

TUESDAY, 01 NOVEMBER 2016

PROCEEDINGS OF THE NATIONAL ASSEMBLY

The House met at 41:01.

Deputy 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.

APPOINTMENT OF NATIONAL YOUTH AGENCY BOARD MEMBERS

(Draft Resolution)

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

That this House -

(1) notes -

- (a) the resolution of the 23rd February 2016, which established an Ad Hoc Joint Committee on the appointment of board members to the National Youth Development Agency, NYDA;
- (b) the Joint Rule 138(5) which provides that an Ad Hoc Joint Committee ceases to exist when it has completed the task for which it was established; and
- (c) that the committee has ceased to exist on 24 May 2016, after it completed its task for which it was established and reported to the Assembly;
- (2) resolves subject to the concurrence of the National Council of Provinces, to re-establish the Ad Hoc Joint Committee, on the appointment of board members to the National Youth Development Agency with the same composition, membership, mandate and powers as its predecessor;
- (3) instructs the committee to incorporate in its work the proceedings and all the work of the previous committee; and

- (4) sets the deadline by which the committee is to report to this House to be the 7th December 2016.

Mr N F SHIVAMBU: Deputy Speaker.

The DEPUTY SPEAKER: Yes, hon Shivambu.

Mr N F SHIVAMBU: This is the second time the ANC is requesting that we must agree to the postponement of the appointment of the NYDA Board by the Ad Hoc Joint Committee. Before this is even tabled, I think as Parliament we should express our serious exception about the squabbles within the ANC Youth League and the Young Communist League that get to derail the process of appointing the NYDA Board. The term of office for those who are serving now is long overdue, however, because of their own squabbles and lack of proper political leadership we are being dragged into doing wrong things. Every time the committee is constituted to facilitate the appointment of the NYDA Board its work gets postponed. This continues until the term of office of such a committee expires without it having completed its given duties.

So, if we are going to agree to this draft motion, it must be on condition that we all agree that it is the last time such happens

and that the board must be appointed so that there could be some sense of stability at that level and not these playful things that have been happening thus far. And I do not know how the ANC is going to handle this because the chairperson of that ad hoc committee, Peace Mabe, is now no longer a Member of Parliament and she must have to handle ... [Inaudible.] [Interjections.]

The DEPUTY SPEAKER: Hon member, you are supposed to have answered the question. If there are no objections, the motion is agreed to.

The CHIEF WHIP OF THE OPPOSITION: Deputy Speaker.

The DEPUTY SPEAKER: Yes, hon member.

The CHIEF WHIP OF THE OPPOSITION: Deputy Speaker, I feel it is important to bring to your attention that for the first time since I have been in this Parliament, there were no Order Papers delivered to the Marks Building the opposition pigeon holes and I would ask that you investigate it, establish what the reasons were and ensure that it does not happen again.

The DEPUTY SPEAKER: Alright. Hon member, we will do that.
Secretary.

MINERAL AND PETROLEUM RESOURCES DEVELOPMENT BILL

(Consideration of Bill and of the Report thereon)

The MINISTER OF MINERAL RESOURCES: Hon Deputy Speaker, their Excellencies the President in absentia, the Deputy President, hon Ministers and Deputy Ministers, hon chairpersons and members of the Portfolio Committee on Mineral Resources, hon members and fellow South Africans, when I assumed duty as a Minister of Mineral Resources in September last year, I made a commitment that as a department we would do everything in our power to mobilise for the swift processing of the Mineral and Petroleum Resources Development Amendment Bill. [Interjections.]

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

The DEPUTY SPEAKER: Yes, hon Mbatha.

Mr M S MBATHA: Thank you very much, hon Deputy Speaker.

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

Ms M S KHAWULA: Hlala phansi ndoda. [Take your seat, hon member.]

Mr M S MBATHA: He must take his whiskey there. Hon Deputy Speaker, I rise on a point of order: I just want to query something. This man ... [Interjections.]

The DEPUTY SPEAKER: Hon member, what is your point ... what are you rising on?

Mr M S MBATHA: Hon Deputy Speaker, I would like to know if the Guptas have a session with Parliament because this man is not supposed to speak here. [Interjections.]

The DEPUTY SPEAKER: Hon member that is not the point of order. Take your seat.

Mr M S MBATHA: What is the point of order then?

The DEPUTY SPEAKER: That is not a point of order, take your seat.

Mr N F SHIVAMBU: Hon Deputy Speaker.

The DEPUTY SPEAKER: Yes, hon member.

Mr N F SHIVAMBU: There is an issue that Zwane was appointed by the Guptas and that issue is sub judice. [Interjections.] Why should we be addressed by Gupta agents here, please?

The DEPUTY SPEAKER: Hon Shivambu, take your seat and you must address the member ... [Interjections.]

The DEPUTY SPEAKER: But it is sub judice, the court is still ruling on this man and now he is addressing us on issues of the law. [Interjections.]

The DEPUTY SPEAKER: Hon member, please. [Interjections.]

Mr N F SHIVAMBU: Is it allowed to be addressed by people who were appointed in Saxonwold?

The DEPUTY SPEAKER: Hon member, you know that you are wrong, please take your seat. Go ahead, hon Minister.

The MINISTER OF MINERAL RESOURCES: Hon Deputy Speaker, this followed numerous engagements which I had with our key stakeholders in mining and upstream petroleum, who expressed a need for a stable and predictable regulatory framework. Indeed,

it is our duty to create legislation that would stand the worst of times and the best of times.

We debate this Bill on the back of recent commemoration of the birth of Comrade Oliver Reginald Tambo, one of the greatest stalwarts of our movement. We are spurred on by his words when he said, and I quote, "The fight for freedom must go on until it is won." We believe that this freedom includes the economic liberation of our people, through meaningful economic transformation.

The President of the Republic of South Africa, His Excellency Mr J G Zuma, had referred the Bill back to Parliament in order to establish that the issues he had raised would pass the constitutional muster. The concerns raised by the President are indeed genuine and required further affirmation from legislators. This is a demonstration of the President's commitment to driving a constitutionally-inspired transformation and development of the economy.

The Bill we brought to Parliament for amendment sought to, amongst others, achieve the following: To improve the ease of doing business; address the shortfall identified in several court rulings, such as the Bengwenyama case, on consultation of

communities, the Mawetse case, on effective date of a right; improve regulation of social and labour plans to optimise the impact of the mining industry to development, and consolidate these into District Municipalities Integrated Development Plans; introduce a credible and orderly means of state participation in the development of the nation's petroleum resources; to provide for an integrated licensing regime for the granting of rights, issuing of water use licenses and approval of environmental authorisations; to provide for regulation of associated minerals; provide for designation of minerals as strategic for the purposes of supporting local beneficiation and industrialisation; and it also seeks to achieve an alignment on the provision for sanction to noncompliance with the Competition Commission SA and introduce a deterrent to noncompliance.

These and other amendments came from the benefit of having implemented the Mineral and Petroleum Resources Development Act, for 14 years during which we obtained important lessons. I would like to assure hon members that the government is approaching this subject with the utmost responsibility and sensitivity, guided by an imperative to balance development with social and environmental considerations.

In this regard we do appreciate and commend the Portfolio Committee on Mineral Resources for dealing decisively with the processing of the Bill whilst addressing legitimate concerns raised by the President. The resolutions herein tabled for debate ought not to be seen as being contrary to the basis of referral of the Bill, but more of the reaffirmation to the President that legislators have satisfied themselves that indeed the Bill will now pass the constitutional muster.

We are acutely conscious of the fact that people elect public representatives to make laws to foster development, ensure that jobs are created, and see that services such as education, health and welfare are rendered to the country in an environmentally sustainable manner.

The reconciliation of these challenges constitutes one of the critical mandates of public office. It is expected of us, as the nation's legislators, to rise to the challenges.

Hon members, you are well aware that the Mineral and Petroleum Resources Development Act has vested the country's mineral resources in the hands of the state. The gains we have made in a short space of time can be accelerated and amplified with the processing of this Bill.

I call on all hon members of this House to support the position that we have taken on this matter of national interest. We have to use our collective might to deal with this subject in a manner that ensures that we take steps to reindustrialise our country, diversify our energy mix, contribute to food security and strengthen the national fiscus.

History places us in a position to rewrite its course and prove our critics wrong. We have made a good start in South Africa. We can use this Bill to unite our country and forge a common vision of a truly successful nation. May God bless all South Africans as we embark on this journey. Thank you, Deputy Speaker. [Applause.]

Mr J R B LORIMER: Deputy Speaker, the Fourth Parliament passed this Bill two-and-a-half years ago. We warned then that it should not do so, that the Bill was gravely flawed, and here it is, back again, with very few of its flaws fixed.

Opinion in the mining industry is divided on this Bill, but before the ANC gets excited, there are not some people who support it and some who oppose it. Everybody opposes it. The division is that some think this Bill is so bad that the current uncertainty is better than the certainty of a bad Bill. Others think the Bill should just be passed even if it is bad, so that

they are certain about what they are dealing with. What I fear is that when there is certainty, they will know for sure that it's no use investing in the South African mining industry and they will move their investments somewhere else. That is already happening.

There is one fact about mining that should be burned into everybody's brain. We have, arguably, the world's richest mineral storehouse, but in terms of investment attractiveness, we are number 66 of 109 jurisdictions surveyed by the highly-regarded Fraser Institute. ANC mining policy has been a colossal failure, on that alone.

Passing this Bill will not add anything to that score. It's not going to fix anything. The Bill will worsen uncertainty by putting massive power into the Minister's hands to set the rules and change them quickly. It will open the door to even more corruption, allowing the Minister to hand out mining rights to friends, cronies or the highest bidder - and, based on current performance, I am sure some of that bid money will not end up in state coffers. [Interjections.]

When this Bill was passed, we wrote to President Zuma and told him it would, possibly, be unconstitutional, for eight different

reasons. He agreed with us on some of them, and sent the Bill back. There it languished as, we presume, the ANC fought internally to decide what to do - but now, it's back. The portfolio committee has fixed some of the procedural shortcomings. We hope others will be fixed as the Bill goes through to the NCOP, but the portfolio committee has disagreed with the President on two, key, substantive issues of the Bill. The state law advisor and the portfolio committee say it's fine; the Bill won't contravene our international trade obligations. They say it's fine; the Bill won't be unconstitutional by giving the Mining Charter the force of legislation - even though it can be changed at the Minister's whim.

There are very few people in the whole of South Africa who can give good advice on such a specialised area as international trade law, so I suggested to the committee that we get the advice of an international trade lawyer. To its credit, the portfolio committee agreed. Unfortunately though, I was told there is no budget for such an opinion. So, if the state law advisor is wrong and the portfolio committee is wrong, this Bill may be successfully challenged in court, in which case, it will cost the state a lot more money and throw the industry into even more disarray.

The whole idea contained in this Bill that government can limit mineral exports and force beneficiation through cheap, local prices is unsound. It doesn't work. The World Bank says so. The ANC ignores their advice.

Now, some in the ANC believe the reason for supporting this Bill is the perception that it will return control of South Africa's natural resources to the previously disenfranchised. If that were the case, that would be wrong in that it argues against how we see South Africa for all who live in it. It would be understandable, given our history, but that is not what this Bill will do.

There was one telling moment during the reprocessing of this Bill. The National House of Traditional Leaders told us they wanted an independent authority to issue mining licences. They were diplomatic as to why this was, but it was clear that even under the current system, they find that licences are not being granted for empowerment reasons - that is, to poor rural communities - but to politically connected cronies. I imagine that the House of Traditional Leaders, having had actual experience of mineral licensing, knows what it's talking about. Needless to say, the ANC on the committee ignored its advice.

The new Bill will put even more power to select who gets licences into the hands of the Minister. We do hope, however, that the ANC will propose some changes to this Bill when it goes to the NCOP. Still unfixed are the provisions on oil and gas. If this Bill had been done properly the first time around, we would already have seen investment in our oil and gas sector and we would be reaping the benefits. However, the ANC tries to grab as much as it can for its cronies, so there has been no investment.

If the ANC doesn't fix this aspect of the Bill in the NCOP, it will, again, miss a chance to get investment, development, economic growth and jobs. It will shred what remains of its credibility. This Bill could be fixed, or, better still, scrapped and rewritten so that it drops forced beneficiation; provides certainty through legislation, rather than regulation; pays more attention to including communities; and brings about a transparent and fair licensing process.

When I came to this portfolio four years ago, we had just missed the great resources boom. Yet, we employed some 100 000 more people in mining than we do today. Unless this Bill is radically changed, the decline in this sector will continue and our chance to use mining to escape from our economic difficulties will be lost. [Applause.]

Mr N F SHIVAMBU: Deputy Speaker, when the Mineral and Petroleum Resources Development Act was first enacted, it basically took ownership of all mineral rights, from private companies to the state, and gave those rights to individual, private, mining companies, based on alliances which had conditions.

The amending Bill passed by the fourth democratic Parliament, which we are dealing with now, basically dealt with the petroleum sector. It stated that the state must have a degree of ownership and control in all new petroleum processes and businesses. It was also beginning to say that the Minister of Mineral Resources, if that person is a rational person - unlike the current one - could then determine the amount of minerals that can be exported from South Africa to give space for local beneficiation and the industrialisation of mineral resources.

The president of the ANC brought that Bill back to Parliament without having signed it, two-and-a-half years ago. He told us to check if it was constitutional for that Bill to be passed without being compliant with some international trade agreements and without having consulted the House of Traditional leaders. That was not the real reason the Bill was sent back by the president of the ANC, however.

The real reason was that the Gupta interest in mining had objected to the adoption and passing of the Mineral and Petroleum Resources Development Act. They said it through their media platform, by saying the Bill would not pass because they had control of a person who is meant to sign Bills into law in South Africa. [Interjections.] The real reason the Bill was brought back to be dealt with here, in Parliament, is that the Guptas said it could not be signed.

We then entertained this process. As early as 2015, I was on the portfolio committee on minerals that dealt with this question - before Zwane arrived here - that said that there was nothing unconstitutional with the Mineral and Petroleum Resources Development Amendment Bill, as amended. However, we have only come back now to pass the Bill. We have waited two-and-a-half years without proper legislation to guide the mineral sector. This is the capture that we are talking about.

Mr S M RALEGOMA: Deputy Speaker, on a point of order: There is no "Zwane" here. It is "the hon Zwane". [Interjections.]

The DEPUTY SPEAKER: Hon Shivambu, the Rules require you not to call any member by his surname only in the way you did.

[Interjections.]

Mr N F SHIVAMBU: So, Deputy Speaker, we are dealing here with part of what is being dealt with today in the North Gauteng High Court - state capture, par excellence.

The DEPUTY SPEAKER: Hon member, you must refer to a member properly. You know what you should call him. You have two ways of doing that, so do it, as is appropriate. You know that. You know the Rules. You are your party's Chief Whip. Please do that.

Mr N F SHIVAMBU: What is your instruction?

The DEPUTY SPEAKER: My instruction to you is that you must address members in the appropriate manner in the House, as guided by the Rules. You are supposed to be an enforcer of the Rules.

Mr N F SHIVAMBU: So, what is your instruction, now?

The DEPUTY SPEAKER: Do it. You do it now. [Interjections.]

Mr N F SHIVAMBU: I am not referring to anyone now. I am talking about the content of the speech. [Interjections.]

The DEPUTY SPEAKER: No, do it now, hon member. Please do it.

Mr N F SHIVAMBU: So, I must say what? What should I say?

[Interjections.]

The DEPUTY SPEAKER: No. You do it. You can hear me. You are not ...

Mr N F SHIVAMBU: To which member are you referring? There are many different people here.

The DEPUTY SPEAKER: To the Minister. Refer to him in an appropriate manner. You know what you said. [Interjections.] Don't waste your own time.

Mr N F SHIVAMBU: I said, "before Mr Zwane was here".

The DEPUTY SPEAKER: That's better. Proceed. [Interjections.]

Mr N F SHIVAMBU: It's ...

The DEPUTY SPEAKER: Proceed. You didn't say that - but proceed.

Mr N F SHIVAMBU: This is what we are talking about when we talk about state capture, where a family, because of their own mining interests, instruct a president not to sign a Bill into law. It

is happening currently, with the Financial Intelligence Centre Act, which is supposed to deal decisively with illegal money movements of politically connected and exposed families. Again, the Gupta faction that leads the ANC has instructed that that Bill must not be passed into law. That is what we are talking about when we deal with all those issues.

As part of uncapturing South Africa and uncapturing Parliament, let us take this opportunity to pass the Bill, as proposed here, because all the comments, recommendations and concerns brought by Mr Zuma were rejected by the committee. None of his concerns were taken into consideration.

Let us agree, in principle, on the issue that we raised in the Rules Committee. Next time a Bill is brought back from the Presidency, it must not last for more than three months here in these Chambers before it is passed into law.

The DEPUTY SPEAKER: Hon member ...

Mr N F SHIVAMBU: We cannot wait for two-and-a-half years in the same manner in which has happened here.

The DEPUTY SPEAKER: Hon member, your time has expired.

Mr N F SHIVAMBU: We can tell you, for free, that the reason we were delayed was because of the Gupta phenomenon which we have had to deal with ... [Interjections.]

The DEPUTY SPEAKER: Before the hon Esterhuizen speaks, would hon members join me in welcoming the De Villiers Graaff Primary School children and their staff members? Welcome. [Applause.]

Mr J A ESTERHUIZEN: Deputy Speaker, mining is an industry with long timelines. When making investments, mining companies think decades ahead. They need certainty as to the law and regulations under which they would operate. They will not invest if there is fear of unpredictable regulatory environment.

This Bill empowers the Minister to impose export controls on any minerals he designates as needed for beneficiation. The Bill introduces a new category of strategic minerals, defining these as such minerals as the Minister may declare them to be strategic. This definition has little content but gives the Minister vast discretionary powers.

Minerals identified as strategic are very likely to be declared subject to export controls and choke off investments. The Bill also creates a number of extraordinary new offences and

penalties, mining without mining right or approval and environmental management programmes. Mining companies now face fines of up to 10% of annual turnover plus the value of the previous year's export or prison terms for directors of up to four years or both for such vague offences as failing to promote economic growth.

It is astonishing that such penalties can even be considered when government policy has severely hampered economic growth for the past 20 years. The President believes, and rightly so, that the Bill should have been referred the National House of Traditional Leaders. This Bill will seriously harm this country's great mining potential and even more importantly causing many more job losses.

In this, Parliament must follow its mandate to represent all South Africans including the millions of poor people who rely on government to hold the departments and the executive to account and adopt laws best suited to this country's needs; and this Bill doesn't do that. The IFP cannot support this Bill. Thank you.

Prof N M KHUBISA: Hon Deputy Speaker, the Mineral and Petroleum Resources Development Act, 2002, aimed to give effect to the

Freedom Charter, making the state the custodian of the country's minerals.

Based on the premise that South Africa's mineral wealth belongs to its entire people, the Act empowers the state to allocate prospecting and mining licenses for limited periods. Despite the noble intentions, the Act has not succeeded in the expected redistribution of mineral wealth, and policy uncertainty at a political level has contributed to an industry that is not performing at optimal level.

In the context of the mining industry that is struggling to regain momentum after crippling strikes and falling commodity price, it is imperative and desirable to clarify legislation to attract investments.

The NFP take note of the report of the Portfolio Committee on Mineral Resources in response to the concerns raised by the President on the amendment Bill and accept the recommendation that the Bill be passed. We do, however, not believe that the proposed amendments in the Bill are sufficient to address the numerous deficiencies in the Act.

We would have liked to see the amendment go further than the current Bill proposes. Amongst the aspects which we believe warrant closer scrutiny and clarity is the level of the Minister's discretion and the current wording of the beneficiation clauses. In particular, we are concerned about the Minister's discretion in setting terms for beneficiation with no clear objective and measurable criteria.

Terms such as, "agreed price" is vague. It creates uncertainty, and might invite potential for corruption as there is no indication between whom such agreement is to be reached and what criteria are to be used. The NFP believes that the amendments contained in the Bill fall far short of concerns voiced by the mining communities. These included loss of land, lack of consultation with communities, their exclusions from royalty payments made by mining companies and lack of compensation for the negative environmental and health effects of mining.

Considering all the deficiencies in the current Act, and the proposed amendments contained in the Bill, the NFP suggests that the entire Bill should be rewritten. It is our responsibility as the legislature to develop and promote legislation which is as inclusive as possible with the intention to maximise benefit for our people in a fair and equitable manner.

Neither the existing Act nor the proposed amendments discharge this duty adequately in our view and for this reason that we say this Bill should be subjected to further legal scrutiny. Thank you.

Ms C DUDLEY: Deputy Speaker, South Africa's mineral resources are valued at R2,5 trillion, giving it the richest reserves in the world. Strictly, mining contributes only 9,8% to the country's GDP, but various multiplier factors increase this to around 18%.

The sector generates 40% of South Africa's merchandised exports, contributes significantly to corporate tax, underpins much of the manufacturing sector, and brings in foreign investments. The mining industry also provides employment to more than 500 000 people. The ACDP is of the view that the Mining and Petroleum Resource Development Amendment Bill still contradicts the NDP's call for regulatory reforms that provide policy certainty for an industry that has to think decades ahead when making investments.

No mining legislation has been successfully passed since 2008 despite the industry being in desperate need of clarity and assurance for investors. The amendments we are considering, which regulates the exploitation of minerals, resources, the legal movement, and transfer of resource rights are regarded as

possibly temporary changes as two new Bills are expected in time to come - One for the mining industry and one for the oil and gas industry.

All of this is close to home for many affected communities, and in the Eastern Cape, KwaZulu-Natal, Free State, Mpumalanga and Northern Cape, applications right now have been made for gas exploration on large tracts of land across the provinces.

So, to sidetrack for just a moment, a decision on the Matatiele application is expected in the next few weeks, making this an extremely urgent matter for those who see their water, land and livelihoods being taken from them saying, "it is reasonable to expect large companies would not waste time and money on exploration if fracking or other invasive methods are not going to follow".

Matatiele, for example, has chosen agriculture and tourism as their economic activities of choice and fracking will destroy both. South Africa is a water scarce country and people fear that the little water we have will not only be used up on this water thirsty procedure, but it will be irreparably polluted - placing livestock produce babies and the whole community at risk.

Our major water catchment areas which are all under application, once polluted, will negatively affect the entire country. The ACDP has requested an urgent debate on this matter but has had nothing to date. We call upon the government to place a moratorium on gas exploration for the purposes of fracking and other invasive activities.

Many countries have rejected this form of gas extraction on their land for a good reason: The cost to society and the environment is just too high. The Bill was pushed through and we are back to the Bill we are dealing with today. At the end of the parliamentary term it was sent back to Parliament by the President last year on grounds that certain provisions were unconstitutional.

The new Bill still provides for the Minister to form a new entity to promote on and offshore exploration and production of petroleum and to deal with matters relating to petroleum and gas exploration. Despite the outcry ... [Interjections.] [Time expired.]

The DEPUTY SPEAKER: Hon member, your time has expired.

Ms C DUDLEY: ... and the objections to the Bill, it has changed minimally and the ACDP cannot support this Bill. Thank you.

The DEPUTY MINISTER OF MINERAL RESOURCES: Deputy Speaker, the Deputy President, Ministers and fellow Deputy Ministers, hon chairperson Mr Luzipo, Nkosi Mandela, and members of the Portfolio Committee on Mineral Resources, hon members, ladies and gentlemen, the Mineral and Petroleum Resources Development Act, Act 28 of 2002 has been the most solid and progressive piece of legislation in the mining industry since its promulgation and implementation in 2004.

On May Day 2004, the ownership of the country's mineral resources was transferred to its citizens, with the state given custodianship thereof and the Department of Mineral Resources the regulatory mandate to ensure orderly, sustainable exploitation of these mineral resources in an environmentally progressive manner for the benefit of all stakeholders but also to promote high health and safety standards and skills development.

The Mineral and Petroleum Resources Development Act, Act 28 of 2002 was enunciated in the Mining and Minerals White Paper of 1998 to introduce unprecedented regulatory reform in the mining industry in line with the constitutional objectives and

the internationally accepted right of the state to exercise sovereignty over its wealth, natural resources and economic activity. This is as prescribed in the United Nations Resolution 1803 (XVII) of 1962 and the subsequent UN Charter of Economic Rights and Duties of States.

This therefore serves to do the following: reclaim the mineral wealth as the common heritage of all South Africans, vested in their custodianship; provide orderly development of the nation's mineral resources; introduce the notion of social license to operate; and promote equitable access to the nation's mineral and petroleum resources.

