DEPUTY SPEAKER: Hon member, don’t start from scratch. Just continue from where you were. We don’t have the whole day.

Mr P VAN DALEN:

“A week before releasing this provincial report, I received a letter from the Minister of Justice and Constitutional Development (Minister of Justice), attaching a letter from Minister Joemat-Pettersson ...

The MINISTER FOR THE PUBLIC SERVICE AND ADMINISTRATION: Madam Deputy Speaker, I rise on a point of order.

The DEPUTY SPEAKER: Order! There is a point of order. You are not making my role easy.

The MINISTER FOR THE PUBLIC SERVICE AND ADMINISTRATION: Madam Deputy Speaker, you ruled that the member should continue from where he left off. He is now seeking to reread things he has already read for the record.

The DEPUTY SPEAKER: Hon member, you were at the bottom of what the Minister wrote. Please start there.

Mr P VAN DALEN: Deputy Speaker, I keep losing my place because they keep interfering, so I don’t know where I was. [Interjections.] So I am trying to put everything in context. [Laughter.] [Applause.]

The DEPUTY SPEAKER: But if you continue like that, you will end up not reading ...

Mr P VAN DALEN: What was the last word I read, hon Deputy Speaker? [Interjections.]

The DEPUTY SPEAKER: Order! Continue, hon member.

Mr P VAN DALEN:

... the Minister of Justice to intervene in this investigation and that of the NPA, which she labelled unnecessary despite having cooperated throughout the investigation and twice agreeing to defer the processing of the new tender until having had sight of this provisional report. I consider Minister Joemat-Pettersson’s action as conduct constituting interference with my investigation and an attempt to incite the Minister of Justice and Constitutional Development to undermine the independence of two constitutional bodies. Such conduct, in my considered view, is at odds with section 181(4) of the Constitution, which states that ‘no person or organ of state may interfere with the functioning of these institutions (this refers to Chapter 9 institutions)’”;

1. further notes that section 11(1) of the Public Protector Act, Act 23 of 1994, states that any person who ‘interferes with the functioning of the office of the Public Protector as contemplated in section 181(4) of the Constitution, shall be guilty of an offence’;
2. acknowledges the Public Protector’s view that the conduct of the Minister of Agriculture, Forestry and Fisheries (“the Minister”) is at odds with section 181(4) of the Constitution;
3. recognises that the Minister’s conduct could amount to an offence under the Public Protector Act, Act 23 of 1994, and a violation of the Executive Ethics Code; and
4. resolves to –
	1. condemn the actions of the Minister; and
	2. censure the Minister by calling upon the Minister to apologise unreservedly for her actions.

The MINISTER FOR THE PUBLIC SERVICE AND ADMINISTRATION: Deputy Speaker, I have had my hand up for quite a while. I’m sorry you didn’t see it. I would like you please to study the Rules of Parliament and check whether or not it is allowed for a member to give a substantial motion of that nature without the member to whom he is referring being in the House to hear what the charges are. [Interjections.]

The DEPUTY SPEAKER: Thank you, hon member. Order, hon members! [Interjections.] Order, hon members! The member was giving a substantive motion and that motion will be assessed by the Speaker. We will take into consideration what the Minister has said when it is assessed. Thank you very much. Are there any other notices of motion?

Mr E J MARAIS: Deputy 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 importance of the right to peaceful protest as enshrined in section 17 of the Constitution.

Mrs J M MALULEKE: Deputy 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 putting mechanisms in place to make community service attractive, enjoyable and meaningful to young graduates and society.

Mrs D R TSOTETSI: Deputy 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 opportunities for working towards eliminating water insecurity across all sections of our society.

Ms A C MASHISHI: Deputy 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 the relevance of vocational training at school level.

Dr J C KLOPPERS-LOURENS: Madam Deputy 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 ways to increase South Africa’s economic growth to 8% per annum in order to create jobs.

Mr D W MAVUNDA: Deputy 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 the protection and active promotion of indigenous African languages.

Mr M MNQASELA: Deputy 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 effect of nationalisation on our economy.

Mr A M MPONTSHANE: Deputy 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 debates the need for a comprehensive review of academic and nonacademic criteria in selecting students for admission to university.

**NELSON MANDELA’S RELEASE FROM PRISON COMMEMORATED**

(Draft Resolution)

The DEPUTY CHIEF WHIP OF THE MAJORITY PARTY: Deputy Speaker, I move without notice:

That the House –

1. notes that on 11 February 2014, South Africans and the world commemorated the 24th anniversary of the release of the late former president uTataNelson Mandela from prison;
2. further notes that 11 February 1990 was the day that Mandela left Victor Verster Prison in Cape Town a free man and on that day he addressed thousands of people gathered outside Cape Town’s City Hall;
3. remembers that in June 1964 uTata Madiba and other political activists were sentenced to life in prison;
4. further remembers that on 2 February 1990 the then state president F W de Klerk, announced uTataMandela’s release and the unbanning of the African National Congress and other political parties;
5. recalls that he died at the age of 95 on 5 December 2013, after spending 27 years in prison before becoming the country's first democratically elected president;
6. believes that our former president uTataMandela has contributed immensely in the struggle for a free, democratic, non-racial, non-sexist and prosperous South Africa; and
7. calls upon all South Africans and the world to always commemorate uTata Madiba and preserve his legacy.

Agreed to.

**SOUTH AFRICANS REGISTERED AND READY TO VOTE IN THE UPCOMING ELECTIONS**

(Draft Resolution)

The CHIEF WHIP OF THE OPPOSITION: Deputy Speaker, I move without notice:

That the House -

1. notes that according to the Electoral Commission more than 1,2 million people registered to vote for the first time over the course of the final voter registration weekend on 8 and 9 February 2014;
2. further notes that 1,1 million South Africans registered for the first time during the first voter registration weekend in November 2013;
3. recalls that in January two voter registration weekends were held in South Africa's 123 missions in 108 countries around the world to allow South Africans abroad to register to vote;
4. congratulates the Electoral Commission of South Africa for organising and managing a largely successful national registration campaign;
5. thanks all South Africans for taking the time to ensure that they are registered correctly in order to be able to exercise their democratic right of voting; and
6. encourages South Africans to vote on election day as it is the most precious right of each and every citizen.

Agreed to.

**MR GEORGE BIZOS RECEIVES FREE MARKET FOUNDATION AWARD**

(Draft Resolution)

The DEPUTY CHIEF WHIP OF THE MAJORITY PARTY: Deputy Speaker, I move without notice:

That the House -

1. notes that on Wednesday, 19 February 2014, veteran human rights lawyer, uTata George Bizos received an award from the Free Market Foundation (FMF) at a ceremony in Johannesburg;
2. further notes that uTata Bizos was honoured by the local think tank ‘for his fearless defence of South Africa’s struggle heroes, his tenacious fight for freedom and justice and his dedication to upholding the Constitution and the rule of law’;
3. remembers that in 1990 he became a member of the [African National Congress](http://en.wikipedia.org/wiki/African_National_Congress)'s Legal and Constitutional Committee, and at CODESA he served as adviser to the negotiating teams and participated in the drawing up of the Interim Constitution;
4. recalls that uTataBizos represented former president uTata Nelson Mandela and fellow anti-apartheid activist uTata Walter Sisulu at the Rivonia Trial; and
5. congratulates uTataGeorge Bizos on his continuous efforts and achievements, and wishes him well in his future endeavours.

Agreed to.

**WISHING PROTEAS AND YOUNG PROTEAS WELL**

(Draft Resolution)

Mrs S V KALYAN: Deputy Speaker, I move without notice:

That the House -

1. notes that South Africa’s cricket team has continued flying our country’s flag high at the under-19 Cricket World Cup, currently being held in Sharjah in the United Arab Emirates;
2. further notes that the South Africans advanced to the semi-finals after a magnificent 9-wicket win over Afghanistan on Sunday, 23 February 2014;
3. recognises that the young Proteas will now face a strong Australian team in the semi-finals of the competition tomorrow;
4. encourages the team to follow the example set by the Proteas, who convincingly beat the Australians with 231 runs in the second test match in Port Elizabeth this past Sunday; and
5. congratulates the team on their great success thus far and wishes them all of the best for the remainder of the tournament.

Agreed to.

**TRIBUTE TO LESEGO MOTSEPE, LATE SOUTH AFRICAN ACTRESS, SINGER AND POET**

(Draft Resolution)

The DEPUTY CHIEF WHIP OF THE MAJORITY PARTY: Deputy Speaker, I move without notice:

That the House -

1. notes that last month the well-known actress, singer and poet Lesego Motsepe died of a cardiac arrest at the age of 39;
2. further notes that Lesego Motsepe, known to many as Lettie Matabane for her role in *Isidingo* between 1998 – 2008, was a courageous young woman with whom many people were privileged to interact in many different and courageous situations;
3. remembers that she was an active contributor in the African National Congress’ (ANC) Forum on the Creative Industry, making marked and valuable contributions on the work required to better organise the sector;
4. further remembers that she was also an unrelenting crusader in the fight against HIV and Aids and not long before she died, she participated in a Live Twitter Interview hosted by the ANC, openly discussing coping with the disease and empowering many people, young and old, with the story of her courage;
5. recalls that her last words during the ANC social media live chat were: ‘*When you choose to live, you empower yourself, no matter what the challenges may be when living with any disease’.*
6. acknowledges that Motsepe, who was diagnosed with HIV in 1998, publicly disclosed her status in 2011; and
7. conveys its deepest condolences to Lesego Motsepe’s family, friends and the creative sector as a whole.

Agreed to.

**CONSTITUTIONAL COURT DECLARATION OF NATIONAL ASSEMBLY RULES ON MOTION OF NO CONFIDENCE IN PRESIDENT AS INVALID SUSPENDED FOR SIX MONTHS AND NEW RULES**

(Draft Resolution)

The CHIEF WHIP OF THE MAJORITY PARTY: Hon Deputy Speaker, I move without notice:

That the House -

1. notes the declaration of invalidity by the Constitutional Court of the Assembly Rules pertaining to motions of no confidence in the President or Cabinet on 27 August 2013, suspended for six months to allow for the defect to be remedied; and
2. resolves that the following new Rules be inserted into the Assembly Rules;

**102A: Motions of no confidence in terms of section 102 of the Constitution**

1. A member may propose that a motion of no confidence in the Cabinet or the President in terms of section 102 be placed on the Order Paper.
2. The Speaker must accord such motion of no confidence due priority and before scheduling it must consult with the Leader of Government Business and the Chief Whip of the Majority Party.
3. The motion must comply, to the satisfaction of the Speaker, with the prescripts of any relevant law or any relevant rules and orders of the House and directives and guidelines recommended by the Rules Committee and approved by the House, before being placed on the Order Paper, and must include the grounds on which the proposed vote of no confidence is based.
4. The Speaker may request an amendment of or in any other manner deal with a notice of a no confidence motion which contravenes the law, rules and orders of the House or directives and guidelines approved by the House.
5. After proper consultation and once the Speaker is satisfied that the motion of no confidence complies with the aforementioned prescribed law, rules, orders, directives or guidelines of the House, the Speaker must ensure that the motion of no confidence is scheduled, debated and voted on within a reasonable period of time given the programme of the Assembly.
6. The debate on a motion of no confidence may not exceed the time allocated for it by the Speaker, after aforesaid consultation process.
7. If a motion of no confidence cannot reasonably be scheduled by the last sitting day of an annual session, it must be scheduled for consideration as soon as possible in the next annual session.
8. Rules 95, 97 and 101 do not apply to motions of no confidence in terms of this Rule.

Agreed to.

**ACCURACY OF DA’S CLAIMS OF SUCCESS QUESTIONED**

(Member’s Statement)

Mr B A RADEBE (ANC): Deputy Speaker, a recent article by an Africa Check journalist that the DA’s claims of delivery successes in the Western Cape, the only province it controls in South Africa, is rather low on any supporting evidence is indicative of the misinformation campaign that the DA peddles.

A tweet by their leader, Zille, which claimed that 60 000 work opportunities had been created by the Western Cape provincial government in the 2012-2013 financial year, could not even be proven by Zille’s own spokesman, Zak Mbhele, who said, and I quote:

Concerning the job opportunity figures, no one so far can give me anything concrete. My own online search efforts have tracked down Expanded Public Works Programme reports for the first half of 2012-13, but not for the second half that the tweet speaks to.

The DA’s claim that 99,1% of households in the province currently have access to piped water cannot be claimed as their success. According to Statistics SA’s annual general household surveys, 92,7% of Western Cape households had access to piped water in a house or yard in 2006 when the ANC was still in charge, dropping fractionally to 92,5% in 2012. This shows that DA governance is bad. Selective sharing of information, which is something ... [Time expired.] [Applause.]

The CHIEF WHIP OF THE OPPOSITION: Deputy Speaker, on a point of order: Can you please rule that it is unparliamentary for the member of the ANC to refer to the premier of the Western Cape as “Zille”. [Interjections.] It looks like you have a lot of deputies. [Interjections.] She has a title and she is a member of the NCOP and, therefore, a Member of Parliament. Therefore, she must be referred to as the hon Helen Zille.

The DEPUTY SPEAKER: Order! No, hon member, when we talk about that, we are talking about the House here. We are in this House. I mean, would you call ... [Interjections.] No, no, no!

The CHIEF WHIP OF THE OPPOSITION: Deputy Speaker, an MP is an MP, regardless of which House we are in.

The DEPUTY SPEAKER: Order! I thought she was the Premier of the Western Cape. [Interjections.] No, we don’t do that.

Adv T M MASUTHA: Deputy Speaker, may I address you on this point of order?

The DEPUTY SPEAKER: Yes.

Adv T M MASUTHA: There are several rulings by Speakers of this House, consistently so, that the only time that the Rules apply to a member of another legislature is when we are sitting as a Joint Sitting. We are currently sitting as the National Assembly and therefore the Rules apply only to members of the Assembly. Hon or Ms Zille is actually not a member of this House and therefore the Rules do not apply to her. Thank you. [Applause.]

The DEPUTY SPEAKER: Thank you, hon member.

The CHIEF WHIP OF THE OPPOSITION: Sorry, Deputy Speaker, could we know what Rule the member is quoting from? [Interjections.]

Adv T M MASUTHA: Hon Deputy Speaker, may I respond?

The DEPUTY SPEAKER: Yes, if you want to.

Adv T M MASUTHA: The hon member himself is referring to a Rule and we are simply guiding him on how that Rule is applied. Thank you. [Interjections.]

The DEPUTY SPEAKER: Order! Hon members, can we continue with our business? [Interjections.] I remind members that you do not have more than one and a half minutes for your statement.

**ANTI-HOMOSEXUALITY BILL SIGNED INTO LAW IN UGANDA**

(Member’s Statement)

Mrs S V KALYAN (DA): Deputy Speaker, today I stand before this House deeply concerned and unspeakably disappointed that the Anti-Homosexuality Bill was signed into law by the Ugandan president, Yoweri Museveni, yesterday. [Interjections.] As the DA, we strongly oppose all forms of discrimination on any grounds. [Interjections.]

The DEPUTY SPEAKER: Order, hon members, please!

Mrs S V KALYAN: This further questions this atrocious Bill’s compatibility with Uganda’s constitution.

Deputy Speaker, today I put on record the DA’s objection and complete opposition to this law, which has criminalised homosexuality. The anti-gay law of Uganda, as well as the similar legislation that was recently signed into law in Nigeria, are draconian laws that irrevocably violate the most basic of human rights.

The South African government has yet to comment on the events taking place on our continent. This is not surprising in view of the ANC’s pact with the United Russia party, headed by Putin, which is a party well known for its homophobic stance.

I also proposed a motion today to discuss the issue of homophobia and it was blocked by both the ANC and the ACDP. As South Africa is a beacon of freedom and human rights, with one of the world’s most progressive constitutions, our government should have been the first to publicly object to the barbaric roars right on our doorstep. [Time expired.] [Applause.]

**GOVERNANCE AND LEGAL TRANSGRESSIONS BY** **SA BROADCASTING CORPORATION**

(Member’s Statement)

Mrs J D KILIAN (Cope): Deputy Speaker, the report by the Public Protector on serious governance and legal transgressions at the SA Broadcasting Corporation, SABC, did not come as a surprise to a number of us serving on the Portfolio Committee on Communications. It is just a pity that the portfolio committee did not act on this earlier. This inaction will go down in history as a serious failure of this Fourth Parliament.

Despite having appointed a new board in 2013, the same negative tendencies continue. Last week the chairperson of the board was reported in the media as saying that the damning findings on Mr Hlaudi “Good News” Motsoeneng were irrelevant. She said that it was a job Hlaudi was groomed for and he is here to stay. This speaks of serious contempt for a Chapter 9 institution, which recommended the opposite.

Yesterday, papers were filed in the Commission for Conciliation, Mediation and Arbitration’s predismissal arbitration hearing of the chief financial officer. They were signed, yes, Deputy Speaker, not by the group chief executive officer, but by the chairperson of the SABC board - a serious governance transgression.

The question is, since when do we have an executive chairperson of the SABC? Why does the new chairperson continue with the irregular practices of Dr Ben Ngubane? When will we see a return to the values, ethos and practices of a real public broadcaster, the one that was established in the late 1990s, when the apartheid mouthpiece was replaced with a public broadcaster that reflected a democratic South Africa? Thank you, Deputy Speaker. [Time expired.]

**MARGINALISATION OF WOMEN**

(Member’s Statement)

Mrs M F TLAKE (ANC): Deputy Speaker, my statement is on the DA and the marginalisation of women. We all are very familiar with the DA’s rhetoric of a fit-for-purpose, open-opportunity society and their confusion regarding the Employment Equity Amendment Bill, which prescribes penalties for private sector companies that do not meet the government’s rigid new targets for racial and gender representivity. Essentially, they talk the talk, but do not walk the talk.

When it comes to gender equality and standing firmly behind that policy, the ANC is currently the only party that has a voluntary quota for women. The ANC adopted a voluntary 30% quota for women in 2002. In 2007, we raised it to 50% at both national and local level and we adopted a 5% quota for the national elections in 2009.

Since 1994, women’s representation has steadily increased, primarily due to the ANC’s quota. Women’s representation in Parliament has risen from 28% after the 1994 elections to 13% in 1999.

Mrs S V KALYAN: Madam Deputy Speaker, may I address you on a point of order?

The DEPUTY SPEAKER: Order! There is a point of order. What is the point of order?

Mrs S V KALYAN: Madam Deputy Speaker, I would like to ask you whether, in terms of the rules of Parliament, a Bill that is before a committee and has not yet come before the House may be discussed in a statement. As I understand it, that is what the Second Reading debate is all about.

The DEPUTY SPEAKER: No!

Mrs S V KALYAN: It is still before the committee. The particular Bill that the member is referring to is still before the committee.

The DEPUTY SPEAKER: Hon member, are you referring to the Bill or to the ANC policy of 50% representation?

Mrs M F TLAKE: Hon Deputy Speaker, I am not referring to the Bill, but to the 50% policy of the ANC. [Applause.]

The DEPUTY SPEAKER: Continue, hon member.

Mrs M F TLAKE: Since 1994, women’s representation has steadily increased, primarily due to the ANC’s quota. Women’s representation in Parliament has risen from 28% after the 1994 elections to 30% in 1999 and 33% in 2004. We don’t believe in tokenism for women only, for leadership positions, as the DA ... Thank you. [Time expired.]

The CHIEF WHIP OF THE OPPOSITION: Deputy Speaker, on a point of order: I ask you to study the Hansard and to make a ruling on whether that statement, which started with a reference to the Bill, is allowable, despite the denial, and despite the way out you gave her. So, I ask you to study the Hansard and make a ruling. [Interjections.]

The DEPUTY SPEAKER: Order! We will do that.

**POLICE BRUTALITY, KILLING OF POLICE OFFICERS AND BRAVE OFFICERS**

(Member’s Statement)

Mr V B NDLOVU (IFP): Sekela Somlomo [Deputy Speaker], almost daily we hear reports of police brutality and how many communities around the country no longer have faith in the police. Their ability to respond to the situation in different communities and the lack of healthy police and community relations are issues that are constantly spoken about. However, people forget the level of outrage and concern that should be publicised and uttered over the killing of police officers. There are many brave members of our Police Service who are constantly putting their lives in danger to keep their communities safe. We are also so oversaturated with the negative actions of some police officers that we forget to acknowledge the amount of danger they expose themselves to on our behalf.

We salute those police officers who continue to keep communities safe despite the danger they are exposed to and we honour those who have died defending us against the criminal elements that plague our country. [Applause.]

**CALL TO REVIVE INDEPENDENT SYSTEM AND MARKET OPERATOR BILL TO ASSIST ESKOM**

(Member’s Statement)

Mr L W GREYLING (ID): Hon Deputy Speaker, last week at the African Energy Indaba, the hon Minister of Energy told the audience that Eskom could no longer be the player, referee and linesman in the South African electricity industry. He also informed the conference that he has told Parliament to fast-track legislation that would level the playing field between Eskom and independent power producers. These are sentiments that the ID strongly associates itself with. It must be understood, though, that we don’t need to fast-track legislation, but simply to revive the Independent System and Market Operator Bill, the lapsing of which last year was conveniently orchestrated by the parliamentary powers.

I have already written to both the Speaker and the Chief Whips’ office, requesting an explanation for its lapsing, without any response being given by either of them to date. In order to give substance to the Minister’s intention, I will therefore be requesting an urgent meeting with the hon Chief Whip to move the motion in this House to revive the Independent System and Market Operator Bill. The Portfolio Committee on Energy worked for over a year and a half on this legislation, which would move the operations of the transmission grid out of Eskom. It is therefore deplorable that behind-the-scenes machinationshave been able to prevent this Bill from being debated for over eight months. The time has now come to pass this Bill, hon Chief Whip. I hope you will agree to the passing of this motion when I meet with you. I thank you. [Applause.]

**DA’S MARCH TO LUTHULI HOUSE**

(Member’s Statement)

Ms G TSEKE (ANC): Deputy Speaker, the ANC believes that the recent march to the ANC headquarters by the DA was unnecessary and smacks of desperation. While we respect and will always advance and defend the right of anyone to assemble and protest, rights must be exercised with responsibility. As the ANC, we view this as a provocative and attention-seeking stunt not designed to address the issues it purports to.

The ANC prides itself on being a beacon of democratic principles, which include transparency and openness. Our democratic order has also created a platform to engage in a manner that is not anarchic and these include Parliament, the National Economic Development and Labour Council, government and the courts. Policies of the ANC are deliberated at length within the organisation and are enhanced by input from stakeholders in society. The DA has different policies to the ANC, hence they are in opposition. Marching to the ANC on its policy positions is disingenuous at best and a display of arrogance.

Ultimately, what the DA seeks is for the ANC to bestow some form of legitimacy on it that it cannot receive via the ballot box. Their confusion regarding the issue of race and the desperate need to window-dress by parachuting black faces into its leadership merely highlights the DA’s black liberation problems and their hope for legitimacy by association. I thank you, Deputy Speaker. [Applause.]

**ECONOMIC GROWTH SLOWS DOWN IN 2013 AND CALL FOR TURNAROUND PLAN**

(Member’s Statement)

Dr D W JAMES (DA): Hon Deputy Speaker, the DA calls on the Minister of Finance to use tomorrow’s Budget Speech to announce a turnaround plan for our economy that will achieve and focus on jobs and growth. Figures released by Statistics SA today showed that our economic growth slowed to 1,9% in 2013, after an already-poor growth performance of 2,1% in 2012. If the Minister does not announce such a plan, there is a very real risk, as we know, that our economic growth will continue to stutter along at 2%, while the other economies of emerging markets - like Peru at 5,1%, Malaysia at 4,8% and Chile at 4,1% - are growing at more than twice our rate.

The figures released today highlight how the ANC under President Jacob Zuma is taking South Africa backwards. Average growth under this administration has been 2,8%, almost half that of the average growth rate of 4,2% we recorded under former President Thabo Mbeki. We would endorse the Minister of Finance’s more insistent voice in favour of the growth path of South Africa. He must use his Budget Speech tomorrow to acknowledge that growth of 2% is not good enough by announcing a turnaround plan in the 2014 budget.

In this spirit, we would like to direct him to the DA’s alternative budget released yesterday, which contains a bold plan for growth that will set our economy on the path to 8% economic growth and help us to create 6  million new jobs – real jobs - in the next 10 years.

Tomorrow’s budget must put forward an agenda for change that focuses on jobs and growth. Thank you. [Time expired.] [Applause.]

**PERMANENT APPOINTMENT OF TEMPORARY TEACHERS**

(Member’s Statement)

Mrs H H MALGAS (ANC): Hon Deputy Speaker, the ANC welcomes the announcement by the Education Labour Relations Council regarding the collective agreement on the permanent appointment of temporary teachers in vacant substantive posts and the transfer of serving teachers to schools where they are needed in the Eastern Cape.

The ANC hails this as a major milestone for education in that province, one that will ensure basic education for all learners. This decision will bring stability for both educators and learners.

At present, there are 2 868 qualified and unqualified educators in the province, a situation that at times led to instability in schools. This province has become synonymous with labour unrest, particularly relating to the issues of temporary educators and the transfer of additional educators. The announcement will therefore allow all parties to focus on the welfare of the child to ensure continuous education and improved results. This will lead to the effective learning and teaching that in turn leads to quality education. I thank you.

**REINSTATEMENT OF MR BOBBY SOOBRAYAN, DIRECTOR-GENERAL OF DEPARTMENT OF BASIC EDUCATION**

(Member’s Statement)

Mr A M MPONTSHANE (IFP): Deputy Speaker, this time around the IFP stands in agreement with the Congress of South African Students in welcoming the decision by the Department of Basic Education to reinstate its director-general, Mr Bobby Soobrayan, to his position.

Mr Soobrayan was accused of misusing funds and signing an agreement on behalf of the department without having the authority to do so. However, since he was cleared of this matter, the IFP believes he should not be hindered from discharging his mandate.

The threat by the SA Teachers Union, Sadtu, to embark on a march does not augur well for the stability we all desire and that our education system needs to function effectively. We call on Sadtu to first follow the legal route if they want to appeal against the decision by the judge who presided over the director-general’s disciplinary hearing and cleared him. I thank you.

**KALKBULT SOLAR PARK SOUTH AFRICA'S FIRST SOLAR PLANT THAT GOES ONLINE**

(Member’s Statement)

Mr S J NJIKELANA (ANC): Madam Deputy Speaker, electricity from Kalkbult solar ... [Interjections.]

Mrs J D KILIAN: Hon Deputy Speaker ...

The DEPUTY SPEAKER: Order! Hon member, there is a point of order. Do you have a point of order, hon member?

Mrs J D KILIAN: Deputy Speaker, my point of order is that it is not the ANC’s turn now; it should be Cope’s turn. We have had only one Member’s Statement ... [Interjections.]

The DEPUTY SPEAKER: Order! I know that, Cope.

Mrs J D KILIAN: Okay. [Interjections.]

Mr S J NJIKELANA (ANC): Deputy Speaker, electricity from the Kalkbult Solar Park’s photovoltaic panels flowed into the national grid on 12 November 2013, making it South Africa’s first solar plant to come online. This was done three months ahead of schedule.

This 75 mW solar energy plant near Petrusville in the Northern Cape will generate 135 million kW hours a year, which is equivalent to electricity for 33 000 households. This plant is one of the 47 solar, wind and mini-hydro projects awarded 20-year contracts to generate electricity under the Department of Energy’s renewable energy programme for independent power producers. Currently there are nine projects that already generate electricity into the grid.

The project also gives momentum to the Green Economy Accord, which was signed three years ago by government, business and labour with the goal of creating 300 000 new jobs based on renewable energy generation, energy efficiency, biofuel production, the manufacturing of equipment to support green projects, and natural resource conservation and rehabilitation.

The total investment in the programme is estimated at R74 billion, with the government’s recent acceptance of 17 new bids pushing this closer to the R100 billion mark.

Altogether, 38 solar-power projects have been awarded to a number of independent power producers from across the globe. The ANC has always had a keen eye on and gave full support ... Thank you. [Time expired.]

**DA FALSELY CLAIMS VICTORY IN HIV/AIDS BATTLE**

(Member’s Statement)

Mr N J J KOORNHOF (Cope): Deputy Speaker, in last week’s state of the nation debate the hon Wilmot James claimed a victory for the DA in the battle that South Africans had with the former Minister of Health and former President Mbeki on the HIV and Aids issue. As usual, the DA once again presented the real facts of the past in a manner that suits only them.

At that time, I was the MEC for Health in the Western Cape ... [Interjections.] ... for the Democratic Party, under the premiership of Gerald Morkel from the National Party. The Western Cape’s HIV/Aids team was headed by Dr Fareed Abdullah, a highly ranked official of the ANC at the time, as were so many of his team members.

We jointly made an offer to the Treatment Action Campaign, TAC, to withdraw the case against the Western Cape in exchange for giving them an affidavit on our HIV/Aids roll-out programme in the province. We signed that affidavit on 11 September 2011, when the first plane hit the tower in New York. I remember it vividly. The TAC won the landmark case against the then government in the Constitutional Court.

So, it was not the DA alone, but a joint effort by concerned South Africans who took on the government of the time. Tony Leon read about this in *The New Yorker* and only then did the DA get involved. I thought it was important to put the record straight on behalf of those who stood up for what is right. [Interjections.] [Applause.]

Dr D W JAMES: Deputy Speaker, I rise on a point of order.

The DEPUTY SPEAKER: Order! Do you have a point of order?

Dr D W JAMES: Yes, my point of order is that I never said the DA; I said the Western Cape government. [Laughter.]

The DEPUTY SPEAKER: Order! Hon member, you can continue.

Mr N J J KOORNHOF (Cope): Deputy Speaker, this is not a debate. There was no decision of the Cabinet at the time. But can I give the DA some advice, while I still have time? It’s not possible to run your parliamentary caucus from the Wale Street chambers. Marthinus van Schalkwyk tried it before and it failed dismally. Learn that lesson.

**BY-ELECTION VICTORIES FOR ANC IN WESTERN CAPE WARDS**

(Member’s Statement)

Mrs X C MAKHASI (ANC): Deputy Speaker, the ANC welcomes the results of the by-elections that were held in the Western Cape on Wednesday, 19 February 2014. As a result of the immense support enjoyed by the ANC among our people, it retained Ward 35 in Phillipi in the City of Cape Town and took over Ward 9 in Saldanha Bay, which was previously represented by an independent candidate. [Applause.] The ANC thanks all our people who took time to vote in the by-elections, so ensuring that we retain our wards not only in the Western Cape, but also in other provinces.

We are really pleased with these by-election victories in Saldanha Bay and Phillipi. Our increasing support in the province reaffirms our view that our quest to win back the province is on track.

The ANC extends its gratitude to the volunteers and supporters who worked tirelessly and selflessly in the build-up to these by-elections. We are equally thankful to all voters across the country who took the time to cast their votes. I thank you. [Applause.]

**CONCERN ABOUT INVESTMENT STRATEGIES OF GOVERNMENT EMPLOYEES’ PENSION FUND AND PUBLIC INVESTMENT CORPORATION**

(Member’s Statement)

Mr D C ROSS (DA): Deputy Minister, the Minister of Finance, the hon Pravin Gordhan, must urgently reassure government pensioners that the Public Investment Corporation, PIC, is not allowing politics to influence its investment decisions. The PIC is now considering purchasing a controversial and potentially overpriced share of mining company Kalagadi Manganese from ANC-connected Mashile-Nkosi for R3,9 billion. This comes on the back of a R500 million investment in the Independent Group to help Dr Iqbal Survé take control of the media company. [Interjections.]

The DEPUTY SPEAKER: Order! There is a point of order, hon member. What is the point of order?

Adv T M MASUTHA (ANC): Deputy Speaker, could you rule on whether the Rule of Anticipation allows members to engage in a debate on a matter – in this case, the Budget – that is definitely going to be before the House for debate very soon?

Mr D C ROSS (DA): Deputy Speaker, I am addressing the investment strategy of the Government Employees Pension Fund and the PIC. It is an investment strategy; we are allowed to speak about that. [Interjections.]

The DEPUTY SPEAKER: Order! Continue, hon member.

Mr D C ROSS (DA): Deputy Speaker, this comes on the back of a R500 million investment in the Independent Group by Dr Survé, as I mentioned, and a R19 billion investment in the previous term in terms of the SA National Roads Agency.

In the latest of a series of worrying investments, pensioners’ savings are once again put at risk. This time it is the PIC’s R3 billion investment for a 30% share of Camac Energy, a company linked to Dr Kase Lawal, who has strong ties with President Zuma.

These four deals raise serious questions about the PIC making objective investment decisions in the interest of the 360 000 government pensioners and 1,2 million active members of the pension fund. The people of South Africa need to be reassured that they are indeed the ultimate beneficiaries of the PIC.