The Mineral and Petroleum Resources Development Act has created an enabling environment for growth and the basis for transformation in the industry. This is in keeping with the changing socioeconomic and political landscape in South Africa. The period up to 2012 provided sufficient time to benefit from experience and evaluation of implementation on the basis of which weaknesses in the Mineral and Petroleum Resources Development Act were identified. These include the following: ambiguities that create room for multiplicity of interpretation, fragmented licensing processes for mining requirements, weak provision for

sanctions imposed because of noncompliance, and consultation and lack of alignment with developmental priorities.

In terms of strategic focus and amendments, we are looking into the following: strengthening of existing provisions relating to the social and labour plans; enhancing the provision relating to beneficiation; streamlining and integrating administrative processes relating to the licensing of rights; strengthening provisions relating to cession, transfer and encumbrance, in order to permit partitioning of rights; strengthening provisions on sanctions relating to noncompliance; and providing for the state's active participation in petroleum development.

When it comes to the Mining Charter, which is also derived from the same values of the supreme law of the country, the Constitution of the Republic of South Africa, it is more vociferous on the subject of equality. The Mining Charter seeks to achieve the following six objectives: promote equitable access to the nation's mineral resources to all South Africans; expand, both substantially and meaningfully, opportunities for historically disadvantaged people, including women, to enter the mining and minerals industry and to benefit from the exploitation of the nation's mineral resources; utilise the existing skills base for the empowerment those who were disadvantaged previously;

expand the skills base of thereof; promote employment and advance the social socioeconomic welfare of the mining communities and labour-sending areas; and promote beneficiation of South Africa's mineral resources.

Beneficiation is central to this legislation, and I must say that it is also part of the African Union's programme of the African Mining Vision. We are going to do it without any hesitation.

The major regulatory reforms introduced by the Mineral and Petroleum Resources Development Act, consistent with the prevailing doctrine of a democratic state, have not been without challenges. For instance, the AgriSA case against the former Department of Minerals and Energy, in which it was argued that the Mineral and Petroleum Resources Development Act is expropriatory, was unsuccessful in the Constitutional Court, the judgment affirming the ownership of both minerals and petroleum resources to the people as a whole. This is one of the major victories of the democratic government least celebrated but very significant to the partial implementation of the Free Charter.

Ten years later, the law was amended to deal with some deficiencies derived from the lessons of history and some other legal challenges encountered during the transformation period.

Regrettably, these amendments were highly contested to the extent that the President, as mandated by the Constitution under section 84(2), referred the Bill back to Parliament. It must be noted that when a Bill is referred back to Parliament, the institution is only obliged to deal with those aspects that were sent back by the President, nothing else. [Interjections.] In considering the Bill that was presented to him, the hon President Zuma referred the Bill back to Parliament on four grounds: two substantive and two procedural.

As we debate in this august House today, the substantive issues and one procedural matter have been dealt with. The matter outstanding is consultation with the provinces as well, for which the NCOP is responsible. That the definition of the Act seeming confers unfettered powers to the Minister is not true. In the main, it is not uncommon for legislators to delegate amendment of subordinate legislation to the executive. This is a well-entrenched practice within the Republic that none of the legislators present here can claim oblivion to.

The matter of the likely transgression with the country's international obligation in respect of the perceived restrictions on the exportation of minerals is better clarified in section 26 of the Mineral and Petroleum Resources Development Amendment

Bill. None of the mining rights holders is subjected to these restrictions but those who would have to secure minerals on the basis of the provisions of the section 26 proposition. Only those will apply. It makes sense that, if anyone secured mineral production on the basis of our legislation for a specific purpose, they cannot trade with such minerals outside of that purpose without consideration by the executive on the material conditions that should permit such to happen.

Therefore, it is critical to correct the prevailing narrative that the Bill imposes upon all stakeholders of mining rights to seek consent for the exportation of mineral production. This is yet another example of ineptitude in our legal fraternity, which is part of the dominant narrative and a particular political predisposition. Obviously, we know where it comes from.

We have consulted extensively with a number of affected departments on this matter, including International Relations and Co-operation, Trade and Industry, Economic Development and National Treasury, amongst others, to ensure that our conceptualisation of the provision is not inconsistent with our international obligations. We have been assured accordingly that these sections are not inconsistent with such obligations.

In consultation with the national House of Traditional Leaders, we have welcomed the President's view on this unintended omission. The House of Traditional Leaders has since considered the Bill and made their contribution to the Portfolio Committee on Mineral Resources, which duly considered these contributions. I would like to express our highest appreciation to the House of Traditional Leaders for their consideration and due submission to the committee.

Lastly, the President correctly raised a matter of highly compressed NCOP consultation with the provinces. Once this House has concluded its deliberations this afternoon, the Bill will be referred to the NCOP for further processing.

Today, we are pleased to report that our Parliament has done us proud once more, following extensive consultation within our parliamentary democratic system. Over the past two years, members have worked consistently on and systematically through the reservations expressed by the President and have presented yet another compelling case for the country to bring certainty and finality to this key sector of our economy. Members will also realise the new dimension and interesting balancing act in the amendments that take into account the interest of communities and investors in our favourable constitutional order.

Members should also note that the Constitution provides that the matter - I think I have dealt with this matter. Members should also note that this matter has been raised on all international platforms of major jurisdiction, such as the African Mining Indaba and Prospectors and Developers Association of Canada show, and we would like to ensure that we pass this Act by November.

We want to thank members from all political parties for their due diligence on this matter. Thank you very much. [Time expired.]

[Applause.]

Mr H C SCHMIDT: Deputy Speaker, hon Minister, it does not help to consult the House of Traditional Leaders. We don't adopt a single suggestion or proposal they have made. So it is basically a formalistic process. But, in any event ...

The amendments contained in this Bill have been the subject of an ongoing parliamentary confusion since 2012. For the last four years, the minerals, gas and oil industries have been held in suspense due to the nonfinalisation of the Bill. This reflects the current state of affairs in the minerals industry where insecurity and confusion have been prevalent for a number of years.

The referral of this Bill back to Parliament by the President indicates the lack of direction, the failure by the ANC to provide leadership and the total malaise of uncertainty which has existed since the Amendment Bill was introduced in its original form.

Mining, oil and gas companies have unsuccessfully been warning against the undesired consequences of a Bill that creates more uncertainty rather than less.

The indications that these warnings have realised are evident in the falling production figures with the de facto withdrawal of a major oil company from our shores and the closure of other mining operations.

It has taken approximately two years to finalise the Amendment Bill after it was referred back to Parliament. This is due to the number of contradicting legal opinions between the presidential legal advisors and the parliamentary legal advisors. The DA's request to the committee to obtain an independent legal opinion has proven unsuccessful. Parliament is therefore left with the contradictory opinion of its own legal advisors compared to that of the presidential legal advisors.

The courts will now have to determine the legality or otherwise of the issues referred back to Parliament – as if we do not have enough court cases, what with Minister Zwane trying to prevent the release of the state capture report in the North Gauteng High Court today. It would indeed be interesting to see on what basis and what is contained in those papers.

And then there is the court case involving Atha-Africa Ventures – another case of a mining license awarded irregularly – in which two of President Zuma's nephews seem to have been granted mining rights in an environmentally protected area in Mpumalanga.

[Interjections.]

What the mining industry requires is a legally sound, properly consulted Act which will lead to a sense of hope, sustainability and stability in the short, medium and long term. This is not what the ANC seems to want.

While the Bill was referred back on the basis of four different issues, the portfolio committee only agreed with two of the issues – all procedural in kind. These related to the lack of proper consultation and the failure to consult with the House of Traditional Leaders. The other two substantive matters dealing with the unconstitutionality of the provisions of the General

Agreement on Tariffs and Trade, GATT, and the elevation of the Mining Charter to legislative status were not agreed to, effectively amounting to a disagreement with the President. Is this a sign of things to come?

The mining industry, inclusive of the oil and gas industries, require a stable, long-term regulatory framework that allows investors to invest for up to 25 years and longer. Anything less, defeats the object to ensure mining investment and development in the minerals economy – an issue which in itself has gone underground – excuse the pun – since the Mining Phakisa a year ago.

Why then do we expect positive results for an improved minerals economy when the basics for mining growth are not being adhered to? I thank you.

Mr S LUZIPO: Deputy Speaker, a speaker once said "In conclusion"...

The President, in absentia, the Deputy President, Ministers and Deputy Ministers, hon members, it is with great humility and appreciation that I stand in this House to present this Bill that requires consideration by this august House.

I will not be doing justice to this if I fail to acknowledge the work done by my fellow colleagues in the portfolio committee. The manner in which this Amendment Bill was handled truly echoes the words of our stalwart, the late President Mandela, when he acknowledged that there are many good men and women of wisdom in the ANC and outside the ANC.

This is the spirit that guided our deliberations in dealing with this Amendment Bill. This was never an easy process due to the complex nature of the referral in terms of the Joint Rules as both the substantive and procedural matters on the President's reservations were raised simultaneously. The challenge therefore was how best to comply with the referral procedure.

With due respect, I think we must also acknowledge that this was unprecedented and therefore blame can be placed nowhere except for the fact that we had to comply with the Joint Rules of Parliament.

The committee welcomed the President's reservations on the Bill and it is our understanding he sought further close assessment and quality assurance exercise. Furthermore, he surely holds the same views as us, in acknowledging the supremacy of the judiciary, in making determinations of law, including its

interpretation. None of the arms of state can make a determination of law as to what is constitutional and what is not, except the judiciary.

Our task was therefore to ensure that there is clarity in the drafting of the legislation and to ensure that there is legal certainty in the manner in which the Bill is drafted.

It is therefore also important to acknowledge the fact that we have made consultations in relation to the substantive issues. It will be absolutely disingenuous to suggest that there was a rejection. There was a consideration, and we came to the same conclusions that the interpretation of statutes cannot be viewed in the context of being a rejection of a particular view. But we give respect to people. They are entitled to their own view, but they are not entitled to make their views facts because facts are what are going to be determined in the pursuance of the determination of the legislation.

I think we have also clarified the issue with regards to the international tools of trade which we have said at the center of it governments are allowed to develop policy in the public interest. Therefore it is absolutely not correct to suggest otherwise.

Most critical is the reservations of the President on the lack of extensive public participation in the NCOP and lack of consultation with the National House of Traditional Leaders. It is important to report that, through consultations done with the National House of Traditional Leaders, some of their proposals were accommodated and that only those that were outside the reservations raised by the President were taken back to the department for future consideration.

We now present the Bill for consideration in this august House so as to allow the NCOP to undertake its public consultation.

We furthermore believe that the President's reservations assist in the clarification of the centrality of our communities in the determination of their socioeconomic development.

Let me therefore take this opportunity to again extend a word of gratitude to the hon members for the patriotic nature in which they handled this delicate process. We extend our profound appreciation to the office of the Speaker for its timely intervention and for providing guidance on the procedure to be followed, and to the parliamentary legal service and the state law advisers for the counselling and advice they provided.

While it is said that you should not praise a fish for swimming, more words of gratitude must also go to the Department of Mineral Resources and its officials for providing clarity on the content of the Bill and for accommodating some of the proposals from the National House of Traditional Leaders.

Hon Shivambu, I am sure hon Streenhuisen, my homeboy, won't like it when you say this Bill was referred back on the basis of the Guptas. I am sure you are not suggesting that the DA has been captured by virtue of them agreeing with the Guptas on not passing this Bill. I saw you conspiring and speaking with him. I thought maybe you are reminding him that what I am saying also refers to you. I hope that is not what you were suggesting.

By the way, I can count how many members ... It started with hon Malema. We then had hon Dlamini. We then had hon Makause. We currently have hon Mokoena. From that period of 2014 to now, none of them ... and I will not say something simply because it is public posturing. None of them have ever complained in the committee about the slow pace because they understood the reasons for the slow pace. It was nothing else based on the Joint Rules of Parliament that were intervening.

For the record, we appreciate the support you are giving to the Bill. It is correct. It is in the best interest of the country. But I don't think I will be making a mistake when I state that those issues that you are raising are completely irrelevant to the passing of the Bill, as to why the Bill was referred back. We had to concentrate on what is in the interest of the country.

Lastly, let me mention two quotes. "Leaders think and talk about the solutions; followers think and talk about the problems". That's by Brian Tracy.

An anonymous person once said this: A murderer will kill you, a thief will steal from you, but you will never know where you stand with a liar. Thank you.

Debate concluded.

The Chief Whip of the Majority Party moved: That the Report be adopted, the Mineral and Petroleum Resources Development Amendment Bill, as amended, together with the President's reservations be agreed to and referred to the National Council of Provinces for consideration.

Division demanded.

The House divided.

AYES - 198: Abrahams, B L; Adams, F; Adams, P E; Basson, J V;
Bekwa, S D; Beukman, F; Bhengu, P; Bhengu, F; Bhengu, N R;
Bilankulu, N K; Booi, M S; Boroto, M G; Capa, N; Carrim, Y I;
Cele, B H; Cele, M A; Chauke, H P; Chohan, F I; Chueu, M P;
Coleman, E M; Cronin, J P; Didiza, A T; Dirks, M A; Dlakude, D E;
Dlamini, B O; Dlamini-Dubazana, Z S; Dlodlo, A; Dlomo, B J;
Frolick, C T; Fubbs, J L; Galo, M P; Gamede, D D; Gcwabaza, N E;
Gina, N; Gumede, D M; Gungubele, M; Hanekom, D A; Hlophe, H O;
Holomisa, S P; Jeffery, J H; Johnson, M; Kalako, M U; Kekana, H
B; Kekana, P S; Kekana, E; Kenye, T E; Ketabahle, V; Khawula, M
S; Khoarai, L P; Khosa, D H; Khoza, N P; Khoza, T Z M; Khunou, N
P; Kilian, J D; Koornhof, G W; Landers, L T; Lesoma, R M M;
Letsatsi-Duba, D B; Loliwe, F S; Louw, E N; Luyenge, Z; Luzipo,
S; Maake, J J; Mabasa, X; Mabe, P P; Mabija, L; Mabilo, S P;
Madella, A F; Madlopha, C Q; Maesela, P; Mafolo, M V; Mafu, N N;
Magadzi, D P; Magwanishe, G; Mahambehlala, T; Mahlangu, D G;
Mahlangu, J L; Mahumapelo, J M K; Majola, F Z; Makhubele, Z S;
Makondo, T; Malgas, H H; Maloyi, P D N; Maluleke, B J; Manamela,
K B; Manana, M N S; Manana, D P; Mandela, Z M D; Manyoni, T M;
Maphanga, W B ; Mapisa-Nqakula, N N; Mapulane, M P; Martins, B A
D; Masango, M S A; Masehela, E K M; Mashabela, N R; Mashego-
Dlamini, K C; Mashile, B L; Masondo, N A; Masuku, M B;

Maswanganyi, M J; Mathale, C C; Matiase, N S; Matlala, M H;
Matshoba, M O; Matsimbi, C; Mavunda, R T; Maxegwana, C H M;
Mbalula, F A; Mbatha, M S; Mbetse, B; Mchunu, S; Mdakane, M R;
Memela, T C; Mente, N V; Mfeketo, N C; Mjobo, L N; Mkongi, B M;
Mmemezi, H M Z; Mmola, M P; Mnganga - Gcabashe, L A; Mnguni, D;
Mnisi, N A; Mokoto, N R; Molebatsi, M A; Molewa, B E E; Morutoa,
M R; Moteka, P G; Mothapo, M R M; Mpumlwana, L K B; Mthembu, J M;
Mthembu, N; Mthethwa, E N; Mudau, A M; Nchabeleng, M E; Ndaba, C
N; Ndabeni-Abrahams, S T; Ndongeni, N; Nel, A C; Newhoudt-
Druchen, W S; Ngcobo, B T; Ngwenya-Mabila, P C; Nkadimeng, M F;
Nkwinti, G E; Nobanda, G N; November, N T; Nqakula, C; Ntombela,
M L D; Ntshayisa, L M; Nyambi, H V; Oliphant, G G; Oosthuizen, G
C; Patel, E; Phaahla, M J; Phosa, Y N; Pikinini, I A; Pilane-
Majake, M C C; Plouamma, M A; Radebe, B A; Radebe, G S; Radebe, J
T; Ralegoma, S M; Ramaphosa, M C; Ramatlakane, L; Ramatlhodi, N
A; Rantho, D Z; Raphuti, D D; Rawula, T; Semanya, M R;
Senokoanyane, D Z; September, C C; Shaik Emam, A M; Shivambu, N
F; Shope-Sithole, S C N; Sibande, M P; Sisulu, L N; Siwela, E K;
Skosana, J J; Skwatsha, M; Smith, V G; Thabethe, E; Tleane, S A;
Tobias, T V; Tolashe, G N; Tom, X S; Tongwane, T M A; Tseke, G K;
Tseli, R M; Tsoleli, S P; Tuck, A; v R Koornhof, N J J; Van
Schalkwyk, S R; Williams, A J; Xego, S T; Yengeni, L E; Zokwana,
S; Zulu, L D; Zwane, M J.

NOES - 81: America, D; Atkinson, P G; Bagraim, M; Baker, T E;
Balindlela, Z B N; Basson, L J; Bergman, D; Boshoff, H S;
Breytenbach, G; Buthelezi, M G; Cardo, M J; Chance, R W T; Davis,
G R; Dreyer, A M; Dudley, C; Edwards, J; Esau, S; Esterhuizen, J
A; Figg, M J; Groenewald, H B; Grootboom, G A; Hadebe, T Z;
Hlengwa, M; Horn, W; Hunsinger, C H H; James, L V; James, W G;
Jongbloed, Z; Kalyan, S V; Khubisa, N M; Kohler, D; Kopane, S P;
Kruger, H C C; Krumbock, G R; Lees, R A; Lorimer, J R B; Lotriet,
A; Mabika, M S; Mackenzie, C; Macpherson, D W; Madisha, W M;
Majola, T R; Malatsi, M S; Marais, S J F; Marais, E J; Masango, B
S ; Matsepe, C D; Maynier, D J; Mazzone, N W A; Mbhele, Z N;
Mcloughlin, A R; Mhlongo, T W; Mileham, K J; Mncwabe, S C;
Mncwango, M A; Mokgalapa, S; Motau, S C; Msimang, C T; Ollis, I
M; Rabotapi, M W; Redelinghuys, M H; Robertson, K P; Schmidt, H
C; Shelembe, M L; Shinn, M R; Singh, N; Sithole, K P;
Steenhuisen, J H; Steyn, A; Stubbe, D J; Tarabella Marchesi, N I;
Terblanche, J F; Topham, B R; Van Dalen, P; Van Damme, P T; Van
Der Merwe, L L; Van Der Walt, D; Van Der Westhuizen, A P; Van
Dyk, V; Vos, J; Waters, M.

ABSTAIN - 1: Filtane, M L W.

Motion agreed to.

Report adopted, the Bill as amended agreed to and referred to the National Council of Provinces together with President's reservations in terms of Joint Rule 205(1)(b).

**CONSIDERATION OF REQUEST FOR APPROVAL BY PARLIAMENT OF PARIS
AGREEMENT ON CLIMATE CHANGE IN TERMS OF SECTION 231(2) OF
CONSTITUTION**

Mr M P MAPULANE: Hon Deputy Speaker, hon Deputy President, members of the executive and hon Members of Parliament, after receiving a report from the Department on Thursday, 20 October 2016, the Portfolio Committee on Environmental Affairs unanimously resolved to recommend to this House the immediate ratification of the UN Paris Agreement.

The Paris Agreement was adopted on 12 December 2015 at the 21st session of the Conference of the Parties, Cop, to the United Nations Framework Convention on Climate Change, UNFCCC, which was held in Paris, France from 30 November to 13 December 2015. This landmark agreement – which signalled the beginning of a fundamentally new course in the decades old climate change efforts – was adopted after four years of intense negotiations which was mandated by the Durban platform adopted during the

COP 17—Durban Climate Change Conference held here in South Africa.

Perhaps on an occasion like this, we need to pause and reflect on the history of international climate change negotiations in order to fully appreciate the significance of the Paris Agreement. Most climate change scholars are unanimous in their assertion that the first United Nations Conference on the Human Environment held in 1972 in Stockholm and the subsequent establishment of the United Nations Environment Programme, UNEP, herald the beginning of global efforts in both understanding the effects of climate change and responding to its impacts.

The United Nations Environment Programme commissioned the First Assessment Report. This report produced compelling evidence of climate change, and led to the convening of the Rio Earth Summit in 1992 as the first international conference on climate change. The Rio Earth Summit resulted in the adoption of the United Nations Framework Agreement on Climate Change convention on climate change.

Of course, South Africa did not participate in the Rio Earth Summit conference due to a successful campaign led by the people's movement, the ANC, for apartheid South Africa's

international isolation because of its pursuit of the racist policies of apartheid colonialism. The South African delegation had to endure the humiliation of having to observe the unfolding processes with no power to influence the outcomes.

Democratic South Africa subsequently ratified the convention in August 1997, after being readmitted as a full and proud member of the UN family of nations.

Since the adoption of the United Nations Framework Convention on Climate Change at the Rio Earth Summit, the world has registered steady but remarkable progress in its response to the impacts of climate change – from the first Conference of the Parties, Cop 1, held in Berlin in 1995 to Cop 3 held in Kyoto in 1997. The latter produced the Kyoto Protocol – a progressive and legally binding agreement. One of the biggest contributors to global greenhouse gas emissions as we know it, the United States, has refused to ratify the Kyoto protocol and therefore exempted itself from it.

After years of failure by the parties to negotiate a universally binding agreement, the world's expectation therefore shifted to Cop 17 held in Durban, South Africa, in 2011, to deliver a credible climate change deal that would move parties towards an inclusive legally binding treaty.

South Africa did not disappoint in this regard. The 2011 Cop 17 in Durban marked a particularly important turning point in the international climate change negotiating process when parties to the convention committed themselves to a new, universally binding agreement by 2015 to be operationalised in 2020 at the end of the second commitment period of the Kyoto Protocol.

The 2015 Paris Agreement therefore, represents and was in fact the fulfilment of the Durban Platform. To date, 87 of the 197 parties to the convention have ratified the agreement, surpassing the double threshold of 55 countries accounting for 55% of total greenhouse gas emissions. The Paris Agreement will therefore come into force this Friday, 04 November 2016, 30 days after the double threshold was reached.

Today's consideration of the ratification of this agreement will therefore complete the final step in South Africa's ratification process of the Paris Agreement. It is therefore absolutely crucial that this House today should ratify this agreement in order to give South Africa the necessary impetus and clout to continue influencing key decisions and outcomes in multilateral climate change negotiations. We can ill afford to be found wanting when it was us who created the basis for the adoption of this historic and groundbreaking agreement.

The Paris Agreement, among others seeks to affirm the goal of limiting global temperature increases well below 2° Celsius while urging efforts to limit the increase to 1,5° Celsius.

The President of the host country, France, President Francois Hollande, succinctly summed up the historic significance of the Paris Agreement when he remarked at the end of the conference that:

In Paris, there have been many revolutions over the centuries. Today it is the most beautiful and the most peaceful revolution that has just been accomplished – a revolution for climate change.

What then needs to be done? Perhaps, we should borrow the title of a pamphlet written by one of the greatest revolutionaries and thinkers, Vladimir Lenin, in 1901, which posed a fundamental question: "What is to be done? Burning questions of Our Movement"

We must pose the question, what is to be done by our country to live up to the commitments made in Paris.

Although there is no timetable for phasing out fossil fuels in the Paris Agreement, it is obvious that the Paris Agreement is

proving to be a game changer in driving global shifts in the energy market. There are observed changes in the dynamics of energy supply and demand.

Notwithstanding the role of renewable energy in our energy mix, it is undoubtedly the key towards a transition to a low carbon economy, considering that even a small shift from coal to renewable energy removes from the atmosphere a significant amount of greenhouse gases. This is particularly necessary, taking into account our high emissions. We are the 13th major greenhouse gas emitter globally and rank 10th in terms of per capita emissions.

We would therefore like to reaffirm the posture and policy stance on the renewable energy programme as articulated by the Minister of Finance last week Wednesday when he presenting the Medium-Term Budget Policy Statement, MTBPS. We agree with the Minister that, contrary to the views of some, the Renewable Energy Independent Power Producer Procurement Programme is a sound and sensible long-term investment critical to meeting climate change commitments embodied in the Paris Agreement.