**SA DECLARED FREE FROM FOOT-AND-MOUTH DISEASE**

(Member’s Statement)

Mrs M N PHALISO (ANC): Deputy Speaker, after a three-year ban on the export of red meat because of an outbreak of foot-and-mouth disease, the international authorities have declared South Africa free of the disease.

When the ban was imposed in February 2011, the National Agricultural Marketing Council estimated that the prohibition would cost the red meat industry about R4 billion a year.

The World Organisation for Animal Health, the OIE in Paris, visited South Africa after the outbreak and laid down the steps that the Department of Agriculture, Forestry and Fisheries would have to take in order to regain its foot-and-mouth disease-free status.

Last Friday, the OIE informed the department that it had considered the department’s report on corrective measures that were implemented and concluded that South Africa now complied with the Terrestrial Animal Health Code. The country’s suspension has been lifted and South Africa’s foot-and-mouth disease-free status is now reinstated, declaring it a zone free of the disease.

This is good news not only for the red meat industry, but also for the stud industry, the wool and milk industry, as well as the hides, skins and leather sectors. All of these industries have had problems because of the country’s loss of its foot-and-mouth disease-free status.

The persistence and hard work of the Department of Agriculture, Forestry and Fisheries have eventually paid off and the OIE’s director-general congratulated the department on this very positive achievement regarding the foot-and-mouth disease situation in South Africa.

The ANC welcomes the good news, for which the government and the department should be credited. I thank you.

**ECONOMIC GROWTH SLOWS DOWN IN 2013 AND CALL FOR TURNAROUND PLAN**

(Minister’s Response)

The MINISTER OF TRADE AND INDUSTRY: Deputy Speaker, I think the Deputy Minister of Science and Technology was alluding to the fact that the Minister of Finance will present his Budget tomorrow and that that was the proper time to listen to the Budget, then debate it thereafter. However, in response to the hon James, I want to say that calling for 8% growth and 6 million jobs is not the same as having a plan or programme to deliver these. During the debate on the state of the nation address last week, one of the members of the DA said that the Reserve Bank had modelled and endorsed the DA’s plan. The Reserve Bank subsequently issued a statement to say that that was not the case.

The hon Radebe showed that there were several unsubstantiated statements that have been shown by fact-checkers not to be valid. These statements include a number of unsubstantiated tweets. Now, talking of tweets, I noticed in today’s press that some leaders of the DA are becoming fed up with the tweets that have been submitted by their leader. I want to suggest that perhaps we need to call a person who makes excessive use of social media to send inane messages by a simple four-letter name: a twit. Thank you very much. [Laughter.] [Applause.]

**CONCERN ABOUT INVESTMENT STRATEGIES OF GOVERNMENT EMPLOYEES’ PENSION FUND AND PUBLIC INVESTMENT CORPORATION**

(Minister’s Response)

The MINISTER OF HIGHER EDUCATION AND TRAINING: Deputy Speaker, I just want to respond to the point made by an hon member of the DA about where the Public Investment Corporation invests, and especially to address the issue of PIC investment in the Independent Group. It is important to say that the reason the DA is being selective is that the PIC is not only investing in Independent Group, but also investing in the Times Media Group. However, they are silent about that investment, because the Times Media Group is largely batting for the DA in its posture. [Interjections.]

Also, the reason why there is a complaint about the Independent Group is because DA propagandists who have been moonlighting as journalists in the Independent Group are being exposed for what they are. That is the reason that the DA is concerned only about the Independent Group. Generally, the DA is not consistent. Let the DA come and tell us about where the PIC invests ...

Mr D C ROSS: Madam Deputy Speaker, on a point of order: I would just like to know whether Minister Blade Nzimande has considered the return on the investments that he is talking about.

The DEPUTY SPEAKER: Order! No, that is not a point of order. Continue, hon Minister.

The MINISTER OF HIGHER EDUCATION AND TRAINING: That is not a point of order, but I think that it is really very important that we actually expose that there is no consistency in the argument of the DA. Their interest in the media is only in so far as their own moles are being reinforced. That is why they are not saying anything about PIC money in the Times Media Group; because the Times Media Group only sees mamparas on this side of the House. They don’t see the many mamparas who are actually on that side of the House. Thank you very much. [Interjections.]

**MARGINALISATION OF WOMEN**

(Minister’s Response)

UMPHATHISWA WESEBE LEZABASETYHINI, ABANTWANA KUNYE NABANTU ABAKHUBAZEKILEYO: Sekela Somlomo, ndithi mandithathe eli thuba ndibulele uMama uTlake ngokwazisa amakhosikazi aseMzantsi Afrika ukuba ngowuphi na umbutho okhathalele ukuphakamisa amakhosikazi kweli lizwe lookhokho bethu. Ngowuphi na umbutho onomzila wembali yokusebenza namakhosikazi nokuphucula umgangatho wamakhosikazi eMzantsi Afrika kule minyaka engama-20 kuphethe umbutho wesizwe?

Siyayazi ukuba ikhona eminye imibutho ethatha oomama ibenze izipili, ibasebenzise yakugqiba ibalahle phaya kude oku kwelweyile elingcolisekileyo. Ithi yakugqiba, ibachaze ukuba, oomama abafana noomama uMamphela, bangene apha kuba bejonge imali. Baza kuthi bakufumana imali babaleke nayo. Kaloku kwela cala umntu omnyama akazelwe nto, ngaphandle kokuba ejongwe njengesela. Sithi ke kubo, sasibayalile ke, sesisiva nje oo-Agang SA besithi ngumbutho wocalu-calulo ngokobuhlanga lowa, ngumbutho wokuvuyelela amanye amaqela. *(Translation of isiXhosa paragraphs follows.)*

[The MINISTER OF WOMEN, CHILDREN AND PEOPLE WITH DISABILITIES: Deputy Speaker, let me take this opportunity and thank Ms Tlake for informing the women of South Africa regarding which party cares about the upliftment of women in the land of our forefathers; which party has a track record for working with women and improving the quality of life of women in South Africa during the 20 years the ANC has been in power.

We know that there are other parties out there that use women as fronts and then discard them as if they were soiled nappies. After that, they then reveal that women such as Dr Mamphela Ramphele are in it for the money; after receiving the money they are going to disappear with it. Indeed on that side they think poorly of the black person and regard him or her as a thief. Indeed, we did warn them. Now parties such as Agang SA are saying that that is a party with racial discrimination, a party that bullies other parties.]

The CHIEF WHIP OF THE OPPOSITION: Madam Deputy Speaker, on a point of order: The Minister is replying to a statement that I asked you to study to see whether it was in order or not. I think this is perpetuating a wrongdoing and I don’t think you should allow it. [Interjections.]

The MINISTER OF WOMEN, CHILDREN AND PEOPLE WITH DISABILITIES: Madam Deputy Speaker, I am talking about the policies of the ANC. Sit!

The DEPUTY SPEAKER: Hon Minister, will you just wait. Hon Chief Whip of the Opposition, I said I would study whether there was a mention of the policy. I didn’t hear that. I said I would study it, but ...

The MINISTER OF WOMEN, CHILDREN AND PEOPLE WITH DISABILITIES: Of the Bill! Of the Bill!

The DEPUTY SPEAKER: So far, the Minister is talking about the policy and the organisation that was leading women. She didn’t mention the Bill.

The MINISTER OF WOMEN, CHILDREN AND PEOPLE WITH DISABILITIES: Yes!

The DEPUTY SPEAKER: No, but the statement was put and it must be responded to. I will study it and come back to you whether that was the case. Please continue, hon Minister.

Mrs M T KUBAYI: Madam Deputy Speaker, on a point of order: Rule 68, the Rule of anticipation, reads as follows: “No member shall anticipate the discussion of the matter appearing on the Order Paper.” The Bill is not on the Order Paper, therefore it can be discussed according to the Rules of the National Assembly.

The DEPUTY SPEAKER: Order! Still, it is not the Bill that is being discussed. Continue, hon Minister.

UMPHATHISWA WESEBE LEZABASETYHINI, ABANTWANA KUNYE NABANTU ABAKHUBAZEKILEYO: Ndithi ke Sekela Somlomo, xa ndiza kuhlala phantsi, ndimemelela amakhosikazi aseMzantsi Afrika ukuba aphume ngobuninzi bawo ngalaa mhla kuCanzibe, aye kuvotela umbutho onomzila wembali yokusebenzela nokuxhobisa amakhosikazi aseMzantsi Afrika. Nolutsha lwethu sithi nalo maluphume ngobuninzi balo. Ndiyabulela, Sekela Somlomo. [Kwaqhwatywa.] *(Translation of isiXhosa paragraph follows.)*

[The MINISTER OF WOMEN, CHILDREN AND PEOPLE WITH DISABILITIES: Therefore, Deputy Speaker, before I take a seat, let me call upon the women of South Africa to go out in their numbers on that day in May and to vote for the party with the track record for working for them and for empowering them. The same call is made to our youth. I thank you, Deputy Speaker. [Applause.]]

**POLICE BRUTALITY, KILLING OF POLICE OFFICERS AND BRAVE OFFICERS**

(Minister’s Response)

The MINISTER OF POLICE: Hon Deputy Speaker, I would like to thank the hon Ndlovu for the commendation he made in his statement about the police, highlighting a very important scourge, which we should all focus on, and that is the killing of police. This is a threat to our democracy and it should worry every South African.

I am also happy that he, as a Member of Parliament, has not fallen into the trap of those who undermine the authority of the state by saying wrong things about the police all the time, even when they are doing okay. This is particularly true of the DA. Do you know what this has done in the Western Cape? It has turned police into easy targets, hence a lot of the police members who are killed are killed in this province. So, people must desist from that. We must thank you, hon member, for your intervention. Thank you.

**ANTI-HOMOSEXUALITY BILL SIGNED INTO LAW IN UGANDA**

(Minister’s Response)

The MINISTER OF HOME AFFAIRS: Hon Deputy Speaker, in light of the statement from the DA I thought it important to confirm that the historic inclusion of the prohibition of discrimination on grounds of sexual orientation in the Bill of Rights of the Republic’s Constitution remains as is in the Constitution of South Africa. [Interjections.]

Our commitment to the protection of persons due to their sexual orientation - or any status referred to in our Constitution -stands. We are not required to make a statement against any government because our Constitution indicates the position of this country and of the ANC. We have laws that accord specific rights to persons by virtue of their sexual orientation. We have not, in any way, moved away from that position and we will hold to it as this ANC-led democracy. [Interjections.] [Applause.]

**MARGINALISATION OF WOMEN**

**CONCERN ABOUT INVESTMENT STRATEGIES OF GOVERNMENT EMPLOYEES’ PENSION FUND AND PUBLIC INVESTMENT CORPORATION**

(Minister’s Response)

The MINISTER OF LABOUR: Deputy Speaker ... ngifuna ukusho ukuthi asikho isidingo sokuthi uyobheka i-Hansard ukuthi ... [I would like to say that there is no need to check Hansard as ...]

... to whether the Employment Equity Amendment Bill is still before the portfolio committee or not. It is no longer an amending Bill; it has been signed by the President. It is now the law of this country. It is very disappointing of the Chief Whip of the DA...

... angalandeli ukuthi ... [not to follow]

... what is happening in this Parliament. Hon Deputy Speaker, the Employment Equity Act is there. We have published regulations in order to implement it. Therefore, it is no longer a Bill before Parliament.

Okwesibili, udaba oluphakanyiswe umhlonishwa olumayelana ne-Public Investment Corporation, PIC. [The second issue was raised by the hon Member regarding the Public Investment Corporation, PIC.]

I want to assure this hon member in this honourable House that as long as the Department of Labour invests in the Public Investment Corporation, they are going to make sure that economic transformation happens in this country precisely because that particular investment is focusing on empowering black small businesspeople. We will always support that investment. We also want to make sure that the funds are invested by organised labour - not by business, but by organised labour ...

**...** ziyabuya ngoba yizimali zabasebenzi. [... that they receive returns on the investments because it’s the workers’ money.]

Whether you like it or not, we are going to continue making that investment. Thank you, hon Deputy Speaker.

**PRIVATE SECURITY INDUSTRY REGULATION AMENDMENT BILL**

(Consideration of Report)

There was no debate.

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

That the Report be adopted.

Motion agreed to.

Report accordingly adopted.

**PRIVATE SECURITY INDUSTRY REGULATION AMENDMENT BILL**

(Second Reading debate)

The MINISTER OF POLICE: Hon Deputy Speaker, the Bill before us, on the amendment of the security industry regulatory authority of 2001, was necessitated by the tremendous growth of the private security industry since the promulgation of the principal Act in 2001. The Private Security Industry Regulation Amendment Bill seeks to strengthen control over the regulation of the private security industry, including security services rendered by South Africa to other countries.

Currently there are more than 445 000 registered private security guards, compared to 270 000 armed statutory forces, which are the SA National Defence Force and the SA Police Service combined. As a result, members of the public are, on a daily basis, more likely to interface or come into contact with private security than they are with SAPS officers. South Africa currently has one of the largest private security industries in the world.

The growth of the private security industry is not unique to South Africa. Internationally the private security industry has grown significantly over the last two decades. However, the growth of the South African private security industry has outstripped other countries.

While it is true that private security does and can fill certain vacuums, private security can never replace the public police. In fact, they have different objectives. Public police aims to protect the public, while private security has a profit motive and has as its main objective the protection of its client’s interests. The interests of private clients and those of the state and the public are not always the same. It is therefore not surprising that the activities and functions of private security are regulated in most parts of the world and that the framework for this regulation is becoming more extensive in many countries.

Since the dawn of our democracy, the police have been under intense scrutiny by the state and the public. This is clearly illustrated by the multiple oversight bodies and laws governing the police. This is not the case with the private security industry, whose accountability is purely market-driven. Both government and civil society have been concerned with the effective regulation of the industry and this amending Bill seeks to address the challenges that have been experiencing with regard to effective regulation.

Among these are, firstly, the lack of resources, which compromises effective regulation, and the dependence of the regulator on the industry to fund its activities. Secondly, there is a lack of proper accountability for firearms in the possession of members of the private security industry. Thirdly, there is a lack of accountability for security services rendered outside the Republic by South African security companies. This would include, among other issues, allegations of mercenary activity. Fourthly, there are issues regarding criminality in the private security industry. Lastly, there is the growth of foreign-owned companies in South Africa. I will come back to this. As a result of these challenges the tightening up of the South African regulatory framework for the private security industry became necessary.

Let me focus on one particular issue that has received considerable attention, namely that the Bill before this august House places restrictions on the extent of foreign ownership of private security companies. It is necessary, because the line between private security companies and private military companies is becoming increasingly blurred. The United Nations has recognised the blurring of these lines and these entities are now referred to as private military and security companies, which is an all-encompassing phrase.

Equally, private security companies are increasingly used in the field of intelligence. According to international research conducted by Caroline Holmqvist, private security companies are used today for a wide variety of intelligence tasks and there are numerous examples of this. International concern has also been growing about some of the large international security companies that do not have a good record when it comes to human rights violations.

As a developmental state, it would be irresponsible of us not to take seriously the above concerns and to ensure that our domestic legislation protects both our national and security interests. Indeed, it is important to note that South Africa is not alone in wanting to limit foreign ownership in the field of the private security industry. A number of countries either completely outlaw or place limitations on foreign ownership.

Let me lay to rest the arguments advanced by opponents of this Bill that it will lead to job losses in the industry. This argument has no basis. The provision of a security service depends on the supply and demand principle, like any commodity in the marketplace. Change of ownership will not change demand.

To this day, there is no evidence that people will simply disinvest because of a change in ownership. Indications are that, when the time comes, they will sell the relevant shares to comply with the law. When foreigners bought a number of South African companies, no job losses were experienced. Private security companies, like any business, are driven by profit and nothing else.

In conclusion, the Bill not only strengthens the private security regulatory authority but also takes a responsible approach to limiting foreign ownership and to implementing this in a manner that takes into account our international obligations. I thank you. [Applause.]

Ms A VAN WYK: Hon Deputy Speaker, hon Deputy President, hon Minister, hon members of the House, Dr Carlos Ortiz is an independent analyst and researcher of private military and security companies based in the United Kingdom. Ortiz and 20 other academics have the privilege to claim that they are the originators of research into private military companies and private security companies. He said the following:

The spectacular growth of the private security companies/private military companies industry over the last decade marks a profound change in the traditional state monopoly of the legitimate use of violence.

This is quite a profound statement that he makes and one that is also relevant in our own country. We are not, as some would like us to believe, an island, unaffected by developments throughout the world. South Africa is a sovereign constitutional state, with a democratically elected government whose first priority must be to protect the sovereign interests of the state and the people of South Africa. This includes having the necessary legislation in place. Having said that, we acknowledge the important and complementary role that properly regulated private security companies are playing in South Africa.

The amending Bill was originally introduced in 2012 and the main focus of the Bill was to regulate foreign ownership of the industry. During public hearings it became clear that the industry and certain departments were of the opinion that not enough consultation had taken place.

At the same time the committee decided to do a comprehensive review of the existing legislation. This was done owing to numerous challenges in the governance of the authority and in regulating the industry. The hon Molebatsi and the hon Moepeng will speak a bit more on these issues.

The committee, in agreement with the Minister, appointed a technical committee to consult further and to address those issues already identified by the committee. The technical committee finalised its work and the Bill came back before the committee late in 2013. The Bill before us is an improved version of the 2001 Act, taking into consideration the universal developments in this field.

Security is paramount and needs to be approached in a holistic and proactive manner. The private security industry must operate in a manner that contributes to the safety and security of communities and their clients, but also in a manner that does not compromise the security of the country in which it operates. It is paramount that we achieve and maintain a trustworthy and legitimate private security industry. The Bill before us makes significant strides towards these stated values.

I want to highlight some of the provisions of the Bill. The Bill now provides for the appointment and disqualification of senior management in the Private Security Industry Regulatory Authority, the PSIRA. It provides for tighter controls of the financial matters of the authority - an area of previous concern to the Auditor-General and Parliament. In the amending Bill, we also seek to improve the reporting measures of the authority to Parliament and Parliament’s committees. We have extended the categories of security businesses. The Bill also improves the regulating of security services rendered outside the Republic.

The committee took on board the submissions it received during the public hearings process. Locksmiths specifically raised the concern that their trainees would not be able to do practical work if the Bill remained as it was. This we addressed.

The committee reworked the entire section headed “Objects of the Authority” to make it current and applicable to the South African context of today. The functions of the authority were also reworked to give them an improved focus and increased effectiveness. The legislation makes provision for the appointment of a council secretary to act as a link between the council and the authority, among its functions.

Now let me get to the elephant in the room. The Bill also aims to regulate and control foreign ownership in the industry. You are going to be told here that this will lead to job losses, that the provision was sneaked in and that the need for it was never proved - this despite a 21-page document that was presented to the committee to show the need for this change in the Bill. All of this will be vastly removed from the truth and reality. What is the truth? What is the actual situation? [Interjections.] If you listen, you will also know. Section 20(2)(c) in the amending Bill does not prohibit foreign participation in a South African private security company, but rather provides for a restriction on the extent of foreign ownership in a registered private security company.

Some of us read sections of the Bill but leave out the other sections that provide context in the totality of the Bill. Item 15 of the transitional provisions in the Bill recognises the existing rights of noncitizens of the Republic who already have shareholdings in the private security industry. The transitional provision is intended to address the withdrawal of foreign involvement in excess of the statutory participation limit in a responsible manner. All new applications for registration will, however, need to comply with the provisions of the Bill once it becomes an Act.

The ANC is very aware of our international obligations. Section 20(2)(c) of the Bill gave serious consideration to South Africa’s commitments in terms of the World Trade Organisation’s General Agreement on Trade in Services, Gats. The transitional provision in the Bill is an acknowledgement of South Africa’s commitments in terms of Gats. One of the service categories that were liberated by South Africa – when signing the World Trade Organisation’s Gats - was that of investigation and security, CPC 873.

The United Nations’ Central Product Classification, CPC, list provides a more detailed explanation of the scope of investigation and security services by breaking down the category into six subcategories: one, investigation services; two, security consultation; three, alarm monitoring services; four, armoured car services; five, guard services; and, six, other security services.

As a developmental state we have a responsibility to ensure that we protect our national and security interests and that we have domestic legislation that provides the necessary mechanisms to protect such interests.

In the context of broader national and international security, a restriction on foreign investment in a sector such as the private security industry becomes both reasonable and justifiable. Such a practice is not without international precedent if one takes into account the legislation of other countries. The recent trend in other countries is to either – as the Minister has indicated - totally prohibit ownership of private security services by foreigners or to restrict the extent of foreign participation and to give majority shareholding and control to its own citizens. I also want to ask the question: What is wrong with South Africa wanting to open up this industry to its own people?

Research indicates that most private security and military companies are incorporated in the United States, the United Kingdom and South Africa. Private military companies became increasingly prolific at the end of the Cold War, when many countries downscaled their military capacities. This resulted in a large number of military operatives who had been dismissed creating their own private militaries.

The line between private security companies and private military companies is becoming increasingly blurred. Depending on the market opportunities, private security companies undergo a metamorphosis. It is not unusual to find a security service in country A, a military service in country B, a humanitarian service in country C, and a construction service in country D – all provided by the same company. This includes foreign companies operating in South Africa while providing other services - other than security - in other parts of the world.

In the United Kingdom the Arms to Africa affair, involving a former British colonel based in London, sparked parliamentary consideration of private military and security company regulation. In the USA there has been a flurry of legislative activity in the wake of the prisoner abuse scandal at Abu Ghraib, in which US contractors were implicated.

The dynamism within the private security sector is fast-paced and regulatory mechanisms seem to lag behind. Through years of expansion, some of the foreign-owned private security companies are involved in large takeover deals. Some of these deals involve swallowing companies that are disreputable. The links of these companies to foreign companies with questionable human rights records, as well as with foreign states, pose a security threat to South Africa.

The Minister has referred to Caroline Holmqvist’s work, and I also want to refer to it. She is a well-known researcher in the industry. She indicated that the link between private security companies and companies in the information technology and electronic systems industries puts security companies in a position to involve themselves in the technology-intensive aspects of intelligence-gathering. Many of the actors in the intelligence branch of the private security sector originated as either IT consultants or telecommunications companies, only to diversify their portfolios also to cover security-related services. Why are we blind to these realities? Air-Scan, a Florida-based company, has provided aerial intelligence-gathering services in Angola, the Balkans, Colombia and Sudan.

The provision for the establishment of the Exemption Advisory Committee in section 21 is an important guarantee that companies that will be affected by the Bill receive a fair hearing, either in terms of exempting them from the 51% ownership or increasing the threshold – because we also provided for the opportunity to increase or decrease this threshold. The committee consists of the authority, the secretariat, the Department of Home Affairs, the SA Police Service, the Department of Trade and Industry and the State Security Agency. The advisory committee will advise the Minister on the desirability of exempting a service activity, a practice, equipment, a person or entity from any provisions of this Act, provided that such exemption does not prejudice the achievement of the objects of this Act. We went further and put in the Bill that the Minister must put these regulations before the parliamentary portfolio committee and that consultation around these regulations must take place as usual.

I want to take this opportunity to thank the technical committee, under the leadership of the Secretariat for Police, Ms Jenny Irish-Qhobosheane. I want to take this opportunity to thank Commissioner Jacobs from the SAPS, who was loaned to us to assist with the drafting. I also want to thank all the other members who served on the technical committee, including the Chief State Law Advisers.

In addition, I want to thank the researchers of the committee, the secretary of the committee and the content adviser. I would also like to thank the members of the committee. With the exception of the issue of foreign ownership, the committee agreed on this Bill in full. That was the only exception in the whole of the Bill. I think it is quite obvious why!

I indicated last week, during the state of the nation debate, that the ANC would always pursue an independent security agenda in the interests of South Africa and her people first. We are not a surrogate country. [Applause.] We have shed the shackles of colonialism and we are definitely not attached to the purse strings of the corporates. Ours is to pass the best possible legislation in the interests of our country. The ANC supports this Bill. [Applause.]

Ms D KOHLER-BARNARD: Deputy Speaker, an economy is a fragile thing, far too easily damaged, more so than any citizen would like. It is therefore bizarre that a Bill that will most definitely lead to disinvestment and job losses in an industry that employs hundreds of thousands of people is being considered by this House at all. Indeed, the DA is perplexed.

When the Minister of Police made a rare visit to the Police Portfolio Committee on 30 October 2012 to brief members on the Private Security Industry Regulation Amendment Bill, little did we know that he would come with a Bill so inexplicable that it is still difficult to believe any South African actually believes some of the claims he made. Had that Bill been bludgeoned through the committee, we have no doubt that it would have led to massive job losses, decreased investment in this country and posed a security risk to all South Africans.

The impact of this Bill on the poor in particular must be highlighted. Private security companies free up capacity for the SAPS to focus on areas where violent crime is at its highest and in communities that cannot afford private security at all. If private security firms leave - and some will after this Bill is passed - there will be more demand on an already overstretched SAPS. In the end it will be the communities with the highest crime rate that will bear the brunt.

No one wants to pay for private security and it is not just our citizens and small businesses that depend on private security companies. More and more government departments, state entities and state security agencies depend on them too.

Why are we doing this to ourselves when we have such a high rate of crime in our country? Why are we doing this to ourselves when the SAPS needs more help and not less? This is a Minister who is disconnected from the plight of the people on the ground. It is a Minister who is more intent on election-time gimmicks in this House than on discharging his full duty to keep South Africans safe in our communities.

The story of the Bill tells a story of a government that is not committed to either job creation or to the fight against crime, especially for the poor. The Minister argued that foreign-owned private security companies somehow posed a risk to national security, but despite question after question after question from the DA, neither he nor the secretary of police have ever given a cogent explanation as to why they think this is. We challenged him to tell us in plain language why foreign-owned private security firms somehow threaten national security. He could not. Needless to say, the Police Portfolio Committee unanimously agreed that this bizarre Bill be sent back for redrafting, which it was.

A new version arrived late last year. All parties agreed that it was absolutely acceptable. It would achieve adequate regulation for the industry, including the uniforms and firearms – everything laid out by the previous speaker. We duly took it to our caucuses, all of which approved of the work we had done and the Bill as it stood.

Then, at the eleventh hour, our new chairperson announced that, actually, the expropriation or indigenisation clause was being reintroduced. She tried to hustle the other members of the Police Portfolio Committee into voting on what had suddenly become a vastly different Bill. We united and refused ... [Interjections.] ... because it would result ... [Interjections.]

Mrs S V KALYAN: Madam Deputy Speaker, may I address you on a point of order? The hon Van Wyk has just accused the member of lying. I submit that that is unparliamentary.

The DEPUTY SPEAKER: Order! Hon Van Wyk, do you want to say something?

Ms A VAN WYK: Deputy Speaker, she is clearly misleading the House. I withdraw the word “lying”, but she is misleading the House.

Mrs S V KALYAN: Madam Deputy Speaker, it should be an unconditional withdrawal. She is making a ... [Interjections.] ... qualification.

Ms A VAN WYK: I withdraw the word “lying”. However, the hon member did mislead the House. [Applause.]

The DEPUTY SPEAKER: Order! Please continue, hon member.

Mrs S V KALYAN: Sorry, Madam Deputy Speaker, but that is not acceptable.

The DEPUTY SPEAKER: Hon Van Wyk, can you just withdraw? You can put the other side when you ... [Interjections.]

Ms A VAN WYK: Madam Deputy Speaker, I withdraw.

The SPEAKER: Order! Hon member, can you continue?

Ms D KOHLER-BARNARD: Thank you. We united and refused because it would result in job losses and hamper the fight against crime. I wrote to the Speaker and the proposed debate was pulled from the Order Paper.

This year, the Bill appeared before us again. There were letters from various embassies sent to the chairperson - which she chose not to share with the committee - expressing grave concerns about the Bill.

The reintroduction of this clause at a time when our rand is in a sustained weakness against major global currencies and when analysts are stating that ours is one of the hardest-hit currencies in the emerging markets will have catastrophic consequences for our economy and investor confidence. Jobs will be lost and our country's unemployment rate will soar. Massive private security companies will be under threat of closure as their majority shareholdings are taken and warehoused by the state, and job losses there means more pressure on the SAPS and even less delivery to the poorest of the poor.

The SAPS’ law adviser admitted to me personally in the committee that this Bill will allow the Minister to expropriate 100% of any foreign-owned security service provider. As I walked into the House, I was tipped off that the Department of Trade and Industry did not approve of this Bill, and that our trading partners are absolutely furious. On top of that, there were no real answers given when asked what would happen if these companies would rather pack up and leave South Africa. The secretary of police said she didn’t think that would happen, but had no research on it. When asked what would happen if foreign-owned companies did not succeed in selling 51%, she said no compensation was on the table. When asked if this move would deter foreign investment, she said she didn’t think so, but she hadn’t done any research on the matter. When asked how she would determine foreign ownership of shares sold freely on the stock exchange, she said she had no idea, nor had she done any research on the matter.

This is “seat-of-my-pants, help-me-win-the-election” legislation. This opens the door wide for further corrupt activities enriching the lives of an elite few. Who, one might ask, will be sold those massively expensive 51% shareholdings for a few cents on the rand?

This limiting of foreign ownership will send loud and very rude signals to foreign investors. For example, most security technology, from alarm systems to closed-circuit television systems, are manufactured and distributed by international companies.

If no South African wants to buy the 51%, the licence to operate will simply be rescinded and the company shut down. Hundreds of millions of rands of investment that company has made in this country will be lost and thousands of South Africans will be out of work.

The DA believes that this Bill today includes what constitutes an unlawful expropriation under section 25 of the Constitution. Additionally, we believe it may also place the government in breach of its obligations under the SA-UK bilateral and other 45 bilateral investment treaties. We have no doubt that this insertion will ensure there will be numerous bilateral investment treaty claims and we may be subject to arbitral proceedings before international arbitral tribunals.

There are plenty of other countries to invest in and this Bill could be the one that tips the scales against South Africa. This Bill is a disaster. The DA is convinced that it will be taken to court and sent back by the courts, like the Hawks Bill, which is now on its third time back. It is yet another indication that Zuma’s ANC is not serious about growing the economy, creating jobs or fighting crime. [Applause.]

Mr L RAMATLAKANE: Thank you very much, Deputy Speaker. Deputy President, Ministers and hon members, it is correct that 95% of the Bill has been agreed to by 100% of the committee. We know it is an important piece of legislation to regulate.

However, the 5% is what poured cold water on this important Bill. This 5% has already been addressed by other speakers. We know what the problems and concerns of the police and government are as far as security is concerned, and we understand those concerns when it comes to the issue of security. We understand that, as we speak today, the private security force may be more than double the police and the army put together. That is a concern.

However, the issue is how to deal with that particular concern. We are concerned about a policy of this country. There is a policy of government that deals with direct foreign investment. We are concerned about how this particular section, especially the section that deals with ownership, is going to deal with that particular policy. Government’s policy outlook is that we want to mobilise direct foreign investment in the country. What are the unintended consequences of this piece of legislation as far as that is concerned?

The second question that we are worried about is perception, the perceptions – and I listened carefully to the hon Van Wyk when she spoke – about the security threat. As we speak today, South Africa is a country that is hailed as the best destination for investment. It is politically stable. What are the unintended consequences of this piece of legislation, which speaks about a possible foreign threat to the country in terms of its stability? That is the second concern.

Yes, the Bill that we want to legislate and amend is a good one, but the question is going to be: How do we police this particular provision of the Bill? Today, at 5 o’clock, the Johannesburg Stock Exchange can sell the shares - the ownership of security - and people can buy. How are we going to make sure that there is full compliance, particularly with this provision of the legislation?

Do we have the police to police that particular aspect? In fact, what is the view of the Department of International Relations? It is, after all, the department that regulates South Africa’s policy outlook with respect to this particular provision as far as mobilising direct foreign investment into the country is concerned. What is the view of the other departments that deal with this particular provision?

We would want to support this Bill. The only problem is the 5% that deals with the issue of ownership and which we don’t quite know how we are going to police. We were thinking that the particular provision in section 20(d) of the Bill itself should be withdrawn for us to be able to support the Bill as it currently stands. Then we should finalise the issue of direct foreign investment and the country’s policy outlook in terms of foreign investment in the country. That will make it easy because we think putting it through this way is inappropriate. [Applause.]

Mr V B NDLOVU: Libongwa ini? [Uhleko.] [When is it praised? [Laughter.]]

Mr L RAMATLAKANE: Deputy Speaker, Deputy President and hon Ministers in the House ... lo Mthethosivivinywa muhle kabi woniwe yinto eyodwa. Ukonakala kwawo kuqale ukuthi singalali sisebenza uMthethosivivinywa kuthe ekugcineni singazelele ukuthi kusazoqhamuka okunye. Kwavele kwaqhamuka iphepha lindiza emoyeni lizokhuluma ngokuthi kufuneka kube khona amaphesenti angama-51 kanye namaphesenti angama-49. Manje uyabona ke iyasihlupha lento mhlonishwa ngoba konke ebesikade sikwenza besikwenza ngoba lo Mthothosivivinywa kufanele usebenze ngokusemthethweni.