Over R100 billion in investment has already been mobilised around renewable energy investment in the short span of three years. Indeed, our country has taken off on a new trajectory of

sustainable growth and development since the adoption of the Integrated Resource Plan in 2010 and therefore, any attempt to deviate from this path towards a low carbon economy must not only be frowned upon, but must be fiercely resisted and contested by this Parliament.

In closing, I would like to quote a poem from the children of South Africa who recited it at the World Summit on Sustainable Development in Johannesburg in 2002. The poem is entitled "The Children of South Africa":

We are the children of South Africa
We are the future of this land
And we are carrying a burden
No one begins to understand
We are the children of South Africa
The up and coming generation
Are you conspiring to destroy
The very essence of our nation?

Let us guarantee the future ... Thank you very much. [Time expired.] [Applause.]

Ms J EDWARDS: Deputy Speaker, the stage is set, before the end of this week the Paris Agreement will enter into full force. The essential element of the Paris Agreement Bill is upon the convention and for the first time brings all the nations into a common course to undertake ambitious effort to combat climate change and adapt to its effects with enhanced support to assist developing countries to do so. As such it charts a new course in global climate effort. The DA supports such efforts.

The Paris Agreement's central aim is to strengthen the global response to the threat of climate change by keeping the temperature rise this century below 2 °C above preindustrial levels and to pursue efforts to limit the temperature increase even further to 1,5°C.

Additional, the agreement aims to strengthen the ability of countries to deal with the impact of climate change. To reach these ambitious goals, appropriate financial flows, a new technology framework and enhanced capacity building framework will have to be put in place, thus supporting action by developing countries which are the most vulnerable in line with their own national objectives.

The agreement also provides for enhancing transparency of action and support through a more robust transparency framework. Paris Agreement requires all parties to put forward their best efforts through the Nationally Determined Contributions, NDCs, and to strengthen these efforts in the years ahead. This includes requirements that all parties report regularly on their emissions and implementation efforts. So, in 2018 parties will take stock of their collective efforts in relation to progress toward the goal set in the Paris Agreement and to inform the preparation of the NDCs.

There will also be a global stock take every five years to assess the collective progress toward achieving the purpose of the agreement and to inform further individual actions by parties.

Our children, our grand children and their children and their grand children will look back on our time with the comparable benefit of hindsight. They will marvel at how politicians were professing deep concerns about national challenges yet steadfastly ignoring the devastating assault of climate change on our economic and physical security. And they will rightly ask what we, as legislatures, were doing to ensure that the biggest emitters are reigned in and held accountable.

There is no doubt that responding to climate change will be one of the greatest challenges that South Africa will have to face in the 21st century. The Intergovernmental Panel on Climate Change noted recently that it is extremely likely that human influence has been the cause of the observed warming since the mid-20th century. And I believe this is putting it lightly.

It notes further that the continued emission of greenhouse gases will cause further warming and changes in all components of the climate system. Developing countries are once again the most vulnerable to the effects of climate change. Concern is growing that our communities and our ecosystems will have little time to adjust to changing conditions. The economic losses due to extreme weather events are already being experienced and are likely to increase in the very near future. To name but a few, the low water levels and the drought.

In conclusion, South Africa cannot afford to delay the response to climate change any longer. The time is now and we have to comply. I thank you.

Mr N PAULSEN: Deputy, Speaker, before I start I would like to respond to the question by Mr Mapulane from the ANC who asked as to whether what must be done. He must join us tomorrow as we

march against state capture in Pretoria because it is a determinant for our reliance on carbon emitting energy sources. It is a fact that the Zuma and the Gupta affection of the ANC are benefiting from these power station. And it is for this reason that the EFF supports the request for the approval of the Paris Agreement on Climate Change.

In December 2015 more than 190 countries representing the source of more than 95% of global greenhouse emissions met in France for the UN Climate Change Conference, and together they crafted the Paris Agreement on Climate Change. This agreement is a breakthrough in many ways. It was for the first time essentially that all the countries of the world have agreed to a common framework for addressing the problem of climate change. It acknowledges that reducing emissions requires that countries transform their economies even as they strive for economic growth which historically has gone hand in hand with energy production and its byproduct carbon pollution.

As we approve this agreement we also need to ensure that our development does not compromise our ability to mitigate against the impacts of climate change. It is for this reason that the EFF has consistently called for a rethink in the way we do development. The EFF has always advocated for a move from carbon-

emitting energy sources such as our over reliance on coal to more renewable environmentally friendly ways for the generation of our energy needs such as wind and solar power.

We want our ecological infrastructure maintained in such a way that we can, as a nation, appreciate the critical importance of our surroundings. The state must invest in the maintenance of our wetlands most of which are critically endangered. We must invest in the protection of our biodiversity in such a way that we also improve our social wellbeing. We must say, no, to nuclear energy which has been promoted vigorously here by Zuma and Gupta-appointed Ministers.

We must together rethink a future we are going to bestow on our children free of carbon emissions and full of sustainable development ideas. The Paris Agreement on Climate Change is a good framework to take us to that future, and we, as the EFF, support it.

We call on all South Africans to join us tomorrow in Pretoria as we march against state capture. I hope to see hon Mapulane there as well and all those ANC members and Ministers who are opposed to state capture. Thank you very much, Deputy Speaker.

[Applause.]

Mr N SINGH: Deputy Speaker, hon Deputy President, I really thought we are talking about the Paris Agreement today not the Pretoria agreement. But having said that it gives us pleasure to support this agreement albeit the fact that the Minister has already signed on behalf of the country and the people of South Africa. We certainly applaud that particular step.

We believe that the Paris Conference on Climate Change, has marked a very important step in global action against climate change. For the first time this universal and legally binding global deal on climate change was adopted by the 190 countries around the world. And we know that it comes into force in 2020 with its principal aim being the mitigation and the avoidance of climate change by seeking to limit global warming. And hon Edward gave us the figures - the 2°C - against preindustrial temperature levels.

Climate change is indeed a global crisis that requires a global response. Each country has their part to play in this global response as it requires collective action in terms of regulation if it is to succeed. We, in South Africa, are already noticing the effects of climate change. We are ravaged by drought brought about by too little rain. Temperatures are changing. Who has ever thought that the temperature in Durban will sometimes be colder

than the temperature in Cape Town? It is unheard of when we find the seasons changing the way it does. But that is the way things are.

Limiting the increase in warming to a 1,5°C or less would be a good start. And we look forward to South Africa taking the right steps in terms of its National Climate Action Plan in order to assist in achieving this goal. Carbon emissions tax and the benefits of regulating South Africa into a low-carbon economy must be vigorously pursued.

We must protect and even establish new forest and conservation areas. On Sunday evening National Geographic premiered an environmental documentary titled *Before the flood* in which the topic of climate change is thoroughly explored. I urge all members to watch this documentary. It not only explores climate change but also provides suggestion that we can implement in an ongoing effort to mitigate against the same. We support the ratification of this agreement and all effort aimed at reducing global warming and climate change.

Mr M L SHELEMBE: Hon Chairperson, members of the hon House, the Paris Agreement which we are requested to approve here today is an important and very comprehensive framework. It will guide

international efforts to limit greenhouse gas emissions, and to meet associated challenges posed by climate change.

We cannot deny that climate change represents an urgent threat to human societies and the planet, and it requires the widest possible co-operation by all countries and other stakeholders. South Africa will be required to make its own contribution to achieving the goal of reduced greenhouse gas emissions, and by approving the Paris Agreement; we will signal our intent and resolve to discharge our fair share of the obligation.

The main objective of the agreement is to limit the global temperature increase to below 2 degrees Celsius. While pursuing efforts to limit the increase to 1,5 degrees, the recognition of the 1,5 degree target is of central importance to South Africa as an African and developing country because as the current drought is proving, we are extremely vulnerable to climate change.

Chairperson, once in force, the Paris Agreement will be an important tool in mobilising financial and technological support and capacity building for developing countries such as South Africa in the battle against climate change. South Africa is already acting on climate change, and we are witnessing progress and significant investment in renewable energy, public transport

energy efficiency, waste management and land restoration initiatives.

Despite our current efforts, the NFP believes that there is a need to do more to enhance our efforts to effect transition to a lower carbon economy and a society. Public participation and business support will be as important as government intervention if we are to make any significant progress in this regard.

We will also need to increase our efforts to adapt in the short, medium and long-term to the impacts of increasing temperatures, and reduced rainfall in many parts of the country. We need to give serious consideration to water security and urgently investigate the feasibility of constructing more dams. Water desalination options must be explored with vigour and most importantly, we need to educate our people about responsible and sustainable water usage.

In conclusion, Chair, and considering the importance of the Paris Agreement, the NFP welcomes and support the report of the Portfolio Committee on Environmental Affairs as presented here today. I thank you.

Ms C DUDLEY: Chair, today's debate is the consideration of the request for approval of the Paris Agreement on climate change, which the ACDP will support.

It involves the shift to low carbon development, institutionally, legally and politically and parties to the United Nations Framework Convention on Climate Change, UNFCCC, which were given until 21 April next year to ratify the Paris Agreement.

As we understand it, South Africa is required to make an analysis of our climate change legislation and regulations in order to make changes necessary, but we will be able to communicate legislative peculiarities and make reservations on aspects of the Paris Agreement that are either contentious or inconsistent with South African law, whilst developing solutions for those challenges.

The ACDP is concerned that the Paris Agreement does not place enough focus on the sustainable use of natural resources, and it is not clear whether it will take us forward sufficiently in reaching the goal of sustainable development on the continent. The impact of this new climate deal for African climate policy-making and implementation remains unexplored.

Finance and the capacity to mobilise investments supporting sustainable development are of course the key to implementation of the new climate change deal.

Climate models suggest that most African countries will experience higher temperatures for a number of years and a significant reduction in their average rainfall. A stronger emphasis on the impacts of climate change on developing countries combined with proposed solutions, particularly on the African continent is essential.

While the ACDP does not buy into the scaremongering and exaggerated global warming campaign, we do recognise that industry and transport does cause pollution dangerous to the environment and human life and we welcome moves to reduce pollution.

The slight warming of the 20th century was no different from past warming periods in the last few thousand years, except that in the past temperatures were in fact rather higher. Carbon dioxide actually has little effect on the climate, but it does have a profound effect on plant life, which all animals, including us depend on. There has in fact been a greening of arid regions,

notably in Africa's Sahel region, which lies between the Sahara Desert and Senegal to Sudan.

While the world has experienced extreme weather systems, a remarkable feature of the earth's climate is its stability. Although we can never make exact predictions about its likely behaviour, some expects, like global temperatures have remained remarkably constant for long periods.

Gigantic vested interests, financial and ideological in promoting global warming are a concern, but they do not deter us in our commitment to being good stewards, responsible for leaving an inheritance for generations to come that will be a blessing and not a curse. The ACDP, as I said, will be supporting the signing of the Paris Agreement. Thank you.

Mr Z S MAKHUBELE: Hon Chairperson, hon Deputy President, hon Speaker, hon Ministers, hon Deputy Ministers, hon members and distinguished guests, I am once again honoured to participate in this debate that affects humanity at large given the fact that climate change is an international phenomenon. The good part about this debate is that all parties for once agree to the ratification of the Paris Agreement.

The effects of climate change in terms of diminished natural resources, reduced agricultural production, worsening food security, increased flooding and drought, spreading diseases and an increased risk of conflict over scarce land and water resources are already evident. Climate change lies behind much prevailing poverty, food insecurity and weak economic growth in Africa. It affects approximately 200 million of the poorest people in Africa who predominantly depend on climate sensitive rain-fed agriculture. The vulnerability of these poor Africans is expected to escalate over the years due to climate change and its associated impacts like droughts and floods which are so obvious for us as South Africans.

Climate change truly represents a new threat and challenge to developing countries particularly those on the African continent because many households, social groups and regions have a limited capacity to adapt to climate variability and change. Africa's vulnerability to climate change is shaped by the complex interaction of social, political, economic, cultural and environmental factors, all of which are likely to be affected by the projected impacts of climate change.

It is in this respect that the Intergovernmental Panel on Climate Change's Fifth Assessment Report states that in Africa climate

change will amplify existing stress on water availability and on agricultural systems, particularly in semiarid environments.

The current challenges of drought that have befallen our nation is a case in point. Climate change affects everyone, but not equally. Vulnerability to climate change is dictated by both individual and social factors. The livelihood context, location, level of income, education, asset holdings, gender, age and social class, among others all combine to determine vulnerability and coping abilities of individuals and communities. It is in this regard that different social groups will be able to adapt and respond differently to climate variability depending on the scope and strength of their coping mechanisms and the level of societal influence. Even within social groups, some may be more vulnerable than others depending on their economic status. Those most heavily dependent on natural resources and exposed to multiple risks of climate change are the most vulnerable, that is, the rural and urban poor especially our people in the townships, hence the saying that climate change is a poverty issue. For South Africa, the dangers of climate change are all too real.

A very important thing for us to know is that we cannot effectively address climate change on our own as a country, nor

as a continent. International co-operation is vital to avert dangerous climate change. Sufficient political will and co-operation among countries on technology transfer and finance is crucial for ambitious mitigation action. This underpins the urgent need for us to ratify the Paris Agreement.

The Fifth Assessment Report makes it clear that effective mitigation will not be achieved if individual countries advance their own interests independently. International co-operation is essential to effectively mitigate greenhouse gas emissions and address other climate change issues such as building resilience and capacity development in developing countries such as us. We must act collaboratively on climate change, considering that the atmosphere is commonly shared by all nations.

The Paris Agreement, which we are presenting for adoption in this House, has for the very first time brought all nations into a common cause based on their historic, current and future responsibilities. The benefits of ratifying the Paris Agreement are many to us as a country, continent and the global community, including foremostly the fact that a strong legally-binding international framework will from 2020, guide the global response to the global challenge of climate change.

Ratification ensures that political momentum is maintained at the international level as well as at the domestic level for implementation of the agreement. It is also important to note that the achievement of the 1,5⁰C temperature limit will only occur if all parties act decisively and speedily to put in place measures to implement their respective nationally determined contributions. Another significant benefit of ratifying the Paris Agreement is that the agreement will mobilise multilateral efforts to achieve the global adaptation goal which will certainly raise the profile and the importance of support for developing countries in adapting to the impact of climate change.

The Paris Agreement has opened up opportunities to develop and developing country parties in various ways at differentiated levels. It is important for developing countries to have a better understanding of the key opportunities that the Paris Climate agreement offers. The agreement expressly recognises the rights of vulnerable populations which is very important considering the extent and level of climate vulnerability in our country. The Paris Agreement also recognises a balance between mitigation and adaptation to address climate change. The Paris Agreement can be used as an economic vehicle for developed and developing countries' private sector to initiate joint actions on both mitigation and adaptation.

Timhaka ta ku cinca ka maxelo na dyandza leri hi nga kongomana na rona i mhaka ya misava hinkwayo. Swivangelo swa kona swi ta hinkwalaho ka matiko lama nga hluvuka na matiko lawa ya nga hluvukangiki, kutani swi vanga ku thyaka ka mbangu na ku cinca ka maxelo eka misava hinkwayo.

Nhluvuko wu lava leswaku wu fambisana xikan'we na ku hlayiseka ka ntumbuluko na rihanyo lerinene ra vanhu. Hikokwalaho, matiko hinkwawo ma fanele ku khomisana ma teka goza ku vona leswaku mbangu wu va kahle, naswona rihanyu ra vanhu hi leri nga kahle.

Swifumi a swi hlupheki ku fana na swisiwana hi ku cinca ka maxelo na ku hisa ka misava hikokwalaho ka mimoya ya thyaka Ieyi vaka kona hikwalaho ka tifeme, mimovha na mindzilo leyi nga kona leyi hi khumbaka. [Nkarhi wu herile.] (*Translation of Xitsonga paragraphs follows.*)

[The issues of climate change and drought that we are faced with is a global phenomenon. The causes thereof are as a result of developed and developing countries, thus causing environmental pollution and climate change worldwide.]

Development requires that it should go hand in glove with caring for the environment and good social health for all. Therefore,

all countries have to collaborate in taking action to ensure sustainable environment and good social health.

The rich do not suffer in the same way as the poor do with regard to climate change and global warming due to polluted fumes that are a result of factories, cars and fires that affect us.] [Time expired.]

With this I invite the House to ratify the Paris Agreement.

Mr T Z HADEBE: Chairperson, listening to all the previous speaker5s they all point to one indication, which is also an answer to Mr Mapulane's question. South Africa cannot afford to delay its response to climate change. The science suggests that the Southern Africa is one of the most vulnerable regions in the world. Localised decreased run-off from rainfall, increased frequency of droughts and the change in the ranges of biodiversity, all have the potential to undermine our economic growth and socioeconomic development.

Much of the warming that will occur is already locked into the system meaning that adaptation to climate change is the initial priority. However, South Africa has one of the highest per capita CO₂ emissions ratios in the world and therefore mitigation action

is necessary if South Africa is to be a responsible global player in stabilising the world's climate and keeping global warming to no more than 2°C.

South Africa must undertake voluntary mitigation actions that are nationally appropriate. Any actions taken must be in line with the sustainable development and green economy strategies of our country and should not undermine our economic growth. Our response to climate change must create new opportunities for South Africans to benefit from reducing emissions and must be based on fair and open processes and decision-making that involves all relevant stakeholders. Mitigation actions need to be measureable, reportable and verifiable.

The DA supports the creation of a national registry of mitigation actions that will allow government and stakeholders to obtain an overall picture of the contribution of actions toward attaining certain mitigation targets. This registry should form the basis for submission of mitigation actions to any registry that is maintained by the United Nations Framework Convention on Climate Change, UNFCCC.

Wherever possible assistance for financing and implementation of mitigation actions must be sought from developed countries and

the green fund established at Conference of the Parties, Cop17. In dealing with issue of climate change, the DA would focus on a number of projects, programmes and policies that would contribute to building a registry of mitigation action. Among other things, these would include, in energy efficiency, mandatory energy efficiency labelling for appliances and machines, improved energy efficiency standards for buildings and additions to existing buildings; in sectoral targets, establishment of mitigation targets in specific sectors in consultation with the relevant stakeholders; in renewable energy, upscaling the installation of renewable energy projects around South Africa by creating an enabling environment for investment by independent power producers, incentives for private households who install solar Photovoltaics, PV, and solar water geysers; in transport, improved public transport to reduce individual car journeys; and in carbon capture and Storage, develop a comprehensive geological atlas that identifies appropriate areas for sequestration, and introduce the required regulations and incentives to attract private sector investment.

The responses to climate change, whether they are in the fields of mitigation or adaptation, require significant co-ordination between government departments, municipalities and various stakeholders in the economy and civil society. Further support

from government is required to improve capacity across the various sectors. There is a need to improve capacity at the local government level, particularly with regard to project management skills.

The DA would, among other things, integrate the long-term mitigation scenarios into the planning of all relevant government departments; establish a project management team in national government to co-ordinate the various actions; focus strongly on encouraging actions at the municipal level while building capacity; and provide leadership in responses to climate change to ensure that there is buy-in from all sectors of society.

Chairperson, this requires bold and far-sighted leaders who are willing and able to take on entrenched interests and leave behind the failed models. The need is urgent. There is no time to waste. Thank you very much. [Applause.]

The MINISTER OF ENVIRONMENTAL AFFAIRS: Hon House Chair, hon Deputy President, hon members present here, all of the esteemed ladies and gentlemen who might be in the gallery, good afternoon to you.

First of all, I would like to take this opportunity to express our most sincere appreciation to the portfolio committee, Parliament in general, and both Houses in particular, for having processed this ratification instrument on climate change – that's on the Paris Agreement – in such record time.

Today we have a historic decision to make, which will indeed contribute further to South Africa's leadership in ensuring the effects of climate change and ensuring that those are addressed. [Interjections.]

I come from the labour movement.

As we speak about these issues today, scientific reports indicate that this year, 2016, at the South Pole observatory in Antarctica, carbon dioxide levels surpassed 400 parts per million, PPM. Scientists also confirmed that this is the first time it has passed that level in 4 million years. Yes, you heard me correctly: 4 million years!

The 400 parts per million threshold was crossed last year in the northern hemisphere because that is where most carbon pollution occurs. The most remote continent on Earth, the Antarctic, has now caught up with its more populated counterparts, and crossed

this tipping point, reminding us that human activities in their current form are continuing to reshape our planet in profound ways. Sea levels are rising, global temperature increase is already reaching more than 1° Celsius, and some parts of our oceans are actually becoming more acidic than they have ever been for millions of years.

As hon members have already pointed out, here at the southern tip of the African continent, for more than a year now, our country has been experiencing the severe effects of drought. This is being caused by the El Nino phenomenon, the effects of which have been felt for many decades. This year is worse than the previous years in which this has happened. The rising sea temperatures in the Pacific Ocean that resulted in increased temperatures and reduced rainfall in many parts of the world were exacerbated by rising global temperatures associated with climate change. Our scientists and weather forecasters warned that this is what could be expected in decades to come if ambitious global action is not taken urgently to reduce the concentration of greenhouse gases in the atmosphere.

It is clear, hon members, that the only choice for humanity is to take ambitious and practical action by reducing greenhouse gas emissions, preparing for extreme events, and adapting to the

impacts of climate change. We need to adjust our ecological, social, and economic systems and change the way we do business, so that we can transition to a lower carbon and climate-resilient society, in a manner that also grows our economy, creates employment, and eradicates poverty.

When we met in Durban four years ago under South Africa's able leadership, world leaders took bold decisions to significantly advance the global effort to address the global climate change challenge. We set a new long-term pathway for the development of a fair, ambitious, legally binding, future multilateral rules-based global climate change system that ensures fair participation by all countries - because we indeed have some countries that did not participate in the past.

On 12 December 2015, the parties to the United Nations Framework Convention on Climate Change unanimously adopted the Paris Agreement and a package of supporting decisions covering climate action in pre- and post-2020 actions.

This marked the successful conclusion of a four-year negotiation process under the Durban Platform for Enhanced Action by establishing, for the first time, a fair, common, legal platform for climate change that is applicable to all countries. South

Africa played a leading role at Cop 21 in Paris, as the Chair of the G77 plus China, a group consisting of the 134 countries worst affected by climate change.

We are also leading negotiations in the Africa group as well as being a member of the Brazil, South Africa, India and China, a group better known as the BASIC group.

As an African and a developing country, South Africa had to balance developmental and environmental imperatives. I agree with the hon members who said that we must continue and will continue to argue for our developmental space even as we embark on these actions.

At the same time, South Africa negotiated for an ambitious and legally binding outcome that would strengthen the multilateral rule of law and provide certainty and predictability for developing countries in particular, in a world with a changing climate.

The adoption of the Paris Agreement has been hailed as a turning point in the efforts of the international community to address climate change. There is now a shared vision to keep the global temperature rise this century well below 2° Celcius. And I think

hon members must continue saying this. After staying below 2° we must also say that we will move even further to limit the increase to 1,5° Celsius, because that's what the Paris Agreement says. That is pre-industrial levels.

The global markets have been given a strong signal that the transition towards a low carbon economy is underway, and that carbon markets and other market-based solutions will be utilised to assist in this transition, because we do indeed want state actors in this game and this effort as well.

Of critical importance to developing countries, particularly those in Africa, is the enhanced importance accorded to adaptation to climate change through the establishment of a global goal on adaptation which, by the way, didn't come easy - we had to fight for it - and also addressing the issues of loss and damage that's associated with the impacts.

On 22 April, South Africa signed the Paris Agreement, thus joining 175 world leaders on this historic day at the United Nations in New York. Legally, the agreement will enter into force 30 days after 55 countries would have signed - accounting for 55% of depositing these instruments.

With unprecedented speed, the double threshold was reached on 5 October this year, and the Paris Agreement will enter into force on 4 November 2016, as the hon member has said.

This means that first session of the Conference of the Parties serving as the Meeting of the Parties – that is what we call CMA1 – will take place in Marrakech in conjunction with the 22nd Conference of the Parties and the 12th Meeting of the Parties of the Kyoto Protocol.

Fellow members, South Africa has a constitutionally prescribed process to follow section 231(2) of the Constitution of the Republic of South Africa – the ratification of international agreements that involve legal commitments. We would like to inform you that all the necessary work has been done and concluded that ensures that South Africa is able to ratify this Paris Agreement. Cabinet has announced after its meeting on 20 October that it's bringing this instrument here for ratification.

On 27 October, the NCOP already gave its approval for ratification. Once the NA does so – and I believe and hope that it will do so today as I have already heard – this instrument of ratification will be deposited with the UN Secretary General's

office in New York. Our aim is to deposit our instrument before Cop 22.

By this morning, ladies and gentlemen and hon members, 86 parties had deposited their instruments of ratification with the UN Secretary General's office. Hon members, let us as South Africa add to this growing number as a demonstration of our commitment to action to combat climate change and to ensure the world that we bequeath to our children's children is a world that is climate safe and climate resilient.

Let us move together, As we do, so we will continue to engage hon members who may not have read our climate change response policy. I have heard several members at this podium who not quite understand. We will get to read this together with you. What is South Africa doing?

We are on renewable energy; we are on transport; we are on energy, in particular. The integrated energy resource known as IRP involves energy – that's coal – it involves renewable energy, it even involves nuclear energy. So, that's settle for that. It's not either or; it's all of them. I thank you. [Time expired.]

[Applause.]

Debate concluded.

Paris Agreement on Climate Change accordingly approved.

**CONSIDERATION OF BUDGETARY REVIEW AND RECOMMENDATION REPORT OF
PORTFOLIO COMMITTEE ON BASIC EDUCATION**

There was no debate.

The CHIEF WHIP OF THE RULING PARTY: I move that the Report be adopted.

Declaration(s) of vote:

Mr M WATERS (DA): House Chairperson, this budget process shone a very bright light on the performance of our education sector. In particular, it showed us why where the DA governs, education is improving and it showed us why where the ANC governs, education is in decline. Let me highlight two examples.

The first was the Auditor-General's Report which showed that not one provincial Education Department under ANC control received a clean audit. In fact, the only provincial Education Department to get a clean audit was the Western Cape for the second year in a

row. I think this deserves some recognition in the House today.
[Applause.]

The second source of embarrassment for the ANC was the finding that only 7% of principals underwent competency testing. What is remarkable is that every single one of them was from – you guessed it – the Western Cape. In fact, all eight ANC provincial governments ignored a directive from the ANC national government to implement principal competency testing.

It is quite obvious why the ANC could not implement its own directive. It is because South African Democratic Teachers Union, Sadtu, does not want principal competency testing. As the Minister or Task Team on the jobs for cash report found where the ANC governs it is Sadtu that calls the shots. And yet the budgetary review and recommendation report that we are discussing today is completely silent about Sadtu's domination of the education sector. And when the DA proposed that we add a recommendation to deal with Sadtu's dominance, our ANC colleagues in the Portfolio Committee predictably shot the proposal down.

We can only conclude that the ANC is happy to be bossed around by Sadtu at the expense of children and underprivileged areas and

underperforming provinces. It is a real shameful state of affairs.

We therefore object to this Report. I thank you. [Time Expired.]

[Applause.]

Ms N R MASHABELA (EFF): House Chair, the Economic Freedom Fighters reject the Portfolio Committee on Basic Education's Budgetary Review and Recommendation Report. We do so because we firmly believe that this department has no plans, no vision and no strategic leadership to sort out the problems facing basic education in this country.

Two decades after freedom, our basic education system is still of unequal quality. Poor and rural schools do not have even half of the facilities that urban schools and those catering for the elite have. We still have schools in rural Mkwapa, Matlhane, Maje, Lephephane, Leseka, Mogabe and Makelle without access to basic services such as water, electricity and toilets. Libraries and computers are a distant dream for teachers and learners in these schools. We still have teachers who are not qualified to teach teaching poor rural learners and condemning them to a life of substandard education.

The Department of Basic Education has been unable up to this stage to comprehensively respond to the needs of learners with special needs and disabled learners. All these contributes to the below average performance of Grade 12 learners because they come from an education system that is rotten to the core.

The fixation that Minister Motshekga and her department seem to have over matric pass rate is never going to take the department anywhere. We must go back to the basics, fix schools infrastructure, and hire qualified and committed teachers. Only a government led by very incorruptible leaders would ever be able to do this. Thank you. [Interjections.] [Time expired.]

PROF C T MSIMANG (IFP): Hon House Chair, the IFP will support this review, however, we strongly condemn the breakdown of discipline in our schools. In this declaration, only two manifestation of the lack of discipline will be cited.

During the recent Oversight visit to schools by the Portfolio Committee on Basic Education, principals from Eastern Cape in the South to Limpopo in the North deplored with one voice - the scourge of teenage pregnancies even in primary schools.

In KwaZulu-Natal alone, 10 213 learners fell pregnant in 2014 and 9 135 in 2015. Although there is a slight decrease from 2014 to 2015 in KZN, if we take South Africa as a whole, a survey by Statistics SA point in a different direction with unprecedented figures of 68 000 pregnancy cases in 2011, 81 000 in 2012 and 99 000 in 2013.

Equally shocking, are a number of schools where principals complain about the scourge of drug abuse. This is quickly becoming a national trend since it has become prevalent in both urban and rural schools. Principals concede that they lack the capacity to deal with this scourge. They of necessity appeal to the police for assistance since drug abuse is also a crime. Unfortunately, even the police have very little to offer as a solution. No wonder there is such a high rate of dropouts. I thank you. [Time expired.]

Mr A M SHAIK EMAM (NFP): Hon House Chair, hon members in this House, the National Freedom Party is in full agreement with the observations and recommendations contained in the Report tabled by the Portfolio Committee on Basic Education here today. The work of the Department of Basic Education in our country is of utmost importance as it is in the hands of our educators. Today

we shape the future of our children preparing them for tomorrow when they are expected to step up and step into the adult world.

The function of the department is to create and develop an environment conducive to learning and to equip our educators and learners with the means to discover and explore the world of knowledge. Moreover, we expect from this department to manage the education process and the role players in an orderly, transparent and accountable manner.

Sadly, the observations and recommendations of the Portfolio Committee suggest that there are serious challenges. One example is the poor results in the Technical and Vocational Education and Training, Tvet colleges, and that is as a result of the weaknesses in the basic education system and I don't think ... [Inaudible.] which gives us the result of one in ten that complete that fully course, so, that is a serious challenge.

Whilst we note and commend the department for its increasing the implementation of service delivery target, the National Freedom Party is perturbed by the consistent irregular and unauthorised expenditure.

The emphasis must not only be on spending, but on quality. We urge the department to work together with the other relevant departments such as basic education; we are talking about Science and Technology, Health, Sports and Recreation so that we create a manner that is conducive to develop the learners in a school that provides all the necessary service.

The National Freedom Party supports this Budget. I thank you.

[Applause.]

Mr M L W FILTANE: Chairperson, it's simple. Mud schools must fall. It looks certain that, in the Eastern Cape, mud schools will never be eradicated - at least not in the immediate future. Most of the unsafe places of teaching and learning are found in the Eastern Cape. Government agencies tasked with hiring contractors to eradicate mud schools in the Eastern Cape are giving tenders to companies that were either not registered or that have been suspended by the government construction watchdog.

Now, what I am getting to here is this. Basically, whereas it is time for proper education to be offered in an environment that is conducive to teaching as well as learning, what is happening in the ever-poorer province of the Eastern Cape is that our government of the day is not giving that to the pupils who

deserve it. Time and time again, teachers are out of school long before break-time starts. Time and time again, mud schools are a threat to the very existence - let alone, the teaching - of the children. Time and time again, teachers are caught out by other students and the media doing funny things to children, right under the watchful eye of Education. So, there is very, very little hope of improvement in education for the children down in the Eastern Cape, which is where I come from.

As much as the budget is needed, we want to say lots of improvement in the management of education is of critical importance down in the Eastern Cape. Thank you.

Mrs C DUDLEY: Chairperson, the ACDP notes that the committee has recommended that the Minister of Finance consider allocating additional funding to the Department of Basic Education over the medium term for the prioritisation of learning and for infrastructure needs. The ACDP supports this recommendation. All schools must be compliant with new infrastructure norms and standards by November 2016. So, the ACDP calls on the department to strengthen its monitoring capacity, in this regard.

We welcome calls for the Jobs for Cash interim report by the SA Council of Educators to be made available to the portfolio

committee after endorsement by the council by 15 November. This is an issue that has caused great concern. The ACDP is pleased to see the committee is insisting on the strengthening of the internal audit unit to ensure that it carries out its functions effectively.

We agree that future quarterly reports must include inclusive education, the percentage of Grade R practitioners with National Qualifications Framework, NQF, Levels 4, 5 and 6, and teacher absenteeism. Of course, without effective mechanisms in place to track teacher absenteeism, no progress can be made, in this regard. The ACDP adds its voice to calls for interventions in respect of inclusive education, including increasing the number of adequately well-resourced, full-service schools, providing effective training and development of educators, and addressing infrastructure challenges.

Very importantly, urgent steps must also be taken to resolve the issue with unions in respect of the appointment of principals on the basis of competency, assessment and the signing of performance agreements. The education department will have to ensure that there are sufficient teachers to effectively implement the introduction of African languages in affected schools, and must prioritise teacher training and development

throughout the system, in order to produce the quality of education required.

Education, of course, accounts for 40% of public sector employment and takes the largest share of provincial budgets. We will support this report. Thank you. [Time expired.]

Mr L M NTSHAYISA: Hon Chairperson, this report has some recommendations to make to that department and to the Finance Minister for the improvement of our education. Of course, this has to be done, and is a requirement now of section 45 of the Money Bills Amendment Procedure and Related Matters Act, Act 9 of 2009. This report carries the assessment of the department throughout the financial year so as to see how the allocated funds were used to benefit the people of this country. It is therefore according to the Constitution that we, as a committee, should oversee the activities and performance of the Department of Basic Education and its entities.

The revision of the revised strategic plan for 2015-16 and 2019-20 is to assist them to reflect more clearly the department's core functions of the policy development, monitoring of its implementation and the oversight role over the provinces, according to the National Education Policy Act, Act 27 of 1996.

Teaching and learning is, of course, the core business of the department.

The improved quality of education, which is our Outcome 1, should be seen to be happening. Without an adequate number of teachers, proper infrastructure, learning and teaching support material, this dream can never be realised.

Effective management and accountability will also improve the lot of the schools. Therefore, the proper compensation of teachers as a form of motivation should be seriously considered.

The issue of rightsizing, which is the rationalisation of schools, is very disturbing. It should be urgently attended to and completed. [Time expired.]

Ms N GINA: Chairperson, the Portfolio Committee on Basic Education did assess the performance of the department. We were satisfied with most of the improvement we found, although there were challenges that we mentioned, through our recommendations.

We were also very impressed with the steady improvement in the achievement of the targets, from 86,6% in 2014-15, to 87,1% in 2015-16. This showed a great improvement in the way the education

department is performing. Though we are concerned about some of the provinces that are still lagging behind, we understand the issues of concurrent function. Our main focus was on the Department of Basic Education sector more than the provincial performances, as that is done in the legislatures, as required by concurrent functions.

One of the areas we, as the portfolio committee, said the department needs to focus its attention on is the uneven quality of teacher training our teachers receive. Despite the various efforts that the department is making, there is still a need for them to look at that.

Another issue the department needs to focus on is the whole issue of rationalisation, especially in the Eastern Cape, where we find we still have a number of mud and improper structures. The process of rationalisation hinders the processes and the improvement on such projects of eradicating the mud structures. We also recommended that we need to intensify the implementation and measures to improve the quality of teacher training and development through the system, ensuring there is value for money in all the programmes offered.

One of the other main challenges that we, as the portfolio committee, looked at was the issue of the internal processes and internal audit processes. We said that the department needs to place very important focus on that so that, in future, we don't get the emphasis on it, as we move forward with the audit reports. As the portfolio committee, we recommend and accept this report. Thank you very much, Chair. [Time expired.]

Motion agreed to (Democratic Alliance and Economic Freedom Fighters dissenting).

Report accordingly adopted.

**CONSIDERATION OF BUDGETARY REVIEW AND RECOMMENDATION REPORT OF
PORTFOLIO COMMITTEE ON CO-OPERATIVE GOVERNANCE AND TRADITIONAL
AFFAIRS**

There was no debate.

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

The CHIEF WHIP OF THE MAJORITY PARTY: Hon House Chair, I move:

That the Report be adopted by this House.

Declarations of vote:

Mr K J MILEHAM: Hon Chairperson, this department has regressed from an unqualified audit to a qualified audit for the very serious findings. These findings include and I quote:

Leadership did not exercise adequate oversight responsibility regarding financial and performance reporting and compliance. Leadership did not effectively monitor the implementation of action plans developed to address internal control deficiencies, management did not implement proper record keeping. Management did not implement effective controls over daily and monthly processing and reconciling of transactions. Management did not prepare regular and accurate financial and performance report and management did not appropriately review and monitor for compliance with applicable laws and regulations.

Now, much of the blame for the regression and unordered outcome can be placed on the community work programme. The department was very quick to blame the implementing agents for its faults. But, as the Auditor-General's, AG, notes indicate that the fault was not in the implementing agents but with the department that

failed to provide adequate source documents for the payments. The question what has changed since last audit, well for starters, we have new Minister, if you can call a two-minute noodle - a Minister. A Minister who has been so spectacularly unimpressive that is ... [Interjections.]

The HOUSE CHAIRPERSON (Ms A T Didiza): Order, hon member! If I may hear very well, there is something you said before the Minister, "two-minute noodle". Can you please repeat?

Mr K J MILEHAM: So Chair, was a point of order called?

The HOUSE CHAIRPERSON (Ms A T Didiza): No, I was just asking because I did not hear very well.

Mr K J MILEHAM: Yes, Chair, I called the Minister two-minute noodle. Can I continue?

The HOUSE CHAIRPERSON (Ms A T Didiza): You can continue, I will look at the Rules. Order, hon members!

Mr K J MILEHAM: A Minister who has in so spectacularly unimpressive ... [Interjections.]

The HOUSE CHAIRPERSON (Ms A T Didiza): Order! Yes, what is the point of order hon member?

Ms H H MALGAS: I am going to Rule 82, the reference to a member in a disrespectful term because they say that no name to impound the dignity of any member may be used, and a person can look in that Rule and then the other is also unparliamentary in Rule 84. Thank you.

The HOUSE CHAIRPERSON (Ms A T Didiza): Order, hon member! I will come back to that issue. You can proceed.

Mr K J MILEHAM: Chair, I happen to quite like two-minute noodles. A Minister who has been so spectacularly unimpressive that his department has gone backwards in just six short months, a Minister who has consistently denied his involvement with the Guptas despite increasing evidence to the contrary, a Minister who in all likelihood acts as the Guptas bagman, on his in and out visits to Dubai, and a Minister who in his discussion of the known Gupta affiliate talks about permitting the use of municipal assets as collateral for debts financing.

This is nothing less and state capture at the local level. While the DA supports the Budget Review and the Recommendations Report

... we have grave misgivings over the Minister's performance, ability and integrity under the department's inadequate financial control. [Time expired.]

Mr T RAWULA: Hon Chairperson, the EFF rejects the Portfolio Committee on Co-operative Governance and Traditional Affairs Budgetary Reviews and the Recommendations Report. This is a very critical portfolio meant to oversee municipal government and to ensure that traditional leaders operate within the prescripts of the law. But, unfortunately, this department cannot do any of what is obligated by the law to do because its political head is a much compromised individual. He is one of the fully trusted by Zuma and the Guptas to deliver the country on a silver platter to the corrupt mafia ... [Interjections.]

The HOUSE CHAIRPERSON (Ms A T Didiza): Order, hon member! Hon member!

Ms H H MALGAS: It is Mr Zuma, or the hon Zuma or President Zuma. Thank you.

The HOUSE CHAIRPERSON (Ms A T Didiza): Thank you, hon member as you are very ready in terms of the Rules ... [Interjections.]

Mr N F SHIVAMBU: On a point of order, House Chair.

The HOUSE CHAIRPERSON (Ms A T Didiza): Can I? I will come back to you, I have noted you. You can take a seat, I have noted you. I just want to ... [Interjections.]

Mr N F SHIVAMBU: I want to make an intervention on what is being said but my microphone is off.

The HOUSE CHAIRPERSON (Ms A T Didiza): It is not switched off.

Mr N F SHIVAMBU: I want to make an intervention on what she said there. He said the Zumas and the Guptas. We cannot refer to Duduzane Zuma as honourables here. There is nothing out of order with what he said. There is a Zuma who maybe called a Mr or honourable here but the Zumas and the Guptas are corrupt. He has got every right to say that in the House now. No withdrawal.

The HOUSE CHAIRPERSON (Ms A T Didiza): Order! Hon member Shivambu, can you please take your seat? Hon member on the podium, there is a point of order that has been called I would like you to clarify your reference. Were you referring in general Zumas or were you referring to the President?

Mr T RAWULA: I am referring to the group of Zumas and the Guptas, Chairperson.

The HOUSE CHAIRPERSON (Ms A T Didiza): You can proceed.

Mr T RAWULA: Mr Van Rooyen was going to be used by this corrupt mafia to capture the Treasury. When they failed he was transferred to Co-operative Governance and Traditional Affairs to continue the looting of state resources for the benefit of that considered family and their porn Mr Zuma. We cannot with clear conscious trust Mr Van Rooyen to run the Department of Co-operative Governance and Traditional Affairs. We cannot trust him to run municipalities that have been captured by Zuma and Guptas. He is one of the Guptas most loyal servants and it has now transpired that he visited the Guptas seven times in one week just before he was appointed Finance Minister to take orders on how to hand over Treasury to the Guptas.

His legal challenges on the Public Protector report is an indication of how much these people are prepared to go to defend their rot. It is for this reason that we call on all South Africans to go and support the march against the state capture in Pretoria tomorrow, 2 November. The future of our country depends on it. If you fail to defend this country now, it will be lost

forever. We trust that our hon Jackson Mthembu will be part of it. We reject this report. We reject Van Rooyen and we reject state capture led by Zuma as a useful ... [Interjections.] ... of the Guptas

The HOUSE CHAIRPERSON (Ms A T Didiza): Order, hon member! Can you please make reference to members of this House in an appropriate term, Mr or honourable.

Mr T RAWULA: Noted, Chair.

The HOUSE CHAIRPERSON (Ms A T Didiza): No, just repeat it because you said Van Rooyen. Can you please say honourable or Mr?

Mr T RAWULA: But, there is nothing honourable about Van Rooyen.

The HOUSE CHAIRPERSON (Ms A T Didiza): Order, hon member! Hon member, we are not debating whether a member is honourable or whatever. Order! There are two references that have been agreed and that can be used whether we say Mr, Ms or honourable. Therefore, please make the reference appropriately.

Mr T RAWULA: Meneer [Mr] Des Van Rooyen. Thank you, Chair.

The HOUSE CHAIRPERSON (Ms A T Didiza): Order, hon member, we are not debating the essence of whether a member ... e-e, hon member. Order! Order, hon member! Can we allow the IFP to proceed?

Mr M HLENGWA: Hon Chairperson, the findings before us as far as this report is concerned for one is that the department incurred irregular expenditure of R482,2 million, an increase of R155,3 million. There was unspent funds of R1,5 billion which has now been rolled over for Eskom and for water services. The financial management of the municipal infrastructure support agency continues to be called for concern and so that tells you that there is a problem that we are faced with. There are no controls in that department. There is an absence of leadership in the department and I think the fact that the Minister was changed and subsequently the director-general who was there had left has compounded the problems.

Therefore, if you are speaking about deficiency and compliance and the presence of leadership which is equal to the task the department is increasingly finding itself wanting. The Commission for the Rights of Cultural, Religious and Linguistic Communities, CRL, continues to do good work and we want to applaud them and they do so in a shoe string budget and we want to applaud the initiative which they launched last week with the Konrad Adenauer

Stiftung because that is the only way now which they can find funds and they are not getting any joy from the department.

We want to warn the Municipal Demarcation Board to desist from political motivated redemarcations which are pursued by the board because in the end they result in chaos as we saw in Vuwani and destruction to property. We emphasise that the redemarcation process must be done to enhance development and not for questionable political bias.

Traditional leadership remains an integral part of our government system in this country and every effort, of course, must be made to ensure that it sustained as we continue with the process of nation building and social cohesion. The regression of the department falls squarely on the shoulders of the Minister who has failed outright and most dismally to provide the necessary leadership to rescue the department. [Time expired.]

Prof N M KHUBISA: Hon House Chairperson, we want to make the following observations as the NFP: Firstly, there is underspending on both the disaster relieve grant and the municipal disaster recovery grant. At a time when eight of our nine provinces have been crippled by drought we find it

irresponsible of the government to underspent on these two grants. The majority of subsistence farmers in these provinces are facing a threat to their household food security an enormous financial hardship. It is in conceivable that money is available for relieve and assistance, yet it is not spent. Urgent intervention is necessary and we urge the department to attend to this shameful situation without any delay.

Secondly, the NFP notes with grave disappointment that the incidents of irregular expenditure in the department have increased. There is no rational or reasonable justification for such irregular expenditure and we believe that the department is not setting a good example for district and local municipalities. We encourage the department to make every effort possible to curtail irregular expenditure and to adhere fully to the prescribed supply chain management. These are the concerns we are putting forward as the NFP. We support the report. Thank you.

Mr M L W FILTANE: Hon Deputy Chair, the sphere of local government is a very critical sphere. It is where local people are able to say directly to government that this is what we want done.

Now, for such a department to be headed by a man, the current Minister, who appears to be so unsettled emotionally and intellectually, it is actually an embarrassment to the local government people. It is the case ... [Interjections.]

Mr B A RADEBE: On a point of order Chair.

The HOUSE CHAIRPERSON (Ms A T Didiza): Order, Hon Filtane. Can you take your seat? There is a point of order raised.

Mr B A RADEBE: Hon Chairperson, I am rising on Rule 84, whereby the member is casting aspersions on the intellectual capacity of the Minister or emotional maturity of the Minister, which is wrong. Thank you.

The HOUSE CHAIRPERSON (Ms A T Didiza): Hon member, Filtane?

Mr M L W FILTANE: Yes, principal!

The HOUSE CHAIRPERSON (Ms A T Didiza): A point of order has been raised on the reference that you have made while you called it emotional and intellectual status of the Minister currently, which the member has actually raised in terms of Rule 84 that this is unparliamentarily.

Mr M L W FILTANE: Okay. So, what should I do about that, hon Chair?

The HOUSE CHAIRPERSON (Ms A T Didiza): Hon member, is that what you referred to in terms of your statement or you would like to withdraw?

Mr M L W FILTANE: Well, I can comfortably withdraw.

The HOUSE CHAIRPERSON (Ms A T Didiza): Thank you, hon member.

Mr M L W FILTANE: Let me proceed. So, the fact is most unfortunately that this department is headed by a person of the calibre of the current Minister, because that's where people can engage with government face to face. Irregular expenditure is actually criminal, and you wonder if under the current Minister, any people, any officials who engaged in irregular expenditure, let alone wasteful, just irregular, the rules are very clear and that is unlawful. That is when you go against stated laws of the country. We wonder if you will make sure that those people are prosecuted.

Lastly, under expenditure is another critical element. Right where I come from in Butterworth, there was rampant irregular and

wasteful expenditure, and is only now that 2013-14 people are beginning to be prosecuted, and we hope that he is going to support that as is the case in Buffalo City Metropolitan Municipality as well, and in so many other local government locations around the country, but we do support the budget because we believe that it is intended to help the people, let alone the mess that is happening. Thank you.

Ms N MTHEMBU: House Chair, the ANC welcomes the report and also applauds the department for its sterling work on ensuring that the co-operative governance is improved in all spheres of government, irrespective of the leading party.

As we are committed to create a better life for all, we note that the progress made to improve performance in all key performance areas through implementation of the Back to Basics programme, we are very encouraged by the acknowledgement of the challenges in areas such service delivery in municipalities, record management, administration of the Community Work Programme, CWP, inadequate support to the traditional councils and dysfunctional traditional councils.

We also welcome the commitment made by the Minister and his department to address these challenges and report on regular

basis on the progress made in that regard. The ANC remains committed and respect the democratic processes and their outcome. We shall ensure that all municipal councils function optimally to deliver services to every community.

We condemn the unfortunate incidents which occurred in metros such as Nelson Mandela, Johannesburg and Tshwane, which disrupted business of councils. We shall work closely with the Minister in intensifying the implementation of the Back to Basics programme in all municipalities in the country, especially those facing serious challenges, even if they are not led by the ANC. The ANC supports this Budget.

The HOUSE CHAIRPERSON (Ms A T Didiza): The motion is that the report be adopted. Are there any objections? No objections, agreed to.

AN HON MEMBER: We object.

The HOUSE CHAIRPERSON (Ms A T Didiza): The objection is noted, the report is approved. Order, hon members! There was a point of order raised earlier, and in consultation with the table which was in relation to Rule 82(3) on the reference to member in respectful terms. We will consult the Hansard and look at whether

the point of order that was raised should be sustained and come back and report to the House. Thank you very much.