Siyazi ukuthi izinhlupheko zingakanani eziphathelene nenqubomgomo yezokuphepha laphazweni. Siyazi ukuthi kudingeke kangakanani izimboni zezokuphepha zigade ngokusemthethweni. Sihlushwa ukuthi manje uma kunguwena Ngqongqoshe, kungeyena uNgqongqoshe wezimboni noNgqongqoshe woBudlelwano Namazwe Omhlaba kanye nokuBambisana ozogada lokhu uzoyeka lomsebenzi wokugada izimpilo zethu uyogadana ne-Stock exchange? Mina ngikuthanda uma ugada amaphoyisa, manje uma usuzosuka futhi usuyogada i-Stock exchange uthi kuzobe kusalunga Ngqongqoshe. Yilokho mhlonishwa engithi mhlawumbe kufuneka kulungiswe.

Ngizokuxoxela indaba, ngaya emhlanganweni oyinguyazana (caucus) okokuqala we-foreign ownership ngaya ngizimisele. Wafika umhlangano oyinguyazana wanginika impendulo egculisayo. Kuthe uma kuqhamuka leli phepha ebengikade ngikhuluma ngalo ngithi laqhamuka lindiza emoyeni, uma sekukhulunywa ngalo ngasengiyala ngathi ngoba sengimdala kufuneka ngibuyele emuva ngiyobuza kwabadala ukuthi kuzolunga yini ukuthi leli phepha elindiza emoyeni ngilamukele noma cha.

Basebengixoxela abaziyo ukuthi uyabona kungcono ukube ngumNyango wezoHwebo neziMboni noma umNyango weBudlelwano Namazwe Omhlaba kanye nokuBambisana ongabeka inqubomgomo nge-foreign investment kule lizwe. Hhayi amaphoyisa! Ngihlushwa yilokho ke Ngqongqoshe.

Uyabona njengoba ngimi lapha nginguVelaphi wakwaNdlovu ngimele i-IFP yilokho okungihluphayo. Uma nje kungalunga lokho, uMthethosivivinywa awunalutho. Unotho Ngqongqoshe ngoba usunekhefu ekugcineni ufana nomuntu othi eshela umuntu wesifazane abesethi: ulibona leli soka lakho yingoba linento ethile. Akhombisa uzikhulumela yena, nami ngizama ukuzikhulumela ukuthi lo Mthethosivivinywa muhle kabi woniwa yinto eyodwa kuphela le-foreign ownership okhuluma ngayo. Uma ungase ungilungisele wona nje lo 20 C kanye no D okuloMthethosivivinywa.

Uyabona uma usukuma lapho uzogudlula wona la ngaphambi kokuthi sivote, uyadlula uMthethosivivinywa. Uma kungenzekanga lokho Mhlonishwa sizohlangana emnyango ngikuxoxele ukuthi ngeke ngiweseke lo Mthethosivivinywa. Ngiyabonga. [Ihlombe.]

UNGQONGQOSHE WEZASEKHAYA: Phini LikaSomlomo ngihlupheka kakhulu ngoba ummeli wesibili okhuluma ngokweshela intombazane. Manje ngiyazibuza ukuthi kwenzekani, ingathi abaneliswa. Yini Phini likaSomlomo ngiyabuza. [Uhleko.]

Mnu B V NDLOVU: Ubuza ukuthini Phini likaSomlomo, ngabe ubuza ukushela intombazane. [Uhleko.] Cha, phela Phini likaSomlomo mina ngingumuntu wasemakhaya. Ngazi ukuthi yithi eseshelayo, angikaze nje ngishelwe. Kukhona izintombi ezinhle kabi lapha eNdlini kodwa azikaze zingishele mina. [Uhleko.] Ngakho yilokho kukhuluma ebekade ngikusho. *(Translation of isiZulu paragraphs follows.)*

[This is a good Bill, but there is only one aspect that is wrong with it. What went wrong was that we were busy working on the Bill and, suddenly, towards the completion of our work, another stipulation was added to it. We were informed that we should comply with the requirement of 51% and 49%. We are not happy with that, hon Member, because our goal was to develop the Bill and ensure that it was complied with.

We understand the challenges facing the policy on safety and security in this country. We understand the extent of the work of the security industry. What we are unhappy with, Minister, is: Are you now supposed to perform those duties yourself instead of the Minister of Trade and Industry and the Minister of International Relations and Co-operation? Are you now going to leave your responsibility of ensuring our safety to the stock exchange? I prefer that you continue with monitoring the police and not the stock exchange. That is what I propose should be attended to, hon Member.

I wish to tell you a story. I attended the first caucus meeting for foreign ownership and I was determined to make a significant contribution. In that meeting I was satisfied with the response that I received. When we were informed of the additional unexpected stipulation that I have mentioned before I refused to accept it. I told them that because I am now aged I had to go back to my party members to ask if I was supposed to accept the stipulation or not.

Those in the know informed me that it would be better if it were the Department of Trade and Industry and the Department of International Relations and Co-operation that were supposed to develop the policy on foreign investment in this country, not the police. That is what is troubling me, Minister.

As Velaphi Ndlovu, standing here on behalf of the IFP, that is what I am unhappy with. If only that could be rectified, this would be a good Bill. Minister, you stand to gain from this in the end. You are like a man trying to win the love of a woman by criticising her boyfriend and thus putting himself in a good light. I am therefore also trying to say that this is a very good Bill, but the foreign ownership that you are talking about is the only bad point in it. Please rectify clauses 20 (c) and (d) in this Bill.

If you could just rise now from where you are sitting to remove these points before the elections the Bill would be passed. If that does not happen, hon Member, I will meet you outside and let you know that I will not support this Bill. Thank you. [Applause.]

The MINISTER OF HOME AFFAIRS: Deputy Speaker, I am very worried that the second representative talks about trying to win the love of a woman and I am asking myself what is going on. It looks like they are not satisfied. I am asking what this is, Deputy Speaker. [Laughter.]

Mr V B NDLOVU: Deputy Speaker, what is the Minister asking? Is she asking about trying to win the love of a woman? [Laughter.] Deputy Speaker, bear in mind that I am a rural person; I understand that to be a man’s duty and not the other way round. I have never been asked out by a woman. There are some very beautiful women in this House, but they have never approached me. [Laughter.] Therefore, that is what I was trying to say.]

Mnr P J GROENEWALD: Agb Adjunkspeaker, die grootste verantwoordelikheid wat lede van die wetgewer dra, is om te verseker dat ’n ingeligte besluit geneem moet word wat in die beste belang van die kiesers of burgers van ’n land is.

Ek wil vandag vir u sê dat die besluit op hierdie wetsontwerp nie ’n ingeligte besluit is nie. Daar kon nie by die portefeuljekommitee se sitting inligting verskaf word van hoeveel aandeelhoudings daar is in terme van buitelandse maatskappye nie. Daar is ook nie inligting gegee van wat die werklike effek gaan wees op die industrie in terme van werksverlies nie, want dit is eenvoudig net nie bepaal nie.

Nou word daar vandag verwag dat lede hier ’n besluit moet neem in belang van die kiesers. Ek sê vir u dat hierdie wetsontwerp nie aanvaar kan word nie. Daar is gevestigde belange van maatskappye betrokke. Ek wil ook vir u sê dat hierdie wet weer gaan veroorsaak dat ons as wetgewerlede hier met rooi gesigte sit omdat dit op die ou end in die Grondwethof sal eindig. Dit is eintlik skandalig dat ons ons eie onbevoegdheid dan wil weergee deur ’n oningeligte besluit te neem om hierdie wetsontwerp te ondersteun.

Wat is die kern van hierdie wetsontwerp? Die kern is daar word gesê as buitelandse maatskappye meer as 50% aandeelhouding het, dit ’n bedreiging vir staatsveiligheid is. *(Translation of Afrikaans paragraphs follows.)*

[Mr P J GROENEWALD: Hon Deputy Speaker, the greatest responsibility that members of the legislature have is to ensure that an informed decision is taken, one that is in the best interest of the electorate or citizens of a country.

I would like to say to you today that the decision with regard to this Bill is not an informed decision. At the meeting of the portfolio committee no information could be given as to the number of shareholdings held by international companies. Also, no information was given about the actual effect on the industry in terms of job losses, because it was simply just not taken into consideration.

Now it is expected of members that a decision should be taken today in the interest of the electorate. I say to you that this Bill cannot be passed. Vested interests of companies are at stake. I would also like to say to you that this Act will again be the cause of red-faced members sitting in the legislature because this will end up in the Constitutional Court eventually. It is actually a shame that we would then display our own incompetence by taking an uninformed decision to support this Bill.

What lies at the heart of this Bill? In essence what is stated is that were international companies to have a shareholding of more than 50%, it presents a threat to state security.]

It is a threat to state security. Hon Minister, I will tell you what is a threat to state security. The threat to state security is the criminals in the SA Police Service, who are a disgrace to those hardworking members of the police service. They are a threat to state security.

People like Mdludli, who was the chief or head of crime intelligence, are a threat to South Africa’s state security because the ANC keeps appointing people because of their loyalty to the ANC party and not because of their ability and competence in doing the job. That is a threat to state security. I want to appeal to the hon Minister to get rid of those people. It is not foreign companies that are the threat to state security in South Africa.

Die impak van hierdie wet is van so ’n aard dat dit mense uit hul werk kan sit en gaan sit. Dit is nie die industrie se skuld as hulle goed kan geld maak uit veiligheid nie. Dit is juis – en hulle floreer want daar is omtrent drie sekuriteitspersoneellede vir elke lid van die polisie – as gevolg van die feit dat die ANC-regering nie sy grondwetlike plig nakom om die burgers van Suid-Afrika teen misdadigers te beskerm nie. Nou moet hulle dubbel betaal! Hulle betaal belasting en hulle moet vir sekuriteit betaal. Ons sal nie hierdie wetsontwerp steun nie. Ek dank u. [Tyd verstreke.] *(Translation of Afrikaans paragraph follows.)*

[The impact of this Act is such that it can and will cause people to lose their jobs. It is not the industry’s fault if they can earn good money from security. It is precisely – and they prosper because there are about three more security staff members for every member of the police – as a result of the fact that the ANC government is not complying with its constitutional duty to protect the citizens of South Africa against criminals. Now they have to pay twice! They pay tax and they have to pay for security. We will not support this Bill. I thank you. [Time expired.]]

Moh M A MOLEBATSI: Motlotlegi Motlatsammusakgotla, Motlotlegi Motlatsamoporesitente, Batlotlegi Ditona le Batlatsaditona, Maloko a a tlotlegang a Ntlo eno le baagi ba Aforika Borwa ka kakaretso, ntetlang bagaetsho ke le dumedise. (*Translation of Setswana paragraph follows*.)

[Mrs M A MOLEBATSI: Hon Deputy Speaker, hon Deputy President, hon Ministers and Deputy Ministers, hon members of this House, and fellow South Africans in general, allow me to greet you.]

The Private Security Industry Regulation Amendment Bill was introduced to improve the regulation of private security companies and we have succeeded in this objective. The amending Bill fills some major gaps in the regulation of the private security industry of South Africa and it introduces several strict measures for compliance. A major improvement to the principle Actis that the amending Bill now specifies the registration requirements for a security business in 11 distinct categories, which were not stipulated before.

These categories include the following: guarding, close protection, response security, assets in transit, event security, manufacturers, private investigators, security training, electronic security, locksmiths and security advisers.

The registration requirements for a security business operating within these categories will greatly improve consistency and uniform standards for operation. The Minister may also determine additional categories of security businesses, which must be published in the *Government Gazette*.

As the ANC, we are very happy that the authority is now empowered to determine training standards for these categories of business, with which they must comply and which will also contribute greatly to uniform standards in this environment. To the hon Kohler-Barnard: You are so scared. Nobody will lose jobs. What is your agenda? I ask again: What is your agenda?

Agb Groenewald, ek het nuus vir jou. Hierdie ANC regeer en hierdie ANC het ’n goeie storie om te vertel. [Tussenwerpsels.] [Hon Groenewald, I have news for you. This ANC is governing, and this ANC has a good story to tell. [Interjections.]]

We are so used to seeing private security guards these days and it is very easy to confuse a private security guard with a member of the SA Police Service. The uniforms and insignia used by several private security companies closely resemble those of the SAPS, SA National Defence Force and Metro Police units. This creates confusion among the public, which is a major concern to the ANC, as it should be to every citizen. South Africa has only one legitimate police service, the SAPS. This amending Bill greatly improves the control of the use by private security companies of uniforms, insignia, emblems, titles and symbols. The amending Bill now requires that the Minister publish guidelines for the uniforms, insignia, emblems, titles, symbols, distinctive badges and buttons that may be used and not used or worn by a security provider. This provision also applies to vehicles.

The amending Bill clearly stipulates that it is a punishable offence to use uniforms and emblems that correspond or can be confused with those of the SAPS and SANDF. The committee went even further and the Bill now also prohibits that such uniforms correspond to those worn by any municipal police officer. These stringent measures clearly illustrate the commitment made to this amending Bill to improve the regulation of the private security industry. And these stringent measures further comply with the Constitution of South Africa, which makes it very clear that the security services of the Republic consist of a single defence force and a single police service.

Any private service that deliberately creates confusion in this regard will be punished. The amending Bill provides for the compulsory registration and renewal of registration of all security service providers. These companies must take the responsibility to register their services with the Private Security Industry Regulatory Authority,PSIRA.

I also want to urge South Africans to take the responsibility, and make sure that we use these services to ensure that the business is registered. By taking this responsibility, we ensure an ethical and accountable industry. All it takes is a simple telephone call to PSIRA. Let us work with PSIRA to create a responsible private security industry and better the lives of the people.

The Bill also provides for the exemption of companies from the requirements of the Bill, as long as it does not prejudice the achievement of the objects of the Bill. And because this is a responsible piece of legislation, which will be applied by the responsible government of the ANC, it does not give the Minister of Police complete discretion on the exemption of service providers. The Bill provides for the establishment of an exemption advisory committee to make recommendations to the Minister in respect of the exemption of companies, and it must be published in the *Government Gazette*. The advisory committee consists of a representative of PSIRA, the Civilian Secretariat for Police, the Department of Home Affairs, the SAPS, the Department of Trade and Industry and the State Security Agency.

The Private Security Industry Regulation Amendment Bill also ensures the accountability of the private security industry. Clause 10 of the Bill provides that PSIRA must report to the Minister on a range of issues, including all instances in which a firearm was discharged by a security officer in the performance of his or her duties, causing death or injury to another. This will ensure that the Minister is aware of all developments in this environment.

The section also requires the reporting of information of criminal complaints to the SAPS for investigation. Hon Deputy Speaker, the amendments made to the Private Security Industry Regulation Act through this amending Bill were necessary and will no doubt yield success in the improved regulation of the private security industry of South Africa. Yes, as the ANC, we do have a good story to tell. The ANC supports the Bill. [Time expired.] [Applause.]

Mnr D J STUBBE: Adjunkspeaker, dit wil vir my lyk of die rekenaarskerms by agb Kohler-Barnard se toespraak vasgehaak het omdat dit so indrukwekkend was.

Die privaatsekuriteitsindustrie is een van die groot rolspelers in die Suid-Afrikaanse ekonomie ten opsigte van werksverskaffing. Hul bydrae tot die ekonomie beloop ’n bedrag van ongeveer R50 miljard per jaar, wat dit dan ook een van die grootste sekuriteitsektore in die wêreld maak. Met ongeveer 445 aktiewe geregistreerde lede is die sektor meer as dubbeld die getal lede wat die SAPD verteenwoordig.

Een aspek wat aanleiding gee tot die hersiening van die wetgewing is dan ook om toe te sien dat die buitelandse betrokkenheid en eienaarskap nie 51% oorskry nie, om sodoende te verseker dat die meerderheidsaandeel aan Suid-Afrikaanse burgers beskikbaar gemaak word. Tydens die komitee se bespreking is dit ook gemeld dat privaatsekuriteitsfirmas met buitelandse belange ’n sekerheidsrisiko vir die land inhou.

Dit is egter ook ironies dat die argument aangevoer word dat buitelandse intelligensiedienste sodanige instansies gebruik om sensitiewe inligting te verkry, veral uit staatsdepartemente wat van die private sekuriteitsindustrie gebruik maak. Die gebruik van die private sekuriteitsindustrie om regeringsinstansies te beskerm, is die direkte gevolg van die huidige regering se onvermoë om poste in die SAPD te vul met goed opgeleide personeel, en derhalwe is dit dan ook nie snaaks dat die ADT-groep, byvoorbeeld, deur dieselfde SAPD gekontrakteer word om hul eiendomme te beveilig nie.

Die Regulerende Owerheid vir die Private Sekuriteitsbedryf, PSIRA, word die taak opgelê om die bedryf te reguleer en te sorg dat die 51% teiken in eienaarskap nie oorskry word nie. Terselfdertyd moet hulle bepaal welke firmas ’n bedreiging vir die veiligheid van die staat inhou. Dit is egter nie duidelik of PSIRA oor die nodige opgeleide personeel beskik om hierdie spesialistaak uit te voer nie.

Die teenargument is of ’n beperking op buitelandse aandeelhouding enige uitwerking kan hê op die verkryging van sensitiewe inligting vanuit ’n staatsdienskantoor. Een probleem kan nie met ’n ander probleem – synde PSiRA se overmoë – beredder word nie. Die oplossing lê in die daarstel van ’n voltallige, goed bemagtigde polisiestruktuur wat volgens die Grondwet veronderstel is om na die veiligheid van elke burger in die land om te sien.

Minister, plak die pleister op die regte plek, naamlik die bestryding van misdaad, eerder as om die buitelandse belang in ons ekonomie te probeer neutraliseer, want dit klink vir my net na die verkeerde storie. Ek dank u. [Applous.] *(Translation of Afrikaans speech follows.)*

[Mr D J STUBBE: Deputy Speaker, it seems to me that the computer screens haven frozen on hon Kohler-Barnard’s speech, because it was so impressive.

The private security industry is one of the biggest role-players in the South African economy in respect of job creation. Its contribution to the economy amounts to approximately R50 billion a year, making it one of the largest security sectors in the world. With roughly 445 active registered members, the sector is double the number represented by members of the SAPS.

One aspect resulting in a review of legislation is ensuring that foreign involvement and ownership do not exceed 51%, and that the majority share is made available to South Africans. During the committee’s deliberations it was also noted that private security firms with foreign interests were posing a security threat to the country.

However, it is also ironic that the argument is advanced that foreign intelligence services are using such institutions to obtain sensitive information, especially from state departments that are utilising the services of the private security industry. Utilising the private security industry to protect government institutions is the direct result of the current government’s inability to fill posts in the SAPS with well-trained personnel, and therefore the fact that the ADT group, for example, is contracted by that same SAPS to protect their properties is no laughing matter.

The Private Security Regulatory Authority, PSIRA, is tasked to regulate the industry and ensure that the 51% ownership target is not exceeded. They also have to determine which firms are posing a threat to state security. However, it is not clear whether PSIRA has the necessary trained personnel to perform this specialist task.

The counter-argument is whether a limitation on foreign shareholding would have any effect on eliciting sensitive information from a Public Service office. One problem cannot solve another problem - PSIRA’s inability. The solution is the establishment of a police structure that is adequately empowered and up to strength, which, according to the Constitution, is supposed to ensure the safety of every citizen in the country.

Minister, apply the plaster to the right place, namely the fight against crime, rather than trying to neutralise foreign interest in our economy, because this seems like the wrong approach to me. Thank you. [Applause.]]

Mr J K MOEPENG: Hon Speaker, Deputy President, the Minister, Members of Parliament, I have ascended this podium to convey appreciation for and acknowledge a good story about the Private Security Industry Regulatory Authority, PSIRA. I have also elected to take the stand to convey appreciation for and accept the challenges that the institution faces. I stand here before the House to do this against the animation and vigour with which the opposition has chosen to condemn PSIRA.

As the ANC, we refuse to find solace in finger-pointing and being dismissive of government in an endeavour to campaign in the faces of the South African populace. We in the ANC take our responsibility seriously. The demonstration of that is through addressing challenges as and when they arise. That is exactly what we did with PSIRA. We identified challenges and the need to amend the laws governing PSIRA. We made decisions about the necessity to create new laws for the effective functioning of PSIRA, our intended objective being to foster efficiency.

Four years ago, the Minister of Police created the ministerial task team to assist PSIRA because the authority was in a critical financial position and needed realignment. Since then, the authority has come a long way and has had many successes over the past years. For this, we congratulate it. However, more needs to be done in order to effectively regulate the security industry in South Africa.

Anyone thinking that this is an easy task is mistaken. We are looking at a R50 billion industry here; one that does not want to be regulated too much and would like the status quo to remain indefinitely. Unfortunately, that is not possible. The industry needs tighter regulation. To effect those regulations, we need a tighter authority.

Through the Private Security Industry Regulation Amendment Bill, we improved the governance of PSIRA significantly. PSIRA is accountable; it is transparent; it respects the rule of law; it is responsive; it is equitable; and it is effective. Through the amending Bill, the governance of PSIRA reflects these values.

A clear distinction, for the appointment and responsibilities of the council, with clear guidelines, is drawn between the council and the authority. The Minister of Police, in consultation with the Cabinet, appoints the council of the authority. We acknowledge the fact that a strong council is needed to give strategic direction to the regulation of the private security industry. As such we, the ANC, demanded that members of the council - when viewed as a collective - must be persons who are suitable to serve on the council by the merit of their qualifications and knowledge in the fields of finance, law and governance. This will ensure that the council will be able to identify possible problems in the operations of PSIRA before they become a crisis.

The Minister also has the responsibility to report to Parliament on the appointments, as well as on their qualifications and experience. As the constitution of the council is important, it should be noted that it is also difficult - though it is important - to build strong measures into legislation in order to keep councils accountable. The amending Bill allows that the council be automatically disqualified on a number of grounds, among which is criminal conviction. Also, and importantly, when a council member is absent from three consecutive meetings without excuse, the member is disqualified. This is one of the most significant governance improvements made to the principal Act.

The council, together with the Minister, must also publish rules regarding the management of the council and the effective execution of its functions. They must take cognisance of the principles relating to improved service delivery, the quality of training and integrity of administration. The Bill allows for governance that is accountable, transparent, respectful of the rule of law, responsive, equitable and effective.

These are just some of the most important improvements that we have made to the principal Act, changes that will actually improve the day-to-day functioning of PSIRA. Unlike the hon members on the opposite side of the House, who like to criticise, whether it is a process or actual changes made to the Bill, I affirm that the regulatory authority is no doubt stronger through this amending Bill.

Let me also deal with some of the comments that were made. Hon Ramatlakane, I do not remember seeing you in a committee meeting that discussed this Bill. So, responding to what you were saying is not really necessary. However, I am reminded of Comrade Joe Slovo, when he was still alive. He would go a long way to assist members of the opposition to understand a special kind of colonialism. If you have a service in your country being undertaken or delivered by people from outside, it effectively suggests that you allow yourself to be colonised. Why place the security of the country in the hands of people who are not originally from your country? [Interjections.] Why is it a problem when we, the ANC, say: Allow the people of this country to take responsibility for their lives? Why is it difficult? [Applause.] There must be a reason, Nyambose, hon Minister! There must be a reason, which we will be able to get in due course.

However, since Comrade Joe Slovo is not here, and I suppose while Mkhuluwa is here, he will be able to assist you with that exercise to understand this issue. If you do not want them, Mkhuluwa, the Speaker can sponsor a trip to Christiana, where I live. I can also volunteer to do that!

The problem that I have with the opposition is that when we say South Africans should take responsibility for this exercise, they think of job losses. So, the term “job losses” is only referred to when the jobs are owned by South Africans? But, the Minister has just explained that you do not change the format. There is nothing that you change.

When we talk about ownership by South Africans, we only say: Let us assist South Africans to be part of this industry so that in the process we can assist with putting them in the mainstream of economic activity, through the security industry. However, according to some people, this is wrong, and we do not know why this is wrong! [Interjections.] It is probably because when we talk about South Africans, the opposition thinks we are talking about Africans. According to the DA, the issue is Africans - but they claim to have Africans in their own party. [Interjections.]

There are members of this committee whom I would have reported to the hon Mazibuko, if she had been here, because she must take responsibility for her members. It is irresponsible and ill-disciplined of an opposition party member to decide to abandon a meeting and go outside because they are angry that their argument cannot be considered and so forth, while a committee of Parliament is sitting and discussing serious matters. [Interjections.]

Members of the opposition must learn that in any gathering or meeting, you need to sit down and hear the voices of others. If you do not win that day ... [Interjections.] Alright! Allow those who have put better arguments forward to win the day. [Interjections.] I am reminding you, hon Kohler-Barnard, that I am actually talking about you and I raised this in the meeting of the committee. [Interjections.] [Laughter.] So, it is not a secret! I told members of the committee that it was wrong; that we cannot run the committees of Parliament like that. You must respect the committees of Parliament. [Interjections.]

An issue has been raised about a letter. The secretary, in a committee meeting, went a long way to explain how the 51% ownership would be filtered in. It is very unfortunate that after having been convinced, members again bring up the issues here. [Interjections.] The reasons for the referral - let me assist you, Comrade Dianne ... [Interjections.]

The SPEAKER: Order!

Mr J K MOEPENG: Please excuse me, hon Speaker. [Interjections.] Let me assist the hon Kohler-Barnard: Hon Kohler-Barnard, the reason for the referral of the Bill back to the committee – I want to remind you - was solely because of the committee report. [Interjections.]

The CHIEF WHIP OF THE OPPOSITION: On a point of order, hon Speaker: Please remind the new member to address you and not members independently, or the other parties. [Interjections.]

The SPEAKER: Order! Proceed, sir.

Mr J K MOEPENG: Well, it is unfortunate that those members are the ones who address the House, not the Speaker! [Laughter.]

The last issue that I want to address ... [Interjections.] ... relates to the humble approach that the Minister of Police had to this issue in the committee. Whenever members of the opposition attacked the Minister, the agency and so forth, the Minister always remained dedicated and disciplined. He exercised humility to explain certain things that members of the opposition were asking him about. Members of the opposition, if you hate success and progress, do not include the name of the person in whatever you are raising. [Interjections.] It is only right that we appreciate that Minister Mthethwa did an outstanding job in giving you better explanations than you needed. [Applause.]

The MINISTER OF POLICE: Speaker, this industry is going to be transformed. [Interjections.] Firstly, regarding the threat, we said here that if the collection of intelligence information by the security companies, the evidence of criminality and criminal activities by some of them and the allegations of mercenary activities in other countries from here in South Africa do not constitute a threat to security, I do not know what does.

Secondly, it is a scarecrow that people will potentially disinvest. This is a very, very lucrative industry, and the people who are involved in it understand this very well. [Interjections.] We have said it before and we are saying it now: The supply and demand principle will not allow those people to simply disinvest, as you wish them to do. [Interjections.]

Gatsheni, Boya beNyathi amaphoyisa awazukuyigada lento ilaphaya e-JSC. Njengoba ilaphaya e-JSC, i-JSC iyona ezophatha. Asiwathumeli amaphoyisa laphaya. Cha, angiyicacise kahle lento, amaphoyisa awazukuya laphaya. Ungakhathazeki Boya beNyathi. (*Translation of isiZulu paragraph follows.)*

[Gatsheni, Boya beNyathi (Clan names) the police will not monitor what is happening at JSC. As it is at JSC, the JSC will be in charge. We don’t send police to JSC. No, let me clarify this clearly; the police will not go there. Don’t worry, Boya beNyathi (Clan names).]

Now, regarding the 51% that we are talking about, you cannot say that you need to transform this industry and talk about everything else, except for ownership. You cannot do this. The countries that have their security industries here, mainly the United States and the United Kingdom, do not restrict this industry in their countries for foreigners, they outlawed them! They outlawed them! In fact, the last one involved the British government challenging the European Union on that, because they are very clear on it being outlawed. And we are not even outlawing them! All we are saying is that ownership must be transformed. South Africans must have a stake in the ownership of this. We are not going to be apologetic about that. [Applause.] We will ensure that that will happen at the end of the day.

The chairperson of the portfolio committee has always said that this did not come through the back door, as has been said. When I went to the portfolio committee, I presented this with the issue of ownership included. I cannot be responsible for what then happened in the deliberations of the committee, but when I went to the portfolio committee, I spoke about the need to transform this industry - something we are going to do. Part of that transformation is the issue of ownership. Our position remains the same. It is the right thing. We are not even going to the extremes that our friends elsewhere in the world have gone to. We are restricting the industry so that it continues to grow, with South Africans having a stake in it. Thank you. [Applause.]

Debate concluded.

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

Division demanded.

The House divided.

Mr S N SWART: Speaker, sorry, but some of these at the back here are not working. They are all flashing. [Interjections.]

The SPEAKER: Order! The suggestion I have is that the voting system is independent and that it will work. Just press the button that you wish to press. Do not press all of them at the same time. [Laughter.] Just press the one you want to press – either “yes”, “abstain” or “no”. [Laughter.] Hon member? [Inaudible.] Alright, those will be counted manually. Will you please record them? Thank you.

AYES – 203: Adams, P E; Bapela, K O; Berend, S R; Beukman, F; Bhengu, P; Bhengu, F; Bikani, F C; Bonhomme, T; Booi, M S; Borman, G M; Boshigo, D F; Bothman, S G; Burgess, C V; Cele, M A; Chikunga, L S; Chili, D O; Chiloane, T D; Chohan, F I; Coleman, E M; Cronin, J P; Dambazana, Z S; Dambuza, B N; Daniels, P N; Davies, R H; De Lange, J H; Diale, L N; Dikgacwi, M M; Dlakude, D E; Dlodlo, A; Dlomo, B J; Dlulane, B N; Dube, M C; Duma, N M; Dunjwa, M L; Fransman, M L; Fubbs, J L; Gasebonwe, T M A; Gaum, A H; Gcwabaza, N E; Gelderblom, J P; Gina, N; Gololo, C L; Goqwana, M B; Hajaig, F; Hanekom, D A; Jeffery, J H; Joemat-Pettersson, T M; Johnson, M; Kekana, C D; Kenye, T E; Kholwane, S E; Khumalo, F E; Khunou, N P; Koornhof, G W; Kubayi, M T; Landers, L T; Line-Hendriks, H; Lishivha, T E; Luyenge, Z; Maake, J J; Mabasa, X; Mabedla, N R; Mabuza, M C; Madlala, N M; Magagula, V V; Magama, H T; Magubane, E; Magwanishe, G; Mahomed, F; Makasi, X C; Makhuba, H N; Makhubela-Mashele, L S; Makhubele, Z S; Makwetla, S P; Malale, M I; Malgas, H H; Maluleke, J M; Manamela, K B; Manana, M C; Mandela, Z M D; Manganye, J; Mangena, M S; Mashatile, S P; Mashishi, A C; Masilo, J M; Masutha, T M; Mathale, C C; Mathebe, D H; Mathibela, N F; Matlanyane, H F; Matshoba, J M; Maunye, M M; Mavunda, D W; Mayatula, S M; Maziya, A M; Mdakane, M R; Mfeketo, N C; Mfulo, A; Mgabadeli, H C; Mjobo, L N; Mkhize, H B; Mkhulusi, N N P; Mlambo, E M; Mmusi, S G; Mnisi, N A; Mocumi, P A; Moepeng, J K; Mohai, S J; Mokoena, A D; Molebatsi, M A; Molewa, B E E; Moloto, K A; Morutoa, M R; Moss, L N; Motimele, M S; Motlanthe, K P; Motsepe, R M; Motsoaledi, P A; Mthethwa, E N; Mtshali, E; Mufamadi, T A; Mushwana, F F; Nchabeleng, M E; Ndabandaba, L B G; Ndabeni, S T; Ndebele, J S; Ndlazi, A Z; Nel, A C; Nelson, W J; Newhoudt-Druchen, W S; Ngcengwane, N D; Ngcobo, B T; Ngcobo, E N N; Ngubeni-Maluleka, J P; Ngwenya, W; Ngwenya-Mabila, P C; Nhlengethwa, D G; Njikelana, S J; Nkwinti, G E; Nonkonyana, M; November, N T; Ntapane, S Z; Ntuli, B M ; Nwamitwa-Shilubana, T L P; Nxesi, T W; Nxumalo, M D; Nyalungu, R E; Nyanda, S; Nyekemba, E; Nzimande, B E; Oliphant, M N; Oliphant, G G; Oosthuizen, G C; Pandor, G N M; Peters, E D; Petersen, P; Phaliso, M N; Pilane-Majake, M C C; Pilusa-Mosoane, M E; Pule, D D; Radebe, G S; Radebe, B A; Ramatlhodi, N A; Ramodibe, D M; Saal, G; Schneemann, G D; Segale-Diswai, M J; Sekgobela, P S; Selau, G J; September, C C; Shabangu, S; Sibanyoni, J B; Sibiya, D; Sindane, G S; Sisulu, L N; Sithole, S C N; Sizani, P S; Skosana, J J; Sogoni, E M; Sonto, M R; Sosibo, J E; Surty, M E; Swanepoel, D W; Thibedi, J D; Thomas, B; Tinto, B; Tlake, M F; Tobias, T V; Tseke, G K; Tsenoli, S L; Tshabalala, J; Tshwete, P; Tsotetsi, D R; Van Rooyen, D D ; Van Wyk, A; Wayile, Z G; Xaba, P P; Xasa, T; Ximbi, D L; Xingwana, L M; Yengeni, L E; Zulu, B Z.

NOES – 68: Alberts, A D; Boinamo, G G; Bosman, L L; Cebekhulu, R N; Coetzee, T W; De Freitas, M S F; De Goede, J; Dreyer, A M; Du Toit, N D; Duncan, P C; Eloff, E H; Esau, S; Farrow, S B; George, D T; Greyling, L W; Groenewald, P J; Harris, T D; Hoosen, M H; James, W G; Kalyan, S V; Kloppers-Lourens, J C; Kohler-Barnard, D; Kopane, S P; Lee, T D; Lorimer, J R B; Makhuba, H N; Marais, E J; Max, L H; Maynier, D J; McIntosh, G B D; Mileham, K J; Mnqasela, M; Mokgalapa, S; Motau, S C; Mpontshane, A M; Msweli, H S; Mubu, K S; Mulder, C P; Mulder, P W A; Ndlovu, V B; Ollis, I M; Rabie, P J; Rabotapi, M W; Robinson, D; Rodgers, F A; Ross, D C; Sayedali-Shah, M R; Schäfer, D A; Schmidt, H C; Selfe, J; Shinn, M R; Sithole, K P; Smalle, J F; Swart, S N; Smiles, D C; Smuts, M; Steenhuisen, J H; Steyn, A; Steyn, A C; Stubbe, D J; Swathe, M M; Terblanche, J F; Van der Linde, N J; Van der Westhuizen, A P; Van Schalkwyk, H C; Waters, M; Watson, A.

ABSTAIN – 5: Kganare, D A; Kilian, J D; Mashiane, L M; Njobe, M A A; Ramatlakane, L.

Question agreed to.

Bill read a second time.

**RESTITUTION OF LAND RIGHTS AMENDMENT BILL**

(Consideration of Report)

There was no debate.

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

That the Report be adopted.

Question put: That the motion by the Chief Whip of the Majority Party for the Report to be adopted, be agreed to.

Division demanded.

The House divided.

AYES – 220: Adams, P E; Bam-Mugwanya, V; Bapela, K O; Berend, S R; Beukman, F; Bhengu, P; Bhengu, F; Bikani, F C; Bonhomme, T; Booi, M S; Borman, G M; Boshigo, D F; Bothman, S G; Burgess, C V; Cebekhulu, R N; Cele, M A; Chikunga, L S; Chili, D O; Chiloane, T D; Chohan, F I; Coleman, E M; Cronin, J P; Dubazana, Z S; Dambuza, B N; Daniels, P N; Davies, R H; De Lange, J H; Diale, L N; Dikgacwi, M M; Dlakude, D E; Dlodlo, A; Dlomo, B J; Dlulane, B N; Dube, M C; Duma, N M; Dunjwa, M L; Fransman, M L; Fubbs, J L; Gasebonwe, T M A; Gaum, A H; Gcwabaza, N E; Gelderblom, J P; Gina, N; Gololo, C L; Goqwana, M B; Hanekom, D A; Jeffery, J H; Joemat-Pettersson, T M; Johnson, M; Kekane, C D; Kenye, T E; Kganare, D A; Kholwane, S E; Khumalo, F E; Khunou, N P; Kilian, J D; Koornhof, N J J; Koornhof, G W; Kotsi, C M P; Kubayi, M T; Landers, L T; Line-Hendriks, H; Lishivha, T E; Luyenge, Z; Maake, J J; Mabasa, X; Mabedla, N R; Mabuza, M C; MacKenzie, G P D; Madlala, N M; Magagula, V V; Magama, H T; Magubane, E; Magwanishe, G; Mahomed, F; Makasi, X C; Makhuba, H N; Makhubela-Mashele, L S; Makhubele, Z S; Makwetla, S P; Malale, M I; Malgas, H H; Maluleka, H P; Maluleke, J M; Manana, M C; Manamela, K B; Mandela, Z M D; Manganye, J; Mangena, M S; Mashatile, S P; Mashiane, L M; Mashishi, A C; Matshoba, J M; Masilo, J M; Masutha, T M; Mathale, C C; Mathebe, D H; Mathibela, N F; Matlanyane, H F; Maunye, M M; Mavunda, D W; Mayatula, S M; Maziya, A M; Mbalula, F A; Mdakane, M R; Mfeketo, N C; Mfulo, A; Mgabadeli, H C; Mjobo, L N; Mkhize, H B; Mkhulusi, N N P; Mlambo, E M; Mmusi, S G; Mnisi, N A; Mocumi, P A; Moepeng, J K; Mohai, S J; Mohorosi, M M; Mokoena, A D; Molebatsi, M A; Molewa, B E E; Moloto, K A; Morutoa, M R; Moss, L N; Motimele, M S; Motlanthe, K P; Motsepe, R M; Motsoaledi, P A; Mpontshane, A M; Msweli, H S; Mthethwa, E N; Mtshali, E; Mufamadi, T A; Mushwana, F F; Nchabeleng, M E; Ndabandaba, L B G; Ndebele, J S; Ndlazi, A Z; Ndlovu, V B; Nel, A C; Nelson, W J; Newhoudt-Druchen, W S; Ndabeni, S T; Ngcengwane, N D; Ngcobo, B T; Ngcobo, E N N; Ngubeni-Maluleka, J P; Ngwenya, W; Ngwenya-Mabila, P C; Nhlengethwa, D G; Njikelana, S J; Njobe, M A A; Nkwinti, G E; Nonkonyana, M; November, N T; Ntapane, S Z; Ntuli, B M; Nwamitwa-Shilubana, T L P; Nxesi, T W; Nxumalo, M D; Nyalungu, R E; Nyanda, S; Nyekemba, E; Nzimande, B E; Oliphant, M N; Oliphant, G G; Oosthuizen, G C; Pandor, G N M; Peters, E D; Petersen, P; Phaliso, M N; Pilane-Majake, M C C; Pilusa-Mosoane, M E; Pule, D D; Radebe, G S; Radebe, B A; Ramatlhodi, N A; Ramodibe, D M; Saal, G; Schneemann, G D; Segale-Diswai, M J; Sekgobela, P S; Selau, G J; September, C C; Shabangu, S; Sibanyoni, J B; Sibiya, D; Sindane, G S; Sisulu, L N; Sithole, S C N; Sithole, K P; Sizani, P S; Skosana, J J; Smith, V G; Snell, G T; Sogoni, E M; Sonto, M R; Sosibo, J E; Surty, M E; Swanepoel, D W; Thibedi, J D; Thomson, B; Tinto, B; Tlake, M F; Tobias, T V; Tsebe, S R; Tseke, G K; Tsenoli, S L; Tshabalala, J; Tshwete, P; Tsotetsi, D R; Van Rooyen, D D; Van Wyk, A; Wayile, Z G; Xaba, P P; Xasa, T; Ximbi, D L; Xingwana, L M; Yengeni, L E; Zulu, B Z.

NOES – 62: Alberts, A D; Boinamo, G G; Bosman, L L; Coetzee, T W; De Freitas, M S F; De Goede, J; Dreyer, A M; Duncan, P C; Du Toit, N D; Eloff, E H; Esau, S; Farrow, S B; George, D T; Greyling, L W; Groenewald, P J; Harris, T D; Hoosen, M H; James, W G; Kalyan, S V; Kloppers-Lourens, J C; Kohler-Barnard, D; Kopane, S P; Lee, T D; Lorimer, J R B; Marais, E J; Maynier, D J; Max, L H; Mcintosh, G B D; Mileham, K J; Mnqasela, M; Mokgalapa, S; Motau, S C; Mubu, K S; Mulder, C P; Mulder, P W A; Ollis, I M; Rabie, P J; Robinson, D; Rabotapi, M W; Rodgers, F A; Ross, D C; Sayedali-Shah, M R; Schäfer, D A; Schmidt, H C; Selfe, J; Shinn, M R; Smalle, J F; Smiles, D C; Smuts, M; Steenhuisen, J H; Steyn, A; Steyn, A C; Stubbe, D J; Swart, M; Swart, S N; Swathe, M M; Terblanche, J F; Van der Linde, N J; Van der Westhuizen, A P; Van Schalkwyk, H C; Waters, M; Watson, A.

Question agreed to.

Report accordingly adopted.

**RESTITUTION OF LAND RIGHTS AMENDMENT BILL**

(Second Reading debate)

The MINISTER OF RURAL DEVELOPMENT AND LAND REFORM: Hon Speaker, His Excellency the Deputy President and hon members, in restoring social justice to those communities that were dispossessed of their land through many years of oppressive and discriminatory laws and policies, we have adopted a programmatic approach, rather than a project one. This means that, in line with the Bill of Rights contained in the Constitution, as well as legal precedents such as the Grootboom case, socioeconomic rights, which include land, will be dealt with in a progressive manner within the available resources of the state. This approach will ensure that constitutionally entrenched rights will be continuously realised, improving the quality of life of our communities on an ongoing basis.

It is in this context that in his 2013 state of the nation address, His Excellency, President Zuma, announced that the government has decided to reopen the lodgement of claims to accommodate people who missed out on the first window of opportunity and to explore exceptions to the cut-off date of 1913 to accommodate descendants of the Khoi and the San heritage sites and historical landmarks.

The Restitution of Land Rights Amendment Bill seeks to amend the Restitution of Land Rights Act, No 22 of 1994, reopening the lodgement of land claims for a period of five years from the date of the promulgation of this Bill into law. The Bill, once enacted, will allow deserving persons and communities to claim land taken away from them as a result of past racially discriminatory laws and practices.

The Bill also strengthens the capacity of the Land Claims Court, which adjudicates disputes arising from the restitution process by streamlining the appointments, tenure of office, remuneration and conditions of judges, aligning them with those applicable to High Courts. We are aware that questions have been raised about the availability of funding for the reopening of the lodgement of claims. The reopening of claims is the policy of the government and shall therefore be funded, like all other programmes, from the fiscus.

Let me speak briefly about the exceptions to the 1913 cut-off date. Last year, the Department of Rural Development and Land Reform held a two-day conference or dialogue with more than 600 representatives of the Khoi and the San across the length and breadth of the country in pursuit of the President’s directive that we explore exceptions to the 1913 cut-off date. Sitting in the gallery are Western Cape members of a national reference group of 45 members, representing all nine provinces of our country, including the chief, John Witbooi. We are collectively engaged in crafting policy on the exceptions with regard to the Khoi and the San. In April, we will meet in Kimberley to report on our progress to the President.

What about other historically dispossessed Africans? No land dispossession took place in 13% of the land. All wars of dispossession took place in 87% of the land. That is where heritage sites and historical landmarks are to be found. Last year, in December, we spent two days with the Nama in Wellington here in the Western Cape. We were hosting a delegation from Namibia, led by the Queen of the Nama, debating cultural matters relating to the Nama people of our country. The two-day conference that took place was very, very powerful.

As we were seated there, we were shown the road that runs up from Cape Town. We were told that that road runs right through the Northern Cape and into Namibia. That is the route that was followed by the Khoi and the San. That is but one example of what we refer to as a historical landmark. As we stood there, the leadership of the Khoi, the San and the Nama told us that that route was very important to them; that it was part of their life and heritage. That is what we are talking about when we refer to historical landmarks. We are talking about land that, generally, is in 87% of our country**.**

There is a beautiful memorial in Kilnerton, Pretoria**,** where 56 households had been removed. The place was not restorable. They were financially compensated. They then asked themselves the question: How will we remember our past? They decided to erect a memorial at Kilnerton. It is a beautiful memorial and it is part of the good story that we are telling about the restoration of the rights that people lost through the policies and laws of apartheid.

If you go there now, you will find a beautiful garden, which is a project initiated by us, the Tshwane Metropolitan Municipality and the community of Kilnerton, which no longer resides there. There is a beautiful pillar on which is written “Never again”. There are also beautiful walls on which the names of all 56 households are inscribed. That is a good example of people who take the initiative. They decided that each of the households would contribute R1 000. However, the municipality refused, saying that we were partners. So we all three got together and built that beautiful monument. We call on all South Africans, especially those who lost land in areas that cannot be restored, to think about that concept of the Kilnerton community. Go there and look at what they have done.

The Khoi and the San people in Kimberley said that subjugation took place here in the Castle. That is were it was planned and executed, against what they refer to as the first nation of South Africa. Last year, in Kimberley, they proposed that the government transforms the Castle into a healing centre for the Khoi and the San people, so that they can actually adjust by interacting directly with the Castle. That is why we engaged the Minister of Defence and Military Veterans and agreed that she would spend two days at that conference. This is part of the good story that we are telling. People came to the government of the ANC and asked it to transform the Castle into a healing centre and that they wanted to use it for a two-day conference. We obliged and they went there and used it. That is part of what people are talking about when they refer to heritage sites and historical landmarks.

These are symbols that were used against our people. We are saying that through these efforts that we are putting in place as government, led by President Zuma, we are moving South Africa towards a more egalitarian society. We therefore cannot think of any reason good enough not to support this Bill. Thank you very much. [Applause.]

Mr J D THIBEDI: Hon Speaker, hon Deputy President, hon Ministers, hon members, today will go down in the annals of history as the day on which the democratic Parliament, the people’s tribune, took out a chisel and a hammer to strike off yet another statutory monument of its repressive predecessors.

Once more we have been offered the golden opportunity to - as the Constitution’s Preamble seminally asserts - heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights. We dare not fail posterity; we dare not fail our people; we dare not fail those who were dispossessed of their land - not now, when poverty and unemployment mercilessly attack the most vulnerable of our society. It was Cicero who observed and correctly saw that “to be ignorant of what occurred before you were born is to remain always a child”. Once more, let us pierce through the historical iron curtain and reveal what lies behind it.

The Restitution of Land Rights Act, No 22 of 1994, was the first law passed by the democratic government that provided redress for the massive land dispossession that occurred under the colonial and apartheid governments. The Act provides persons, or their direct descendants, and groups with an opportunity to claim restitution for lost land rights as a result of racially discriminatory legislation after 1913. This right is confirmed by section 25(7) of the 1996 Constitution, which 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.

While an estimated 345 466 households consisting of 1,7 million restitution beneficiaries have reportedly benefited from the current programme, this figure falls short of the estimated 7,5 million people who were dispossessed of their land rights as a result of racially discriminatory laws after the promulgation of the Natives Land Act of 1913. This stands to establish the undeniable fact that a large portion of South Africa’s historically disadvantaged population has been excluded from their constitutionally mandated right to restitution for alienated land rights.

Let me remind this honourable House that the Natives Land Act of 1913 was promulgated, among other reasons, to prevent squatting and sharecropping arrangements on white-owned farms; to create an abundance of cheap labour for white farmers and the mining industry; to put an end to land purchases by Africans and to promote segregation.

Let me now come to the vexed question of the 31 December 1998 deadline. I must, without ado, emphasise the fact that the time frames have proven not only to be restrictive, but also to have invariably resulted in the exclusion of the large majority of historically marginalised citizens who lost property rights under apartheid and colonial regimes. The reasons for this inadvertent exclusion vary, but they include, among others, the inadequate creation of widespread awareness of the restitution programme among the general public.

We acknowledge the department’s Stake Your Claim campaign, which was an attempt to spread awareness of the programme and encourage eligible citizens to submit claims. However, incontrovertible evidence reveals that the three years allotted to lodging claims were inadequate for educating the public regarding their right to file applications for restitution.

Today I stand before this august House to commend to you the Restitution of Land Rights Act Amendment Bill, which is testament that the ANC government is a caring government. Our government listened to the people’s call to reopen the lodgement of claims and subsequently commissioned a Regulatory Impact Assessment to inform the feasibility of the reopening of the 1998 deadline for the lodegment of land claims by various persons and communities who had been excluded from the restitution programme.

The Regulatory Impact Assessment has come to the conclusion that reopening this will allow many more involuntarily displaced individuals and groups to file applications for restitution and that this will give those individuals and groups a chance at redress for historical injustices.

The assessment further found that the reopening of lodgements will engender a more expansive and inclusive restitution programme, in which the millions of excluded dispossessed can again be informed of their right to claim restitution and be given enough time to organise and file applications.

The Regulatory Impact Assessment estimates that 397 000 valid claims will be lodged. This also relates to estimates of forced removals that took place between 1913 and 1994. The impact assessment calculates that it may cost R129 billion to R179 billion to settle these claims, if settled within a period of 15 years.

This assessment also concludes that approximately 8 932 860 individuals could benefit directly from the claims, representing about 2 481 350 households. However, this assessment does not take into account the fact that there will be claims in respect of land already restored to communities. To settle such claims will not need the government spending more money, but will only require the beneficiary to be added to an already-existing legal entity.

It should also be noted that the assessment does not take into account the fact that it will not cost the government any amount of money to restore state land to its rightful owners and beneficiaries. Clause 1 of the Bill amends section 2(1)(e) of the Principal Act, to extend the date for lodging claims for restitution to 30 June 2019.

In order to ensure that reasonably adequate notice is given to potential claimants, clause 3 of the Bill amends section 11(1) of the Act to provide that the details of a claim must be published not only in the *Gazette* and the district in which the land in question is situated, but the amendment also makes it compulsory for the details of the claim to also be published in the media circulating nationally and in the province in which the land is situated.

Clause 5 amends section 17 of the Act to create new offences where a person unlawfully prevents a claimant from pursuing his or her rights provided in the Act and where a person lodges a claim with the intention to defraud the state.

Let me hasten to indicate to the House that the proposed reopening of the cut-off date for the submission of restitution claims has received widespread support from the NGOs representing the landless, the land-hungry and the rural poor. The proposed extension of the window period for submitting restitution claims was welcomed by associations representing African farmers, particularly those located in KwaZulu-Natal. This was established during the hearing that we conducted as an ad hoc committee.

However, most of the submissions by organised agriculture, mostly consisting of white commercial farmers, expressed staunch opposition to the reopening, claiming that this proposed measure is at odds with the interests of both landowners and existing claimants. Reasons cited for this opposition were based largely on presumptions that the proposed amendment holds disastrous implications for commercial agriculture as it threatens to create a black cloud of uncertainty over the farming sector. Even further, organisations representing commercial farmers warned against unintended consequences such as expensive legal proceedings, further complications related to duplicate claims, deepening conflict between current beneficiaries and new claimants, the squandering of scarce government funds on fraudulent claims and a never-ending restitution programme that hampers overall economic growth.

Allow me to assure all South Africans that the reopening of the lodgements will not in any way negatively affect the growth of our economy. Through this Bill we are commending before the House, we have reasonably narrowed the possibility for the process to be abused. I extend an invitation in particular to commercial agricultural farmers to join us as we together move back the frontiers of poverty and heal the divisions of our past.

Yes, from time to time reversing the legacy of apartheid will prove to be a challenge. This challenge, comrades and compatriots, is one we are willing to accept. It is one we are unwilling to postpone. Let me indicate that this process is also aimed at enhancing the National Development Plan, which is a vision for 2030.

However, there are some who want to frustrate this process. They are trying every trick in the book to obstruct this process. We must not allow them to succeed. The people of South Africa who are following this debate must be patient until the end. By doing so, they will be able to observe those who will be voting against this Bill. Voting against this Bill will be voting for movementbackwards, towards 1913.

I also want to give friendly advice to those who are watching at home. They must look carefully around this Chamber and they will see some who might seriously be mistaken for a delegation from the European Parliament visiting our Parliament. Those are the people who are going to vote against this Bill to try and obstruct the process.

I want to call on all Africans who are involved in this confusion to vote with their conscience because we are talking about the land that belonged to our forefathers. They must not be fooled - it is important for them to make a mark for progress. Let me also tell our people that there is only one weapon they can use to discipline all those who are opposing progress and transformation and that is their vote on 7 May, which is the day on which they will be in a position to exercise their vote.

Opponents to this Bill will come to this podium and tell you that the process must be open for a year only. They will tell you that if one year lapses, the door must be closed for ever to those who are left outside. I think that must be rejected with contempt because we are here as the ANC, having been given a mandate to run and transform this country. We must do so with or without the support of the DA. If they want to support us, they are welcome, but if they want to be spectators in this process of transformation, so be it.

Our mandate is clear: We are going to transform this country because we believe that we were not only notified of the liberation. We fought, together with our people, for liberation. So, our people must be vigilant; their time will come when they can exercise their vote because if they vote for the party that opposes this legislation, they must kiss transformation goodbye. I am confident in my own mind that they have already made up their minds. They will support the ANC because the people who bring amendments through the back door when they fail to convince the committee cannot be trusted. They could not be trusted if they were given the mandate to run the country. How do you run a country if you cannot stand in front of people during public hearings and raise objections; if you are afraid of the people you want to lead? We, on the contrary, are able to stand in front of our people and tell them whatever we want to tell them, because they believe that we are part of them.

An HON MEMBER: You are electioneering!

Mr J D THIBEDI: I am not electioneering. I am telling you to stop bringing in amendments through the back door, because you were part of the committee and you were defeated. If you are a real democratic alliance, you must act democratically. If not, you must register a new name, “undemocratic alliance”. The ANC moves the support of this Bill. I thank you.

Mr M M SWATHE: Hon Speaker, the DA participated in the public hearings of the Restitution of Land Rights Amendment Bill, where people raised important issues regarding this Bill, issues such as gender discrimination against women, for example, when accessing an inheritance after the death of a father or a husband, which were not covered in the Bill, were raised.

We received complaints from claimants who had not received feedback on the status of their land claims. The constant changing of officials or project officers attached to land claims affected their delayed land claims. The commission never communicated with claimants to inform them of changes and new contact details and, as a result, their files and claims are lost or missing. More worryingly, no one was held accountable.

People complained about corruption and nepotism in some of the commission’soffices in Mpumalanga and KwaZulu-Natal, and these still continue to be unattended to by the Department of Rural Development and Land Reform. Members of the public further noted their concerns that while the Bill criminalised fraudulent claims by claimants, it was silent on fraudulent activities by government officials. They see a law that applies to some, but not to those who are politically connected.

Batho ba botšiša ka ga karolo yeo magoši a e ralokago go Molaokakanywa wo. Ba rata go tseba gore e ka ba magoši a tla dumelelwa go ba tšeela mafase a bona ao ba a bušeditšwego na? Batho ba rata go bona Mokgatlo wa Dithoto tša Mohlakanelwa o tšwela pele go hlokomela mafase a bona ntle le tšhitišo. Ba laeditše gore ba tseba mmušo wa temokrasi o e fa batho kgetho ya gore na ba rata go šomiša tsela efe go hlokomela mafase le dithoto tša bona. Ba re Mekgatlo ya Dithoto tša Mohlakanelwa e hlomilwe ka molao gomme ba rata go e bona e šoma.

Setšhaba se lla ka go se fiwe mangwalo a bohlatse bja go ba bengnaga. Taba ye ke tlhobaboroko go bona. Ga ba tshepe gore na mmušo o tla dira seo ba tla go kwana le sona. Ba gopola gore mohlomongwe mmušo o ka fetola dikgopolo, wa tšea naga ya bona, wa e fa batho ba bangwe. Ke ka lebaka leo ba llago ka taba ya gore ba hwetše mangwalo a bohlatse bja go ba bengnaga.

Setšhaba se lla ka go kopanywa le batho bao ba sa ba tsebego mafaseng a bona. Ba re taba yeo e hlola mpherefere le diphapano. Ba lla gape ka go nanya ga kabo ya mafase. Ba laetša gore ba letile mengwaga ye 20 ka mo tlase ga temokrasi, go tloga ka 1994, eupša le lehono ba sa emetše mafase a bona. Ba re taba ye e hlola karoganyo, lehloyo le dintwa setšhabeng.

Go senywa ga mabitla profenseng ya Limpopo, ya Leboabodikela le ya Kapa-Bodikela ke tlhobaboroko go MaAfrika Borwa. Ba re Molaokakanywa wo o swanetše go aga botee bja setšhaba, e se go go aroganya setšhaba. Batho ba nyaka khutšo le tšhomišano. Ba rata go bona tšwelopele nageng ya Afrika Borwa. DA e leboga batho bohle bao ba tšerego karolo go Molaokakanywa wo, ba ntšha maikutlo le dikgopolo tša bona mabapi le wona. Manyami ke gore Molaokakanywa wo, o tlile ka nako ya dikgetho batho ba gešo. Ge dikgetho di batamela Molaokakanywa wo o a ntšhwa. Na Molaokakanywa wo o be o dutše kae ka dinako tše ka moka? Re rata go tseba seo.

DA e re temokrasi ga e phethagale nageng ya rena. Setšhaba se tee, nageng e tee. DA e re a re godišeng ekonomi ka go šomiša naga go hlola mešomo le go boloka ditšweletšwa. Se se laetša gabotse gore MaAfrika Borwa a rata naga ya bona. A re rateng naga ya rena. A re reng ge re etšwa ka nako ya dikgetho re tšweng ka bontši bja rena, re kgetheng bao e lego gore ka nnete ba tla tloga ba re emela, ba emela therešo, e se go go fora batho.

DA e dira boipiletšo go lena ka moka le lego moo magaeng gore ge letšatši la di7 ge le fihla, le be le tseba gore ditshephišo tša mengwaga ye 20 ya go feta, ga di a phethagala. Rena ba DA re tla le tshephiša dilo tšeo e lego gore le tla kgona go di bona, la kgona go ipshina ka temokrasi**.** Batho bao `re nago le bona lehono ka mo, ba bolela ka ditshephišo tše ntši, feela ga go le e tee yeo e tlago phethagala. Ke a leboga. *(Translation of Sepedi paragraphs follows*.*)*

[The people would like to know what the role of magoši is in this Bill. They would like to know whether the government will allow the land which was forcefully taken away from them to be restituted to magoši or not. They would also like to see the Communal Property Association, CPA, continuing to deal with land issues without any interference. They have indicated that, to their knowledge, the democratic government gives people rights to use their land and property. They say CPAs were established by law and they would like to see it being enforced.

The public is seriously concerned about access to their title deeds. They have lost confidence in the government. They fear that government will, contrary to its promises, give the land to other people. This is why they have concerns over the issue of title deeds.

The public is concerned about the conflict that might arise when the citizens are forced to live in the same areas as foreigners. They have also raised concerns at the snail’s pace of the land redistribution process; they have been waiting for 20 years of democracy since 1994 and yet their demands have not been met. They say that this causes division, hatred and conflict among the people.

The vandalism of graves in Limpopo, North West, and the Western Cape is a serious concern to South Africans. The public maintains that this Bill has to unite people and not cause division. What the public need is peace and co-operation. The DA extends their gratitude to the role-players in this Bill. Fellow South Africans, unfortunately the timing of tabling this Bill is poor as the elections are at hand. We are just wondering where this Bill was all along? We would like to know that.

The DA calls for democracy to reign in the country. One country, one nation. The DA recommends an increase in economic growth by means of job creation and careful management of resources. This is an indication of the love of South Africans for their country. Let us continue to be patriotic. Let us go and vote for the representatives who will show commitment in the interest of the people, and not just power-hungry ones.

To all of you at home, the DA advises that when election day, 7 May, comes, you should know that your aspirations for the past 20 years were never met. As the DA, we will ensure that our manifesto includes the things you will see so that you can enjoy the fruit of democracy. As we are gathered in this august House, there are members who make empty promises. I thank you.]

Ms S R BEREND: Hon Speaker, His Excellency the Deputy President, hon Minister and members, as far as the Restitution of Land Rights Amendment Bill is concerned, Parliament has its work cut out. There is no turning back; no more time for delay. The people of the Republic of South Africa want their land back. Many say: “We want it now,” some say: “As in yesterday!” and others are saying: “We are satisfied with compensation, but we want it in our lifetime.” Many of these claimants and beneficiaries are old and frail and are afraid they may not enjoy this privilege before they pass on.

A few months ago, during the Heritage Day debate in this House, we, as Cope, made reference to the fundamental right of access to ownership of land, as well as heritage of such land to descendants or children. We have seen the countryside of Ga-Segonyana and Fatman Mgcawu Districts, Thabo Mofutsanyana, the Hills of Sekhukhune and Waterberg, the Greater Taung and so on. There, fellow South Africans have a very simple argument. They say: “When ‘civilisation’ came to South Africa, they did not present proof of ownership of the land they wanted to acquire, like a map, title deed or even an affidavit. They only had their desire to take what they wanted.”

The people of Botshabelo want to know what we have done with the mandate they gave us. In Midvaal they say: “We have entrusted you with this task, but you can’t deliver a simple thing: giving us our land back.”

After the cut-off date of 31 December 1998, several campaigns and demands by members of the public and human rights groups were launched in favour of reopening the lodgement of land claims. The government reconsidered and found that there were deserving communities or persons who were dispossessed of their land rights, but did not lodge claims because of some of the following reasons: They could not do it by the cut-off date of 31 December 1998; there were those who were dispossessed of land rights prior to 19 June 1913; and groups that were dispossessed through betterment planning.

As Cope, we are satisfied that extensive consultation on this Bill has taken place with members of the public and with stakeholders by means of workshops, conferences, meetings and individual inputs. However, we were faced with growing concern, both from civil society and beneficiaries, about the pre-1913 claims, mainly affecting the Khoi and San, that are not catered for in this Bill; the slow transfer and awarding of title deeds across the board; the lack of a progress report after claims had been gazetted; and the desecration or destruction of graves in the Northern Cape, Limpopo and North West. Of major concern were the ethics and conduct of officials with regard to allegations of nepotism and fraud, whether the department has the capacity for thorough research, and the financing of new claims.

It is very cumbersome that in almost all the engagements with the public, there are complaints about the alleged involvement of officials in fraudulent activities. Naturally, this affects the claimants negatively. This cannot be tolerated. We are therefore in favour of the clause in the Bill that deals with the criminalisation of fraudulent actions. While the Bill is clear on fraud during the process, the communities pointed out that it was silent on the conduct of officials. We therefore urge the administration to deal with such cases according to the laws that regulate government.

Effective communication must become a trademark of the reopened land claims process, because this is the demand of the customers of government: the people of South Africa. We promised, at the launch of the Batho Pele principles, that people would receive prompt responses and accurate information and that they would be treated honestly and with dignity and respect.

The main advantages of the Bill are that it will extend the period of lodging for five years; it will amend the requirements of the notification period after the acceptance of a claim; it will criminalise the lodgement of fraudulent land claims; and it will simplify the appointment of judges to the Land Claims Court.

Ons vra vir verdraagsaamheid, hierdie keer ten guste van die mense van Khara Hais, wat sê:

Ons kan julle ’n brief gee. Hierdie saal sou oorgeloop het as julle kommunikasie ons almal tydig bereik het.

Ons vra dit ten gunste van Mozamela Siyaya van Jakkalsfontein, wat as kind aanskou het hoe hulle hul woonplek moes verlaat, omdat ander mense dit beter kon gebruik. Sy soek vandag net geregtigheid. Ons vra dit ook om die onthalwe van die mense van die ou sand-en-meelkroek in Kakamas tot by Ezibeleni in Queenstown.

As ons dan nou in die “regverdigste” boerderytaal, handelstaal of regstaal wil regverdig of redeneer waarom ons nie nou kan heropen nie, laat daar onthou word van die onreg wat aan derduisende inwoners gedoen is. Dit is mense wat nie kon rus nie, omdat hulle voortdurend iewers heen moes trek.

As ons somme maak van 1913 tot 1982, het ons geen rede om nou te haas met die hervestiging of vergoeding van die einste mense wat verontreg was nie. Verskuiwing het oor byna sewe dekades gestrek. Dit was dus ’n baie langsame proses wat mense verarm en minderwaardig gemaak het.

Op die huidige oomblik het die Parlement en regering beheer oor die proses en is ons van plan om dit só te hou deur ’n ordelike uitrol van die hervestigingsprogram. Die begunstigdes verstaan dit so. Dit is die plan om hierdie proses nie nou te verongeluk nie. Daarom moet daar nou begin word. Ons wil nie hê die mense moet dit vir ons doen nie.