ADVOCATE THULISILE MADONSELA TO ADDRESS THE HOUSE

(Draft Resolution)

Mr N F SHIVAMBU: House Chairperson, I move without notice:

That the House -

- (1) notes that Adv Thulisile Madonsela finished her 7-year term of office as the Public Protector of South Africa on the 14 October 2016;
- (2) further notes that:
 - (a) during her tenure as Public Protector, the Office of the Public Protector received heightened attention and high approval by members of the public in South Africa;

- (b) the heightened attention and high approval was due to the reality that her office treated all matters brought to her attention without fear or favour; and
 - (c) the reports of the Public Protector were mostly endorsed by the Courts, and set lucid judicial jurisprudence that assisted in clarifying the powers of the Public Protector;
- (3) recognises that Adv Madonsela has received many domestic and international honours for the role she played as Public Protector in South Africa, which include three honorary doctorates;
- (4) acknowledges that Rule 62 (2) of the NA Rules empowers the NA, by resolution, to invite any person to address the House;
- (5) resolves, in terms of Rule 62 (2), that:
 - (a) the NA invite Adv Thulisile Madonsela to address the NA House on a date to be agreed upon by the Programme Committee, but before the end of the 2016 annual session; and

(b) the address specifically focus on Adv Madonsela's experiences during her tenure as Public Protector and lessons that should be applied to all public representatives, public servants and the public in the provision of quality services for all.

I so move House Chairperson. [Applause.]

Question put: That the motion moved by Mr N F Shivambu be agreed to.

The CHIEF WHIP OF THE MAJORITY PARTY: We are objecting indeed, we would like to make our own declaration on the matter.

The HOUSE CHAIRPERSON (Ms A T Didiza): Are there any other parties wishing to make declarations?

Declaration of vote:

The CHIEF WHIP OF THE MAJORITY PARTY: Thank you, House Chair. Let us begin by joining those who have acknowledged the contribution that Adv Thulisile Madonsela has made to our people in amongst others the fight against corruption and maladministration.

Evidence of Adv Thuli Madonsela's work is there for all South Africans to see. Indeed, it cannot be gainsaid that her dedication to her work has drawn heightened attention to the Office of the Public Protector.

However, hon members we are not here today to debate the highlights and lowlights of Adv Madonsela's legacy. The question before us today is a procedural one - whether this august House should invoke Rule 62(2) to invite the good Adv to address the House.

As well quoted in the motion the Rule in point empowers the NA to invite anyone to address it. It should be noted that there are no guidelines on the criteria to invite persons to address the House. In this regard, we would like to propose that the Rules Committee should provide guidelines.

Hon members will recall that according to Rule 2 of this Rule Book, the eighth source of authority of the NA is "any conventions or practices that have been established in the NA by agreement and usage over a period of time". Rule 9(1) further provides that conventions and practices may be varied by agreement amongst the parties and reviewed from time to time as decided by the Rules Committee.

Hon House Chair, let us suggest to the House that the silence of Rule 62(2) is broken by Rule 2. In other words, this House should be guided by its conventions in deciding who to invite to address it. Going through the records of the NA reveals that amongst invitees to address the House has been Mr Kofi Annan, former UN Secretary General, Mr Yasser Arafat former President of the Republic of Palestine, former President Nelson Mandela, former President FW De Klerk, Justice P Langa, former Chief Justice and Justice S Ngcobo, former Chief Justice.

It seems to me, indeed that the House has in the past invited people by virtue of the offices that they had previously held, in other words invitees have hitherto been former heads of state, former heads of institutions of global governance and former heads of the judicial arm of state.

In this regard, former heads of Chapter 9 institutions have never been invited to address the House. If the House was to invite one to address it in 2016, it would be for the first time it happens and thus a variance in convention, which like any other would have to comply with Rule 9(1).

However, hon members, the draft resolution before us does not seek to persuade the House to invite Adv Madonsela in her

capacity as a former head of a Chapter 9 institutions but to invite her in recognition of her contribution as an individual who happened to be a head of Chapter 9 institutions. In other words we are being persuaded to vary the convention in practices of the NA to provide for inviting any person who performs his or her duties remarkably.

The question is, where do we draw the line, shall this House invite outstanding judges, premiers, mayors, sports persons, the list is endless. But is there no convention by agreement or usage to recognise the contribution of retiring heads of Chapter 9 institutions.

In fact, there is such a convention, the NA has since the establishment of the Office on Chapter 9 institutions in the Office of the Speaker been holding farewell functions in honour of retiring heads of Chapter 9 institutions; indeed these platforms have been used to afford former heads of Chapter 9 institutions to address hon members in the National Assembly on any issue of their choice.

We have suggested to the sponsors of the resolution that this avenue is available for Adv Madonsela to address members of the National Assembly. They seemed amenable to our suggestion at the

time. House Chair, when all is said and done, the question is whether to vary or not to vary the NA convention and practices. In this regard, we stand unpersuaded that there is a necessity to vary convention.

In our view there are no compelling circumstances to invite a former head of Chapter 9 institutions to address the House when there is an avenue that can be used to achieve the same results. We do not see anything fundamentally flawed with only inviting former heads of arms of state and former heads of structures of global governance to address the House.

We again make the proposal that Rule 9(1) be invoked for the Rules Committee to consider extending invitations to other individuals who have made notable contributions to society. Until then we believe that the farewell function, in honour of Adv Thulisile Madonsela, organised by the Office of the Speaker is sufficient recognition of her remarkable contribution to our people. The ANC opposes the draft resolution. Thank you House Chair. [Applause.]

Ms G BREYTENBACH: Thank you, Madam House Chair. I would like to, at the outset, take issue with the hon Mthembu's interpretation of the rules. As you are all aware the previous convention was

for members's business to be placed before House business until the new rules came out in late this year; and it is very clear hon Mthembu that the rules tramp conventions always.

The rule is very clear and our new rules that were negotiated and printed in 2016, that 62(2) says the NA may by resolution invite any person to address the House. So my friend your argument holds no water whatsoever. [Laughter.] It is somewhat childish of you to persuade that argument.

However, the honour to extend the opportunity to address the NA to someone who is not a Member of Parliament is an honour not to be bestowed lightly. The test in our view must be whether the status, dignity and gravitas of the person to be invited will add value not only to discussions of this House but also to help our constitutional democracy. Judge Madala as quoted by the Chief Justice in the Nkandla judgment said certain values in the Constitution have been designated as foundational to our democracy.

If these values are not observed then their precepts is not carried out conscientiously. We have a recipe for a constitutional crisis of great magnitude. You may want to take note hon Mthembu.

In respect of the protection of our Constitution and democracy Chief Justice Mokgoeng found that the Public Protector is one of the most invaluable constitutional gifts to our notion of fight against corruption, unlawful enrichment, prejudice and impropriety in state affairs and for the betterment of good governance, you may want to hear me on that.

It cannot be denied that the person of Thuli Madonsela gave meaning to the potential of the Office of the Public Protector as an institution paramount to our constitutional order. It is for these reasons that she was vilified by many in the ANC who do not aspires the foundational values of our Constitution, and rather see believers of state powers as means to enrich themselves, their friends and their families. Perhaps, that's why you don't want to hear.

This is an ongoing battle and the possibility of what Judge Madala called the constitutional crisis of great magnitude will not be averted for as long as the Guptas, the Zumas, the Van Rooyen, the Zwanes and more recently the Abrahamses are to be found amongst us. [Applause.]

Ms Madonsela during her tenure as Public Protector acted as both moral compass and beacon of hope to South Africans, therefore

she, if granted the opportunity to address Parliament, will definitely be able to add value to the national conversation. The dignified and authority to the way in which she performed her duties without fear, favour or prejudice also serve as a recommendation for an invitation to be extended to her. The DA whole heartedly supports this motion. [Applause.]

Mr N F SHIVAMBU: Thank you very much, Chairperson. You know, I must say I'm very disappointed with the Chief Whip of the Majority Party because when he newly came into office and with his utterances of two weeks ago he seemed to be a bit different in terms of how he was going to handle the caucus of the ruling party here in Parliament.

Some of the things are just basic, Chief Whip. You have had the resolution for a very long time. It says that we are inviting the former Public Protector to address ... to specifically focus on her experiences during her tenure as a Public Protector. Then you come here to argue that we say we are inviting her in her personal capacity. We are saying that she must come to speak about her experiences as a Public Protector because she must share experiences of how we as public representatives avoid undue delays, undue benefits and the corrupt practices that happen at all levels of the state.

What is wrong with just listening to a person who has gained experience? I mean, what kind of political party is it that proudly refuses to listen to a person who has gained experience in a specific field which would be very invaluable in terms of how we take our governance issues forward?

So, I think that is one of the basic things. Also, don't be arrested that since it never happened before therefore it cannot happen moving forward. When Judge Pius Langa addressed the National Assembly it had not happened before. Why can't we do that with the head of a Chapter 9 institution, saying that we are doing it for the first time as the Fifth democratic Parliament? What is wrong in doing that?

Let's be sensible and invite Adv Thulisile Madonsela to come and address the House. If we disagree with her we will tell her we disagree with her. If we can take lessons we will say that we have taken lessons from what she has got to learn as a Public Protector of South Africa. If Busisiwe Mkhwebane does better as a Public Protector, when she finishes her term of office – by that time the EFF will be government – we are going to invite her as well to come and share her experiences. There won't be a problem in terms of how ...

So, it's sensible and basic logic that we must apply, and then we take it from there. Let's vote correctly on this motion because we are going to vote that we invite Thuli Madonsela to come and address the House. [Applause.]

Mr N SINGH: Thank you very much, hon Chairperson. I think there is common purpose here that we as Members of Parliament, MPs, certainly need to afford people who have made significant contributions to this country an opportunity to address this House and that is why the Rules make provision for that.

What we have to decide is who those significant individuals are. What we must not do is allow personal prejudices for or against the persona of the individual to influence us in making a decision. We have heard for the first time in passing in the programming committee that the hon Speaker has issued an invitation but we do not have the benefit of details of that particular invitation. What is it going to entail? Where is the address going to take place? Will all of us as MPs be invited to that particular address and will the public through the media channels that are available to us, both print and electronic, be given an opportunity to hear exactly what the individual has said?

I think that as Parliament we need to ensure that this Parliament is for the people by the people. It's on the approach that I think there is going to be some disagreement on whether the Public Protector as a persona is invited to this podium to address us or whether we do it in another forum but achieve the same objective.

I believe that we need to think carefully about the way we approach this matter and allow the office of the Speaker to give us full details of what has been envisaged because even the motion states that she should come in by the end of the year ... by the end of the time we rise. It's possible that even before that the Public Protector will be given an opportunity to address us.

So I think let us get more details from the office of the Chief Whip and the office of the Speaker so we can take an informed decision on this matter.

Prof N M KHUBISA: House Chairperson, thank you very much. As the NFP we are agreeing with the expression that is given by the sponsor of the motion ... as the draft resolution as such.

Then it moves to say that as Parliament we are about to set a precedent. Of course we are cognisant of Rule 62(2) which allows for Parliament to invite any member to come and address the House. But of course it doesn't expand on that. Then the Chief Whip of the Majority Party has invoked Rule 2 and Rule 9. Now it therefore begins to say that in our country there are so many other eminent and distinguished people in various spheres of government. They are there in sports, in politics, in the economy, in education, all over. Now if Parliament were to move towards this direction ... which I believe therefore the sponsor of the motion was asked to set a precedent that a person who is distinguished and eminent in our country should be given an opportunity to come and address the House. I therefore believe that this should be subjected to the Rules of Parliament. It's good that the Speaker has already begun some spadework in saying that she is inviting on behalf of this Parliament ... Perhaps it would be proper for us as Parliament to be privy to the whole motion given by the Speaker with regard to the invitation to the Public Protector.

I believe all of us are moving towards the right direction and of course we concur with the sponsor of the motion. However, I think that Parliament should be given some space to say how we do it because there are so many people who are distinguished who should

be allowed to come and address Parliament. I think we should be moving towards that direction.

Mr M L W FILTANE: Thank you, hon Chairperson. Today, unlike seven or even 14 years ago, South Africans of all social and economic backgrounds can associate with the office of the Public Protector. This is due to the outstanding work done by the outgoing Public Protector Adv Thuli Madonsela.

Today we can safely say that our constitutional democracy is safely guarded, at least by the Chapter 9 institutions and in particular the Public Protector and the courts. It is sad that as a nation we had to part ways with such an outstanding servant of our people. However, it is a relief to know that she has laid firm and indispensable foundations for the success of the current and future Public Protectors, and that she gave practical meaning to our system of multiparty democracy.

Certainly we have no doubt that our system of democracy will miss her for her great contribution in building a just and caring society. We hope that the new role she has found for herself will enable her to continue her contribution to the task of transforming the nation for the better. She has been a pillar of hope, in particular to the most vulnerable within our

communities, against the vultures who stood to squander the resources meant to better the lives of the hopeless.

Her address to this House will provide an opportunity for her to share with us the skills, knowledge and wisdom she amassed during her term of office and thus position the House to better understand the institution of the Public Protector. It's not about the person; it's about the office of the Public Protector. She is the one and only who has managed successfully to start a process which enabled the highest court in the land to bring the current President of the country to the notion that there was no respect by him for the Constitution of this country. This was an outstanding achievement by any measure.

Mr W M MADISHA: Thank you very much. I support the invitation. Those who say no do not want the truth and they don't want democracy.

What South Africans face today is both painful and, we must say, it was unexpected, at least 12 years ago. South Africa has become a dictatorial state. Hence to have this dictatorship, for example implemented, Mr Zuma does a number of things.

Firstly, he destroys Chapter 9 institutions. Secondly, he appoints Ministers and Deputy Ministers with a very clear mandate to kill. For example, he himself at the amphitheatre in Johannesburg stood up and said, remove the police ...

[Interjections.] ... in this particular fashion. Let us ... I emphasise ... have the force instead of Police Service. That is the first one. Number two, he has put into service a Minister now called Cele who went out and said the police must shoot to kill. He at some stage ... it is unfortunate ... put in Mbalula who said shoot ... go out and shoot. I suppose people remember this. Now all these things ... He said, shoot the bastards.

The HOUSE CHAIRPERSON (Ms M G Boroto): Order, hon member. Hon Madisha, you have one second left and there is a point of order. Can I hear the point of order?

Ms H H MALGAS: Point of order. Reference point 82 ... Reference to a member in respectful terms. It is honourable. Thank you.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Madisha, in your speech you referred to Minister Mbabula just as Mbalula. Can you ...

Mr W M MADISHA: Honourable. He said, shoot the bastards. Hon Cele said, shoot to kill. The uMkhonto weSizwe Military Veterans Association, MKMVA, gets money from government and they go on to kill. We can't allow that. [Interjections.]

Mr S N SWART: Thank you, Chairperson. The ACDP supports this motion but we were interested to hear from the Chief Whip about the invitation by the Speaker. If we had known that I think that's also a way to go but at this stage ... Indeed when the Public Protector appeared before us in the Justice Committee she in fact asked for the opportunity to address Parliament and we know that the Rules do make provision for that. Yes Chief Whip, the Rules need to be developed as you have indicated but this would be a wonderful opportunity.

It's regrettable that even in the Justice Committee, rightly or wrongly due to time constraints in the programme, she was not able to present her annual report when she was scheduled to appear before it.

We know she has been widely acclaimed for her courage and bravery in standing up against fraud and corruption, with her office winning many awards. She's won many awards including ... Indeed

she was referred to as the Biblical David standing up against Goliath.

So, in our view it would be very helpful for her to make some concluding remarks on her tenure, on the high standard, on the co-operation with Parliament, on some of the challenges she experienced and on the financial challenges. Indeed, we could learn a lot. As the secretary-general of the ANC indicated, the ANC had learnt a lot from her and she had saved the ANC from itself. So, it would also be an opportunity for us all to learn from her and to learn from other Chapter 9 institutions that are struggling with this issue.

Instead, the question was raised as to why Chapter 9 institutions should have to account through the Ministers, and maybe that is something we need to look at when we are looking at the Rules, Chief Whip – the whole issue of Chapter 9s accounting to Parliament via the Ministers of the particular departments.

So, in our view we believe that this is a sound resolution but we are also mindful that we are developing the Rules in this regard going forward as to who should be invited to address us. We believe this is a worthy candidate and we can all learn from that.

Mr M A PLOUAMMA: Hon Chair, I really don't know what the ANC is afraid of because Ms Thuli Madonsela is a special one. She stood firmly, against all odds, when she was pursuing the issue of Nkandla and I think she really needs to come.

Every year we are traumatized when being addressed by the President who we know is corrupt. So if this National Assembly can have time to listen to President Zuma I don't know why we can't listen to the Public Protector who stood firmly ... [Applause.] ... distinguishably, bravely and honestly. However, it's very clear that the ruling party is not prepared ...

Ms N G TOLASHE: Point of order, Chairperson. I'm on this side. I'm rising on the basis of Rule 84. [Interjections.] The member has raised unsubstantiated points against the President. So I think you must make a ruling on that matter. Thank you.

The HOUSE CHAIRPERSON (Ms M G Boroto): Thank you, hon member. I will look into that.

The CHIEF WHIP OF THE OPPOSITION: House Chairperson, if I may address you? I think Rule 84 is the incorrect Rule to rise on but in deliberating on the matter I would point your good self to the

Squires judgement in assessing whether what the hon Plouamma said is factually based and backed up by a court.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, I said I will look into the matter. Actually, Rule 84 is about unparliamentary and unacceptable language. That is why I said I will look into that. Thank you. Continue hon Plouamma.

Mr M A PLOUAMMA: Thank you very much, hon Chair. On behalf of AgangSA we are not going to be part of those who are betraying our nation by not celebrating brave women like Ms Thuli Madonsela, while they are becoming praise singers of the President of our time today. So I am saying she has to come here to address us. She is special and she has done her work very well. There's nothing wrong with that. Let's allow her to come here. [Applause.]

Question put: That the motion moved by Mr N F Shivambu be agreed to.

Division demanded.

House divided.

AYES - 89: America, D; Atkinson, P G; Bagraim, M; Baker, T E;
Balindlela, Z B N; Basson, L J; Bergman, D; Bogopane-Zulu, H I;
Boshoff, H S; Bozzoli, B; Cardo, M J; Chance, R W T; Davis, G R;
Dreyer, A M; Edwards, J; Esau, S; Figg, M J; Filtane, M L W;
Gana, S M; Groenewald, P J; Groenewald, H B; Grootboom, G A;
Hadebe, T Z; Hlophe, H O; Hoosen, M H; Horn, W; Hunsinger, C H H;
James, W G; James, L V; Jongbloed, Z; Kalyan, S V; Ketabahle, V;
Khawula, M S; Khoza, N P; Kohler, D; Kopane, S P; Kruger, H C C;
Lees, R A; Lorimer, J R B; Lotriet, A; Louw, E N; Mackenzie, C;
Madisha, W M; Mahumapelo, J M K; Majola, T R; Malatsi, M S;
Marais, S J F; Marais, E J; Masango, B S ; Mashabela, N R;
Matsepe, C D; Maynier, D J; Mazzone, N W A; Mbatha, M S; Mbhele,
Z N; Mcloughlin, A R; Mente, N V; Mhlongo, T W; Mileham, K J;
Mokgalapa, S; Motau, S C; Moteka, P G; Mulder, P W A; Ngcobo, B
T; Ntshayisa, L M; Ollis, I M; Paulsen, M N; Plouamma, M A;
Rabotapi, M W; Rawula, T; Redelinghuys, M H; Robertson, K P;
Robinson, D; Schmidt, H C; Shinn, M R; Shivambu, N F;
Steenhuisen, J H; Steyn, A; Stubbe, D J; Swart, S N; Tarabella
Marchesi, N I; Terblanche, J F; Topham, B R; Van Dalen, P; Van
Damme, P T; Van Der Walt, D; Van Der Westhuizen, A P; Vos, J;
Waters, M.

NOES - 183: Abrahams, B L; Adams, P E; Adams, F; Bapela, K O;
Basson, J V; Bekwa, S D; Beukman, F; Bhengu, P; Bhengu, N R;

Bhengu, F; Bilankulu, N K; Booi, M S; Capa, N; Carrim, Y I; Cele, B H; Cele, M A; Chauke, H P; Chiloane, T D; Chohan, F I; Chueu, M P; Coleman, E M; Didiza, A T; Dirks, M A; Dlakude, D E; Dlamini, B O; Dlamini-Dubazana, Z S; Dlomo, B J; Frolick, C T; Fubbs, J L; Gamede, D D; Gcwabaza, N E; Gina, N; Gumede, D M; Gungubele, M; Holomisa, S P; Jeffery, J H; Johnson, M; Kalako, M U; Kekana, H B; Kekana, P S; Kekana, E; Kekana, C D; Kenye, T E; Khoarai, L P; Khosa, D H; Khoza, M B; Khoza, T Z M; Khubisa, N M; Khunou, N P; Kilian, J D; Koornhof, G W; Landers, L T; Lesoma, R M M; Letsatsi-Duba, D B; Loliwe, F S; Luyenge, Z; Luzipo, S; Maake, J J; Mabasa, X; Mabe, P P; Mabija, L; Mabilo, S P; Madella, A F; Madlopha, C Q; Maesela, P; Mafolo, M V; Mafu, N N; Magadla, N W; Magadzi, D P; Mahambehlala, T; Mahlangu, D G; Mahlangu, J L; Majola, F Z; Makhubele, Z S; Makondo, T; Malgas, H H; Maloyi, P D N; Maluleke, B J; Manamela, K B; Manana, M N S; Manana, D P; Mandela, Z M D; Manyoni, T M ; Maphanga, W B ; Mapisa-Nqakula, N N; Mapulane, M P; Masango, M S A; Masehela, E K M; Mashego-Dlamini, K C; Mashile, B L; Masondo, N A; Masuku, M B; Maswanganyi, M J; Mathale, C C; Matlala, M H; Matshoba, M O; Matsimbi, C; Mavunda, R T; Maxegwana, C H M; Mbalula, F A; Mchunu, S; Mdakane, M R; Memela, T C; Mjobo, L N; Mkongi, B M; Mmemezi, H M Z; Mmola, M P; Mncwabe, S C; Mnganga - Gcabashe, L A; Mnguni, D; Mnguni, P J; Mnisi, N A; Mokoto, N R; Molewa, B E E; Morutoa, M R; Mothapo, M R M; Motshekga, M S; Mpumlwana, L K

B; Mthembu, J M; Mthembu, N; Mthethwa, E N; Mudau, A M;
Nchabeleng, M E; Ndaba, C N; Ndabeni-Abrahams, S T; Ndongeni, N;
Nel, A C; Newhoudt-Druchen, W S; Ngwenya-Mabila, P C; Nkadimeng,
M F; Nkwinti, G E; Nobanda, G N; November, N T; Nqakula, C;
Ntombela, M L D; Nxesi, T W; Nyambi, H V; Nzimande, B E;
Oliphant, G G; Oosthuizen, G C; Phosa, Y N; Pikinini, I A;
Pilane-Majake, M C C; Radebe, B A; Radebe, G S; Radebe, J T;
Ralegoma, S M; Ramaphosa, M C; Ramatlakane, L; Ramatlhodi, N A;
Rantho, D Z; Raphuti, D D; Semenya, M R; Senokoanyane, D Z;
September, C C; Shabangu, S; Shaik Emam, A M; Shelembe, M L;
Shope-Sithole, S C N; Sibande, M P; Siwela, E K; Skosana, J J;
Skwatsha, M; Smith, V G; Surty, M E; Thabethe, E; Tleane, S A;
Tobias, T V; Tolashe, G N; Tom, X S; Tongwane, T M A; Tseke, G K;
Tseli, R M; Tsenoli, S L; Tsoleli, S P; Tuck, A; v R Koornhof, N
J J; Van Schalkwyk, S R; Williams, A J; Xego, S T; Yengeni, L E;
Zulu, L D; Zwane, M J.

ABSTAIN - 8: Buthelezi, M G; Esterhuizen, J A; Hlengwa, M;
Mncwango, M A; Msimang, C T; Singh, N; Sithole, K P; Van Der
Merwe, L L.

Question not agreed to.

Motion accordingly negatived.

**REVIEWING SOUTH AFRICA'S RELATIONSHIP WITH THE INTERNATIONAL
MONETARY FUND AND THE WORLD BANK**

(Subject for Discussion)

The HOUSE CHAIRPERSON (Ms M G Boroto): Order, hon members. Please allow us to hear the member at the podium! [Interjections.] Please continue, hon member.