Gevra of die georganiseerde rolspelers by die regering sal bly te midde van hierdie uitdaging, waar daar nie aan alle advies van belanghebbendes uitvoering gegee kan word nie, is dit verblydend om te sê dat AgriSA se gesant “ja” kon antwoord. Hul aanbevelings was nie lynreg in verhouding met wat die komitee aanbeveel het nie, maar hulle bly verbind tot ‘n vennootskap met die Parlement en die regering. Cope ondersteun hierdie wetsontwerp. [Tyd verstreke.] *(Translation of Afrikaans paragraphs follows.)*

[We are asking for tolerance, this time in favour of the people of Khara Hais, who said:

Ons kan julle ’n brief gee. Hierdie saal sou oorgeloop het as julle kommunikasie ons almal tydig bereik het.

We ask this in favour of Mozamela Siyaya of Jakkalsfontein, who as a child had to witness how they had to leave their home, because other people could utilize it better. Today, she is only seeking justice. We also ask this on behalf of the people from the old sand and flour shacks in Kakamas to Ezibeleni in Queenstown.

If we now want to justify or argue in the most equitable farming, trade or legal language why we cannot reopen it now, let the injustice done to thousands of inhabitants be remembered. These are the people who could not rest, because they continually had to move somewhere.

If we make calculations from 1913 to 1982, we have no reason to be hasty with the resettlement of or compensation for these very people who were victimised. Displacement stretched over nearly seven decades. It was therefore a very slow process of impoverishing people and rendering them inferior.

At present Parliament and the government have control over the process, and we plan to keep it that way with an orderly roll-out of the resettlement programme. The beneficiaries understand it that way. The plan is to not wreck this process now. That is why it should be started now. We do not want the people to do it for us.

When asked whether the organised role-players would stay with the government despite this challenge, where it would be impossible to implement all the advice by stakeholders, it is gratifying to be able to say that the representative of AgriSA could answer “yes”. Their recommendations were not directly aligned to what the committee recommended, but they remained committed to a partnership with Parliament and the government. Cope supports this Bill. [Time expired.]]

Mr R N CEBEKHULU: Mhlonishwa Somlomo, Mhlonishwa Mongameli wezwe, amalungu ahloniphekile ale Ndlu ... [ Hon Speaker, hon President, hon Members of this House ...]

I stand here to support this Land Rights Amendment Bill. [Applause.] This Bill comes at a time when we remember the people of South Africa who were forcefully removed from their land, some through the barrel of a gun, to make way for those in power during the days of apartheid and colonialist government. This Bill seeks to reopen the opportunity for claimants to lodge claimsfor land that was taken from them. I have witnessed large numbers of people flocking to Regional Land Claims Commission offices, wanting to lodge claims, only to be told that the process of lodging any claims closed on 31 December 1998.

If this House passed this Bill, it would be alleviating the challenges imposed on those who could not meet the previous deadline. An example of people who have been enquiring from me about claims whenever we meet are those who were removed from Richards Bay, from farms known as the Ntambanana farms. The experiences those people suffered were very painful. They were forced and packed into one tin house provided by the state, irrespective of how large the family was.

We hope to see the full implementation of the five-year period proposed by the Bill, as well as the provision of the processing system of mobile offices. The mobile offices will be equipped with the ability to electronically record the claims lodged, thus providing a more reliable process for claims to be addressed. Issues of files disappearing or being lost will be a thing of the past.

The Bill will go a long way in helping our people regain land that is rightfully theirs and, with each case, help eradicate the horrible effects of apartheid land grabs that disadvantaged our people.

Somlomo ngifisa ukubeka okumbalwa eMnyangweni izinselelo ezikhona. Eyokuqala engingayiphawula yileyo yalapho ngesikhathi kunikezelwa umhlaba kwalabo ababefake izicelo zokubuyiselwa komhlaba; ama-CPA noma ama-Trust abanye babo banikezwa umhlaba owawuvele usufakelwe izicelo zokubuyiselwa umhlaba yimiphakathi eyayisuswe lapho. Ngicabanga ukuthi yinselelo leyo okufuneka uMnyango ubhekane nayo.

Okwesibili, ngesikhathi sokuphoqwa kwabantu besuswa ezindaweni kwakuye kwenzeke kususwe abantu besizwe endaweni bese kuzobekwa abantu besinye isizwe lapho, ngeye inselelo leyo ekhona eyodinga ukuthi uMnyango uyibhekele ukuthi igcina iqoqwe kanjani.

Ekugcineni kube yileyo yama-Trust athathe izindawo ebezifakelwe izicelo ngamanye ama-trust. Nalokho ngiyafisa ukuthi uMnyango ukubheke ngoba lokho kudale izinxushunxushu ezinkulu phakathi kwemiphakathi ezindaweni lapho abantu befake izicelo zokubuyiselwa komhlaba abafisa ukuthi ubuyele ezandleni zabo ngenxa yokuthi babewemukiwe.

Okubuhlungu kakhulu kulabo abengamele imihlaba ethile okwenzakalayo kunomkhankaso wokubulala amaliba, amadlinza noma amathuna abantu abakulezo zindawo ngoba kwakunomqondo othi: ubufakazi bokuthi abantu babeyizakhamuzi kulo mhlaba okunye kwako kuyokhonjwa ngamathuna, lapho kulele okhokho babo. Okwenzakayo-ke kunomkhankaso wokushabalalisa lawo maliba. Nakho esiyocela mhlawumbe uma ikhomishana ikubheka ikubhekisise ukuthi uma ngikhombe umhlaba nginobufakazi bokuthi la bekulele obani kucatshangisiswe kungashiwo ukuthi akulethwe izinto ezibhaliweyo ezingafundeka neziyolandelwa wucwaningo oluyokwenziwa emtapweni wolwazi. Ngiyabonga kakhulu Somlomo. *(Translation of isiZulu paragraphs follows.)*

[Speaker, I would like to mention a few challenges to the department. The first one is the one that deals with the handing over of land to those who had lodged claims for land redistribution, the CPA or trusts. Some people were given land against which claims had already been lodged by the communities who were forcefully removed from that land. I think that is a challenge which the department is facing.

Secondly, during the forceful removal of people from their homes, it so happened that a certain tribe was removed and another tribe was then allocated that land; that is another challenge which the department has to address.

The last issue pertains to that of the trusts that took the land that was claimed by other trusts. I also wish that the department would look into that, because it has caused a lot of conflict among the communities where claimants lodged claims for land from which they were forcefully removed.

The worst part of it is that those who are in charge of that land are part of a campaign to destroy the graves of the people who lived in that area, because there was a concept that indicated that the evidence that those people were the inhabitants of that land would be shown by the existence of the graves where their great-grandfathers were buried. What is happening now is that this campaign has been launched to destroy those graves. What we would like to request is that when the commission addresses this, it should take people’s word if they lodge a claim in respect of specific land and they must not request written evidence which will be followed up on and researched in libraries. Thank you very much, Speaker.]

Mrs P C NGWENYA-MABILA: Hon Speaker, hon Deputy President in absentia, hon Ministers, hon Deputy Ministers, hon Members of Parliament and distinguished guests, this day, 25 February 2014, will go down in the history of agrarian transformation and land reform as one of the milestones in the struggle for the restitution of land rights. Thanks go to the ANC and civil society who together have travelled the road to where we are today.

Today the National Assembly will reopen the way for deepening the democratisation of land reform and reversing the legacy of the 1913 Natives Land Act. In July 2005, the ANC-led government was informed by the 2002 51st national conference of the ANC and the national land summit, which was attended by 1 500 delegates and had the theme, “A partnership to fast-track land reform: a new trajectory, forward to 2014”. It was at this summit that the declaration of the review of the willing-buyer, willing-seller principle was first put forward.

A substantial number of delegates at the land summit were land claimants who were impatient with the pace of restitution and its impact on their lives. Therefore, the summit called for the speeding up of the process of settling rural claims and restoring land to claimants; expropriating land under claim where negotiations with land owners fail; reopening of the lodgement process for eligible restitution claimants who missed the 1998 deadline; improving the development planning for claimants who have returned to their land, and a holistic approach to restitution of mineral rights and rights to water, forest and land.

That summit set 2014 as a target in the implementation of the new trajectory. Today we can practically speak about implementing that new trajectory. We have recorded significant progress. The ANC’s policy and perspective on land restitution was written into the Constitution in section 25.

As reflected in the 1997 White Paper on Land Reform, the ANC policy provided for a guiding framework, listing five forms of restitution or redress. These included the restoration of rights to the original land owners who were alienated from claimants; provision of alternative land; payment of financial compensation; alternative relief, a combination of the previously mentioned; sharing of land or provision of services and infrastructure development where claimants currently reside; and priority access to other government housing development and land programmes. All these indicate that the ANC fulfils its promises.

The review of the restitution programme undertaken through provincial consultative workshops held between December 2010 and April 2011, led by the Minister of Rural Development and Land Reform, culminated in a national land restitution workshop that was held from 6 to 8 May 2011 and attended by 1 296 beneficiaries of the restitution programme. They indicated that the programme was not inclusive, as deserving people and communities did not lodge their claims before 31 December 1998. They requested government to reopen the lodgement of claims for dispossession. That is what we will be doing soon.

Furthermore, in 2012, the Department of Performance, Monitoring and Evaluation also evaluated the progress and challenges of the programme and concluded that the delivery of the land through the restitution programme began slowly from 1994 to 1995, and then accelerated from 2000 to 2005-06, and levelled off thereafter.

There are success stories of this programme. Of the 79 696 land claims that were lodged by 31 December 1998, there was remarkable progress by the commission in settling 77 485 of those claims. To date, restitution has returned more than 3 million ha to the rightful owners. This is a good story to tell about South Africa’s Land Restitution Programme.

Through land restitution, some beneficiaries were able to get loans and are able to service them out of the income generated on farms. Their farms are economically viable. Some beneficiaries are able to invest back into the communities by building classrooms, providing local schools with vegetables and improving the quality of life of citizens and learners.

The involvement of the private sector, such as the SA Sugar Association, in providing skills is greatly appreciated. The Recapitalisation and Development Programme and the Comprehensive Rural Development Programme have improved production and enhanced sustainable livelihoods, employment and income generation. Through land restitution, people have been able to put bread on their tables to alleviate hunger.

Through land restitution, people were able to own land instead of being strangers in their own land. This Bill will ensure that there is more equitable ownership and access to land by previously disadvantaged people. Some beneficiaries were able to establish progressive co-ops that are part of the commercial sector. Hon Minister, you are on course; carry on with the good work.

While there were success stories in this programme, challenges were experienced during the first phase of the land restitution, namely the escalation of land prices; conflict among claimants; the slow pace of the release of state land for restitution, especially in the Western Cape; capacity constraints in the field of research as a result of a number of claims that are at the research stage; the Land Claims Court being overburdened with land restitution cases, which prolongs the land restitution process; untraceable beneficiaries; the complexity of some claims, which took long to be finalised; delays in the issuing of title deeds that guarantee ownership of the land; lack of pre- and post-settlement support through training and mechanisation impacting negatively on production and farm management; the lack of access to water and its impact on production; and also the late submission of applications by applicants, depriving them of the right to claim.

The amendment of the principal Act provides the opportunity to review the policy and find ways of doing things differently to address the challenges experienced in the first phase of the restitution process. The overpricing of land will be addressed by the Property Evaluation Bill, which is before the committee and will be passed soon. The department’s appointment of the permanent judge to the Land Claims Court will address some of the backlogs in land claim cases.

To enhance research capacity, the department will involve other research agencies and institutions to assist in the finalisation of the outstanding claims and new claims. Recruitment of the additional staff, the involvement of the Community Development Workers and the National Rural Youth Service Corps, as well as group and municipal officials, will help to inform the public about lodgement to ensure that people are aware and apply on time.

Moreover, knock-and-drop manuals that will be written in all languages will be done to popularise the programme. The new lodgement will be implemented through an electronic system to fast-track the application process. An automated acknowledgement of receipt will be issued and will improve communications between the commission and beneficiaries at the various stages of their claim. The department will deal with all the old and new claims simultaneously, but outstanding ones will be prioritised. Therefore, beneficiaries’ concerns on the finalisation of the outstanding claims will be addressed.

All these plans indicate the readiness of the ANC to ensure equitable redress to persons and communities dispossessed of land after 19 June 1913 as the result of past racial discrimination. More work has been done and more work still needs to be done. Let the people be patient. The ANC is the one and only organisation that cares for South Africans - everywhere and every time. [Applause.]

The people have spoken. The ANC must implement the wish of the South Africans and not of the opposition or of AfriForum. The ANC has confidence in us, whether we are new or old members, because we know its policies, rather than other members who are being doubted by their parties. The ANC is for the people and by the people. The ANC-led government remains convinced that the relodgement will be a success and that it will benefit the previously disadvantaged people. Let those who gasp, gasp - the land will be given back to the rightful owners.

Asibuyeleni emasimini, phezu komkhono. [Let’s go to the land and till it.]

The ANC will keep on doing great things. As the ANC, we support the amending Bill. Thank you. [Applause.]

Mr S Z NTAPANE: Hon Speaker, hon Ministers and hon members, the patience of people from my constituency was and is still wearing very thin regarding their land, but it never crossed my mind that the situation was as dire as it is until I became a part of the public hearings on this Bill. Hon Minister, this Bill is long overdue and it is my humble submission that the sooner it is passed into law and implemented, the better for the nation.

People do not care about the processes to be followed. All they want is their land. To give you a glimpse, hon Minister, into how the people feel about their land, there is a considerable number of people asking why government has to pay for land that was taken forcefully. We had to explain to them that we are now faced with people who have title deeds as proof that they have paid for the land that they are occupying.

A considerable number of people felt that public hearings were just electioneering. We had to explain to them again that we are representing different political organisations, therefore there was no possibility of electioneering in this process. It is therefore on this basis that I request that this Bill, once it is signed into law, must be implemented.

In the process of conducting public hearings, it transpired that some departmental officials were involved in corrupt activities, either on their own or collaborating with some of the beneficiaries. We therefore urge you, hon Minister and the national Land Claims Commissioner, to see to it that these parties are rooted out so that corruption does not happen when the lodgement window is reopened.

I am also a member of the ad hoc committee that was mandated by this august House to reverse the legacy of the 1913 Natives Land Act, No 27 of 1913. It is therefore important for me to mention in this debate that in the previous land restitution process, the government disappointed the majority of the beneficiaries in many aspects and that has resulted in wasting a lot of the taxpayers’ money. However, as the hon Ngwenya-Mabila said, there are indeed good stories to be told about land restitution right across the provinces. [Applause.]

Uyabona Mbamba, Mbhexeshi oyiNtloko, lo Mthetho uYilwayo ukhetha iibhokhwe ezigusheni. Uyabona ngoku iyahlamba intliziyo kalova xa kuthethwa ngolu hlobo. [Hon Chief Whip Mbamba, this Bill is selective. It makes some people feel uncomfortable.]

During these public hearings, some of the participants had the temerity to make it clear that they appeared before us just to protect the status quo. If our political freedom fails to translate into economic freedom, it is worthless - and you can never achieve economic freedom if the majority of the land is still in the hands of the minority. [Applause.]

The claim that this piece of legislation is going to lead this country into the same situation as Zimbabwe and other African countries is at best preposterous or just madness. Such allegations do not need to be taken seriously. It reminds me of what Warren Buffet said: “The rearview mirror is always clearer than the windshield.”

Ithi ke le nto mntan’enkosi jongani abantu aba nibakhokeleyo ukuze nizive izingqi, nilibale ngayo yonke enye imfitshi-mfitshi. [This therefore means, chief, you should consider the views of the people you lead, and forget about everything else.]

The UDM supports this Bill. [Laughter.] [Applause.]

Die ADJUNKMINISTER VAN LANDBOU, BOSBOU EN VISSERYE: Speaker, verlede week, toe ons oor die aspekte van hierdie wetsontwerp moes stem, het die VF Plusdaarteen gestem, terwyl die ANC en die DA daarvoor gestem het. Hoekom het ons so gestem?

Vir ’n tydperk van drie jaar tot 1998 kon enige persoon in Suid-Afrika ’n grondeis instel. ’n Totaal van ongeveer 80 000 eise is ingestel. Die werklikheid is dat hierdie eise landboubedrywighede in groot gedeeltes van die land tot stilstand gedwing het, want as jy eise op jou grond het, kan jy nie die grond verkoop kry nie. Jy kan ook nie uitbrei nie en jy kan niks belê in jou boerdery nie, omdat jy môre die grond kan verloor. Dan wag jy in onsekerheid vir jare voor die eis afgehandel is. Na 10 jaar is daar in sekere gevalle bevind dat die eis nie geldig was nie.

Die landbouer se verliese as gevolg van die 10 jaar se onsekerheid word nie deur die staat terugbetaal nie. Vandag, 16 jaar later, is ongeveer 95% van hierdie eise afgehandel, die belastingbetalers het miljarde rande betaal en gelukkig is die einde in sig en kan die land nou normal aangaan. Ons is uiteindelik deur hierdie proses en aan die anderkant uit - of so het ons gedink.

Nou skielik voor die verkiesing kom die ANC met hierdie wetswysiging om die grondeiseproses van voor af te heropen. Dit het niks met die Khoi of die San te doen nie. Dit verlam die landbou vir die volgende 20 jaar en bring al hierdie onsekerhede weer terug. *(Translation of Afrikaans paragraphs follows.)*

[The DEPUTY MINISTER OF AGRICULTURE, FORESTRY AND FISHERIES: Speaker, last week when we had to vote on the aspects of this Bill, the FF Plus voted against it, while the ANC and DA voted in favour. Why did we vote that way?

For a period of three years, up to 1998, any person in South Africa could submit a land claim. A total of about 80 000 claims were submitted. The reality is that these claims brought an end to agricultural activities in large parts of the country, because if someone staked a claim on your land, you could not sell the land. You could also not expand or invest in your farm, because you could lose your land the very next day. Then you had to wait, with uncertainty hanging over your head for years before the claim was finalised. In certain instances it was found after 10 years that these claims were not valid.

In such cases the farmer was not compensated by the state for 10 years of uncertainty. Today, 16 years later, approximately 95% of these claims have been finalised, the taxpayers have paid billions of rands, and fortunately the end is in sight and the country can now continue normally. We have finally gone through this process and successfully reached the other side - or so we thought.

All of a sudden now, just before the elections, the ANC is proposing this amendment to reopen the land claims process all over again. It has nothing to do with the Khoi and the San. It will paralyse agriculture for the next 20 years and yet again bring back all of these uncertainties.]

On the other hand, the ANC is creating new expectations among a lot of people out there. Some 379 000 new land claims are likely to be submitted. This could cost the state about R179 billion to settle. The land restitution budget is roughly only about R3 billion a year. How will the state find the money to settle all these claims? If all these new expectations cannot be fulfilled, surely that is a recipe for revolution?

Today, I predict that the ANC’s reopening of land claims and the way it has been done will in future turn against them. Do we want to become a modern developed country or do we want to become just another underdeveloped country? To succeed in this, we must rethink the land issue.

The ANC is continuing to nurse the notion that they can reverse the inevitable march towards an urban future. We are wasting valuable time and energy trying to restore people to the old ways. Ordinary South Africans want to go to the cities and work in the modern economy.

South Africa needs more successful black commercial farmers. I have said this more than once. The FF Plus and experienced commercial farmers are more than willing to help new farmers to be successful.

Om net hektare grond na te jaag en nog 400 000 grondeise by die departement se huidige lys eise te voeg, gaan nie hierdie probleme oplos nie. Ons kan nie bekostig om meer vrugbare grond te verloor wat onproduktief raak terwyl die bevolking groei nie. Ons moet voedsel produseer vir die 70% van die bevolking wat binnekort in die stede gaan woon. Onthou, honger mense hardloop later in die strate. Dis ’n resep vir onstabiliteit en lei tot die val van regerings. *(Translation of Afrikaans paragraph follows.)*

[Just chasing after hectares of land and adding another 400 000 land claims to the department’s existing list of claims will not solve these problems. We cannot afford to lose more fertile land as it becomes unproductive whilst our population is increasing. We have to produce food for the 70% of the population who will soon be living in the cities. Remember, people who are hungry will be running in the streets at the end of the day. It is a recipe for instability and leads to the fall of governments.]

As Africans ... where is that gentleman ... ek is ’n “African” ... gaan die VF Plus hierteen stem, want in die langtermyn gaan dit nie ons probleme oplos nie. Ek dank u. *(Translation of Afrikaans paragraph follows.)*

[... I am an African ... the FF Plus will vote against this, because it will not solve our problems in the long term. I thank you.]

Mrs A STEYN: Speaker, since the first colonial farms were established in our country in the 1600s, land has been a contentious issue. As land was allocated to the first colonial farmers, the Khoi addressed their loss of livelihood due to this new allocation to Jan van Riebeeck.

Die Erfenisstigting skryf dat dit vir die Kompanje egter belangrik was om die verversingspos te laat slaag. Hierna het die Khoi hul toenemend daarop toegelê om die vryburgers se vee en gereedskap te steel, en die vryburgers het hulself toenemend verdedig. Hierdie is dus ’n kwessie waarmee ons reeds eeue lank wroeg.

Die DA is deeglik bewus van die geskiedenis van ons land. Dit is ook om hierdie rede dat ons saamstem dat grondhervorming ’n geweldige belangrike rol moet speel in die herstel- en heropbouproses.

Dit is egter met die implementering van die grondhervormingsbeleid waar ons met die ANC-regering verskil. Die DA besef dat die swak implementering van die huidige beleid en die korrupsie wat dit meegebring, ons landboubedryf geweldige skade berokken. Dit isalgemeen bekend dat daar op 90% van die huidige grondhervormingsplase nie nou produktief geboer word nie en dat daardie plase nou in onbruik lê.

Ek het reeds verlede jaar in my begrotingsdebat genoem dat onsekerheid in die landbousektor een van die grootste struikelblokke in die landboubedryf is. Aspekte soos stygende insetkoste, uiterste markonstuimigheid en veranderlike weersomstandighede is ’n daaglikse realiteit waarmee landbouers te doen kry.

Daar is konsensus onder die oorgrote meerderheid Suid-Afrikaners dat grondhervorming moet plaasvind en dat dit tot die stabiliteit van die landelike ekonomie kan lei. Wat ons egter nie kan toelaat nie, is dat die ANC-regering die Wet op Herstel van Grondregte gebruik om politieke steun in die verkiesing te probeer wen.

My kollega, agb Swathe, het nounet gepraat oor die chaos wat daar heers met die huidige grondeiseproses en hoe negatief dit die eisers en die grondeienaars beïnvloed. Dit is ook bekend dat die regering nie kan aandui waar die geraamde R180 miljard vir die voorgestelde nuwe eise vandaan gaan kom nie. Volgens prof Nick Vink se berekeninge is daar reeds genoeg geld begroot om 58% van die land se produktiewe landbougrond aan te koop.

Die staat se bydrae tot die landbou is minimaal, in ag genome wat ander lande se regerings bydra tot die ondersteuning van hul landboubedryf. Die onttrekking van hulp en beskerming aan die landbousektor is een van die redes waarom die getal kommersiële landbouers gekrimp het van 120 000 in 1994 tot ’n geraamde  37 000 vandag. Hierdie afname het ook tot gevolg gehad dat daar ’n geweldige toename in werkverliese op plase was en dat die landelike ekonomie skade gelei het daaronder.

Voedselsekerheid is nie ’n dreigement nie, maar ’n werklikheid. Ons kan maar slegs na ander lande in Afrika kyk om te verstaan wat die implikasies hiervan op ’n land en sy mense kan wees. Dankie. *(Translation of Afrikaans paragraphs follows.)*

[The Heritage Foundation writes that it was nevertheless important for the Company that the refreshment station be successful. Subsequent to this the Khoi increasingly concentrated on stealing the livestock and implements of the free burghers, and the free burghers increasingly defended themselves. Therefore, this is an issue that has been tormenting us for centuries now.

The DA is acutely aware of the history of our country. It is also for this reason that we agree that land reform should play a vital role in the restitution and reconstruction process.

It is, however, on the implementation of the land reform policy that we disagree with the ANC-led government. The DA realises that poor implementation of the current policy and the corruption that goes with it caused severe damage to our agricultural industry. It is common knowledge that no productive farming is taking place on 90% of the current land reform farms and that those farms are not being utilised at the moment.

I mentioned during the budget debate last year already that uncertainty in the agricultural sector is one of the biggest obstacles in the agricultural industry. Aspects like rising start-up costs, extreme market volatility, and changing weather conditions are daily realities that farmers have to deal with.

There is consensus among the majority of South Africans that land reform should take place and that it would lead to the stability of the rural economy. However, what we cannot allow is for the ANC-led government to use the Restitution of Land Rights Act in order to gain political support in the elections.

My colleague, hon Swathe, has just spoken about the existing chaos with the current process in respect of land claims, and how it negatively affected the claimants and landowners. It is also known that the government cannot give an indication of where the estimated R180 billion for the proposed new claims would come from. According to Prof Nick Vink’s calculations enough money has already been budgeted to buy 58% of the country’s productive agricultural land.

The state’s contribution to agriculture is minimal, considering what governments in other countries are contributing to support their agricultural industry. The fact that aid and support was withdrawn from the agricultural sector is one of the reasons why the number of commercial farmers has declined from 120 000 in 1994 to an estimated 37 000 currently. This decline also resulted in an enormous increase in job losses on farms, and as a result the rural economy is suffering.

Food security is not a threat, but a reality. We need only look at other countries in Africa to understand the implications of this for a country and its people. Thank you.]

Mr S N SWART: Speaker, the ACDP is on record as supporting the restitution of land process as set out in the Restitution of Land Rights Act. We fully appreciate that the land issue is very emotional and must be addressed in a responsible manner to the satisfaction of all parties concerned in order to prevent land invasions and social insecurity. We understand that during public hearings, which we were unable to attend, many people expressed frustration that they were still waiting for land they had claimed in the first claims window, which closed in 1998. Some of those might take a number of years to finalise. The question then arises whether they should not first be finalised before new claims are even entertained. We do understand that a clause has been inserted to prioritise those claims, but surely they must be finalised as a matter of urgency.

Another issue of concern is the loss of productivity and the threat to food security that has already occurred with 90% of the 5,9 million ha of land purchased by the state for emerging farmers deemed to be unproductive. This is a severe indictment of the land reform process. Minister, you are on record as saying that the agricultural sector’s production as a proportion of GDP is going down. Land has been given to people and they are not using it. No country can afford that. The ACDP agrees that we have to balance land restitution and reform against property rights, productivity and food security. There is obviously something seriously amiss when it comes to assistance and mentoring of emerging farmers. That is something that we, as leaders, need to address.

It is estimated that 397 000 new claims could be lodged. This could cost between R129 billion and R179 billion if finalised over a 15-year period. The question is: Where will these additional funds come from? I listened carefully to previous speakers who said that the fiscus would provide that, but the Minister of Finance has already stressed that there is no new money for land restitution. Surely we need to have a very clear costing of the financial implications of the reopening of land claims.

While the aims of this Bill are very commendable and we understand the sensitivity around the land issue, there are significant practical and financial constraints to its implementation. These, we believe, have not been adequately addressed, given the short span of time that this Bill was considered. We must ensure that unfulfilled expectations and delayed finalisation of land claims will not cause even greater frustration among our citizens. I thank you. [Applause.]

Ms H F MATLANYANE: Hon Speaker, hon Minister, hon members and guests in the gallery ...

... go bohloko kudu gore o tšeelwe naga ka dikgoka, gomme go se be le motho yo a kgonago go go hlalošetša gore ke ka lebaka la eng o re o le motho wa nama wa tšeelwa naga ya gago ka go foraforetšwa, le go bewa ka tlase ga kgatelelo ya gore o fane ka yona.

Go thoma ka Nofemere ge re be re sepela le naga ye ya Afrika Borwa ka moka ga yona re swara dipoledišano le setšhaba, re kwele maikutlo a batho le ka mokgwa woo dipelo tša bona di lego bohloko ka gona. Go bohloko go bona mokgekolo le mokgalabje ba mengwaga yeo e fetago masomeseswai ba lla ka megokgo, ba nyaka naga, ba re ba bolawa ke tlala, bana le ditlogolo tša bona di bolawa ke tlala ka ge naga yeo ba e filwego e sa tšweletšeselo. Ba re naga yeo ba e filwego e omeletše, pula ga e ne, go sehlefetše. Ka moka tše, re le mmušo wa go etwa pele ke ANC, re di kwele. Ke ka moo re boilego mo go tla go begela Ntlo ye tšeo re di bonego le tšeo re di kwelego ka ge ele yona yeo e re filego monyetla wa gore re kgone go sepela le naga re kwe gore batho ba ikwa bjang ka go bulelwa gape ga dikgopelo tša go bušetšwa naga.

Mokgwa wa go dira dikgopelo tša go bušetšwa naga o nolofaditšwe ke Molaokakanywa wo. O nolofaditšwe ka gore ga go sa na motho yoo a tlogo sepela motse ka motsanaa nyaka gore batho ba mo fe sengwenyana bjalo ka rantanyana ya gore a ba tlaletše difomo goba a di gatiše gore e be tše ntši. Kgoro e dirile gore batho ka moka ga bona ba kgone go hwetša thušo ba le ka magaeng a bona ka ge bašomedi ba kgoro, ba tlile go ba latelela moo ba lego gona.

Seo se ra gore peleng mola batho ba be ba dira dikgopelo tša go bušetšwa naga ba tšama ba kitima, ba timela, ba nyaka moo dikantoro tša kgoro di lego gona, go fedile lehono. Batho ba tlile go ipshina ka lebaka la gore bašomedi ba kgoro ba tlile go ba latelela ka magaeng a bona ka ge mmušo e le wa bona. Le ge batho ba na le dingongorego tša gore kgoro e tšea nako ye telele go ba bušetša seo e lego sa bona, ba thabile kudu ka lebaka la gore e ba latelela ka gae. Le ge go tšewa nako ye telele go boledišanwa, go nyakwa go tsebja gore ke mang yo a swanetšego go hwetša naga, go be go tsebja gabotsebotse gore ke bona bengnaga tiiti, ga gona yo mongwe yo a swanetšego go ba moo nageng yeo ntle le bona. *(Translation of Sepedi paragraphs follows.)*

[... it doesn’t feel good to see someone forcefully taking your land from you and pressurising you to give away land without explaining to you the reason why they are taking your land using bribery.

Since November, when we were travelling around the whole country conducting public hearings, we have learnt that people are hurt. It is very sad to see tears rolling down the cheeks of an old woman and an old man who are over eighty years old, crying for their land, complaining that they are suffering from poverty; their grandchildren are also suffering from poverty because they are getting nothing from the land that has been given to them.

They are complaining about the dryness of the land because there is no rain. The ANC-led government has heard all these things. That is the reason why we are here to report to this House about what we heard and saw. It is this House that sent us to the people to find out how they feel about the reopening of the lodgement of restitution claims.

This Bill has made the lodgement of restitution claims easier. It is easier because now nobody will go from house to house filling in and printing forms for people, charging a fee to do so. The department made sure that everyone accesses the service from their homes because the departmental officers will visit them in their homes.

This means that what used to happen long ago when people lodged restitution claims has come to an end. People used to run around looking for the office of the department and some even got lost. This is the people’s government and therefore the people are going to enjoy home service. Even though the people are complaining that the department is taking long to process their claims, they are happy that the department is giving them the services in the comfort of their homes. The process takes long because they want to be sure who the rightful owner is; only the rightful owner should live on that land.]

The year 2013 marked 100 years since the notorious Natives Land Act, which gave the authorities the right to forcefully remove the indigenous people of South Africa from the rightful land of their forefathers. Today, as we speak, our government is confronted with the legacy of this Act and other pieces of legislation whose legacy manifested in the form of unemployment, poverty and inequality ...

... tšeo batho lehono ba rego re di tlogele re se ke ra di bolela. [... which people say we should not talk about these days.]

All of these are the result of a racially based system of land ownership that disrupted and destroyed land-based livelihoods and the economy of our black African people. It was reported in the year 2013 that since 1994, 3 million hectares of land have been awarded to qualifying claimants at a cost of more than R10 billion, of which R1,4 million has been transferred as at 31 March 2013.

Acknowledging that there is slow progress in terms of land redistribution, the President, in his state of the nation address, stated that:

There are proposed amendments of the Restitution of the Land Rights Act of 1994 in order to provide for the reopening of the lodgement of restitution claims by people who missed the deadline of 31 December 1998. Also to be explored are the exception of the 19 June 2013 cut-off date to accommodate the claims by the descendants of the Khoi and the San, as well as heritage sites and historical landmarks.

Se se ra gore mmušo wa go etwa pele ke ANC o a theeletša ka lebaka la gore batho ba o boditše gore malobeng, ba be ba palelwa ke go tliša dikgopelo tša bona pele ga mmušo ka ge ba be ba sa kgone go beakanya dipoledišano le, wona, ba sa kgone go hwetša tshedimošo ya gore ba lebe kae gore ba tle ba kgone go bušetšwa naga ya bona. *(Translation of Sepedi paragraph follows.)*

[This means that the ANC-led government listens to the people because the people indicated that they couldn’t lodge their restitution claims in the previous government because it was not possible for them to communicate with the government. They lacked information with regard to the lodgement of restitution claims.]

In spite of the attempts made by the ANC government to redistribute land among the people of South Africa, there are still many challenges. The issue of the closure of the lodgement of claims in 1998 is one of them. Land redistribution is an attempt by the ANC government to implement our land reform programme, guided by ANC policy.

The Freedom Charter stated that the land would be shared among those who lived on it. This meant that restrictions on land ownership on a racial basis would be ended and all the land redivided among those who worked it to banish famine and land hunger.

It also states:

The state shall help the peasants with implements, seed, tractors and dams to save the soil and assist the tillers;

Freedom of movement shall be guaranteed to all who work the land;

All shall have the right to occupy land wherever they choose.

Se se ra gore ga gona motho yo a tlago sepela Afrika Borwa ye ka moka gomme ya re ge a nyaka go dula felo fa go itšego, a ganetšwa, a bitšwa gore ga se modudi wa fao. [This means that if someone chooses to leave in any part of the country, they will not be denied that opportunity by anyone on the basis that they do not belong there.]

A perspective that has also contributed to the need for the Restitution of Land Rights Amendment Bill is the ANC’s reform Policy discussion document of June 2012. It states that with the experience of implementing the land reform programme since 1994 to date, the focus should be on the realisation of the constitutional injunction that the state, “must take reasonable legislative and other measures within its available resources to foster conditions that enable citizens to gain access on an equitable basis”. It is the ANC’s belief that government policy options must be designed and reshaped to respond to the challenges faced in the years before now. This must include institutional, legal and administrative challenges.

Let me share with you our experience while we were travelling throughout the country for this amendment. If you travel through South Africa, you would realise that there is a need to address the issue of land, which our hon Minister calls a national grievance. It is true; people are complaining.

There are great variations in our land’s landscape and differing contexts or conditions under which rural people live, especially black people. In a number of provinces, including Limpopo, the Eastern Cape, KwaZulu-Natal and the Free State, black people differ in many respects compared to some parts of the Western Cape province where, to a larger extent, rural people are living as farm workers on commercial farms. They are, in turn, very different from their counterparts from coastal areas, where subsistence fishermen face a daily battle for survival. Abject poverty and underdevelopment are the factors that make rural people similar to each other. Actually, in most rural villages people have lost all contact with the soil, subsisting almost completely on social grants and urban remittances.

These features of our society require us to revisit the past, which would give us a better understanding of the history of land dispossession and the damage it did the people of South Africa. They also consider the manner in which the settlers accumulated capital and laid the foundation for their own wellbeing at the expense of the indigenous people.

Se se ra gore kgoro e swanetše go tšea matsapa gore batho bao ba hwetšago naga ba se ke ba swana le bale ba e hweditšeng pele. Ba swanetše go lokišetšwa gore ba re go hwetša naga, ba e šome gore ba tle ba kgone go hwetša dijo. *(Translation of Sepedi paragraph follows.)*

[This means that the department has to do something to make sure that they do not just return the land to its people, like they did before. People who get the land must be able to use it productively so that they do not starve.]

On the Khoisan issue, the department has done a lot of work to engage the Khoisan leadership through workshops. There will also be another workshop to address their concerns. The department is also in the process of developing a policy that is going to address and accommodate the claims of the Khoisan people who were dispossessed prior to 1913.

Let me acknowledge that the issue of the Khoisan is highly complex and needs to be dealt with in a responsible manner.

... e seke ya tsenatsenwa fela, wa hwetša e le gore e ya hlakahlakantšhwa gomme ga e kgone go rarollwa ka mokgwa woo o swanetšego. [... we should not jump into it, to avoid messing up things instead of addressing it in the proper way.]

The ANC government, understanding all the problems it has to grapple with, needs to make sure that the divisions of the past are done away with through legislation that gives power and support to the most vulnerable group of people in our society, while at the same time supporting and monitoring land use by beneficiaries.

Re dira boipiletšo go lefapha gore le leke go potlakiša dipoledišano le MaKhoisane ka mo Afrika Borwa gore le bona re re ge re re re ka mo nageng re MaAfrika Borwa le bona ba ikgantšhe ka gore ke MaAfrika Borwa aole onaa bušeditšwego naga ya bona. Ge re sepela le naga re kwa batho ba lla ka gore dikgopelo tšela tša go dirwa ka 1998 di swanetše gore di potlakišwe. Ke nnete, di swanetše go potlakišwa gore batho ba be le tsebo ya gore dikgopelo tša bona tšeo di tlago, di tlile go swarwa bjang.

Ka mokgwa wo, lefapha le dirile gore dikgopolo tšeo di tšweleditšwego ke batho ka tsela ye, di akaretšwe mo Molaokakanyweng wo. Ka mokgwa wo, ba hlotše ka lebaka la gore dikakanyo le dikgopolo tša bona go ya ka mokgwa wo re ithutilego ka gona go tloga kua morago, di akareditšwe mo Molaokakanyweng wo. Ke re naga ya Afrika Borwa ga e boele go beng ba yona. Re swanetše re potlakiše tshepetšo ya go bušetša naga go beng ba yona. Ke a leboga. *(Translation of Sepedi paragraphs follows.)*

[We are pleading with the department to fast-track their communication with the South African Khoi and San, so that they get their land back and rejoice like other South Africans who got their land back. As we travelled around the country, we heard people complaining that the claims lodgement made in 1998 should be addressed urgently. It’s true; this needs to be addressed urgently so that people may know how their next applications are going to be processed.

The department made sure that the claims that were made in this way should be included in the Bill. We have learned that their suggestions and opinions are included in this Bill. The South African land has to be given back to its rightful owners. We need to fast-track the land restitution process. Thank you.]

The SPEAKER: Hon members, before I invite the hon Bhoola to the podium, I just want to make a small announcement. I am informed that members are unable to view the speakers’ list on their screens. There is a technical problem and technicians are working on it. They are trying to reboot it and hopefully the system will be up and running by tomorrow.

Mr R B BHOOLA: Mr Speaker, given the turbulent history of land ownership in this country, it is imperative to address the atrocities of the past. It is indeed common knowledge that the hardest-hit communities are the black, Indian and coloured communities.

This Bill seeks to extend the date for lodging claims for restoration to 30 June 2019. The MF welcomes this, as many deserving persons and communities were dispossessed of their land rights as a result of the racially discriminatory laws and practices of the apartheid regime. It is estimated that at least 3,5 million individuals were forcefully removed between the years 1960 and 1982. If we took into account the forced removals that took place as a result of betterment and homeland consolidation, the figure would be closer to 7,5 million. However, less than 80 000 claims for restitution were lodged before the cut-off date of 31 December 1998.

We welcome this extension as we must consistently preserve these rights and march forward to ensure that the sentiments expressed by the President in the state of the nation address regarding the issue of tenure are implemented and that the poor are given preference.

Hon Minister, you are right to zoom in on the hardship of the poor and suffering masses. The vast majority of our country is still confined to a small portion of the land. The Restitution of Land Rights Amendment Bill will give rural communities specifically an opportunity to get back what is historically theirs. The MF has previously called for a 2030 vision that included everyone owning a piece of land.

While this new Restitution of Land Rights Amendment Bill is vital to address the issues of the past, the fact that a minimal number of beneficiaries have engaged in the efforts to reacquire their rights is evidence that the relevant information has not been correctly disseminated. Therefore the MF calls for more education to intensify our people’s knowledge about the land claims and restitution.

Many of these communities faced challenges in the application processes, while many others were not aware of the process and were thus excluded from laying claim to what was historically theirs. Apartheid has indeed left a terrible scar on our country. We cannot just brush it away. We need to provide relevant and specific pieces of legislation that respond to the current issues in a progressive climate. We cannot have outdated pieces of legislation that hurt the suffering masses.

In addition, we welcome the inclusion of the subsection that states that the commission shall establish and keep a register of all restitution claims from the date of the enactment of the Restitution of Land Rights Amendment Act of 2014.

It is imperative that we account for the progress we have made in rectifying the injustices and inequalities of the past. Yes, indeed, for far too long our people have been excluded and marginalised. We have enjoyed political freedom. The time has now come for us to enjoy economic and land-rights emancipation unfailingly and uncompromisingly. The MF supports the Bill. [Applause.]

Mr K J MILEHAM: Speaker, the DA acknowledges the injustice of the 1913 Natives Land Act and subsequent apartheid legislation in skewing land ownership patterns in South Africa and depriving her people of their wealth and opportunity. We recognise that land reform and land restitution require bold and decisive steps to address these injustices.

But, hon Speaker, this government and this Bill in its current form are not going to do it. Under the ANC, the process of land restitution has stalled and no end is in sight for claims lodged under the previous window period. Tales of corruption and maladministration are rife, as my colleague the hon Swathe has mentioned. An investigation into the restitution process by the Special Investigating Unit found illegal land grants to the value of at least R96 million; 636 examples of nonexistent or false beneficiaries; the forgery of valuation documents; and the family members of officials being listed as beneficiaries. If this is part of “the good story”, then it reflects very poorly on the ANC government.

The chairperson of the committee, hon Thibedi, exposed this Bill for its true colours. This Bill is pure electioneering. Here are a few examples: Minister Nkwinti mentioned the exceptions for the Khoi and San, but this Bill makes no mention of the exceptions. Also, it does not address claims prior to 1913 and there are 8 000 claims that remain unsettled 15 years after the close of the last claim window period. That is not “a good story”. It is not indicative, hon Thibedi, of a caring government. It is indicative of a cruel government. What this Bill does is raise hopes with rhetoric. It heightens expectations and dashes them with a lack of resources and capacity. That is the cruellest election gimmick of them all.

The DA therefore proposes the following amendments to strengthen this legislation, to ensure the constitutional rights of all South Africans and to better facilitate a fair, open and effective land restitution process: Firstly, it is of vital importance that the reopening process be properly communicated. Everywhere we went during the public participation process, we heard complaints that people had not heard about the earlier land claims deadline, or they were not properly informed of how to go about submitting a claim. The DA proposes that an intensive six-month media and communication campaign be rolled out across the country before the window is opened. Once that communication campaign is concluded, we propose that a limited claims window be opened.

The DA proposes that the cut-off for new claims be limited to 30 June 2015. This will provide owner, investor and producer certainty. Those conditions are inextricably linked. Unless a proper communication programme is implemented, the claims process will indubitably fail. But, we go one step further. We propose that this needs to be the last claim window, and that anyone who submits a claim must show good cause as to why they had not claimed during the earlier claims window. Frankly, the failure to properly communicate the land claims process should suffice in that regard.

Then we propose that the nomination and appointment of land claim commissioners be handled through parliamentary procedures, on the recommendation of a multiparty committee - along the lines of the Chapter 9 institutions. This will ensure a more impartial and better qualified commission than the one that is left entirely to the Minister’s discretion.

We also recommend that the investigation and verification of claims be outsourced to a private contractor that has the appropriate skills and resources to provide an even-handed analysis of the merits of each claim in as speedy a manner as possible. One of the most frequent complaints we heard was that the claims take far too long to process. This addresses exactly that issue.

A further factor that we must take into consideration is that when a claim is challenged, the commission carries all the costs for the claimant, while the landowner bears the burden of his or her own legal costs. That can frequently run into millions of rands. We propose that the commission should be responsible for the legal costs of all parties where a matter is referred to the Land Claims Court. One possible side-effect, apart from easing the burden on the landowner, is that fewer claims should end up in court if the commission is doing its job properly.

We have been saying for a long time that the reopening of the land claims is unsustainable if government fails to allocate adequate funding to settle all new and existing claims. With an estimated R18 billion required to settle the outstanding claims from the first claims window, and a further R179 billion necessary to settle the new claims, it appears that this is yet another unfunded election promise the ANC has no intention of delivering on. We therefore demand that the necessary funding to settle both new and existing claims be put in place in the Medium-Term Expenditure Framework before the window is opened.

The slow pace of land reform and land restitution are part of the horror story that Zuma’s government uses to divide this country. This is a complaint from all parts of South Africa. The DA recognises that the pace of land restitution needs to be significantly increased, and therefore proposes that the commission be set a six-year deadline from the date that the lodgement window closes to settle all claims. This will again provide certainty for landowners, commercial agriculture and investors, and it will ensure that claimants have their claims speedily dealt with.

Mr G D SCHNEEMANN: Speaker, I rise on a point of order. The speaker at the podium and the other DA speakers today kept on referring to the President as “Zuma”. He is actually President Zuma. Can we ask that they refer to him as the President? Thank you.

Mrs S V KYLAN: Speaker, may I address you on the same point of order? I would like to know what your ruling will be on that because earlier during the debate they referred to the premier of the Western Cape as “Zille”. There has to be equal measure when we are addressing the leaders in our country.

The SPEAKER: Order! What equal measure are you talking about, Madam?

Mrs K J KALYAN: That if the ... [Interjections.]

The SPEAKER: Order! It is a courtesy. He is the President of the country. He is not the President of the Assembly.

Mrs K J KALYAN: Mr Speaker, the same courtesy should apply to the leader ... [Interjections.]

The SPEAKER: Order! I did not give you the right to speak. I gave only one person the right to speak and she has the floor. Continue, hon member.

Mrs K J KALYAN: Mr Speaker, earlier this afternoon we requested that the same courtesy be extended to the Premier of the Western Cape, Helen Zille, who is also a member of this House when there is a Joint Sitting. We asked that she be referred to as the hon member or the premier. So, we are asking that the same courtesy should apply.

The SPEAKER: Order! Yes, the same courtesy should be applied to premiers. He is President Zuma, not “Zuma”.

Mr K J MILEHAM: Lastly, we need to address the issue of food security and productivity. My colleague, hon Steyn, has spoken about this extensively, so suffice to say that South Africa cannot afford to have productive farm land become unutilised and barren. By Minister Nkwinti’s own admission, 90% of land restitution has failed to keep the land productive. Despite the claims of the ANC, it is not the willing-buyer, willing-seller principle that has failed. It is the ANC’s own administration. We therefore propose that where productive agricultural land is claimed, either alternative state-owned land be offered in restitution or financial compensation be paid out, or where the farmer is willing to sell his or her property, an approved business plan and adequate funds, equipment and other resources be provided before transfer takes place.

We have always supported restitution in principle. It is our belief that land restitution can work, but only if it is done in an open, fair and efficient manner. The failure to implement such a land restitution process actually jeopardises all the property rights guaranteed by the Constitution.

The DA’s support of this Bill is conditional on the passing of the amendments I have proposed. Thank you. [Applause.]

Nkosi Z M D MANDELA: Speaker, Ministers, Deputy Ministers, hon members and our distinguished guests in the gallery, good evening.

As we continue mourning the passing of the founding father of our young democracy, His Excellency former President Nelson Rolihlahla Mandela, Dalibhunga, allow me to thank the ANC-led government, fellow South Africans, our brothers and sisters on the entire continent of Africa, and the whole global community for the support you had given Umzukulwana kaMandela while he had been hospitalised and the dignity you bestowed upon him as we all gathered to bid farewell to him and pay our last respects to the son of Nkosi Mphakanyiswa and Nkosikazi Nosekeni, who was proudly known to the AbaThembu nation as Nkosi Dalibhunga, and to the members seated on my the right in this august house, he was simply known as Comrade Mandela.

Ukuba bendinguMfundisi wamaWeseli bendiza kuphakamisa amadodana namhlanje avume ilinye lamaculo lawo. Kodwa namhlanje ndingene kule Ndlu yoWiso-mthetho ebekekileyo, ndivuma ingoma ethi: Thina sizwe sabamnyama sikhalela ilizwe lethu. Elathathwa ngabamhlophe. [Kwaqhwatywa.] Mabawuyeke, mabawuyek`umhlaba wethu. Ndivumele ke Somlomo ndityhile kumqulu wasekhaya, i*Long Walk to Freedom* ... *(Translation of isiXhosa paragraph follows.)*

[If I were a Methodist Church Reverend, I would ask their men’s guild to sing one of their hymns. But today I’m in the National Assembly, and I sing this song: We, the black nation, are fighting for our country; that was taken by the whites. [Applause.] They must leave our land. Allow me, hon Speaker, to page through the book of my family, *Long Walk to Freedom* ...]

... written by our hero and global icon, Nelson Rolihlahla Mandela. When our founding father entered manhood upon circumcision, Nkosi Meliqili Mtirara had the following to say to the young initiates:

There sit our sons, young, healthy and handsome, the flower of the Xhosa tribe, the pride of our nation. We have just circumcised them in a ritual that promises manhood, but I am here to tell you that it is an empty, illusory promise, a promise that can never be fulfilled. For we Xhosas, and all black South Africans, are a conquered people. We are slaves in our own country. We are tenants on our own soil. We have no strength, no power, no control over our own destiny in the land of our birth. They will go to cities where they will live in shacks and drink cheap alcohol, all because we have no land to give them where they could prosper and multiply.

It was this reality that propelled His Majesty King Dalindyebo and founding father Dr Benson Rubusana to embark on a journey of establishing the South African Native Congress, SANC, in 1906, which went national in 1912 as the South African Native National Congress, SANNC. Like his predecessors, such as Dube, Makgatho, Mahabane, Gumede, Seme, Xuma, Moroka, Luthuli and Tambo, uMandela and his successors, former President Mbeki and our very own President Nxamalala kaZuma, with many soldiers of our revolution, joined the struggle for liberation primarily to restore the denial of this basic human right to the land of their forefathers, which had been stripped away from them. It is in this regard that the first president of the ANC, John Langalibalele Dube, in his response to the notorious Natives Land Act, No 27 of 1913, said that:

Europeans will never know the pain Africans felt by being forcibly driven off the land of their birthplace.

The ANC, in its commitment to resolving the plight relating to land, fully adopted the Freedom Charter at the Congress of the People in Kliptown on 26 June 1955. The Freedom Charter declared 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.

From its inception, the ANC has committed itself to the redistribution of land to our people. This is why this process must be handled with the utmost care.

The ANC-led government, since 1994 and up to the third quarter of 2013, has acquired, through the redistribution programme, 4 281 372 ha and through restitution 3 048 333 ha of land, giving us a total of 7 329 705 ha of land, which is just 30% of the department’s target of 24,5 million ha. Indeed, this is a good story to tell. [Applause.] This has not been without challenges, as a result of the failure of the willing-buyer, willing-seller policy and the inflation of prices by farmers of identified land.

We held public hearings from the first week of November until the end of January. In province after province, South Africans are eager for the reopening of land claims, particularly those who missed out on the first opening from 1994 to 1998. We have continuously pleaded with our people, saying that this opening seeks to ensure that land ownership is restored to them as a means to deracialise land ownership. We do hope that through this process, our people will opt for land rather than money.

To our surprise, upon returning to this august house, colleagues in the opposition, namely the hon Mileham, raised issues about a lack of funds for this Bill. Let me remind him that this Bill is on the government’s fiscal agenda and in less than 24 hours from now, the hon Pravin Gordhan will allocate more funds to this programme of restitution and redistribution of land to our people, as a continuous process that allows our people to gain access to land. The stance taken by hon Mileham comes as no surprise, because even the madam, or perhaps the honourable member – I am not sure exactly what Zille should be called ...

HON MEMBERS: Premier!

Nkosi Z M D MANDELA: ... but Madam Zille has no confidence in him, as she referred to the hon member as being new and not being aware of how caucus processes around policy work. That is your very own premier, as you say. The DA still doesn’t have a policy on the reopening of land claims and is waiting on the madam to complete work on the position paper. As a portfolio committee, we passed a report recommending that land claims should remain open until June 2019. In an act of desperation, they want to amend the report and have the period reduced to one year, which is ridiculous. We cannot have the dispossession of land from our people, inflicted over more than 300 years, and then be expected to deal with it carelessly within a year. This is a process that will run until there is no single claim left and the injustice has been corrected.

You have been warned by AfriForum not to disregard your voters’ interests and to use them as “voting cattle”. We can never be forced to rush this process solely for the sake of the minority and neglect the interest of the majority, who elected us, the ANC, to look after their interests. You represent the minority that owns the vast majority of our land, while we, the ANC, represent the majority, who are still denied access to the land of their forefathers.

The Hon Swathe ... re rate naga efe yeo re senago yona. Botatago le bagolo ba rena ba hloka naga ya bona; bjale o rata gore re hlokomele naga efe yeo re senago yona. [Lesego.] [Legoswi.] [... which land should we love? Your fathers and the elders do not have land, but you are saying that we should look after land that we do not have. [Laughter.] [Applause.]]

The opposition, as led by the young and inexperienced hon Lindiwe Mazibuko today, in her absence, wants to regard land not as a human right, but as a tool for rallying votes. No wonder her own party has no confidence in her as the Leader of the Opposition, nor in Madam Zille as a presidential candidate for the election, opting instead to rent a black person in the form of Dr Mamphela Ramphele. Then they continue to seek your vote! Do not be a part of that confusion, I say to the voters of South Africa. [Interjections.] Land reform is not an event to be dealt with as a once-off but a continued process that the ANC-led government has committed itself to in an effort to ensure that all South African have access to land.

In conclusion, allow me to close with another quote from Nkosi Meliqili, as stated in *Long Walk to Freedom*, because I see it fit that land redistribution will ensure that Africans will never again have to –

... cough their lungs out deep in the bowels of the white man’s mines, destroying their health, never seeing the sun, so that the white man can live a life of unequalled prosperity.

To the Deputy Minister and hon Steyn, I would like to say that we are not the skunk of the world. Black people are competent and capable. Like your ancestors, they need to be supported by our government. We therefore call on all our people, particularly women and youth, to take up the baton from our founding father, former President Mandela, and march on. He may no longer be with us, but his spirit lives through us. Let us unite to defend this young democracy of ours. On 7 May, in honour of the fallen heroes and heroines, we will defend this democracy. [Applause.] We will defend this land of our forefathers.

I pray that, as Comrade Mandela establishes the first ANC branch in heaven, he can call on the fallen heroes and heroines of our country to convene a meeting with the Lord our God to release our land back to its rightful owners, like He released the land to the Israelites. I thank you. [Applause.]

The MINISTER OF RURAL DEVELOPMENT AND LAND REFORM: Thank you, hon Speaker. Firstly, I would like to thank all the hon members who participated in the debates and particularly those who supported the Bill, including those who did so tongue-in-cheek. Thank you very much. We take note of the fair criticism and we will continue to correct those issues. Thank you very much for that.

Secondly, we received about 79 000 claims during the first window. Of those 79 000 claims, 71 292 were for financial compensation. A lousy 5 867 were for land restoration. It should not happen this time.

We have already developed a land claims manual for the common citizenry of our country. It is written in all 11 languages, including the main languages spoken by the Khoi and the San population of our country. It will be distributed across the country. We will campaign this time to make sure that our people understand exactly what is expected of them.

Siza kuyenza loo nto. Siza kuya kubo abantu bakuthi ukuqinisekisa ukuba kwesi sihlandlo sizayo abakhethi mali. Imali ifana neqampuza lamanzi anesepha, ukuba libethwe ngumoya liyaphela. Sifuna ukuba bakhethe umhlaba kuba umhlaba likamva labo.

Okwesithathu, lo mpoposho wenziwa liqela le-DA, lithumela ilungu layo elisedyongo kakhulu nelisenamabhongo okuya phambili, yingxaki kadyakalashe nezinja. [Kwahlekwa.] Uyabona, xa izinja zingamazi udyakalashe, kubakho ingxaki xa kuzingelwa. Udyakalashe uvela angene apha phakathi kwezinja, azingele nazo. Ziyabaleka zikhangela udyakalashe, kanti nanku apha phakathi kwazo. Utsho ke laa mpoposho. Abantu bakuthi bangakhe balinge bangene kulaa nto yokuba ikhomishoni iwele kumaziko karhulumente axhasa ulawulo lwentando yesininzi ngokwenkqubo yoMgaqo-siseko. Hayi, ngudyakalashe nezinja. *(Translation of isiXhosa paragraphs follows.)*

[We will do that. We will advise our people and make sure that this time around they are not going for the money. Money does not have value; you get it, use it and it’s gone, just like that. We want them to take land, because it is their future.

Thirdly, in the campaign by the DA, they send their member, who is still immature and gullible; a story of a jackal and dogs. [Laughter.] Look, when the dogs do not understand the jackal, they experience problems when they are hunting. The jackal manages to camouflage itself as one of the dogs, and hunt with them. They will run and look for the jackal, while the jackal is there amongst them. Their campaign is like that. Our people must not agree to the commission being under the institutions of the democratic government as stated in the Constitution. No, that would just be the same as the story of the jackal and the dogs.]

Daardie was die storie van die jakkals en die honde – honde wat nie die jakkals verstaan nie. Die jakkals kom tussen die honde in en blaf dan saam met die honde. Ja! [Gelag.] [That is the story of the jackal and the dogs – of the dogs not understanding the jackal. The jackal is among the dogs, and then barks with them. Yes! [Laughter.]

That is what this hon member is trying to do. We cannot fall into that trap. We must just be steadfast and move on; that is all we need to do. They will never be with us. They never will. They own the land.

So, hulle is die jakkals. Hulle wil ons nou jaag. Ons is die honde. Ons jaag mos die haas, en dan jaag julle vir ons. Dit kan nie so werk nie. Ons kan nie so maak nie. [Gelag.] [So, they are the jackal. They now want to chase us, because we are the dogs. We chase the rabbit, and you chase us. It cannot work that way. We cannot do this. [Laughter.]]

Fourthly and lastly, there is a fundamental difference between their approach and ours. Their approach is that land restitution is a project and it must be done as soon as possible so that we can keep our land. That is their project. Ours is a programme. [Interjections.] Let me say this slowly: Land restitution is a programme for social justice and as a programme for social justice it is endless. [Applause.] We must make them understand.

Masibenze bayiqonde le nto ukuba le nto asiyonto iza kwenzeka ngoku, iphele kule nyanga izayo okanye kulo nyaka ungaphaya kwalo uzayo. Iza kuqhuba, ngoba umhlaba wathathwa ebantwini iminyaka engama-300 uthathwa ebantwini ngeemfazwe. Ngoku thina sililizwe lentando yesininzi, ilizwe loMgaqo-siseko ... *(Translation of isiXhosa paragraph follows.)*

[They must understand that this is not going to happen overnight; it is not something that will be finalised next month or a year after. It will take time, because the land was taken away from people over a period of more than 300 years through wars. We are now a democratic country, the country guided by the Constitution ...]

... and we are bringing back the land through the law and to the extent that we are able to service that objective through our fiscus, we will do so.

Ngoku bona bangxamile kuba bangxamele ukuba side siyigqibe le nto baze baphelelwe lixhala. Hayi khona, ngekhe kubenjalo. Ukuba kunganjalo, inganguphela sonwabe. *(Translation of isiXhosa paragraph follows.)*

[Today they are in a hurry because they want us to rush through this whole process. No, it will never be like that. If it happens like that, it will just be a futile exercise.]

It is an endless programme. Yes, it does intensify during elections, like now. [Interjections.] That is true, but it is not electioneering, but it intensifies during elections because it is our revolutionary task to ensure that our people will support us because we are the ones who will restore the land to them, not you. You will never do that. Thank you very much. [Applause.]

Debate concluded.

The SPEAKER: I thank the hon Minister. [Interjections.] Order, hon members! Order! That concludes the debate on the Bill.

Amendments to the Bill have been proposed in terms of Assembly Rule 254 and published on the reprinted Order Paper in the name of the hon K J Mileham. In terms of Rule 254/5(b) I have decided to put the amendments for decision by the House. The amendments that have been proposed are contained in 10 clauses, some of which are already part of the Bill, while others are new. 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 in the Order Paper.

Amendments to the Bill put, as printed on the Order Paper (p 42), namely:

**CLAUSE 1**

1. On page 2, in lines 5 and 6, to omit “**[31 December 1998]** 30 June 2019” and to substitute “**[31 December 1998]** 30 June 2015”.
2. On page 2 in line 6 after “2019” to insert:

No claims will be entertained after this date, and no further window for the restitution of land claims shall be opened.

1. On page 2, after line 6, to insert the following paragraph:
2. *“(b)* by the insertion after subsection (4) of the following subsection:

“(5) A claim submitted after 31 December 1998 but before the date specified in section 2(1)(e) will be considered invalid, unless the claimant can show good cause as to why the claim was not lodged during the window period ending 31 December 1998.”.”

**NEW CLAUSE**

1. That the following be a new Clause:

**Amendment of section 4 of Act 22 of 1994**

**1A.** Section 4 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

1. The Commission shall consist of a Chief Land Claims Commissioner appointed by the Minister on recommendation from a multi-party committee of Parliament and approved by the National Assembly and the NCOP, after inviting nominations from the general public, a Deputy Land Claims Commissioner similarly appointed and as many regional land claims commissioners as may be appointed by the Minister on recommendation from a multi-party committee of Parliament and approved by the National Assembly and the NCOP.

**CLAUSE 2**

1. On page 3, after line 3, to insert:
*“(d)*by the substitution for paragraph (*c*A) of the following paragraph:

(*c*A) appoint through a competitive bidding process an independent service provider, registered with the Independent Regulatory Board for Auditors to investigate the merits of claims contemplated in paragraph *(a)*.

**NEW CLAUSE**

**Amendment of section 10 of Act 22 of 1994**

1. Section 10 of the principal Act is hereby amended by addition after subsection (6) of the following subsection:

(7) Prior to accepting any claim, the Commission shall ensure that the land claims process is properly communicated through national and regional media, and through provincial and regional workshops.

**CLAUSE 3**

 1. On page 3, in line 11, after “situated” to insert:

 , within 6 months of the date of commencement of this Act

**NEW CLAUSE**

 1. That the following be a new Clause:

**1.** Section 14 of the principal Act is hereby amended by the insertion after subsection (7) of the following subsection:

(7A) The costs associated with referring any matter to the Land Claims Court, whether by the Commission, the claimant or the landowner, shall be borne by the State at the scale of attorney-and-client costs.

**CLAUSE 11**

 1. On page 4, in lines 48 and 49, to omit “**[31 December 1998]** 30 June 2019” and to substitute “**[31 December 1998]** 30 June 2015”.

**CLAUSE 12**

 1. On page 5, in line 6, to omit “**[31 December 1998]** 30 June 2019” and to substitute “**[31 December 1998]** 30 June 2015”.

**NEW CLAUSE**

**Amendment of section 42E of Act 22 of 1994**

**14.** Section 42E of the principal Act is hereby amended by the insertion of the following subsections:

“(6) Where productive agricultural land is the subject of a land claim –

1. and, within 6 months of the claim being gazetted, the landowner is willing to sell the land, restitution of an appropriate right in such land shall be transferred to the claimant/s only if a business plan approved by the Department and adequate funds, equipment, and other resources for ensuring the continued productivity of the land are provided by the Department and/or the claimant/s; or

*(b)* the landowner is unwilling to sell the land, restitution shall be made –

1. by transferring to the claimant/s an appropriate right in State-owned land or such land as the State may acquire; or
2. through financial compensation to the claimant/s.”.

**NEW CLAUSE**

**Insertion of section 42F in Act 22 of 1994**

**15.** The following section is hereby inserted in the principal Act after section 42E:

 “**Financial arrangements**

**42F.** No provision of this Act shall be of any force or effect unless a budget has been allocated to the Department in terms of the Medium Term Expenditure Framework which is sufficient to settle all claims arising from this Act within 15 years of the date referred to in s2(1)*(e)*. “.

The SPEAKER: Order! If there are parties who wish to record their objections, these will be noted.

Mr J H STEENHUISEN: Mr Speaker, please will you record the dissension of the DA. [Interjections.]

The SPEAKER: Order, hon members! Order!

Dr C P MULDER: Mr Speaker, we ask for a division on the amendments. [Interjections.]

The SPEAKER: Order, hon members! Order! A division has been called for and the bells will be rung for five minutes.

Division demanded.

The House divided.

AYES - 61: Alberts, A D; Boinamo, G G; Bosman, L L; Coetzee, T W; De Freitas, M S F; De Goede, J; Dreyer, A M; Du Toit, N D; Duncan, P C; Eloff, E H; Esau, S; Farrow, S B; George, D T; Groenewald, P J; Harris, T D; Hoosen, M H; James, W G; Kalyan, S V; Kloppers-Lourens, J C; Kohler-Barnard, D; Kopane, S P; Lamoela, H; Lee, T D; Lorimer, J R B; Lotriet, A; Marais, E J; Max, L H; Maynier, D J; McIntosh, G B D; Mileham, K J; Mnqasela, M; Mokgalapa, S; More, E; Motau, S C; Mulder, C P; Mulder, P W A; Ollis, I M; Rabie, P J; Robinson, D; Rodgers, F A; Ross, D C; Sayedali-Shah, M R; Schäfer, D A; Schmidt, H C; Selfe, J; Shinn, M R; Smalle, J F; Smiles, D C; Smuts, M; Steenhuisen, J H; Steyn, A; Steyn, A C; Stubbe, D J; Swart, S N; Swart, M; Swathe, M M; Terblanche, J F; Van der Linde, N J; Van der Westhuizen, A P; Van Schalkwyk, H C; Waters, M.