Mr M A PLOUAMMA: Hon Chair, hon Deputy President, hon members, for Africa and, in particular, South Africa to claim their economic independence, they must negotiate the terms of their economic development with the international financial system. The World Bank and the International Monetary Fund, IMF, must therefore be made more democratic and accountable. [Interjections.]

With the developing countries unable to deal with their debts, it is more urgent now for South Africa to lead a campaign for the IMF and the World Bank to scrap the debts of poor countries. We must be weary of covert or overt methods of economic colonialism. A country cannot assert its sovereignty or identity without economic freedom. [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon members! Hon Plouamma, please wait a minute. Hon members, the noise levels are too high. Please, let's listen to the member at the podium. Continue, hon member.

Mr M A PLOUAMMA: Thank you very much, hon House Chair. A country cannot assert its sovereignty or identity without economic freedom. These two institutions – the IMF and the World Bank – undermine the integrity of domestic and foreign policy formulation and ambitiously promote the interests of international financial and corporate capital. South Africa must take the necessary steps to escape this economic dungeon.

Our country is very much in the hands of international capital. Most of our democratic dispensation misfortunes came about as a result of this illegitimate economic domination propelled by the IMF and its international financial subsidiaries. We are forced, if not as a matter of life and death, to deal accurately with these international hyenas and professional thieves, otherwise our achievements will be symbols like flags and statues while our assets and money are somewhere else.

If one looks at the imposition of structural adjustments and sectoral adjustment done in the way in which the IMF requires for

developing countries to adapt in order for them to give them financial assistance, then one will see that it is pure slavery.

Our country is still an economic colony of the Bretton Woods institutions. Our leaders are reduced to beggars while our country has mineral resources and more. We have become slaves of convenience and have been swallowed in the process.

When we try to box ourselves out of these institutions, they have the power to decide whether a country succeeds or not. We must be bold in deciding who to trade with. We must decide how we make our agreements. We shouldn't be dictated to.

These institutions control us remotely. They influence our policy direction. They make us an extension of their own dominance while they are far apart from us.

We must do what is best for our country. A country that is not in control of its economic direction is a lost one, chained to the comfort of soft dominance by the West.

For South Africa to escape the obvious trapping of the IMF and World Bank, it must act now with boldness and bravery. Review all

trade agreements that are not beneficial or less favourable to our country.

If South Africa continues with these neoliberal policies with blind loyalty, then we must declare that our democracy means being a client state or, to be frank, a big market for the West through the IMF and the World Bank, while our people suffer and do not benefit from the micro-economic policies inspired by the structural adjustments of IMF.

Finally, for us to succeed, we need bold leadership that is willing to pay the ultimate price to radically make South Africa a country of our own - a country that serves its people so that, at the end, we can deliver on all the promises made to them.

I really urge you hon members to look into this so that we can save our country. South Africa can be better than other African states that we have seen come before our democracy. Thank you, hon Chair. [Applause.]

Mr B A RADEBE: Hon Chairperson, hon members, hon Ministers, Deputy Ministers and members of this august House, this debate comes at the right time when we have celebrated 99th anniversary of the birth of the late President of the ANC, Comrade Oliver

Tambo, who was an internationalist par excellence. President Oliver Tambo was able to lead the ANC through the turbulent time of the Cold War, when the world was divided into the East and the West. He ensured that the ANC had a footprint in both the Eastern and Western capitals of the world.

When considering the issues of the World Bank and the International Monetary Fund, IMF, one sees that are really the by-products of the 1945 agreement between the victors of the Second World War.

What has happened throughout with these institutions is that ...

As African countries, Asian countries and countries in Latin America were breaking the chains of colonialism, the people of the world came together in Bandung in 1955 and came up with principles of international solidarity, because there are certain wars which you can never win if you fight as a single country.

[Inaudible.] I will just quote few of those principles which were used by the international solidarity movement. They are: the respect for sovereignty and territorial integrity of all nations; the non interference in the internal affairs of another country; the recognition of equality of all races and nations, large and small.

So, when you look at the operations of the IMF and the World Bank, you will find that they have deviated from these principles of Bandung. First of all, by promoting structural adjustment policies, they ensured that the countries that are least developed had to forfeit their right to determine their own policies. How did they do that? They would always recommend that the government of the day had to privatise its state-owned entities. These entities are usually used to provide better services for the citizens of those countries. What would happen is that those state-owned entities are then taken up by people who have capital, and such people usually come from outside the borders of that country.

An example of this is Bolivia, where the provision of water was privatised. As a result of that process, the people had limited access to water.

What this means is that the World Bank and IMF undermined the territorial integrity of the country and the right of that country to determine its own policies.

What is also very important is that the IMF and the World Bank have always insisted that emerging countries had to remove state subsidies on any commodities in those countries. But, when you

look at what happens today in the West, in places like Europe and America, you will find that cows or cattle in those countries are actually more subsidised than the people of Sub-Saharan Africa. This simply means that a cow in England gets more money than the citizens of the African continent.

This is why the issue of the World Bank must be looked at thoroughly. It is very rare that we agree with the Agang, but today I agree with them that we have to relook at that relationship. In order for us to look at that relationship, we must look at what we can do. We must break the chains of colonialism. How can we do that? It is very simple. The late President of the ANC said in the Bandung conference, and I quote:

The significance of this conference therefore lies in the fact that the sponsors and the people who are meeting have themselves been for centuries the subjects of exploitation and foreign domination by western colonial powers, and have now decided to take the destiny of their people and their countries into their own hands.

So, what was the clarion call which was made by Oliver Tambo? He was basically saying that all those people who were colonised

must take their fate into their own hands. This ANC-led government has done that already.

That is why, as we are speaking today, it has come up with alternative mechanisms to those of the World Bank and IMF. That is why a new Development Bank was launched in Shanghai last year. That new Development Bank was launched so that loans provided to other countries do not come with the conditions which cause states to lose their sovereignty.

But what is also important is that on the issue of financing we supported ... this ANC led government has ensured that a forum like the Total International Conference on African Development, Ticad, took all the African countries on board so that whatever development takes place in those countries must have the permission of the resident government.

When we go to the issues like the the Forum on China-Africa Co-operation, Focac ... What was critical about it is that, for the first time, the Focac was held in South Africa. As it was held in South Africa, the Chinese government pledged more than \$60 billion worth of investment for the African continent.

Where did this money go? It went to programmes meant to uplift the African continent by ensuring that the infrastructure of the continent – which is used to integrate the continent – comes in the form of cheap loans and credit extensions.

What is also very important is that this ANC-led government has ensured that through the AU it has adopted the Agenda 2063 document, The Africa We Want. In this Africa that we want, we are very clear that all of us as a continent we are going to have a singular focus that all the resources of the countries are not going to be exploited by the external forces. Instead, the continent will act as a single unit to ensure that whatever investment we are doing we will be able to ... [Interjections.]

Mr M S MBATHA: Hon Chair, can you please save our ears from hon Radebe. He must drink water, be cool, be relaxed and be straight to the point.

The House CHAIRPERSON (Ms Boroto): Hon member, that is not a point of order. Please sit down.

Mr B A RADEBE: When coming to the ... the ANC led government has also played its role in co-ordinating African states through the AU in adopting progressive programmes, like Agenda 2063, The

Africa We Want. Through this programme the African states focus on industrialisation, beneficiation of mineral resources of the African continent, building productive infrastructure which will promote the regional integration of the African continent, and the promotion of strategic human resources, the development of the youth of the continent, and the promotion of human rights for the citizens of the continent.

This is done through leveraging funding for the continent through its co-ordinated action in fora like Focac, Tiscad, the African Growth and Opportunity Act, AGOA and the Africa Economic Partnership Agreement, EPAS.

These things have never happened before. When the World Bank came to the country they came with stringent conditions to ensure that that country collapses at the end of the day. But, we really appreciate that the ANC-led government was able to attack the hegemony of these institutions. I thank you.

Mr D J MAYNIER: Chairperson, the fact that we are here today to debate a motion entitled "Reviewing South Africa's relationship with International Monetary Fund, IMF, and the World Bank" is testament to the complete irrelevance of Agang South Africa.

We are in deep economic trouble. Economic growth has been revised down to 0,5%. Inflation is outside the target range at 6,1%. National debt exceeds R2 trillion. Ratings agencies are circling us like sharks, and 8,9 million people do not have jobs or have given up looking for jobs in South Africa.

Not to mention the fact that the national director of the National Prosecuting Authority, Shaun Abrahams, recently whipped out his peashooter, took careful aim, fired and promptly shot himself and this economy in the foot.

Yet, the best the hon member can come up with is to call for a debate on South Africa's relationship with the IMF and the World Bank – which is a debate you would expect to take place in a country like Venezuela.

It is the kind of debate borderline communists like the hon Buti Manamela relishes, as he effortlessly glides between the politburo and the boardroom with a copy of *Das Kapital* in one hand and a Havana cigar in the other, dressed in a Gucci suit and sporting the mandatory red tie. [Laughter.] It is the kind of debate red directors like the hon "Smokestack" Rob Davies – who is still fighting structural adjustment, Central Intelligence Agency, CIA, plots and the Cold War – relish.

But it is not the kind of debate that is going to do anything to help the 8,9 million people who do not have jobs, or who have given up looking for jobs in South Africa.

While I am dealing with the boardroom communists, let me remind the people who are struggling to put bread on the table that those two Ministers, disgracefully, helped themselves to approximately R3,7 million to buy themselves new ministerial cars.

But this motion does give us an opportunity to think about our place in the world. [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): A point of order has been raised. Can you please take a seat, hon Maynier. Hon Deputy Minister, you may continue.

The DEPUTY MINISTER IN THE PRESIDENCY: There is no fact in what the hon member has just said. It is unsubstantiated. It's false. It's a lie and there is no proof for what he has just said. [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Maynier, you know that such statements need to be introduced via substantive motions. However, continue, hon member; I will get advice on that.

Mr D J MAYNIER: Thank you, Chair. The hon member evidently hasn't read his own budget!

But as I was saying, this motion does give us an opportunity to think about our place in the world.

You see, President Jacob Zuma has chosen to look to Brics, the economies of Brazil, Russia, India, China and South Africa, most importantly, to the "R" in Brics – which of course stands for President Jacob Zuma's favourite managed democracy, Russia, because it has an economic model which holds so much appeal for him.

It is the economics of who you know rather than what you know. It is the economics of backroom deals rather open competition that appeals so much to President Zuma.

Whatever the case, what we should be reviewing is our relationship with the "R" in Brics, which survives only through

intimidation, the fear of the knock on the door at midnight and the Gulag.

In the end, what we should really be debating in this House is the complete lack of leadership of the economy coming from President Jacob Zuma, which in a large part explains why 8,9 million people do not have jobs or have given up looking for jobs in South Africa.

The fact is that fiscal expansion is not an option with gross loan debts of R2,23 trillion. Monetary policy easing is not an option with inflation outside the target range at 6,1%. Although implementing structural reform is an option, implementation of structural reforms has stalled in South Africa. That is because it is the politics that is killing the economics in South Africa. The truth is that President Jacob Zuma and the band of suck-ups, opportunists, deal-makers, thieves and rent-seekers who surround him are killing the economy in South Africa.

So, if you do not have a job, or you have given up looking for a job, know this: President Jacob Zuma knows so little about how to help your struggle to find a job that he cannot even remember the nine points of his Nine-Point Plan. That is why, if you want a job, you have to ensure that President Jacob Zuma does not have a

job because, as long as President Jacob Zuma has a job, you will never. [Time expired.] [Applause.]

Ms E N LOUW: Hon Chair, while a debate on the relationship with the IMF and the World Bank may appear to be of very little material consequences, there is however a much deeper and a more subtle ideological substance that require considerations particularly in the light of the EFF's vision of economic development of industrial economy. The following are worth noting:

Proposals such as how to deal with tax avoidance decisively or how South Africa can fund fee-free quality higher education through pension funds;

Where the state is used as an instrument of capitalist class rule and revamped structural adjustment programmes, the National Treasury with the support of the IMF and the World Bank is implementing through the façade of fiscal consolidation; Evident from the Minister of Finance Medium Term Budget Policy Statement, MTBPS, speech where noninterest expenditure will grow by an annual average of 1,2% in real terms over the medium-term expenditure framework period while debt service cost nominal value grow by 10,1% over the same period; and

Insistence on spending patterns that maintains status quo of poverty, inequality and unemployment and turning a blind eye to corporate illicit financial flows;

When South Africa have more than 8 million people unemployed, more than 12 million living in poverty and social conflict that has consolidated inequalities that could lead to civil war if not addressed decisively;

To appreciate the impact and continued presence of the IMF and the World Bank in South Africa without reflecting on more than 300 years history of building a capitalist system of accumulation based on black cheap labour.

One has to understand that the neoliberal organisations in the ANC, SACP and Cosatu in alliance are currently governing South Africa on behalf of the ruling capitalist with the assistance of the IMF and the World Bank. Also, one has to appreciate that the minute the ANC openly succumbed to imperialist; it had a profound ideological impact on South Africa's economic policy. As a result, the consequences of such decision continue to contribute to South Africa structural economic crisis we are experiencing today. South Africa cannot produce goods we consume, instead

imports most of it. South African government cannot create jobs; the government of the day is failing to eradicate poverty.

Credit to the IMF and the World Bank South Africa is unable to deal decisively with the shocking levels of inequality. Even the economics concrete decisions and proposals to fund free-fee quality higher education through education levy of pension fund is dismissed because the National Treasury simplistic deficit cutting dogma of the IMF and the World Bank facilitated by credit rating agencies is the primary focus of the government today.

South Africans, the EFF once again invites you tomorrow to come in your full force and march against the Zumas and the Guptas. They clearly want to loot this country. It is because of the Guptas and the Zumas that free-fee quality education can't be obtained currently. Come out to support the EFF in this march. Aluta Continua! [The Struggle Continues!] [Applause.]

Mr N SINGH: Hon Chairperson, firstly, thanks to hon Plouamma for introducing this motion in this House. The International Monetary Fund, IMF, and World Bank form two important legs of the tripartite, Bretton Woods Agreement. The other leg being the General Agreement on Tariffs and Trade, normally known as GATT, which commenced in 1948 after the conclusion of the Second World

War, ostensibly in order to manage a global post-world war economy. The World Bank and the IMF are stated as being, "twin, intergovernmental pillars supporting the world's economic and financial order" and were established to foster international co-operation with the aim of preventing a repeat of depression of the 1930s and ensuring continued global economic stability through programmes associated with poverty reduction and by acting as a lender of last resort to nation states.

The problem though is that they appear not to be always impartial but rather effectively partisan towards the interests of their biggest nation-state funders. Where does this leave developing countries like us here in South Africa? Up and until the advent of Brazil Russia India China and South Africa, Brics, we, like every other least developed and developing country, were a captive audience suffering silently whilst buckling under the pressures of IMF and World Bank imposed austerity measures. But now we have an alternative through our membership of Brics and its Development Bank in respect of development finance and member assistance to rise in the international economic order. For the IMF and World Bank to remain relevant, they would have to regain the trust of developing nations through creating a level playing field in terms of their lending and poverty reduction agreements.

The IMF should further be looking at introducing short-term liquidity lines which are able to disburse entire amounts of approved access upfront to already qualified countries, with no ex-post policy conditions attached. The World Bank should similarly be looking to move with the times, stay relevant and establish the long mooted for Development Fund. We have heard that South Africa has a national debt of around R2 trillion with annual interest payments at approximately R47 billion. In 2015 South Africa's external debt accounted for 18,3% of its GDP and paying this debt presents huge risks especially when we have a National Director of Public Prosecutions spuriously instituting legal charges against the Minister of Finance, and we know what has happened. We must find finance as a country where we get the best deal as the world now has options, it is no longer a captive market to the Bretton Woods institutions. The days of the IMF and World Bank being lender of last resort are over, having said that, we must guard against cutting our noses to spite our faces. Thank you. [Applause.]

Mr A M SHAIK-EMAM: Hon House Chair, South Africa's relationship with the IMF, and the World Bank, similar to other developing countries, is fraught with pitfalls, barriers and skewed power relations. It is tempting to even go as far as to suggest that the relationship is one of exploitation and an instrument of

interference in the domestic affairs of developing countries, resulting in many poor countries selling their souls to the benefit of some of these power-hungry superpowers. The reality however is that the relationship is not just one-sided. I think a lot of emphasis should be on what we do and how we borrow not necessarily whether it comes from the IMF or whether it comes from the Brics bank or it comes from the World Bank.

The NFP believes it is up to government to borrow wisely and spend wisely with the aim of maximising the resources available to it. Responsible borrowing is a vital function which government has to engage in when there are no feasible alternatives but it is foolish to rely on credit only to meet the developing needs of a nation. Stable economic growth, transparent and accountable government and a genuine desire to benefit the people are prerequisites for successful and sustainable development. If these components are not in place, then borrowing more money will not lead to development but to a vicious circle where the state is burdened by increasing interest and deepening debt such as we are currently experiencing.

South Africa is currently in an alarmingly high upward curve of rising debt. In the past eight years our debt has risen from approximately 24% of GDP to almost 50%. Most alarming however is

that the repayment of the interest on our debt alone amounts to almost 10% of our GDP. It does not take a rocket scientist to know that if we continue in this fashion then we will eventually reach a fiscal cliff.

In conclusion, the NFP also believes that our focus should not only be on the relationship between South Africa and the IMF but again as to how we spend and what we use the money for.

Ultimately we must strive for a situation where African solutions for African challenges or African problems. We must stop enriching these economically-dominating superpowers at the expense of the poorest of the poor of our people. The superpowers, who continue to cause mayhem, destruction and control the lives of these desperate countries seeking assistance to improve infrastructure and the lives of their people, thank you hon Chairperson. [Applause.]

Mr M L W FILTANE: Hon House Chairperson, to be or not to be, is the question. South Africa's peaceful transition is one of the most remarkable political feats of the past century. The consistent and sound budgetary policies that our country has had, has been able to tap into the international bond markets with reasonable sovereign risk spread. In 2012, in the Open Budget Index, OBI, prepared by the International Budgetary Partnership

ranked South Africa second among 94 countries. In 2014 and 2015 however, our ratings were downgraded by most rating agencies, citing poor growth prospects and rising government debt since 2009 as well as high deficit on the current account.

Given the real GDP growth that has been significantly revised downwards, the ongoing weakening in growth, the weak investor sentiment amid policy uncertainty resulting in high unemployment rates and a plunge in commodity prices as well as compounding domestic problems, all call for an urgent intervention.

Government must focus on doing what the National Development Plan, NDP, has identified as critical factors for the success of our country. Amongst these is the provision of a focussed leadership that is able to articulate the vision, set a clear path to its realisation and lead in the practical implementation of the programme derived from the vision.

We need sustainable policy, consistency and leadership that will build and sustain strong institutional capacity at technical and management levels. We need a leadership that will ensure efficiency in all government spending and ensure responsibility and accountability at every sphere of government.

Such intervention shall enable the country to use its available resources wisely and avoid the pressure of borrowing externally. Furthering our external debt will certainly invite further downgrade which will trigger a sell-off of government bonds and ultimately send South Africa, cap in hand, to the IMF with its structural adjustment. Our relationship with the IMF and the World Bank, including all other external bodies, be they economic, financial and otherwise must be pursued in a manner that seeks to reduce our dependence on the global financial institution and others.

Truth is, as we debate today, we have no alternative as yet of these two powerful institutions. Accordingly, we must, as a country, conduct our relationship with the IMF and the World Bank in such a manner as to sustain the integrity of our domestic policies and protect our sovereignty. I thank you, Chair.

Mr S N SWART: Chairperson, the ACDP understands the concerns expressed regarding the World Bank and the IMF and in the main it seems that loans are given under very strict conditions which seem to impact on the sovereignty of nations. Examples are to offer loans to poor countries but only if those countries privatise their state enterprises which some might say is not a good thing, others might say it is a good thing. Loans are always

conditional and can keep countries in a cycle of poverty particularly where they are unable to service their debts. Should there be a default on debt payments then access to international funding becomes a nigh impossibility to obtain.

But, there is of course always a positive side and in this regard, we note that the fund has embarked on the final stage of a work programme for revamping IMF policies related to sovereign debt restructuring. This will facilitate sovereign debt crisis prevention and is crucial for the frontier markets in this SADC region who are issuing sovereign debt in the international market. We also know that in the beginning of April, the World Bank said it would provide guarantees of R11 billion for loans by international commercial banks to stop Eskom's power transmission infrastructure. Also, we know that the World Bank is collaborating with the African Union, AU, and the regional economic communities to develop a set of harmonised standards to support interoperations between national identification systems and mutual recognition of identification documents where we have got 37% of the population of sub-Saharan Africa without identity documents.

Now, it is interesting that our Finance Minister, in his recent, on 8th of October, address to the 34th meeting of the IMF's

finance committee on behalf of SADC countries, urged the fund to continue its efforts to support growth and boost resilience in small states and countries in fragile situations including through capacity-building and providing adequate financing. He also reiterated support for developing strong mechanisms to help deal with illicit financial flows which have robbed the region of much needed resources to finance development. Now to conclude, it is always important to review ones relationship with such world bodies, as in the case of the IMF and World Bank but in our view we believe there are sufficient steps taking place at an international level to revamp the IMF policies and we saw that with the programmes to revamp sovereign debt restructuring. I am sure there are many other areas for reform and improvement which can hopefully be implemented after discussion and negotiation. I thank you.

Mr A R LEES: Sihlalo, ngempela kumele siyibheke le nto esiyikhulumayo namhlanje. [Chairperson, we must really look into what we are talking about today.]

Mr A R LEES: The reality is that instead of talking about the merits of South Africa's relationship with the International Monetary fund, IMF, and the World Bank, we should be debating the state capture that President Zuma has carefully crafted with his

cronies to create the Brazil, Russia, India, China and South Africa, Brics, Bank. [Applause.]

South Africa incredulously agreed to contribute \$10 billion to the Brics Bank. This is the same amount required of the other members, including China, but for South Africa this equates to 13,5% of our national Budget whereas for China it's a mere 0,8%. This is even more surprising given that South Africa only has a 6% of the voting rights.

South Africa incorporated is from a liquidity point of view insolvent, and so we have had to sell some of the family silver in the form of Vodacom shares to fund the first payment to the Brics Bank.

There was a time in December 2015, when it seemed that President Zuma's motivation for establishing the Brics Bank was just a way of finding a job for Finance Minister Nene when he was dumped for opposing President Zuma's very close friend and corporate warlord, Dudu Myeni.

Happily, Mr Nene has more integrity than that, and Mr President Zuma was exposed yet again for thinking that South Africans were gullible enough to be taken in with his baseless assertions that

Nene was needed to be the boss of the Africa Office of the Brics Bank.

To make matters worse, South Africa has agreed to ring-fence \$5 billion of our foreign reserves for purposes of helping our Brics Bank friends, like Russia, when they encounter a liquidity shortfall possibly caused by their theft of Crimea and the resulting international sanctions, so much for Nelson Mandela's commitment of South Africa to human rights based international relationships.

Much is made of the R180 million to be obtained by Eskom from Brics Bank, but this is small fry and could easily have been financed directly from other international sources, who would not require any contribution from South Africa let alone \$10 billion that the Brics Bank requires.

The Brics Bank is what we should be seized with, not international financial institutions.

I end by reminding you that in addition to the \$2 billion initially contribution, we have still to find another \$8 billion or approximately R100 billion that we foolishly agreed to contribute. We simply cannot afford this when the economy is

faltering, taxes are increased, and there are 8,9 million South Africans who don't have jobs. [Applause.]

Mr P P MABE: Hon Chair, I think we must first ... You shouldn't be worried, you still have a hangover of local government elections, we are far now. Hon Chair, just to thank Agang to have introduced this important debate, I am sure you have seen earlier on when we debated the Mineral and Petroleum Resources Development Act, MPRDA, on the sort of people who had come here to make sure that a majority of our people do not benefit. They sat here in the podiums representing minority interests.

You would also have heard their own voices. They spoke again here today to try and make sure that we do not try and drive reforms in the manner that we would want to through the Brics Bank and many other interventions that are already in place.

The World Bank group faces a legitimacy crisis. This is what many of these people must be aware of. Devised in a post-war colonial era, the bank's governance structures have not adapted to new international norms of democracy, transparency and accountability, nor indeed crucially to structural changes in the global economy that have altered the balance of forces.