NOES - 217: Adams, P E; Bam-Mugwanya, V; Bapela, K O; Berend, S R; Beukman, F; Bhengu, P; Bhengu, F; Bhoola, R B; Bikani, F C; Bonhomme, T; Booi, M S; Borman, G M; Boshigo, D F; Bothman, S G; Burgess, C V; Cebekhulu, R N; Cele, M A; Chikunga, L S; Chili, D O; Chiloane, T D; Chohan, F I; Coleman, E M; Cronin, J P; Dambuza, B N; Daniels, P N; Davies, R H; De Lange, J H; Diale, L N; Dikgacwi, M M; Dlakude, D E; Dlodlo, A; Dlomo, B J; Dlulane, B N; Dubazana, Z S; Dube, M C; Duma, N M; Dunjwa, M L; Fransman, M L; Fubbs, J L; Gasebonwe, T M A; Gaum, A H; Gcwabaza, N E; Gelderblom, J P; Gina, N; Gololo, C L; Goqwana, M B; Hajaig, F; Hanekom, D A; Jeffery, J H; Joemat-Pettersson, T M; Johnson, M; Kekana, C D; Kenye, T E; Kganare, D A; Kholwane, S E; Khumalo, F E; Khunou, N P; Kilian, J D; Koornhof, N J J; Koornhof, G W; Kubayi, M T; Landers, L T; Line-Hendriks, H; Lishivha, T E; Luyenge, Z; Maake, J J; Mabasa, X; Mabedla, N R; Mabuza, M C; Madlala, N M; Magagula, V V; Magama, H T; Magubane, E; Magwanishe, G; Mahomed, F; Makasi, X C; Makhuba, H N; Makhubela-Mashele, L S; Makhubele, Z S; Makwetla, S P; Malale, M I; Malgas, H H; Maluleka, H P; Maluleke, J M; Manamela, K B; Mandela, Z M D; Manganye, J; Mangena, M S; Mashatile, S P; Mashiane, L M; Mashishi, A C; Masilo, J M; Masutha, T M; Mathale, C C; Mathebe, D H; Mathibela, N F; Matlanyane, H F; Matshoba, J M; Maunye, M M; Mavunda, D W; Mayatula, S M; Maziya, A M; Mbalula, F A; Mdakane, M R; Mfeketo, N C; Mfulo, A; Mgabadeli, H C; Mjobo, L N; Mkhulusi, N N P; Mkhize, H B; Mlambo, E M; Mmusi, S G; Mnisi, N A; Mocumi, P A; Mohai, S J; Mohale, M C; Mokoena, A D; Molebatsi, M A; Molewa, B E E; Moloi-Moropa, J C; Moloto, K A; Morutoa, M R; Moss, L N; Motimele, M S; Motlanthe, K P; Motsepe, R M; Motsoaledi, P A; Mpontshane, A M; Msweli, H S; Mthethwa, E N; Mtshali, E; Mufamadi, T A; Mushwana, F F; Nchabeleng, M E; Ndabandaba, L B G; Ndabeni, S T; Ndebele, J S; Ndlazi, A Z; Ndlovu, V B; Nelson, W J; Ngcengwane, N D; Ngcobo, B T; Ngcobo, E N N; Ngonyama, L S; Ngubeni-Maluleka, J P; Ngwenya, W; Ngwenya-Mabila, P C; Nhlengethwa, D G; Njikelana, S J; Njobe, M A A; Nkwinti, G E; Nonkonyana, M; November, N T; Ntapane, S Z; Ntuli, B M; Nwamitwa-Shilubana, T L P; Nxesi, T W; Nxumalo, M D; Nyalungu, R E; Nyanda, S; Nyekemba, E; Nzimande, B E; Oliphant, M N; Oliphant, G G; Oosthuizen, G C; Pandor, G N M; Peters, E D; Petersen, P; Phaliso, M N; Pilane-Majake, M C C; Pilusa-Mosoane, M E; Pule, D D; Radebe, G S; Radebe, B A; Ramatlakane, L; Ramatlhodi, N A; Ramodibe, D M; Saal, G; Schneemann, G D; Segale-Diswai, M J; Sekgobela, P S; Selau, G J; September, C C; Shabangu, S; Sibanyoni, J B; Sibiya, D; Sindane, G S; Singh, N; Sisulu, L N; Sithole, K P; Sithole, S C N; Sizani, P S; Skosana, J J; Sogoni, E M; Sonto, M R; Sosibo, J E; Surty, M E; Swanepoel, D W; Thibedi, J D; Thomson, B; Tinto, B; Tlake, M F; Tobias, T V; Tseke, G K; Tsenoli, S L; Tshabalala, J; Tshwete, P; Tsotetsi, D R; van Rooyen, D D ; Van Wyk, A; Wayile, Z G; Xaba, P P; Xasa, T; Ximbi, D L; Xingwana, L M; Zikalala, C N Z; Zulu, B Z.

Amendments accordingly negatived.

The SPEAKER: Order! Hon members, please take your seats.

Dr C P MULDER: Mr Speaker, may I address you?

The SPEAKER: Order! Please go ahead, sir.

Dr C P MULDER: Thank you, Mr Speaker. An opportunity for declarations of vote has not been given. May we request a declaration?

The SPEAKER: Order! Hon member, I was getting to that. That is what I was going to say next, when you jumped in. [Interjections.] [Laughter.]

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

*Declarations of vote*:

Mnr P J GROENEWALD: Agb Speaker, ons het verlede week ook in hierdie Raadsaal ’n debat en ’n stemverdeling gevra oor sekere voorstelle oor hierdie Wetsontwerp op die Herstel van Grondregte. Dit het toe spesifiek gegaan oor die beginsel dat grondeise heropen kan word. Die VF Plus het baie duidelik uitgespel wat die probleme is wat onsekerheid gaan veroorsaak as grondeise heropen word.

Hier was netnou ’n debat. Die leier van die VF Plus, dr Pieter Mulder, het uitgewys presies wat die gevolge sal wees as daar weer ’n venster vir die indiening van eise oopgemaak word.

Hierdie voorstelle van die DA doen tog presies dieselfde. Die voorstelle en die wysigings wat voorgestel word, vra nog steeds dat grondeise heropen word, sodat mense nuwe eise kan indien. Dit bedreig eiendomsekerheid in Suid-Afrika en daar is baie gevolge wat daarmee saamgaan.

Grond is ’n ernstige, emosionele saak. [Tussenwerpsels.] Dit is ’n jammerte dat die ANC en die DA speletjies daarvan maak om die steun van die kiesers te kry. [Tussenwerpsels.] Met hierdie voorstelle is die DA besig om vir die kiesers daar buite te sê, “Ek kul jou hier, ek kul jou daar, en siedaar, jy is verneuk!” [Tussenwerpsels.] Aan die einde van die dag weet hulle dat die bykomstige wysigings wat hulle voorstel nie prakties haalbaar is nie.

Hulle het gekom met hierdie voorstelle omdat hulle weet die ANC gaan dit afstem en sodat hulle dan vir een groep kiesers kan sê, “Maar sien julle, ons het teen die wet gestem.” Vir die ander groep wil hulle sê, “Maar weet julle, ons was daarvoor! Ons het gevra dat die eise weer oopgestel word.”

Die VF Plus doen ’n beroep op die agb lede om nie die kiesers te misbruik vir kanonvoer om hul eie agendas te bevorder nie. [Tussenwerpsels.] Die beginsel om te sê, “Ons heropen grondeise” skep daardie onsekerheid. Dit bedreig voedselsekerheid in Suid-Afrika. [Tussenwerpsels.] Of u nou wil argumenteer en sê dat dit net vir ’n jaar is, en of tot 2018 is, die beginsel bly dieselfde.

Daarom doen ek ’n beroep op die agb lede van hierdie Huis om te dink waarmee hulle besig is. Ons weet dis ’n verkiesing, maar hou op om woer-woer met die kiesers te speel. [Tussenwerpsels.] Aan die einde van die dag sal dit na die agb lede toe terugkom.

Die DA is soos ’n man met bloedvergiftiging in sy been tot bokant sy heup. [Tussenwerpsels.] Al wat hulle nou wil doen, is om die been onder die knie af te sit. Die bloedvergiftiging gaan nog steeds versprei. Ek dank u. [Tussenwerpsels.] [Gelag.] *(Translation of Afrikaans declaration of vote follows.)*

[Mr P J GROENEWALD: Hon Speaker, last week in this House we also asked for a debate and a division on certain amendments regarding this Restitution of Land Rights Amendment Bill. At that stage the issue related to the principle that land claims should be reopened. The FF Plus clearly indicated which problems would lead to uncertainty should land claims be reopened.

We had a debate earlier. The leader of the FF Plus, Dr Pieter Mulder, pointed out exactly what the consequences would be should there be another window for the submission of claims.

These amendments by the DA have exactly the same effect. The proposals and proposed amendments are still aimed at reopening the land claims process in order for people to be able to submit new claims. This threatens security of property in South Africa, which has many consequences.

Land is a serious, emotive issue. [Interjections.] It is a pity that the ANC and the DA are turning this into a game in order to gain voter support. [Interjections.] With these proposals, the DA is saying to the voters out there, “Fool you here, fool you there, and voila, you have been cheated!” [Interjections.] At the end of the day they know that the additional amendments proposed by them are not practically feasible.

They made these proposals because they knew that the ANC would vote against it, and that they would then be able to say to one group of voters, “But see, we did vote against the Bill.” To the other group they want to say, “See, we were in favour of it! We asked for the claims process to be reopened.”

The FF Plus is calling on hon members not to use the electorate as cannon fodder to promote their own agendas. [Interjections.] Saying, “we are reopening land claims” creates insecurity. It is a threat to food security in South Africa. [Interjections.] Whether you want to argue that it would only be reopened for a year, or that it would be reopened until 2018, the principle remains the same.

This is why I am calling on the hon members of this House to think about what they are doing. We are aware that it is election time, but stop yo-yoing the voters around. [Interjections.] At the end of the day, this will come back to hon members.

The DA is like a man who has blood poisoning of the leg to above his hip. [Interjections.] Now they only want to amputate the leg at the knee. However, the blood poisoning will continue to spread. I thank you. [Interjections.] [Laughter.]]

Mr J D THIBEDI: Hon Speaker, as the ANC, we believe that the process of the reopening of land claims is a necessary exercise or process that we have to do. It is necessary, because - and I think this has been said over and over again - as a result of the process of dispossession, many of our people lost land. Actually, it was the genesis of poverty.

I am hearing what the FF Plus says. The only difficulty I have is that they are not providing a solution for the people who need land. They are not saying what must be done with the starving or hungry people who don’t have land. They have many, many hectares of land, but they are not saying how they are going to help government to resolve this issue. [Interjections.] I want to repeat this: They can help by donating the land to the state so that the state can help the people to solve their problem.

We are therefore saying that this issue of land distribution will continue. We accept that the Minister has provided us with an elephant. We can’t swallow it at once, because we would choke. We will eat it in bits and pieces until we finish it. [Applause.] We are not going to stop because if we stopped this process, it would actually be very dangerous.

Let me explain this to the FF Plus. Actually, as people who possess this land, you are surrounded by a sea of people who are hungry and who need land. As we speak, waves are beginning to form, and they are angry waves. Let us pre-empt what may happen because it would not be desirable for our country. If people came to the state and said that they had a lot of land and were willing to share, then, I think, we could sit down and listen to them. But as long as they say we should stop and let the people starve because of food security - in fact, food security is for you - because you have the land! It is not for our people! [Interjections.] We therefore appeal to you, sir, once more by saying, please, let us not be greedy. Let us share this land among those who work it.

We can’t have a system of farm workers and farmers all the time. We need to have a system where we have partnerships between both. Both parties should regard themselves as shareholders in this land. We believe that we can play a valuable role in that. So, this process is correct, relevant, necessary and it must be done. Thank you. [Applause.]

Mr K J MILEHAM: Mr Speaker, the FF Plus must be living with their heads in the sand if they don’t realise that land is a burning issue in this country. [Interjections.] We have a constitutional mandate to perform land restitution.

HON MEMBERS: Hear, hear!

Mr K J MILEHAM: We also have the protection of property rights in the Constitution – in exactly the same section, section 25. I would like to inform the members of this House that they can’t pick and choose which elements of the Constitution they want to support. They either have to support all of them or none of them. [Applause.] [Interjections.]

Failure to support an orderly, transparent process will result in the Zimbabwean-style land grabs that the FF Plus fears so much. [Interjections.] It worries me that the FF Plus plays a double game – that the Deputy Minister sits in the Cabinet, taking crumbs from the ANC, but then plays like an opposition party in the House. [Interjections.]

These amendments are designed to strengthen the process. They are designed to make sure that the process is orderly, fair and transparent - and also that it is handled in an impartial manner. It is not Minister Nkwinti-designed to make the commission a Chapter 9 institution. All we said was that the appointments must follow multiparty principles and be ratified by the Cabinet, rather than at your discretion, hon Minister, or whoever the next Minister is.

What I want to say is this: Let’s rather have a process that ends up with officials at your gate; that ends up with the landowner receiving compensation that is fair, just and equitable, rather than with war veterans, armed with bricks, hammers and petrol bombs, as we saw a couple of weeks ago in Johannesburg. Thank you. [Applause.]

Mrs J D KILIAN: Hon Speaker, we have listened carefully to the position of the DA, but we should read the content of section 25 of the Constitution. The Constitution is very clear on property rights. I would like to read two subsections, which specifically make it possible for an act of Parliament to be passed to make the necessary arrangement for the restitution of land rights.

In subsection (5), it is stipulated that:

The state must 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.

Subsection 7 says:

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.

Now, the point before the House today is that we should not interpret section 25 as an absolute right. It is a right that is enshrined, but it is also makes redress possible. What we have heard today is the very strong appeal to make sure that we do not live in an island of privilege and forget the sea of poverty out there, which must gain access to the land of the country. [Interjections.]

Therefore, I think we owe it to the House and to the nation to be responsible in our conduct and in our debate before an election. Thank you.

The SPEAKER: Order! Are there any objections? [Interjections.] There are objections. So, we then have to put it to the vote. We will go through the same process again, I am afraid. Is there no shorter way of doing this? [Laughter.] [Interjections.] Alright, there isn’t.

Division demanded.

The House divided.

AYES – 217: Adams, P E; Bapela, K O; Berend, S R; Beukman, F; Bhengu, P; Bhengu, F; Bhoola, R B; Bikani, F C; Bonhomme, T; Booi, M S; Borman, G M; Boshigo, D F; Bothman, S G; Burgess, C V; Cebekhulu, R N; Cele, M A; Chikunga, L S; Chili, D O; Chiloane, T D; Chohan, F I; Coleman, E M; Cronin, J P; Dambuza, B N; Daniels, P N; Davies, R H; de Lange, J H; Diale, L N; Dikgacwi, M M; Dlakude, D E; Dlodlo, A; Dlomo, B J; Dlulane, B N; Dubazana, Z S; Dube, M C; Duma, N M; Dunjwa, M L; Fransman, M L; Fubbs, J L; Gasebonwe, T M A; Gaum, A H; Gcwabaza, N E; Gelderblom, J P; Gina, N; Gololo, C L; Goqwana, M B; Hajaig, F; Hanekom, D A; Jeffery, J H; Joemat-Pettersson, T M; Johnson, M; Kekana, C D; Kenye, T E; Kganare, D A; Kholwane, S E; Khumalo, F E; Khunou, N P; Kilian, J D; Koornhof, N J J; Koornhof, G W; Kubayi, M T; Landers, L T; Line-Hendriks, H; Lishivha, T E; Luyenge, Z; Maake, J J; Mabasa, X; Mabedla, N R; Mabuza, M C; Madlala, N M; Magagula, V V; Magama, H T; Magubane, E; Magwanishe, G; Mahomed, F; Makasi, X C; Makhuba, H N; Makhubela-Mashele, L S; Makhubele, Z S; Makwetla, S P; Malale, M I; Malgas, H H; Maluleka, H P; Maluleke, J M; Manamela, K B; Mandela, Z M D; Manganye, J; Mangena, M S; Mashatile, S P; Mashiane, L M; Mashishi, A C; Masilo, J M; Masutha, T M; Mathale, C C; Mathebe, D H; Mathibela, N F; Matlanyane, H F; Matshoba, J M; Maunye, M M; Mavunda, D W; Mayatula, S M; Maziya, A M; Mbalula, F A; McIntosh, G B D; Mdakane, M R; Mfeketo, N C; Mfulo, A; Mgabadeli, H C; Mjobo, L N; Mkhize, H B; Mkhulusi, N N P; Mkhize, H B; Mlambo, E M; Mmusi, S G; Mnisi, N A; Mocumi, P A; Mohai, S J; Mohale, M C; Mokoena, A D; Molebatsi, M A; Molewa, B E E; Moloi-Moropa, J C; Moloto, K A; Morutoa, M R; Moss, L N; Motimele, M S; Motlanthe, K P; Motsepe, R M; Motsoaledi, P A; Mpontshane, A M; Msweli, H S; Mthethwa, E N; Mtshali, E; Mufamadi, T A; Mushwana, F F; Nchabeleng, M E; Ndabandaba, L B G; Ndabeni, S T; Ndebele, J S; Ndlazi, A Z; Ndlovu, V B; Nelson, W J; Ngcengwane, N D; Ngcobo, B T; Ngcobo, E N N; Ngonyama, L S; Ngubeni-Maluleka, J P; Ngwenya, W; Ngwenya-Mabila, P C; Nhlengethwa, D G; Njikelana, S J; Njobe, M A A; Nkwinti, G E; Nonkonyana, M; November, N T; Ntapane, S Z; Ntuli, B M; Nwamitwa-Shilubana, T L P; Nxesi, T W; Nxumalo, M D; Nyalungu, R E; Nyanda, S; Nyekemba, E; Nzimande, B E; Oliphant, M N; Oliphant, G G; Oosthuizen, G C; Pandor, G N M; Peters, E D; Petersen, P; Phaliso, M N; Pilusa-Mosoane, M E; Pule, D D; Radebe, G S; Radebe, B A; Ramatlakane, L; Ramatlhodi, N A; Ramodibe, D M; Saal, G; Schneemann, G D; Segale-Diswai, M J; Sekgobela, P S; Selau, G J; September, C C; Shabangu, S; Sibanyoni, J B; Sibiya, D; Sindane, G S; Singh, N; Sisulu, L N; Sithole, S C N; Sithole, K P; Sizani, P S; Skosana, J J; Sogoni, E M; Sonto, M R; Sosibo, J E; Surty, M E; Swanepoel, D W; Thibedi, J D; Thomson, B; Tinto, B; Tlake, M F; Tobias, T V; Tseke, G K; Tsenoli, S L; Tshabalala, J; Tshwete, P; Tsotetsi, D R; Van Rooyen, D D; Van Wyk, A; Wayile, Z G; Xaba, P P; Xasa, T; Ximbi, D L; Xingwana, L M; Zikalala, C N Z; Zulu, B Z.

NOES – 59: Alberts, A D; Boinamo, G G; Bosman, L L; Coetzee, T W; De Freitas, M S F; De Goede, J; Dreyer, A M; Du Toit, N D; Duncan, P C; Esau, S; Farrow, S B; George, D T; Groenewald, P J; Harris, T D; Hoosen, M H; James, W G; Kalyan, S V; Kloppers-Lourens, J C; Kohler-Barnard, D; Kopane, S P; Lamoela, H; Lee, T D; Lorimer, J R B; Lotriet, A; Marais, E J; Max, L H; Maynier, D J; Mileham, K J; Mnqasela, M; Mokgalapa, S; More, E; Motau, S C; Mulder, C P; Mulder, P W A; Ollis, I M; Rabie, P J; Robinson, D; Rodgers, F A; Ross, D C; Sayedali-Shah, M R; Schäfer, D A; Schmidt, H C; Selfe, J; Shinn, M R; Smalle, J F; Smiles, D C; Smuts, M; Steenhuisen, J H; Steyn, A; Steyn, A C; Stubbe, D J; Swart, S N; Swart, M; Swathe, M M; Terblanche, J F; Van der Linde, N J; Van der Westhuizen, A P; Van Schalkwyk, H C; Waters, M.

Question agreed to.

Bill accordingly read a second time.

**RENTAL HOUSING AMENDMENT BILL**

(Consideration of Report)

There was no debate.

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

That the Report be adopted.

Motion agreed to.

Report accordingly adopted.

**RENTAL HOUSING AMENDMENT BILL**

(Second Reading debate)

The MINISTER OF HUMAN SETTLEMENTS: Hon Speaker, hon Deputy President, hon members, ladies and gentlemen, good evening. Twenty years ago, the lessor and the lessee relationship was characterised by ineffective regulation biased against lessees. Glaring inequalities were a hallmark of the relationship between the lessor and lessee.

The rental property market was devoid of an acknowledgement of the impact of the deprivation of land and property rights over the centuries. From colonialism to apartheid, land dispossession was never acknowledged. With the advent of democracy and a constitutional state, that position started to change. We can now claim that progress towards a rights-based dispensation happened under this government.

We are conscious of the continued hardships faced by ordinary law-abiding citizens. They are threatened with arbitrary evictions, ludicrous rental increases, squalid conditions and many more.

Ons is deeglik bewus van die stryd onder ons medeburgers wat gedreig word met onwettige uitsettings, onmoontlike huurverhogings, ondraaglike omstandighede, ensovoorts. Daar is reeds wye publisiteit ten opsigte van rassisme en onwelvoeglike optrede deur verhuurders. Ek het in hierdie opsig versoek dat die Raad op Eiendomsagente ingevolge sy mandaat ondersoek instel met betrekking tot hierdie bewerings van rassisme wat steeds in ons land voorkom. Ek het hulp en bystand aangebied aan die betrokke partye deur aan hul bekend te maak wat hul opsies is tot die verskaffing van gepaste verhaal en herstel binne die konstitusionele raamwerk. *(Translation of Afrikaans paragraph follows.)*

[We are acutely aware of the battle amongst our fellow citizens who are threatened with illegal evictions, ludicrous rental increases, unbearable circumstances, and so forth. Already widespread publicity is given to racism and improper conduct by lessors. In this regard I requested the Council of Estate Agents, in terms of its mandate, to investigate these allegations of racism which still occur in our country. I offered assistance and support to the parties involved by informing them of their options regarding proper redress and restitution within the constitutional framework.]

In the process of reviewing the implementation of the Bill before us here today, which amends the Rental Housing Act, we have, over the past few years, identified those aspects that we need to address. These arise from a mismatch between the implementation and enforcement of our policy imperatives, as well as out of the amendments that we are tabling here today, so that it can remain our overall policy. Some of the changes that we are bringing here today are that the lessor will have to ensure that the lease agreements are put in writing. I will be publishing regulations in this regard and make sure that we include the norms and standards, as well as the terms and conditions of these leases.

Furthermore, there will be greater access to the mechanisms created in the Act. Mandatory Rental Housing Tribunals will be established in each province. Rental housing information offices will also be established in municipalities.

In addition, the national Department of Human Settlements will be rolling out an implementation plan that will see training and resources provided to municipalities to ensure that we give meaningful effect to what the Bill seeks to achieve. The Minister will also be taking a proactive role in monitoring and assessing the impact of the Act and performance of the tribunals.

A further critical amendment is the creation of an appeal mechanism. This will improve access to relief and ensure that our courts of law are not overburdened. The amending Bill before us seeks to achieve a fair, equitable rental housing landscape and to create sufficient housing opportunities to ensure that our people can live in dignity, free of unfair discrimination or unscrupulous transactions. We seek to create an enabling environment to promote a vibrant rental market that is characterised by fair competition, with stability and growth, and one that will remain sustainable.

I want to take this opportunity to thank the members of the portfolio committee, who worked very hard on this Bill. They took it through all the different amendments and received many submissions on it. Equally, I wish to thank the chairperson of the portfolio committee, the hon Dambuza, for assisting us in the passage of this Bill. I am therefore pleased to present the Rental Housing Amendment Bill to the House for adoption. Thank you.

Mrs B N DAMBUZA: Hon Deputy Speaker, hon Deputy President, hon Ministers, hon Deputy Ministers, hon Members of Parliament and distinguished guests ...

Somlomo ohloniphekileyo, ndiziva ndinochulumanco ukufumana eli thuba lokuthi thaca ingxelo yeKomiti yeMicimbi yeSebe lezokuHlaliswa koLuntu nendima ethe yadlalwa yile komiti ekuphumezeni lo Mthetho-Sihlomelo obizwa ngokuthi yi-Rental Housing Amendment Bill ngesiNgesi. Somlomo, ngokwenene, urhulumente kaKhongolose unalo ibali elimnandi ngokubhekiselele kutshintsho nasekuphuculweni kweempilo zabantu boMzantsi Afrika anokwabelana ngalo nabemi beli lizwe ngokubanzi ukususela kowe-1994.

Lo Mthetho osaYilwayo uphakathi kweminye imithetho ebeyimpumelelo, ingakumbi kweli candelo lezezindlu. (*Translation of the isiXhosa paragraphs follows.)*

[Hon Speaker, I am thrilled to have this opportunity to present the report of the Portfolio Committee on Human Settlements and the role played by this committee in successfully implementing this amending Bill called the Rental Housing Amendment Bill. Hon Speaker, truly, the ANC-led government has a good story to tell in relation to the changes and the improvement of the lives of the people of South Africa, which could be shared with the citizens of this country at large, starting from 1994.

This Bill is one of the acts that have been a success, especially in this Department of Human Settlements.]

The Bill seeks to amend the Rental Housing Act of 1999. The amendment of this Act should be regarded as a continuous journey in strengthening the existing laws in an endeavour to address the fundamental and developmental challenges in the country that were inherited from the oppressive legacy of colonialism and apartheid, to ensure that South Africa is a better place to be and to continue to achieve the vision of the Freedom Charter.

As part of its foundation, the Constitution of South Africa draws attention to the values of human dignity, the achievement of equality and the advancement of human rights and freedom. Furthermore, the Bill seeks to build cohesive and sustainable communities and enforces measures to eliminate abusive tendencies in the rental sector. It is a fact that post-1994, the rental market has been growing in both formal and informal sectors.

Nditsho nasemakhaya imbala, apho bekufudula kungekho mathuba okuqeshisa ngendawo, koko kucelwa ngesisa. Siyazi ukuba phaya emakhaya abantu abasebenza ezikolweni nasemapoliseni, bebenikwa izindlu ngesisa. Kodwa namhlanje abanikazi bamakhaya bayakwazi ukuqeshisa ngamakhaya abo. (*Translation of isiXhosa paragraph follows.)*

[Even in rural areas, where in the past there were no rental opportunities accommodation was offered free of charge. We know that in rural areas teachers and police were given houses for free. But today owners are able to rent out their homes.]

The Rental Housing Amendment Bill amends and clearly defines the rights and obligations of both tenants and landlords. The Bill will also ensure that rental agreements entered into by the landlords and tenants are done in writing. Among others, the rights and obligations of tenants include receiving a written receipt from the landlord for all payments received by the landlord. A tenant is liable for rental and other costs agreed upon in the lease on the due date, but for costs other than those agreed to in the lease, the tenant is only liable upon proof of factual expenditure by the landlord.

During the period of the lease, atenant may request the landlord to provide him or her with written proof in respect of interest accrued on the deposit paid. During the lease period, a tenant has the right to privacy. Should the landlord wish to exercise his or her right of inspection, it must be done in a reasonable manner and after reasonable notice to the tenant has been given. On request by the landlord, the tenant must make him or herself available to conduct a joint inspection of the dwelling at a time convenient to both of them. However, a tenant may not sublet a dwelling without the consent of the landlord. Such consent may not be unreasonably withheld.

The rights and obligations of the landlord also include the following: The landlord may require a tenant to pay a deposit before moving into the dwelling, which may not exceed the amount equivalent to the one specified in the lease or agreed upon between the parties. The paid deposit must be invested by the landlord in an interest-bearing account with a financial institution, provided that the rate applicable to such an account may not be less than the rate applicable to a savings account with that financial institution. Subject to subsection (3) or (6) of the Bill, the paid deposit must be repaid to the tenant, together with any interest accrued to such an account, on the expiration of the lease and shall, together with any interest accrued to it, not form part of the assets of the insolvent or deceased state of the landlord in the event of the insolvency or death of the landlord.

The landlord’s rights, as opposed to those of the tenants, include the prompt and regular payment of rent or any charges that may be payable in terms of a lease. The landlord may recover unpaid rental, or any other amount that is due and payable, where the tenant fails or refuses to make a payment on demand, after obtaining a ruling by the tribunal.

Apha kwezi mfanelo eyona nto ibalulekileyo kukulingana kwazo. Abaqeshisayo kufuneka nabo baqinisekise ukuba bayawuthobela umthetho nabo baqeshileyo kananjalo. Akukho ndawo kuthiwa kuthethelelwa abathile kuyo, ziyalingana zombini. (*Translation of isiXhosa paragraph follows.)*

[In these responsibilities, the most important thing is that they are equal. The landlords as well as tenants must ensure that they adhere to the rules. There is no choosing sides; everyone is equal.]

It is important to register a lease that will be enforceable in a tribunal or competent court. The Bill mandates the Minister to develop a pro-forma lease agreement in all 11 languages, containing the minimum requirements set out in this Act.

The portfolio committee received inputs from the public regarding the amending Bill, and furthermore invited individuals and organisations to make oral submissions based on their written inputs received in an endeavour to execute each obligation regarding public participation processes. We received inputs from the SA Local Government Association, the Legal Resource Centre, the Banking Association of SA, the Western Cape Rental Housing Tribunal, Dumisa Invest, etc.

The portfolio committee wishes to express its satisfaction with undertaking this process given that all the issues raised by the public were responded to. Furthermore, the Bill received overwhelming support from all the members of the portfolio committee, across political parties. Nevertheless, the portfolio committee also wishes to report to the House that the DA, during the adoption of the Bill in the committee, reserved its right to vote either way in the House.

On behalf of the portfolio committee, I wish to thank the House, through the office of the Speaker, for granting the Portfolio Committee on Human Settlements the opportunity, in terms of Rule 249(3) of the National Assembly Rules, to augment the introduced Bill by making further substantive amendments, thus creating a comprehensive and certainly legal regime in the area of rental housing. I also wish to thank members of the portfolio committee for their sterling and hard work, their vigorous and robust engagement, and the passion they demonstrated during the development of the Bill.

I also wish to thank the national department, under the leadership of hon Minister September, and the Director-General, Mr T Zulu, for reintroducing the Bill before Parliament and for the support provided during the process. I also wish to thank the entire executive, as the Bill was introduced in its original form at the withdrawal from the portfolio committee with only one clause for consideration.

Siyabulela zinkokeli zethu kuba lo Mthetho osaYilwayo warhoxiswa kodwa iKhabhinethi yaphinda yawubuyisela uselolwa hlobo wawenziwe ngalo yikomiti yesebe. Siyabulela kakhulu. [Our gratitude goes to you, our leaders, because this Bill was initially reversed, but the Cabinet later reintroduced and it came back exactly as it was compiled before by the department’s portfolio committee. We are most grateful.]

We further extend our appreciation to the office of the state law advisers; to parliamentary staff for their support, which included legal services and research, and the portfolio committee secretariat.

Somlomo, namalungu ahloniphekileyo, kubalulekile ukuba iSebe lezokuHlaliswa koLuntu liqinisekise ukuba abantu bayafundiswa bacaciselwe ngalo mthetho, kuba ukunqongophala kolwazi kuyayibulala impumelelo nenkqubela-phambili baphele abantu bengamaxhoba. Siyacela ukuba iSebe lezokuHlaliswa koLuntu esilithandayo liqinisekise ukuba lo mthetho uyasasazwa ebantwini. Phaya kuMthetho oyiNtloko kukho umba wokuba xa abantu bekhutshwa igunyabantu lezokuqeshiswa kwezindlu linalo igunya lokusebenzisa i-spoliation clause ukwenzela ukuba ukukhutshwa kwabantu ngephanyazo/ngesiquphe kumiswe kude kuphele ukuxoxwa kwetyala. Ngaloo mazwi ... (*Translation of isiXhosa paragraph follows.)*

[Hon Speaker, and hon members, it is important that the Department of Human Settlements ensures that the public is made aware of this Act and that it is explained to them, because the lack of information is destroying success and any progress, which results in people being victimised. We appeal to the Department of Human Settlements that it must ensure that this Act is made public. The Principal Act talks about the fact that if people are evicted, the Rental Ombudsman has the power of using the spoliation clause to stop the immediate eviction of people until the matter has been finalised in court. With those words ...]

... the portfolio committee requests that the Bill be considered by the House. The ANC supports the Bill. I thank you. [Applause.]

Mr S MOKGALAPA: Deputy Speaker, rental accommodation plays a very important role in alternative housing options in South Africa, catering for almost 60% of people living in urban and rural areas. According to the Social Housing Foundation, 55% of people who earn less than R3 500 prefer rental accommodation. A further 20%, who earn between R3 500 and R7 500, are also accommodated in rental stock.

The rental market is an ever-expanding market. The DA recognises the significance of the Rental Housing Amendment Bill for this crucial market, as well as the need for due diligence in amending the current rental housing legislation to address this evolving and dynamic market.

According to reports of Payprop SA, the rental market experienced its second consecutive growth period during the second quarter of 2013. The R2 500 to R5 000 rental category, which is South Africa’s lower-middle class, drove a large portion of this growth. This Bill is particularly relevant when considering this current reality. Nedbank’s Affordable Housing Development Finance Division indicates that more than 900 000 people seek affordable and social housing annually, while only 25 000 new units become available annually. This indicates the aggressive growth of the market.

The primary purpose of this Rental Housing Amendment Bill is to ensure that there is efficient, accessible and speedy dispute resolution and redress of rental disputes between landlords and tenants. Most importantly, it sets out the rights and obligations of landlords and tenants to ensure a harmonious relationship between the two role-players, with minimal intervention by government or the market.

The Bill also aims to create mechanisms to promote the provision of a rental housing market, promote adequate functioning of the rental market, lay down general principles governing conflict resolution, provide for facilitation of sound relations between tenants and landlords, and provide for legal mechanisms to protect the rights of both tenants and landlords.

The Portfolio Committee on Human Settlements held public hearings in Parliament to ascertain and elicit inputs from industry stakeholders and role-players. During this process we were alerted to and cautioned about numerous market and legislative pitfalls. These include the overriding of or infringing on existing legislation such as the Insolvency Act and the Lease Act, as well as the Consumer Protection Act; pre-inspections by landlords and tenants before occupation and post-inspections carried out before deposits are reimbursed, which is common practice in the formal rental market, but is sorely lacking in the informal market; and liability and service delivery in informal arrangements, such as backyard dwellers, which need to be ensured, bearing in mind the bylaws in that area.

We also received recommendations regarding rental amounts that should take into consideration various factors such as geographical position and the available amenities; that leases should be in writing and that this should be enforceable by punitive measures if not implemented within the stipulated timeframe of six months; and that tenants are obliged to pay their rent timeously and not sublet the dwelling without prior consultation with the landlord.

We acknowledged, deliberated on and incorporated these inputs in the committee report and the proposed legislation. These inputs have assisted us in drafting sound and balanced legislation that provides norms and standards regarding safety, health and hygiene, basic living conditions, and access to decent basic services. These will ensure that tenants occupy dignified, not degrading, dwellings.

One of the most important aspects of the Bill is that of the establishment of Rental Housing Tribunals by every province to ensure that dispute resolution happens quickly at the regional and provincial levels. We commend and acknowledge the two current functioning tribunals and are hopeful that the new tribunals will ease their burden and backlogs.

The other important inclusion in the Bill is the establishment of a rental housing information office in every municipality. This will help to ensure that people on the ground or at the coalface of delivery are serviced.

The Rental Housing Amendment Bill is compatible with the DA’s Reconciliation, Redress, Diversity, Delivery concept, R2D2, which holds that redress is about speedy, accessible, affordable and efficient dispute resolution mechanisms. Reconciliation is about harmonious relationships between landlords and tenants through their rights and obligations. Diversity ensures that the tribunals will be representative, and the delivery of safe and dignified housing is ensured through the decentralisation of services to local municipalities.

Clause 2 of the Bill ensures that the impact made by the Bill in its implementation should be reported to Parliament because this will ensure that legislation passed makes a tangible and practical impact on the people who are supposed to be served.

In conclusion, the Bill is a significant step towards addressing the flaws in the rental housing market. It will stimulate the rental property market and also alleviate the abusive and toxic practices in rental stock. The DA supports the Bill. [Applause.]

Mrs M A A NJOBE: Hon Deputy Speaker, hon Deputy President, hon Minister and hon members, section 26 of the Constitution makes it clear that:

* 1. Everyone has the right to have access to adequate housing.
	2. The state must take reasonable legislative and other measures within its available resources to achieve the progressive realisation of this right.

The Rental Housing Amendment Bill therefore becomes one of several measures that the national Department of Human Settlements has taken to increase access to housing in order to alleviate homelessness.

The department referred the Bill to the portfolio committee, which began deliberation and action on it in September 2011, which is 29 months ago. The original Bill had only two objects. It was simple and straightforward. However, the committee was of the opinion that it would be better to review the whole principal Act, namely the Rental Housing Act, No 50 of 1999, as amended by the Rental Housing Amendment Act, No 43 of 2007.

While the committee’s intentions were well meant, the then Minister of Human Settlements was not impressed that the outcome of the committee’s amended version of the Bill differed considerably from the original one. He considered it to be complicated and, as such, impossible to implement.

The full story about this Bill is a long one and is not necessarily a good story to tell. However, due to the limited time at my disposal, I will leave the rest to history.

The committee expanded the objectives in order to address the requirements of section 26(2) of the Constitution thus:

... by promoting the provision of more rental properties, thereby increasing access to adequate housing; by dealing with conflict resolution while promoting sound relations between landlords and tenants; and by providing legal mechanisms to protect landlords’ and tenants’ rights speedily and at a minimum cost to both parties.

Clause 3 of the Bill places all responsibility and accountability for monitoring and assessing the impact of the legislation on tenants and landlords squarely in the Minister’s hands. This to-do list for the Minister includes the creation of relief measures and social programmes to alleviate hardships suffered by tenants, the monitoring and assessment of the performance of tribunals and rental housing information offices, and reporting annually on all of these to the National Assembly.

Again, the then Minister was not impressed by these amendments, so he withdrew the Bill. A long period of silence on the Bill then followed. It finally resurfaced on 13 November 2013, as Bill No 56B of 2013.

Clause 7 of this Bill clearly sets out details of the rights and obligations of both tenants and landlords, ranging from the issuing of receipts to tenants, handling of deposits paid by tenants, tenants obtaining the landlord’s consent before subletting the dwelling, to the lease having to be in writing in all cases, whether the dwelling is a “mkhukhu” [shack], an up-market house or a backyard dwelling that is rented out. The list of these rights is long but well-balanced.

The Minister must develop a pro forma lease agreement in all 11 official languages and this must contain the norms and standards and minimum requirements of the lease. The establishment of tribunals is now mandatory in all nine provinces. Their composition has been increased from four to seven members. This would allow a tribunal to meet simultaneously as two committees in order to address backlogs. Each committee will consist of at least three members and its decisions will be deemed to be that of a tribunal. The qualifications of members are clearly defined and must be adhered to when the MEC makes the appointment.

The powers of tribunals have been extended, one of them being that a tribunal may rescind or vary its decision. Cope’s concern about this extension is that it is prone to abuse by noncaring tribunals.

All municipalities, regardless of level, must establish rental housing information offices to inform and advise tenants and landlords about their rights. Salga was worried about the possible escalation of costs ... [Time expired.]

Mr K P SITHOLE: Mhlonishwa Somlomo, mhlonishwa Sekela-Mongameli ... [Hon Speaker, hon Deputy President ...]

... as the IFP, we would like to congratulate the chairperson of the Portfolio Committee on Human Settlements, the committee members, the Department of Human Settlements and the Director-General of Human Settlements on ensuring that this Bill not only comes to pass, but is also well done. The Bill is long overdue and what is most impressive is that it has been completed before our term in Parliament comes to an end, and that is very encouraging.

The funding for implementing the training of members of tribunals and other officials will help the national, provincial and local levels of government to have the capacity to establish both the Rental Housing Tribunals and the rental housing information offices that are run by competent individuals. Many people looking for rental accommodation are often unaware of their rights when dealing with landlords and in some cases that can result in conflict arising.

This Bill paved the way for a foundation to be laid; one that will help create a better relationship between tenants and landlords. The Bill will especially help in the education of tenants on their rights and the rights of the landlords. The same will apply to the landlords as they will not only be fully aware of their own rights, but also of the rights of their tenants. Hopefully, through the establishment entities, we will see much faster resolution of conflicts that may arise, instead of either party having an unfair advantage over the other.

For the Bill to be truly implemented, the stated scenario would have to be followed through. The Rental Housing Tribunals must have real power to settle disputes and all municipalities must establish the rental housing information offices. Without these fundamental steps being taken, the implementation of the Bill will not happen. The Bill will just be another fancy piece of legislation that has the power to help people to know their rights if they are undermined by a lack of leadership and accountability.

As the Bill requires the Minister to report to the National Assembly on the promotion of rental housing property, it is the IFP’s wish that the next Parliament will not shy away from holding the Minister accountable for any lapse in the implementation of this Bill. After 20 years of democracy, this country’s parliamentarians must not be swayed by political affiliation, but must ensure that the government serves its people.

Though he was a member of the IFP, the late Baba Skosana showed how it can be done. His example must be the standard carried in this House, regardless of which party is in the majority. This Bill is a great example of what can be done when we work together for the good of our people. The IFP indeed supports this Bill. I thank you. [Applause.]

Mnu J M MATSHOBA: Sekela Somlomo, Sekela Mongameli welizwe loMzantsi Afrika, naMalungu ePalamente ngokubanzi, kuninzi okwenziweyo ngurhulumente we-ANC ukusukela ngo1994 uya kuma ngo2014, nyaka lowo obalulekileyo kwimbali yelizwe kuba ngunyaka wokushiywa kwethu liqhawe lamaqhawe uBawo uMandela. Make simcaphule kwenye yeentetho zakhe xa wayesithi: *(Translation of isiXhosa paragraph follows.)*

[Mr J M MATSHOBA: Hon Deputy Speaker, hon Deputy President of South Africa, and hon Members of Parliament, the ANC government has done a lot from 1994 until 2014, an important year in our history, because we have lost our hero, Bawo Mandela. Let’s quote him from one of his speeches, when he said:]

In South Africa, to be poor and black was normal. And to be poor and white was a tragedy.

Mandiqale ngeyokuqala. [Let me start at the beginning.] The ANC supports the Rental Housing Amendment Bill. The ANC-led government has a good story to tell the South African public. This government is unashamedly vocal and transparent about its track record of success in the area of housing. This is the same way it did things in other sectors of the economy. These achievements are really unprecedented in the history of this country. There is no other government that has managed to make such strides in the country’s history of housing development.

The Portfolio Committee on Human Settlements recently adopted the Rental Housing Amendment Bill of 2013. The Bill was amended after careful consideration of the 2007 Bill, which needed to be enhanced in order to address some of the shortcomings that were contained in it. However, before the Bill was submitted to Parliament for consideration, as a democratic government that is caring and responsive to the needs of the people on the ground, Parliament invited the public to make submissions on how they would like the Bill to be enhanced.

Careful consideration was given to enhancing the Bill. Since the promulgation of the Rental Housing Amendment Act of 2007, the Department of Human Settlements undertook monitoring and implementation processes with regard to the Act. Various areas of concern were identified.

One should note that many South Africans who could otherwise not afford housing relied on rental housing to fulfil their constitutional right to adequate housing. It is therefore right to want a more effective legislative framework to protect their rights. The Bill includes many positive steps towards ensuring decent affordable housing for those who rent their accommodation.

There was evidence from the monitoring and implementation processes that not all provinces had established Rental Housing Tribunals. Some of the provinces have only recently established their Rental Housing Tribunals, and only after intervention by the department. These tribunals must be strengthened in their authority and functions to ensure that they offer an effective service.

Our approach to housing in South Africa, as in other parts of Africa, embodies the principle that the government has an important role to play. However, the approach also recognises that government cannot solve the problem on its own. We fully endorse the need for a full and meaningful partnership of government, the private sector and homeless communities.

A resolution was taken to make it mandatory to establish Rental Housing Tribunals in all provinces in the country. The purpose of these Rental Housing Tribunals is to intervene in conflict resolution between tenants and landlords. One should note that where the Rental Housing Tribunals have been established, they have provided a large number of people with an accessible dispute resolution mechanism. Figures provided by these tribunals showed that there was a high demand for the services that they could provide and proved that tribunals were effective in resolving disputes. We should anticipate that the number of complaints brought to the tribunals will continue to increase.

The Bill provides that the tribunals should consist of four to seven members who are fit and proper persons appointed by the MEC. The Bill also acknowledges that there will be more cases to be heard by the tribunal, hence there is a provision that members of the tribunals can sit in different or separate locations. However, the final decision taken by either group will be considered as the resolution of the tribunal combined. The Bill envisages that members of the tribunals will have expertise in consumer issues, or legal qualifications and expertise. Members of the tribunal must be broadly representative in terms of language, gender, race and disability.

The MEC, in consultation with the standing committee of a provincial legislature responsible for human settlements, may appoint up to six persons to serve as alternative members in the absence of any member. However, such persons must have the relevant expertise. Persons appointed as members of the tribunals may not serve for more than two consecutive terms.

The Bill further provides that succession plans must be adopted and must provide for the replacement of members in such a manner that, for the sake of continuity, all members are not replaced at the same time. Members who are already appointed at the time of the commencement of the Rental Housing Amendment Act of 2014, and who have already served two consecutive terms, may be reappointed for an additional term of not more than 18 months to ensure continuity. Ndiyabulela. [Thank you.] [Applause.]

Mr R B BHOOLA: Madam Deputy Speaker, creating an integrated society has been the cornerstone of the Department of Human Settlements. We therefore welcome the promulgation of this new legislation.

The relationship between landlords and tenants has traditionally been strained. The rights and obligations of tenants and landlords must be clearly demarcated in rental housing legislation to enable these parties to know and understand their rights and obligations. Benjamin Franklin coined the proverb, “An ounce of prevention is worth a pound of cure.” This holds especially true when it comes to the relationship between a tenant and a landlord.

Written contracts are the “ounce of prevention” that helps to reduce disputes. The MF therefore welcomes the amendment that stipulates that leases must be in writing. Historically, many tenants would enter into agreements with landlords and this would be done orally, resulting in long, drawn-out disputes. The foresight demonstrated by the department is commendable indeed.

Rental Housing Tribunals and rental housing information offices are an essential part of providing assistance to communities who look to government to assist them when entering into a rental agreement. These tribunals will serve as a medium for facilitating conflict resolution in the rental housing sector. We encourage provincial departments and municipalities to prioritise the principles of Batho Pele - of putting people first - and to establish these structures so that the suffering masses can benefit from policies that are undertaken at national level to protect their rights.

We have a huge housing backlog in this country. We welcome the promotion of structures that will facilitate the proper functioning of the rental housing market. We need to make sure that we utilise every avenue to facilitate housing opportunities for our people and ease the burden on the poor and destitute. Just last night, I visited an informal settlement on the outskirts of Goodwood, where 9 families have been living for the past 20 years. These people lack some of the most basic services that we all take for granted – right here in the Western Cape. These are the type of people who will benefit from this legislation.

The rental housing market abroad has utilised the air space and built upwards to ensure that people are given the opportunity to live in adequate housing, with the primary objective of urban restructuring and creating sustainable human settlements.

It is imperative that the rental housing sphere has mechanisms like the Rental Housing Tribunal in place to ensure that the rental housing market becomes a thriving one. The MF welcomes the additional monitoring of the establishment and the effectiveness of the Rental Housing Tribunals, as well as the monitoring of the impact of the Act on poor and destitute tenants who need this type of legislation. We also want to laud the hon chairperson of the portfolio committee for his efforts, passion and dedication to ensuring that this piece of legislation becomes a reality. The MF will support the Bill. Thank you. [Applause.]

Mrs P C DUNCAN: Hon Deputy Speaker, since 1994 many housing opportunities have been delivered to the poor in the country. Adequate housing is an important human right. However, much still has to be done to give effect to this right of access to housing. We must remember that more than 1 million title deeds have not yet been issued to the owners of Reconstruction and Development Programme houses and that almost R1 billion is used for rectification on these houses due to shoddy workmanship. These matters need immediate attention by government to ensure the optimal economic and social freedom of the people living in these houses.

Furthermore, our country is still challenged by a huge housing backlog, in particular the poor, low-income and middle-class citizens. Besides the RDP and theBreaking New Ground housing options, we must also note that there are other targeted markets, such as community rental units, social housing, rental housing, private and public housing, backyard dwellers and affordable rental markets that have the potential to provide accommodation to millions of people.

In the DA we acknowledge and understand the economic, social and spatial challenges experienced in providing decent and affordable accommodation throughout the country. We believe that the rental market has the potential to be a viable option within South Africa’s human settlements strategies, policies and programmes. We acknowledge that we not only cater for the social terms of the nuclear family - meaning a father, mother and two children - but also for single people like students, single-parent households, grandparent households, etc, for whom RDP solutions to buy a subsidised house may not be appropriate.

In light of the above, I do believe that renting will become one of the future options for most people and therefore time should be spent on developing policies to give effect to this option. There are many small-scale private rental case studies compiled by institutions throughout the country and abroad and I have no doubt that all of them would be available to assist government to accelerate the rental market.

This brings me to the importance of the Rental Housing Amendment Bill, which will be passed in this House today. This Bill is the first step in the right direction to facilitate a process in which landlords and tenants will both benefit from the rental market in a harmonious manner. Norms and standards are set to ensure value for money through written lease agreements, inclusive of rights and obligations of both landlords and tenants. The Bill also ensures that the pro forma lease forms will be written in all 11 official languages of our country. While leaving my own mark in terms of recommending members of the tribunals, they must be broadly representative not only in terms of gender, race and disability, but also in terms of languages. This has been a great success of the Human Settlements portfolio committee.

Lastly, the role of municipalities is crucial in ensuring that citizens are well informed with regard to the objective of this Bill, in particular through the establishment of information offices in their existing housing departments. The municipalities are the closest sphere of government to the people and, as a former councillor, I urge them to ensure that the Rental Housing Amendment Bill is popularised through the ward committee system and public meetings in order for citizens to understand the value that the Bill can offer them.

It gives me great pleasure to thank our chairperson, hon Dambuza, for her dedication and commitment to seeing the Bill through to its final stage. I will take the example you set with me along after my exit from Parliament. Enkosi. [Thank you.] [Applause.]

Mrs G M BORMAN: Hon Deputy Speaker, hon Deputy President, hon Ministers and Deputy Ministers present, hon members and guests, there was a song some 60 years ago that went like this:

Mid pleasures and palaces though we may roam,

be it ever so humble

there’s no place like home!

Home for some people will be a large five-bedroom house, with two to three bathrooms containing all the amenities, and for others it would be a shack or a room attached to a shack. It could be an upmarket flat overlooking the sea or a tiny bachelor pad, but no matter the brick and mortar, it is what we call home; a place where we can relax after a hard day’s work, enjoy family time together and entertain our friends. It is important and special to each family unit.

In your home you feel more secure than anywhere else. Some people own their houses and others rent theirs. A report released by the Department of Human Settlements showed that from 2008 to 2009 about 18% of the South African population was renting, with the majority of households in rental housing being poor or in low-income brackets and that the majority of households in rental housing were black.

Today we are debating the Rental Housing Amendment Bill. The ANC believes that these amendments will make the Act more user-friendly to both landlords and tenants and that the section on tribunals and the addition of the appeal mechanisms within the tribunals will provide better redress for the poor and vulnerable at affordable prices. The *Sowetan*, dated 18 January 2012, in Thuli Zungu’s Consumer Line, reported the following - and I quote the section from the article. It was headed, “Rental company hangs on to refund - tenants are being ripped off by letting agents”:

First-time rental tenants, especially students, continue to suffer at the hands of unscrupulous agents. It’s been six months since Tsukulu Manyeli started battling to reclaim R14 300 from a leasing company, National Letting, after he terminated his son’s contract in July last year. His son had been a student at the University of Johannesburg, but dropped out and he was forced to terminate the contract. National Letting found someone immediately to occupy the flat.

‘The frustrating thing is that they don’t deny owing me a refund. It’s just that they have decided to ignore my demands,’ said Manyeli.

His son had been accepted at the University of the Free Sate and he needed the refund to pay for the registration fees. He had also been out of work.

Letting, renting, the payment of rents and the refunding of deposits are like a jungle. It is especially difficult for rural people migrating to towns and cities. They often find themselves victims of a system they don’t understand; one that often works to their disadvantage.

The ANC believes that the amendments in this Bill make a good-news story for the many more people who, like Manyeli, need to hear one. It requires leases to be in writing; that members of the executive council in all provinces must now establish rental housing tribunals; that all local municipalities must have rental housing information offices; and it allows for an appeal process. These are some of the amendments that I will need to deal with. They have been covered already, but we will go through them.

Firstly, leases must be in writing. There were some submissions made to the portfolio committee that did not agree with this because they thought a lease was too complicated for some people to understand. But the clause we put in says this very clearly:

The Minister must develop a pro forma lease agreement, in all 11 languages, containing the minimum requirements set out in this Act.

This may be used as a guideline by the tenants and the landlords. This will ensure that both landlords and tenants have something in writing should a dispute arise. Lease agreements, according to this Bill, will now become enforceable by rental tribunals.

Secondly, MECs must establish tribunals in all the provinces. The new amendment will read:

Every MEC must within the first financial year following the commencement of the Rental Housing Amendment Act, 2013, by notice in the *Gazette*, establish a tribunal in the province, to be known as the Rental Housing Tribunal.

My colleague has already discussed this and laid out what the tribunal will be made up of. This Bill also provides for the tribunal to function as two committees for the purpose of coping effectively with big workloads. Such meetings must happen simultaneously.

Thirdly, and this is an important innovation, this Bill requires all local municipalities to provide a rental housing information office, even if this function is shared with an existing office, to ensure that rental tribunals are made accessible to all people everywhere in South Africa. This is intended to help new tenants and people who have never rented before to know what their rights and obligations are. Because of differing cultural perceptions, many people are unaware of how to go about renting a property and many exploitative practices take place.

Fourthly, the Bill allows for an internal appeal process within rental tribunals to reduce the lengthy and costly court review procedures. In this regard, a new section will be inserted in the principal Act. [Interjections.] I don’t know what you are shouting about because you are all supporting this. This appeals mechanism reads as follows:

17A(1) Any person who feels aggrieved by the decision of the tribunal may, in writing and within 21 days of receipt of the decision, file an appeal against that decision with the secretariat of the tribunal appointed in terms of section 11(1). This refers to staff, which may include inspectors, technical advisers, mediators and administrative support required for the proper performance of the tribunals’ functions and the administration of this Act. They must be appointed subject to the laws governing the Public Service.

(2) The Minister must prescribe the circumstances under which an application for appeal may be submitted, including the procedure for filing and hearing of an appeal.

(3) The secretariat must appoint a panel of adjudicators who possess legal qualifications and expertise in rental housing matters or consumer matters pertaining to rental housing matters.

(4) When appeals are lodged in terms of this section, the secretariat must within one day of receipt of the appeal, select one or two adjudicators from the panel on a rotation basis to consider the appeals and must so refer the appeals for hearing.

(5) When an appeal has been lodged, the operation and execution of the order in question shall be suspended, pending the decision of the appeal.

(6) The appeal must be finalised within 30 days of referral by the secretariat.

(7) The adjudicators may refer the matter back to the tribunal or confirm, set aside or amend the decision.

Proper timeframes, you will notice, have been built into this appeals process so that neither the landlord nor the tenant can abuse the system and drag out the process of resolving the complaint.

During the public hearings in December 2011, Trevor Bailey, the chairperson of the Gauteng Rental Housing Tribunal, told us that 95% of complaints were resolved at tribunal level. This means that a very small percentage of cases would need to go on appeal. But even when they do, with this mechanism it will be far less costly. Therefore, this would provide a big benefit for poor and vulnerable people.

The Rental Housing Amendment Bill is, indeed, a good-news story for tenants and landlords. In my last couple of seconds I just want to say that this chairperson is a slave driver. You have heard the evidence. My job here tonight is vey easy. I have no sweeping to do because we all supported this Bill and we thank her for her great leadership. The ANC supports this Bill. [Applause.]

The MINISTER OF HUMAN SETTLEMENTS: Deputy Speaker and hon members, thank you very much, I think we have heard here tonight that the majority of parties support this Bill. Let me take the opportunity to thank you and all those who expressed their support for this Bill. It is important that we have sought to find maximum support in this House for this Bill because it is important that the section of our society that is only in a position to rent is being given the necessary rights today by the passage of this Bill. Thank you very much for all of that.

There is, however, one small issue that has been raised. The hon Duncan started her speech by talking about housing backlogs, the issue of title deeds and so on. I thought that I should perhaps respond to that. As the department, in conjunction with all the MECs, we have deliberated on this matter substantially, saying that when we deliver houses in this country, we must make sure that we hand over title deeds at the same time.

HON MEMBERS: Hear, hear!

The MINISTER OF HUMAN SETTLEMENTS: When we delivered houses in Delft the other day, no title deeds were handed out. We have encouraged both the premier and the MEC to make sure that we don’t again hand over houses like that without title deeds. So, we agree with you, but charity begins at home when it comes to handing over title deeds.

We further agreed that we need to accelerate that process. In this instance, therefore, our concern is that in relation to the Western Cape, there is still a large number of people in rented houses, especially those who come from what we call the 99-year leasehold, whose houses have not been handed over to them. Hence, of course, they do not have the title deeds. We think it is important that we create a situation for those people so that they can also say that they have a home; that their houses have been handed over to them. [Interjections.] We would encourage all of you in the Western Cape to make sure that those houses are being handed over. The people in Bonteheuwel want that. [Interjections.] The people in Elsies River and Mitchells Plain would want that and, equally so, the people in Athlone also want that. [Interjections.] Similarly, the houses we see as we drive down here on De Waal Drive have also not been handed over. We think it is because of the value of those homes that they have not been handed over. [Interjections.]

So, we think it is important that when you talk about the acceleration of title deeds that needs to happen, start in Bonteheuwel, Athlone, the Cape Flats, on the West Coast, Saldanha Bay and make sure that those title deeds are handed over in each and every area. Our late Nelson Mandela said that the 99-year leasehold houses needed to be handed over to their occupants. Deputy Speaker, we ask that that should start here in the Western Cape. [Interjections.] I thank you. [Applause.]

Debate concluded.

Bill read a second time.

**MENTAL HEALTH CARE AMENDMENT BILL**

(Consideration of Bill and of Report thereon)

There was no debate.

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

That the Bill and the Report be adopted.

Motion agreed to.

Bill accordingly passed.

The House adjourned at 19:58.

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**ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS**

**FRIDAY, 21 FEBRUARY 2014**

**COMMITTEE REPORTS**

**National Assembly and National Council of Provinces**

**1. Report of the Interim Joint Committee on Scrutiny of Delegated Legislation dated 19 February 2014.**

The draft regulations on criteria that military veterans have to meet in order to qualify for benefits, made under section 24(1) and tabled in terms of section 24(3) of the Military Veterans Act, 2011 (Act No 18 of 2011) were referred to the Interim Joint Committee on 20 June2013.

The Interim Joint Committee on Scrutiny of Delegated Legislation, having deliberated and considered the subject of the said regulations reports as follows:

1. that the draft regulations be properly drafted in order to comply with drafting convention in respect of accurate grammar, numbering and cross referencing; and
2. that it complies with the scrutiny criteria as determined by resolution of both Houses.

**2. Report of the Interim Joint Committee on Scrutiny of Delegated Legislation dated 19 February 2014.**

The Draft Credit Rating Agency Rules submitted for parliamentary scrutiny in terms of section 24(3)(a)(ii) of the Credit Rating Services Act, 2012 (Act No 24 of 2012) were referred to the Interim Joint Committee on 10 October 2013 for consideration and report.

The Interim Joint Committee on Scrutiny of Delegated Legislation, having deliberated and considered the subject of the said Regulations reports that it complies with the scrutiny criteria as determined by resolution of both Houses.

3. Report of the Interim Joint Committee on Scrutiny of Delegated Legislation dated 19 February 2014.

The draft Housing Development Agency regulations, submitted for consultation with Parliament in terms of section 32 of the Housing Development Agency Act, 2008 (Act No 23 of 2008) was referred to the Interim Joint Committee on 7 August 2013 for consideration and report.

The Interim Joint Committee on Scrutiny of Delegated Legislation, having deliberated and considered the subject of the said regulations reports that the draft regulations comply with the scrutiny criteria as determined by resolution of both Houses, except for clause 23 which requires further engagement by the Portfolio Committee on Human Settlements.

4. Report of the Interim Joint Committee on Scrutiny of Delegated Legislation dated 19 February 2014.

The Draft regulations on a supply chain management system for Parliament, made under section 65(1)(e) and in compliance with Chapter 6 of the Financial Management of Parliament Act, 2009 (Act No 10 of 2009), and tabled in terms of section 65(6) were referred to the Interim Joint Committee on 9 May 2013 .

The Interim Joint Committee on Scrutiny of Delegated Legislation, having deliberated and considered the subject of the said Regulations, as amended by the Standing and Select Committees on Finance, reports that it complies with the scrutiny criteria as determined by resolution of both Houses.

**MONDAY, 24 FEBRUARY 2014**

**TABLINGS**

**National Assembly and National Council of Provinces**

**1. The Speaker and the Chairperson**

1. 2013 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).
2. 2013 Fourth 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).

Referred to the **Joint Standing Committee on Defence** for consideration.

**National Assembly**

* 1. **The Speaker**
	2. The President of the Republic submitted the following letter dated 13 February 2014 to the Speaker of the National Assembly, informing members of the Assembly of the employment of members of the South African National Defence Force to evacuate South African nationals, diplomats and their families from South Sudan.

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**COMMITTEE REPORTS**

**National Assembly**

**1. Report of the** **Portfolio Committee on Trade and Industry on the National Credit Amendment Bill [B 47 – 2013], dated 21 February 2014:**

The Portfolio Committee on Trade and Industry, having considered the subject of the ***National Credit Amendment Bill*** [B 47 – 2013], referred to it and classified by the Joint Tagging Mechanism (JTM) as a section 76 Bill, reports the Bill with amendments [B 47A – 2013].

The committee further reports that the Congress of the People objected to the insertion of clause 22(4).

Report to be considered.

**TUESDAY, 25 FEBRUARY 2014**

**ANNOUNCEMENTS**

**National Assembly and 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 Bills as section 75 Bills:
2. **Development Bank of Southern Africa Amendment Bill** [B 2 – 2014] (National Assembly – sec 75).
3. **National Water Amendment Bill** [B 3 – 2014] (National Assembly – sec 75).

**2. Bills passed by Houses – to be submitted to President for assent**

1. Bill passed by National Assembly on 25 February 2014:
2. **Mental Health Care Amendment Bill** [B 39B – 2012] (National Assembly – sec 76).

**TABLINGS**

**National Assembly and National Council of Provinces**

**1. The Minister of Justice and Constitutional Development**

1. Progress report dated 12 February 2014 on the provisional suspension from office of Magistrate M T Masinga, a magistrate at Umlazi, tabled in terms of section 13(3)(f) of the Magistrates Act, 1993 (Act No 90 of 1993).
2. Progress report dated 12 February 2014 on the provisional suspension from office of Magistrate I W O M Morake, a magistrate at Lichtenburg, tabled in terms of section 13(3)(f) of the Magistrates Act, 1993 (Act No 90 of 1993).
3. Progress report dated 12 February 2014 on the provisional suspension from office of Magistrate T R Rambau, a regional magistrate at Limpopo, tabled in terms of section 13(3)(f) of the Magistrates Act, 1993 (Act No 90 of 1993).
4. Progress report dated 12 February 2014 on the provisional suspension from office of Chief Magistrate J F Van Schalkwyk, a magistrate at Kempton Park, tabled in terms of section 13(3)(f) of the Magistrates Act, 1993 (Act No 90 of 1993).

**COMMITTEE REPORTS**

**National Assembly**

**1. Report of the Portfolio Committee on Water and Environmental Affairs on the National Water Amendment Bill [B3- 2014], dated 25 February 2014.**

The Portfolio Committee on Water and Environmental Affairs (the Portfolio Committee), having deliberated and considered the subject matter of the ***National Water Amendment Bill***[B3-2014], (National Assembly – sec 75) (the Bill), introduced by the Portfolio Committee and classified by the Joint Tagging Mechanism as a section 75 Bill, agrees with the classification as a section 75 Bill and reports the Bill, as introduced by the Portfolio Committee [B3-2014].

**The Portfolio Committee requests the House to adopt the Report.**