Just one aspect, emerging economies such as China and India have become far more significant drivers of growth over the past 10 years and particularly in the post-2008 global crisis era. All the signs are that they will continue to play an even more significant role in the future in ways certainly not foreseen when the Bretton Woods institutions were created. Surely, and therefore, what is needed is fundamental changes in the way the Bretton Woods institutions function.

Bakone ba re: "Pudi ge e palelwa ke go tswala e re mokaka ke wo monnyane." [The Bakone say that people always have excuses for failing to execute a duty.]

Banks must adapt to proper governance and accountability structures. They must also be transparent on how they conduct their own businesses, and this does not exclude the World Bank.

The discussion is not new for the issue of what has been termed the voice has been on the agenda of nearly every annual meeting of the World Bank and International Monetary Fund, IMF. Calls have come for the democratisation of the international financial institutions.

There are two reasons to believe that the prospects for reform may have improved. Firstly, was the highly public and institutionally embarrassing controversy surrounding the resignation a decade ago of a previous President of the board, Paul Wolfowitz, which highlighted the anachronistic nature of the bank's leadership selection process; Secondly, is the increasing competitive pressure that threatens the bank's financing model.

Developing countries like South Africa encouraged by their own submissions have seized the opportunity to forge new structures that serve themselves better, arguing that countries that currently dominate the World Bank, and who are unwilling to change are de facto, encouraging developing countries to find alternatives. This you can also see in some individuals as well.

Governance reforms become imperative depending on the direction of the discussions around the long-term strategic direction of the World Bank.

The reform options have been divided into those that are within the competence of bank management and the executive board, and those that require changes to the articles of the agreement. It's important to listen.

This is not to suggest that those reforms that require changes to the articles should be abandoned as it is sometimes argued. In contrast, some of the most needed reforms will require opening up the articles. Key amongst these articles is the question of the basic votes question. Other matters should be addressed in parallel fashion.

What the Wolfowitz issue did was to exposed attention to the accountability of the President and the board. Generally, transparency is better dealt with during reviews of the disclosure policy, which should be dealt with at the same time as the board transparency and accountability. Now these are the principles for change. [Interjections.]

In the medium-term, developing countries should push for the following principles to be reflected in any reform of the Bretton Woods institutions. I am sure if the Chief Whip of the DA cared to listen; he might learn a thing or two, because now we are trying to get this country better.

Borrowers should be included in decision-making in the same way that we include people here in the ANC in decision-making, not in this other parties where decision-making is only preserved for a few. By creating incentives for the most powerful members to

consult and build coalitions across a wide range of members, proposals for increasing the scope of voting would ensure that developed countries cannot act to adopt decisions without considering the views of developing countries. The DA should understand this notions of the haves and the have nots.

[Interjections.]

You must examine the alternatives ... These are some of the alternatives to the World Bank. It might just help you on the sort of alternatives you need for your own cadre development. You are struggling to take care of Tshwane. People don't have water in Johannesburg. When you took over, people are started drinking sewerage water in Tshwane. The prospective new financial architecture being set up by Brics countries promises to reform and improve developed finance for the world.

They would do so in the most tried-and-tested way imaginable, the same way the ANC provided water to the people of Hammanskraal when it was in charge - This is why it wants to reform financial institutions financially as a single economic entity. As a bloc, Brics may affect change on a global scale, but the grouping would still do so in the traditional way of flexing economic muscle. We have already done it with the MPRDA. You saw, it was monopoly

capital which was here to witness and make sure that our people do not benefit from this reforms.

The annual Brics Summit held in Durban, focused on what the muscle can do - challenge the World Bank and the IMF, some of which those in the minority are representing in the way that development finance is conducted as well as the Western over dominance that has prevailed in both Bretton Woods institutions.

You are going to be educated by the time I finish here, Chief Whip of the DA. Those institutions were never meant to be that way, of course, and you must be proud that we are addressing you in English. I would be doing it in Pedi and you will be struggling to hear. Those institutions were never meant to be that way, of course... [Interjections.]

The CHIEF WHIP OF THE OPPOSITION: House Chairperson!

[Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Mabe, take your seat.

The CHIEF WHIP OF THE OPPOSITION: I am very keen on education, sir. May I ask a question? Is he a have or a have not?

The HOUSE CHAIRPERSON (Ms M G Boroto): But I didn't allow you to ask. Continue hon Mabe!

Mr P P MABE: Let me assist quickly. My mom was a have not. Democracy has made me a have.

Those institutions ... Democracy has allowed me to sit with you in the same Parliament, where my grandmother could not sit. This is the democracy that the ANC has brought, which you must be celebrating.

Those institutions were never meant to be that way, of course, as a reading of the founding text could follow, but any initial magnanimity will soon give way to self-interest. US and European dominance of the World Bank and the IMF respectively was to be a Western consensus imposed on the world like a global neo-colonial regime, something that many of you represent on the other side. The deal is that the World Bank would be led by the US citizen and the IMF by somebody from the AU.

We do not believe that everything black is corrupt in the manner that you want us to believe, never, it can't happen.

Since then, Brics has in both concept and entity has had rigorous growth and a vibrant youth. You are going to have to listen. Both institutions typically adopt a cold mechanistic approach development that prioritises market interests over human needs. [Interjections.] You know why you have four minutes to speak because you make this noise.

Their Western bias is also throwback in the 21st century world of a shared global interests and aspirations, and a world in which Western economies themselves are in trouble. In contrast ... Now listen to this one. Here you are now going to get Masters. In contrast, Brics as a bloc of emerging economies serves as a bridge between the developing and developed countries. I am happy that you are calling Passenger Rail Agency of South Africa, Prasa, terms that we have created. You see, we have created the term Prasa. Look at how you are calling it now. [Interjections]

On paper, Brics countries account for almost half the world's population and just over a quarter of world trade. But more important than this, their figures is how Brics economies have driven global growth for years as acknowledged by the World Bank itself. Brics has driven growth. [Interjections.] The people of Phalaborwa must also participate in the South African economy in

the same way that the people of Stellenbosch are participating. It mustn't bore you when they are part of that.

The idea of a new global bank and the measured progress since the Durban Summit raises important and challenging decisions that must be made such as the financing modes. Its primary purposes, like the operation of funds in project financing and a contingency fund as a crisis buffer will take more time to work out.

The different political systems within Brics is a strength and a diversity ... [Interjections.]

Mr P CHAUKE: Hon Chair, point of order.

Mr T RAWULA: Order, Chair.

Mr P CHAUKE: Point of order.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, you are noted.

Mr P CHAUKE: I am standing on Rule 66 that no member must be disrupted on the podium. The behaviour of the Chief Whip of the

opposition is unbecoming. He can't behave like that in the House, and he is the Chief Whip of a party. It can't be.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, may I say that hackling call is not allowed. The only thing is that the member should not be drowned. I think that is what we can plead for. Thank you. Hon Mabe, please wait, you still have your 33 seconds left.

Mr T RAWULA: Chairperson, I just want to check if a member can take a question on Prasa, because there was a fine that was recommended on him. [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Don't ask the question. [Interjections.]

Mr T RAWULA: Did he pay that fine?

The HOUSE CHAIRPERSON (Ms M G Boroto): He will give you time, if he wants to. Hon Mabe ...

O ka tšea potšišo?

Mna P P MABE: Ge e le gore potšišo yeo e sepelelana le tše ke bolelago ka tšona, ga ke na bothata.

MODULASETULO WA NGWAKO (Moh M G Boroto): Ba re o ka botšiša, ntate. (*Translations of Sepedi paragraphs follows.*)

[Will you take a question please?

Mr P P MABE: I don't have a problem if your question is in line with the topic.

The HOUSE CHAIRPERSON (Ms M G Boroto): You are allowed to ask the question, sir.]

Hon member of the EFF ...

O re o ka botšiša potšišo ya gago. [He says you may ask your question.]

Mr T RAWULA: No, I ...

The HOUSE CHAIRPERSON (Ms M G Boroto): He says ...

Ngiyaxolisa, uthi ungabuza umbuzo wakho. [I am sorry, he says you can ask your question.]

Mr T RAWULA: The simple question is whether he paid the fine that was recommended by the Ethics Committee on the Prasa deal? That's what I want to know.

The HOUSE CHAIRPERSON (Ms M G Boroto): Thank you. That's the question, hon member.

Mr P P MABE: No, that's fine; I think if he cares to read the report, he will understand where we are. Let's proceed. What worries fans of the IMF and World Bank is not how a new global bank ...

The HOUSE CHAIRPERSON (Ms M G Boroto): Order! Hon members, while hackling is allowed, you are not allowed to drown the speaker on the podium.

Mr M WALTERS: Chairperson!

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Waters!

Mr M WALTERS: Chairperson!

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Mabe, take your seat.

Mr M WALTERS: The speaker was asked if he will take a question.
He said yes.

The HOUSE CHAIRPERSON (Ms M G Boroto): Yes.

Mr M WALTERS: The question was put, whether he paid the fine by
the Ethics Committee.

The HOUSE CHAIRPERSON (Ms M G Boroto): Yes.

Mr M WALTERS: He has not answered the question, for a simple yes
or no ... [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, thank you very
much.

Mr M WALTERS: Thank you.

The HOUSE CHAIRPERSON (Ms M G Boroto): I the question was
answered. Thank you. Continue hon Mabe.

Mr P P MABE: You see, in Sepedi we have books called *Mahlontebe*. Those things are meant for kids who are still learning Sepedi vowels, please.

Mr M MBATA: Point of order, Chair. In IsiZulu ...

[Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon ... No man ...

[Interjections.]

Mr M MBATA: ...we have something called *Masihambisane*. He must answer the question, we also have *Masihambisane*.

The HOUSE CHAIRPERSON (Ms M G Boroto): No man ... Hon Mabe, continue!

Mr P P MABE: Okay, as I conclude, seeing that these address and on us for affirming Brics would have had many fans, including those from the DA.

Let's now conclude, what worries fans of the IMF and World Bank is not how a new global bank as competitor will steal their business, but how it may force both to be more democratic and

more sympathetic to the developing world. Thanks, Chair. [Time expired. [Applause.]]

Mr M J FIGG: Hon House Chairperson, the Minister of Finance has a straight forward task, that is one of fiscal consolidation, but clearly he is unable to perform the task effectively. Fiscal consolidation should be prioritised because our debt gap is widening and debt service costs are the fastest growing expenditure item. Debt service costs for 2016-17 financial year are forecast to be R147,7 billion and increasing at 11,4% annually compared to the consolidated expenditure growth of 7,1%.

Our problems are caused by an economy that is hovering around zero growth. This is clearly not an environment where jobs can be created. The result of a stagnant economy is that revenue grows at a slower rate than expenditure, so Minister Gordhan's solution is to further burden the already stretched taxpayer. Of the 13,7 million registered tax payers, less than 1 million contribute 64% of personal tax revenue.

There is a direct correlation between the cost of debt and the credit rating of a country; the lower the rating, the higher the cost of debt will be. It is important that a country maintains a good credit rating but South Africa is at a risk of a further

downgrade. South Africa, like most countries, depends on international investors and access to international capital market. So, good credit ratings are important; they determine the cost of borrowing money and give an indication to international investors whether to invest in a country or not.

Recognising that foreign investment can contribute to economic development, all governments want to attract it because of the potential to create jobs. So now South Africa is unhappy with the independent credit rating agencies and with Brazil, Russia, India and China wanting to establish their own credit rating agency namely the Brics credit rating agency.

President Zuma recently stated that Brics continues to have felt it necessary to have their own rating agency. This decision is partly because the manner in which rating agencies have operated so far, leaves concerns particularly to developing countries and to members of Brics. One of the concerns he mentioned was that the concentration of rating does not seem to be well-balanced according to the view of Brics member states. Therefore, the Brics countries have chosen to rate themselves.

The Brics agency is meant to better cater to developing economies as oppose to the existing agencies which are believed to favour

developed economies. The aim of introducing this Brics agency would be to provide an alternative but non-independent voice to existing agencies which would be more sympathetic to a failing economy.

Existing agencies conduct assessments based on reliable data while Brics rating agencies might provide assessments that are based on sympathy. Similar agencies introduced in China and Russia did not work and it will not work in South Africa. I thank you.

Mr M U KALAKO: Hon House Chairperson and hon members, let me firstly agree with my colleagues when they thank you, hon Plouamma, for putting this matter on the agenda of Parliament. Global capitalists of the late 1920s and early 1930s whose origins are to be found in the speculation of the financial sector in the United States had a devastating impact on working people's lives and unemployed.

This crisis gave rise to many right wing and fascist parties rising amongst the unemployed. It is from these ranks that imperial nations recruited in preparation for the second imperial world war. During this war, countries aligned to Britain and the United States held discussions focused on increasing demand for

institutions that could take care of the international finances, co-operation and promotion of international trade.

The issue at hand was regulation of a post Second World War global monetary and financial order. At a United Nations conference in Bretton Woods, New Hampshire, United States in 1944 attended by 44 countries, agreements were signed to legally establish the General Agreement on Tariffs and Trade, GATT, the International Bank for Reconstruction and Development known as World Bank today and the International Monetary Fund, IMF. The primary purpose of the IMF was to foster global monetary co-operation, secure financial stability, and facilitate international trade.

The IMF in the main was conceptualised by leading capitalist countries with Britain and USA playing a leading role. Hence its earlier mandate was to ensure stability of international monetary system and does this by keeping track of the global economy and the economies of member states, lending to countries with balance of payment difficulties and giving other forms of assistance to member countries.

Today, the IMF mandate has changed from that of guardian to that an overseer of member policies. The IMF requires countries

seeking assistance to correct its macroeconomic imbalances in the form of policy reform. If the conditions are not met then funds are withheld. Conditionality is the most controversial aspect of IMF policies.

South Africa has over years, since the dawn of democracy, played a leading role in initiatives to reform the multilateral system. Not only quarters and therefore board representation of IMF but also in the manner in which their leadership is chosen.

Former President, Thabo Mbeki, addressing UN General Assembly as Chairperson of G77 and China in 2006 had this to say on the issue, I quote,

... poverty and underdevelopment remain the biggest threats to the progress that has been achieved, and that equality among the nations, big and small, is central to the survival, relevance and credibility of this global organisation.

Thus, Madam President, when you correctly urge us to implement a global partnership for development, we, the members of G77 and China, who represent the poor people of the world, understand you to be communicating a message that we should

make real the common commitments we solemnly made at this supreme organisation of the nations of the world.

Yet, this common commitment for a global partnership for development cannot be transformed into reality when the rich and powerful insist on an unequal relationship with the poor.

A global partnership for development is impossible in the absence of a pact of mutual responsibility between the giver and the recipient. It is impossible when the rich demand the right, unilaterally, to set the agenda and conditions for the implementation of commonly agreed programmes.

Again, at the G20 Finance Ministerial Conference that took place in Kleinmond in 2006, he reiterated that multilateral systems have been dominated by a few. Even when modifications to international financial architecture became necessary, especially during periods of global turbulence, the outcomes have inevitably preserved the status quo allowing only for insignificant alterations.

South Africa, under the government of the ANC, has always led and championed the call for substantial changes in the governance structures of the Bretton Woods institutions. To countries like

South Africa, who seek to attract direct investment, we cannot overstate the importance of IMF and World Bank; they play a key role in signalling the private investors in major global financial centres of readiness of countries for foreign investment. All that the ANC-led government is calling for are efforts to enhance legitimacy of the institutions and that can be achieved through better representation and accountability.

Developing countries now have an alternative to World Bank and IMF. The New Development Bank established by the five Brics countries is not in competition with IMF, rather its approach is developmental. The Brics countries will also establish a contingent reserve allocation for emergency landing in the mode of IMF. This will go a long way in addressing complaints from nations in those regions who for decades, due to lack of voting rights at both the World Bank and IMF to influence and bring about change, have had to suffer strict austerity measures imposed on their governments in order to receive emergency funding.

There is a need to establish credibility and effective surveillance over national monetary and financial policies with global repercussions. This depends on introducing enforceable commitments and obligations regarding exchange rates of major

currencies and adjustments to imbalances by both deficit and surplus countries.

There should be serious rethinking of international capital flows. International communities should firmly establish that controls over capital flows are legitimate tools of policy to secure macroeconomic and financial stability. We need effective and equitable debt resolution mechanism. Developing countries have stopped relying on easy money which is not good except for speculation in advanced countries, have abandoned fiscal orthodoxy, invested in infrastructure to create jobs and demands. I thank you. [Applause.]

Mr M A PLOUAMMA: Hon House Chair, before I deal with the amphibian politics of hon David Maynier, I want to thank the parties that have supported this motion, the IFP, ANC and the UDM. I want to take this opportunity and remind all members that Agang did survive the poisonous kiss of the DA. [Applause.] For hon David Maynier to come here and say we are irrelevant ... They must remember very well that we are the only party that survived their assault.

Mr I M OLLIS: House Chairperson.

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

Mr I M OLLIS: Will the hon member take a question on his party's history? [Interjections.]

The HOUSE CHAIRPERSON (Mr T C Frolick): Hon Plouamma, will you take a question? [Interjections.]

Mr M A PLOUAMMA: No, hon House Chair.

The HOUSE CHAIRPERSON (Mr T C Frolick): The hon member is not prepared to take a question.

Mr M A PLOUAMMA: I want ... [Interjections.]

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

Mr M L W FILTANE: Point of order, House Chair.

Mr M A PLOUAMMA: I want the hon member, David Maynier, to go and read the book of his former leader ... [Interjections.]

Mr M L W FILTANE: On a point of order, House Chair.

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

Mr M L W FILTANE: Just to correct the statement by the hon member. The UDM did not support the ... [Interjections.]

The HOUSE CHAIRPERSON (Mr T C Frolick): Thank you for the information. Continue hon Plouamma. [Interjections.] Order, hon members.

Mr M A PLOUAMMA: Hon House Chair, I was doing him a favour anyway. [Laughter] So, hon Chair ...

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

Mr M A PLOUAMMA: ... all I am trying to say is that we can't be taught anything of relevance or irrelevance by the DA. We are the only party that stood their assault and that knows what lies deep in their hearts. They have one foot in South Africa and the other in America. [Interjections.]

Hon House Chair, we love this country and we will defend it at all cost. I want to emphasise, hon Maynier go and read the book

of your former leader titled, *Not without a fight* and see how you operated like mercenaries when you were trying to swallow us.

[Applause.] But, be that as it may, I think it is very important to stand and defend our sovereignty and make sure that our country survives for hundreds of years to come. [Applause.]

The HOUSE CHAIRPERSON (Mr T C Frolick): Order. Hon members, that concludes the debate on this subject. The next item on the Order Papers is Members Statements.

**DECISION OF NPA TO DROP CHARGES AGAINST MINISTER PRAVIN GORDHAN
AND THREE COMMISSIONERS WELCOMED**

(Member's Statement)

Mr P D N MALOYI (ANC): Chair, the ANC welcomes the decision of the National Director of Public Prosecution, NDPP, Adv Shaun Abrahams, to discontinue fraud charges against the Minister of Finance, Pravin Gordhan, former SA Revenue Service, Sars Commissioner, Oupa Magashula and former Deputy Commissioner, Ivan Pillay. This related to Pillay being granted early retirement in 2010, and subsequently being rehired on a contract. The head of public prosecutions, Shaun Abrahams, said he made his decision following representations from both Magashula and Pillay.

The NPA's decisions to charge Minister of Finance has been highly criticised by legal experts, political and business leaders, which calls for the charges to be withdrawn. Informed by the constitutional principle of innocent until proven guilty, the ANC always believed in the innocence of Comrade Pravin Gordhan, [Interjections.] hence our unwavering support since fraud charges were preferred against him.

The charges against the Minister Pravin Gordhan have had negative impact on the economy. We hope this decision will go a long way in restoring confidence of the investors. The ANC calls on all the South Africans to respect this decision and commit in moving South Africa forward. Now that the charges have been dropped ... [Time expired.] [Applause.]

**DA CALLS FOR NATIONAL DIRECTOR OF PROSECUTIONS, SHAUN ABRAHAMS TO
RESIGN**

(Member's Statement)

Ms G BREYTEBACH (DA): Yesterday National Director of Public Prosecutions, NDPP, withdrew all charges against Ivan Pillay, Oupa Magashula and Minister Pravin Gordhan. [Interjections.] This came three weeks after he announced that the NPA intended

preferring charges against them. Today the NPA withdrew charges against Robert McBride and two others because the NPA could produce no witnesses to prove the charges. It was their third court appearance. In the face of this disgraceful incompetence Abrahams refuses to do the honourable thing and resign. He holds the view that he owes no-one an apology. He has no regard for the damage done and cost incurred by the country and its citizens. He has no regard for the hurt, apprehension and cost his reckless actions have inflicted upon Pillay, Magashula, Minister Gordhan, McBride, Siseko and Khuba and their families.

He also has no insight or understanding of his position, nor does he have the ability or wherewithal to do the job he has been appointed to do. He is a bootlicking lap dweller and is not fit to hold the position of National Director of Public Prosecutions and must go. So should Pretorius and all those who aided and abetted him in this monstrous blunder; and they should go now. Mr Van Rooyen, who today lost his urgent application to have the state capture report slipped under the carpet and lost with costs, should consider following suit. Thank you. [Applause.]

**EFF CALLS FOR MARCH ON FREE HIGHER EDUCATION AND DEFENCE OF
INSTITUTIONS OF JUSTICE IN SOUTH AFRICA**

(Member's Statement)

Mr M S MBATHA (EFF): The EFF calls on all fighters and ground forces in and around Johannesburg in Gauteng and all peace-loving South Africans to attend our march tomorrow to defend the institutions of justice in South Africa, the National Prosecution Authority, NPA, and the Hawks against Mr Zuma; and to defend the rights of young people to free quality higher education for all, not for the poor as they used to say. The march will assemble at Church Square in the morning at 08:00, start at 10:00 and proceed to Pretoria.

This march must demonstrate to all those who think that the country has fallen into the wrong hands that we want to reassure the citizens that the country can be taken back to its rightful owners, who are the citizens of South Africa. It is unprecedented and unjustifiable that the head of NPA will hold meetings with leaders of a political party of which one of them is an accused person, accused with more than 700 and some odd charges which he fails and refuses to sit before. Mr Abrahams ... [Interjections.] ... I was always around.

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

Mr M S MBATHA: There are those ... [Inaudible.] ... drunken corner there. [Time expired.]

BLACK GOLF PLAYER ATTACKED BY WHITE GOLF PLAYER IN NELSPRUIT

(Member's Statement)

Ms D P MANANA (ANC): Black golf player attacked by golf player in Nelspruit, in Mpumalanga. Since the dawn of democracy, the ANC has made progress in transforming South Africa into nonracial society. However, we are disappointed that the racism is still raising its ugly head now and then. As such, the ANC condemns in the strongest term the racial attack on the 19-year-old golf player from Nelspruit in Mpumalanga recently.

Jabulani Mabilani was attacked by four white golf players who told him that he was not allowed to play at a club regardless of being a member because he is black. According to Mabilane, he was practising at hole seven when a group of young white males playing whole five said he was not allowed to be playing there before they insulted and attacked him.

The people of South Africa have waged relentless struggles against the demons of racial segregation and self-imposed white

supremacy. It is unfortunate that some racist whites remain trapped in the past philosophy of white supremacy. We welcome the report that the case was opened and sent to the prosecutor for a proper decision. We call upon the club to act against the culprits of these white guys. [Interjections.] [Applause.]

RACIST VITRIOL ON SOCIAL MEDIA CONDEMNED

(Member's Statement)

Mr N SINGH (IFP): Chairperson, the IFP condemns in the strongest possible terms the racist vitriol that was spewed forth recently on facebook by Mr Davie Kriel and Mr Will McGivern. The level of hatred, religious intolerance and threats of violence towards Indian and the Indian community at large in South Africa, by Mrs Kriel and McGivern must be condemned in the strongest possible terms.

The IFP has already laid a complaint against Davie Kriel and Will McGivern with the Human Rights Commission and will do everything in its power to ensure that they are brought before the Equality Court to answer to these abhorrent remarks. I just want to call to one section of what they said. This is what they said:

To those idol worshippers and devil disciples who buy them [crackers] in the name of religion, piss off back to your dark hole in the backwoods of India you dickheads. I could strangle you morons with my bare hands and derive great pleasure in watching your face turn blue and your tongue pop out.

Hon Chairperson, such hate speech has no place in South Africa and must not be tolerated at any level. This is the direct contravention of the Equality Act, and must be thoroughly investigated and prosecuted. Thank you [Applause.]

PUBLIC WORKS HOUSES RENTED BY RESIDENTS IN KEISKAMMAHOEK

(Member's Statement)

Mr N L S KWANKWA: Sihlalo weNdlu, masilibulela kakhulu eli thuba. [House Chairperson, thank you very much for this opportunity.]

We are very surprised to hear the ANC ...

... isithi iyakuxhasa ukurhoxiswa kwamatyala kuba ... [... saying it supports the withdrawal of charges; ...]

... the question you ask is which ANC? Because I'm sure the President Zuma-ANC ...

... bamjongile bathi, ngcingcingci!!! Uyakuhlala usinda kwedini.

Ndifuna ukuthetha ngomba waseQoboqobo wezindlu zakudala eziphantsi kweSebe lezeMisebenzi yoLuntu. Abantu baseQoqobo kudala bazinikwa ezaa zindlu zingamabhodlo bezirenta behlawula imali engama-R800 ngenyanga. Le mali abakwazi ukuyihlawula kuba abaphangeli, abanye babo ngamaxhegwazana. Kudala ke siwuveza lo mba kwiSebe lezeMisebenzi yoLuntu kuTata uKganyago, lowa wayengusekela mongameli we-UDM, esaphila, simcela ukuba awuqwalasele lo mba. Kwamanye amaphondo, umzekelo, eMpumalanga, abantu bazifumana eza zindlu ngaphandle kwentlawulo. Ngoku kukho iimeko zokuba bakhutshwelwe ngaphandle kuba beneenyanga bengasahlawuli irente.

Sithi urhulumente makawuqwalasele lo mba, ngakumbi iSebe lezeMisebenzi yoLuntu nanjengoko utshisa ebunzi, kuba uchaphazela ngakumbi laa maphondo ayesakuba ngamaphandle kuba maninzi amabhodlo akhoyo afana nalawaa. Siza kuphinde simbhalele uMphathiswa simcele ukuba akhe awuqwalasele lo mba kuba, baza kuhlala phi abantu xa bekhutshelwa ngaphandle ngamagosa ala

masebe angenalusini? Ndiyabulela, nale ANC yenu ididekileyo apha.
(Translation of isiXhosa paragraphs follows.)

[... are looking at him and clucking their tongues thinking, boy, lucky escape again!

I want to talk about the issue of old houses in Keiskammahoek that are administered by the Department of Public Works. The people of Keiskammahoek have long been renting those old dilapidated houses at R800 per month. They cannot afford the rent because they are unemployed, and some of them are old women. We brought this issue to the attention of the late Mr Kganyago, the former deputy president of the UDM, when he was still alive, and asked him to consider it. In other provinces, such as Mpumalanga for instance, people get such houses for free. Now there are people that are being evicted because they are months behind with their rent payments.

We say government must consider this matter urgently, especially the Department of Public Works, as it affects former Bantustans especially, that have many old dilapidated houses. We are going to write to the Minister again and ask him to consider this matter because, where are people going to stay when they are

evicted by these heartless government officials? Thank you, in the face of your confused ANC.]

CELEBRATION OF DIWALI BY HINDU COMMUNITY

(Member's Statement)

Ms S P TSOLELI (ANC): Chairperson, on Sunday 30 October the Hindu community in South Africa joined millions of Hindus across the globe in celebrating one of the most auspicious times of the year, Diwali, also known as Deepavali. This is one of the biggest and most important annual festivals where Hindu devotees around the country and across the world light lamps that symbolises triumph of good over evil and light over darkness. This is the time of enlightenment, the time that promotes the spirit of love, humility, compassion and humanity amongst the Hindu community. In India, Diwali is usually a one week affair, celebrated in true abundance and dignity.

The ANC understands that Diwali is more than just a time for indulgence, it is a time to reflect and feel gratitude in accordance with the Hindu calendar. The ANC believes that good has triumphed over evil and that Hindus are free to celebrate Diwali without the divisions of the past and with the full

backing of the country and all its people and government. We hope that the divine light will shower them with peace and prosperity, happiness and success. Thank you. [Applause.]

DROPPING OF CHARGES AGAINST MINISTER OF FINANCE

(Member's Statement)

Mr N SWART (ACDP): Chairperson, the ACDP, like others welcomes yesterday's announcement by Adv Shaun Abrahams to withdraw all charges against Finance Minister Pravin Gordhan, Messrs Oupa Magashula and Ivan Pillay. This followed representations as well as submissions by Freedom Under Law, Ful, and the Helen Suzman Foundation. We do however regret, and I am sure many of us in the House do, the trauma that this ill-considered decision to prosecute caused Messrs Gordhan, Magashule and Pillay and their families as well as the damage it caused to our economy and the country's international standing. International markets rely on stability of state institutions and this was clearly not taken into consideration by the initial decision to prosecute.

It is naïve to suggest, as Adv Abrahams did yesterday, that there is nothing special about charging the Minister of Finance. In this regard one of the things to be taken into consideration when

deciding to prosecute, and it is part of the policy, is the public interest. And I put that question to him from the Justice Portfolio committee: Was it ever in the public interest to proffer these charges? We say, not. And the credibility of the NPA has taken a serious knock. We therefore welcome and look forward to engaging with the NPA this coming Friday in a planned Justice Portfolio committee when we will discuss this whole debacle in the justice committee. But, lastly, we believe that a full inquiry should be held into the fitness to hold office of both the prosecutors and the investigators in this matter. I thank you.

ANALOGUE TV SIGNAL SWITCHED OFF IN NORTHERN CAPE

(Member's Statement)

Ms S VAN SCHALKWYK (ANC): Chairperson, the ANC welcomes the first phase of the Analogue Switch Off, Aso, and migration to digital broadcasting that kicked off in the Northern Cape on Friday. Ten years after South Africa's first Digital Terrestrial Television, DTT, commitment, the Northern Cape became the first province to transit fully to digital broadcasting when the analogue transmitters were switched off in the areas surrounding the Square Kilometre Array, SKA, including Van Wyksvlei, Brandvlei,

Williston, Vosburg and Carnarvon. The Aso will steadily be undertaken in phases in the Free State, Limpopo, Mpumalanga, North West, Eastern Cape, KwaZulu-Natal and the Western Cape before finally being switched off in Gauteng.

The Aso is one of the critical milestones of the broadcasting digital migration process. Around 99% of the distributed subsidised set-top boxes have been activated within the SKA areas, with the DTT contact centre, mandated by signal distributor parastatal Sentech, managing technical and logistics-related questions such as the decoder activation process, installation troubleshooting and general DTT roll-out information. In April this year the door-to-door set-top-box registration campaign was initiated for the core SKA towns. This registration campaign is currently under way in Limpopo, Mpumalanga and Free State and will be rolled out to the rest of the country in phases. The ANC commends the government on the commitment to subsidise it. Thank you. [Applause.]

WATER SHORTAGES IN LIM 368 MUNICIPALITY

(Member's Statement)

Ms D VAN DER WALT (DA): Hon House Chair, the new DA-led municipality of Lim 368 which includes Mookgopong and Modimolle has already ensured water delivery to communities neglected by the ANC municipal government for 21 years which at times left communities without any water for up to 39 days. [Interjections.] Appealing to Parliament did not even help. Two years ago we submitted a petition requesting the improved delivery of municipal services. That petition has been on this Order Paper every week for the last two years. The only thing that worked was to elect a DA-led administration. [Applause.]

Within the first 60 days of taking office, the new united opposition council commissioned six boreholes and a one kilometre water pipeline to bring 1,8 million litres of water to communities including the communities of Pagameng. [Applause.] Previously the ANC council appointed officials on the basis of family and friends rather than those who had the correct qualifications, and they only spent money on the basis of tenders for their own friends. The new council has proved that a genuinely caring and clean administration can improve the quality of life by people even in poor communities. [Time expired.] [Applause.]

DELIVERY OF DECENT HOUSES IN SEDIBENG

(Member's Statement)

Ms L MNGANGA-GCABASHE (ANC): Chairperson, the ANC commends the handing over of 497 fully subsidised decent houses standing to benefit about 70 000 people from the Sedibeng District Municipality in Gauteng. This project is part of phase 1 of the Department of Human Settlements which will pave the way for the construction of phase 2 which is expected to deliver more than 1 600 houses by the end of March 2017. The handover of phase 1 of Breaking New Ground, BNG, houses, an integrated human settlement development which consist of more than 18 000 BNG houses, will finally provide decent shelter to more than 70 000 people once completed.

This housing project is part of the ANC-led government's drive to provide integrated human settlements. As such the ANC government has launched a number of pilot projects since 2005 across all major cities including Cosmo City, Fleurhof in Johannesburg and Olievenhoutbosch in Tshwane. Of the 4,3 million houses delivered since 1994, Gauteng has contributed over a million of them, providing adequate shelter to over 4 million people.

Siyaqhuba siwu-ANC, siwuKhongolose. [Ihlombe.] [We are working as the ANC. [Applause.]]

CALL TO FIRE NDPP MR SHAUN ABRAHAMS

(Member's Statement)

Mr M A PLOUAMMA (AgangSA): Hon Chair, while we welcome the withdrawal of charges against the Minister of Finance, Pravin Gordhan, Mr Oupa Magashula and Mr Ivan Pillay, our country can not have someone who suffers from multiple personality disorder at the helm of such an important institution; someone who is willing to risk the stability of our country with frivolous charges. But what is at stake is the credibility of this institution. The President must fire this delinquent. What is alarming is a bankruptcy of thoughtful individuals who do not put the country first before their individual interests; the self-serving elite whose main purpose is the accumulation of power at all costs.

We are compelled to ask: What qualities does Mr Abrahams possess? Which criteria were used to appoint this character assassin? We are convinced of one quality which is common and popular in our

country today, blind loyalty and suspension of ones conscience. I thank you Chair.

SOUTH AFRICAN WINES TAKEN OFF DENMARK SHELVES

(Member's Statement)

Mr H P CHAUKE (ANC): House Chairperson, it is regrettable that some of the South African wines are pulled off the shelves in Denmark following the documentary titled *Bitter Grapes-Slavery in the Vineyards*, by Danish filmmaker Tom Heinemann that was aired in Denmark and Sweden recently.

The film paints a picture of widespread labour law violations that include workers being paid less than the minimum wage, where in some cases they receive just over R100 for working a 12 hour shift and being made to work with poisonous pesticides with no prior training on how to use the chemicals and without masks or protective gear, leading to many of them falling ill.

Angered by what they have seen in the documentary, Danish retailers made the bold move to remove certain wines and products from South Africa in protest. Some of the wines removed include

products from Robertson Winery, where a strike over working conditions is in its second week.

The documentary is also backed up findings from a report released by Human Rights Watch in 2011 that exposed how farmworkers were being abused and most made to live in substandard conditions. The ANC feels this documentary shows the violation of worker's rights and human rights in the Western Cape, with the conditions for farmworkers resembling slavery. The ANC is, however, concern about the impact of the decision on the farm workers in the area. [Time expired.] [Applause.]

**SMALL ENTERPRISE FINANCE AGENCY, SIFA, HEADING TOWARDS FINANCIAL
MELTDOWN DUE TO RECKLESS LENDING**

(Member's Statement)

Mr R W T CHANCE (DA): The Small Enterprise Finance Agency, Sifa, is heading towards financial meltdown unless measures recently announced by the Portfolio Committee on Small Business Development are successfully implemented. In the financial year ending March 2016, Sifa dispersed R1,2 billion to small or micro enterprises across all nine provinces. But it recorded an

operating loss of R378 million and most of this came from its direct lending business.

During the year under review, Sifa made loans to 302 businesses but had to write off R380 million in bad debt provisions; 67% of its direct loans are impaired. This situation is unsustainable and is due to reckless lending which has increased tenfold between 2012 and 2015. As the Department Of Small Business Development's main funding agency, Minister Lindiwe Zulu must take immediate corrective action to put Sifa on a secure financial footing. If this involves closing down its direct lending business, then so be it.

In the current very tight fiscal environment, South African tax payers cannot be expected to continually throw money down the drain - money that should be spent on provident fund managers and lenders who actually know what they are doing. [Applause.]

UNITED NATIONS CELEBRATES INTERNATIONAL DAY FOR RURAL WOMEN

(Member's Statement)

Ms P NGWENYA-MABILA (ANC): Hon House Chair, the Department of Rural Development and Land Reform celebrated the United Nations

International Day for Rural Women which is celebrated annually on 15 October every year. The idea of honouring rural women with a special day was put forward at the Fourth World Conference on Women in Beijing, China in 1995 to recognise the critical role and contribution of rural and indigenous women in enhancing agriculture and rural development, improving food security and eradicating rural poverty.

In our country, through the support of the Department of Rural Development and Department of Agriculture Forestry and Fisheries by providing skills and resources, many women are able to put food on the table. This is done through the Recapitalisation, Recap, One Household, One Hectare project and the Rural Enterprise and Industry Development programme.

The department is indeed turning the rural areas by fighting the scourge of poverty and bringing dignity to people. Rural areas will never be the same through the ANC-led government. I thank you.

The HOUSE CHAIRPERSON (Mr T C Frolick): Hon members, that concludes Members' Statements. [Interjections.]

The CHIEF WHIP OF THE OPPOSITION: House Chairperson.

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

The CHIEF WHIP OF THE OPPOSITION: House Chairperson, may I address you in terms of rule 132(5) if I may?

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

The CHIEF WHIP OF THE OPPOSITION: As you would know that members make these Members' Statements so that they can get responses from the executive members and it's a way of holding the executive accountable. I, for one, would love to have heard the national Minister of Labour's response to the poor workforce because labour falls under her watch.

Once again, besides the Deputy President's promises, there are no Ministers in the House or very few of them. I would really urge that we relook at the positioning of this item on the Order Paper. We want to help you - obviously the Ministers cannot be here all the time - so let us move it back to where it was, at the beginning of the programme, so that the Ministers can be here and then leave once that is done so we can have proper accountability. We really cannot carry on like this; it's making a joke of this situation.

The HOUSE CHAIRPERSON (Mr T C Frolick): Hon Chief Whip, I suggest that you initiate that discussion tomorrow in the Chief Whip's Forum so that the matter can be dealt with by the Rules Committee.

**SMALL ENTERPRISE FINANCE AGENCY, SIFA, IS HEADING TOWARDS
FINANCIAL MELTDOWN DUE TO RECKLESS LENDING**

(Minister's Response)

The MINISTER OF SMALL BUSINESS DEVELOPMENT: Hon House Chair, responding to hon Chance I would like to say, we are very much aware of the issues that he has raised and are working on assisting the situation. However, the point I would like to make is that it is not reckless lending that leads to people not paying back the money. The fact of the matter is that the majority of the SMMEs, particularly the black-owned, women-owned and the youth-owned are given loans under very stringent regulations because they still need a lot of training, hand-holding and assistance.

It is not to say that those that do not return the money they do so simply because they do not want to. As a department we do the best that we can to assist in ensuring that Sifa gives loans to

SMEEs. But you cannot run away from the fact that these SMEEs have very little experience, they have got absolutely no training and they are from the previously disadvantaged communities. So, I do not agree with hon Chance that this is through reckless lending.

In the two years that I have been in office, it is painful to see someone who has been given a loan, somewhere along the line, facing the challenge of either getting access to markets or getting training. So, it is not reckless lending. We must understand that most of these people are not like many of the members who are sitting across there who have been operating in the business for more than a hundred years. [Time expired.]

H AFRICAN WINES TAKEN OFF DENMARK SHELVES

(Minister's Response)

The MINISTER OF RURAL DEVELOPMENT AND LAND REFORM: Hon House Chair, two things: Firstly, I read about what happens in the Western Cape - the terrible conditions under which workers live and cannot talk about because they will be kicked out etc. The hon member from EFF raised a matter of evictions which I responded to, and I appreciate what she said later.

It is we, as Members of Parliament and representatives of the people in this House who - not on the basis of race - must take care of the masses of our people. So, members of the DA, with the support they get from those rich wine producing white farmers, must stand up and take care of this. The fact that they allow this thing to continue reflects the racially skewed manner in which they look at things. Of course ... [Interjections.]

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

[Interjections.]

The MINISTER OF RURAL DEVELOPMENT AND LAND REFORM: ... they have got black ... [Interjections.] ... I like it that way. Do not worry, hon House Chair, because it hurts and that is what is correct about it. But the second thing if you allow me ... [Interjections.]

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

The MINISTER OF RURAL DEVELOPMENT AND LAND REFORM: If you allow me, House Chair, the second thing ... [interjections.]

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

The MINISTER OF RURAL DEVELOPMENT AND LAND REFORM: The hon Hope Malgas sitting here, the former Member of this House, Ivy Gcina, and other women I cannot name were detained in the mid-80s in St Albans prison. The notorious security policeman in Port Elizabeth, Roelofsen, walked in their cells and told them that he knows that they were going to get this freedom, but just when they start to enjoy it, they are going to grab it.

It is very important to say this because we take nonracialism for granted. We should never. Even the manner in which we express our political differences in the House, it gives hope to those people, those racial bigots out there. [Time expired.]

WATER SHORTAGES IN LIM 368 MUNICIPALITY

(Minister's Response)

The MINISTER OF WATER AND SANITATION: Presiding Officer, we just had elections in August and the insinuation that within a period of a month there has been progress with regards to interventions in a municipality on the refurbishment of boreholes and stuff, it is again a reflection of political opportunism that is presented here. [Interjections.] Part of what we have said and shared in this House and with the public, are our own drought intervention

solutions because we are a government of the people not a parties and government.

We would have never stopped the provision and the refurbishment of boreholes now that there is a DA council. We will continue to provide unlike what we have seen now with Rand Water reducing 15% supply of water in Tshwane and Johannesburg. What happens in those cities is that they shut water in our big townships so that the pressure can continue in the white suburbs. [Interjections.] What we have done in that municipality is a continuation of providing services to our people irrespective of the outcome of the elections. Thank you very much.

NOTICES OF MOTION

Ms D P MANANA: I hereby give notice that on the next sitting day of the House I shall move on behalf of the ANC that the House debates ways to reform global governance institutions so that their decisions are geared at promoting equity and fairness.

Dr M J FIGG: I hereby give notice that on the next sitting day of the House I shall move on behalf of the DA that in the light of the unacceptable barbarism by the ANC in Nelson Mandela Bay where one of the councillors assaulted the DA councillor with a glass

water jug, that the House debates the use of plastic cups instead of the glasses currently being used.

Ms E N LOUW: I hereby give notice that on the next sitting day of the House I shall move on behalf of the EFF:

That the House -

- (1) debates ... [Inaudible.] ... of state resources by Ministers for legal services to defend Mr Zuma's anarchy, shenanigans and corruption; and
- (2) notes that the EFF urges society to continue with the planned march in Pretoria Church Square tomorrow in order to deal decisively with these matters which affect us all.

Mr P D N MALOYI: Thank you very much, Chair. I hereby give notice that on the next sitting day of the House I shall move on behalf of the ANC that the House debates ways of ensuring the regulation and control of the private security industry.

Mr M HLENGWA: Hon Chair, I hereby give notice that on the next sitting day of the House I shall move on behalf of the IFP that,

noting that the Minister of Finance hon Gordhan and two others were victims of spurious and vexatious legal action instituted two weeks ago with great pomp, ceremony and indignation by the head of the National Prosecuting Authority, NPA, Adv Shaun Abrahams and that said legal action was withdrawn yesterday:

That the House -

- (1) establishes an ad hoc committee in terms of Rule 253
(1) (a);
- (2) hold Adv Abrahams to a full account of his decision to institute legal action against the Minister of Finance and two others;
- (3) determine Shaun Abrahams' fitness to hold office as the head of the NPA and as an advocate of the High Court;
- (4) also determine whether or not the institution of said charges against the Minister is politically motivated and if so, the identities of the parties involved in such deceit;

(5) make recommendations where applicable. [Time expired.]
[Inaudible.]

Mr S C MNCWABE: Thank you, House Chair. I hereby give notice that on the next sitting day of the House I shall move on behalf of the NFP that the House discusses or deliberates on the suitability and fitness of the head of the NPA to hold office after his ... [Inaudible.] ... malicious attempt to prosecute the Minister of Finance.

Ms P C NGWENYA-MABILA: Hon Chair, 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 importance of aligning the AU's Agenda 2063 with the African nation state programme.

Mr N L S KWANKWA: Thank you, House Chair. I hereby give notice that on the next sitting day of the House I shall move on behalf of the UDM that the House debates the failure of our Basic Education system in adequately preparing our children for tertiary education and the economic needs of our country.

Qengeba, uncedile ubuye kuba unqabile mfondini. [Qengeba, thanks for coming back, you were so scarce my brother.]

Ms S V KALYAN: House Chair, 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 intention of the executive of corporate affairs at the SA Broadcasting Corporation, SABC, to rename Lotus FM, as according to his statement it did not represent his culture.

Ms E N LOUW: Thanks Chair. I hereby give notice that on the next sitting day of the House I shall move on behalf of the EFF that the House debates the more than 700 charges of President Zuma.

Ms S VAN SCHALKWYK: Thank you, Chairperson. 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 introduction of legislation geared at regulating political party funding.

Mr S N SWART: Thank you, Chairperson. I hereby give notice that on the next sitting day of the House I shall move on behalf of the ACDP:

That the House -

- (1) debates the secret sale of South Africa's strategic fuel reserves which were found by the Auditor-General to be

illegal for being in contravention of the Public Finance Management Act, PFMA; and

- (2) determines whether any criminal investigation has been instituted following this serious breach of the PFMA.

Mr S P TSOLELI: 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 mechanisms geared at making hospitals user-friendly for the termination of pregnancies as a means to eliminate growing backyard abortions.

Mr H P CHAUKE: Thank you very much, Chair. 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 mechanisms geared at effectively strengthening and supporting the African Court on Human and Peoples' Rights.

Ms Z JONGBLOED: Thank you, Chair. 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 planned phosphate mining in the Agulhas Bank area of the Western Cape, one of the main spawning areas for fish along our coastline.

Ms L MNGANGA-GCABASHE: Thank you, Chairperson. I hereby give notice that on the next sitting day of the House I shall move on behalf of the ANC that the House debates ways to control, strengthen and improve security at South Africa's borders.

The House adjourned at 18:58.

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

THURSDAY, 28 OCTOBER 2016

TABLINGS

National Assembly and National Council of Provinces

1. The Speaker and the Chairperson

- (a) Revised Annual Performance Plan of Parliament for 2016/17 to 2018/19.

An electronic copy of the document is available on Parliament's website

www.parliament.gov.za

Referred to the **Joint Standing Committee on the Financial Management of Parliament** (the Oversight Mechanism), in terms of the Financial Management of Parliament and Provincial Legislatures Act, 2009 (Act No 10 of 2009).

COMMITTEE REPORTS

National Assembly

Please see pages 2-190 of the ATCs.

MONDAY, 31 OCTOBER 2016

TABLINGS

National Assembly and National Council of Provinces

1. The Minister of Finance

- (a) Consolidated Financial Statements for the year ended 31 March 2016 [RP 288-2016].
- (b) Report and Financial Statements of the Reconstruction and Development Programme (RDP) Fund for 2015-16, including the Report of the Auditor-General on the Financial Statements and Performance Information for 2015-16 [RP 289-2016].

2. The Minister of Public Works

- (a) Report and Financial Statements of the Department of Public Works for 2015-16, including the Report of the Auditor-General on the Financial Statements and Performance Information for 2015-16, and the Report of the Auditor-General on the Financial Statements of the Property Management Trading Entity for 2015-16.

National Assembly

1. The Speaker

- (a) Letter from the Minister of Home Affairs dated 31 October 2016, to the Speaker of the National Assembly explaining the reasons for the further delay in the tabling of the Annual Report of Vote 5 – Department of Home Affairs for 2015-16.

**DEPARTMENT OF HOME AFFAIRS: LATE TABLING OF THE
ANNUAL REPORT OF VOTE 5 FOR THE FINANCIAL YEAR ENDED 31
MARCH 2016**

As indicated in my letter dated 28 September 2016, the Department of Home Affairs was not in a position to table its 2015-16 annual report, the financial statements for that financial year, and the Auditor-General's report on those statements within six

months after the end of the financial year to which those statements relate, in Parliament. The reasons for the delay in tabling the annual report and audited financial statements are set out in the said letter.

Regrettably the auditing process is not yet complete. In this regard, various complexities arose during the audit, one of which is as recent as 24 October 2016 (the inclusion of the Immigration Control Account into Department's financial statements). However, the Auditor-General team has confirmed as per the email attached that the audit process is in its final stages, with a final signed audit report expected on or 4 November 2016. To allow for type setting, proof reading and printing, the Department should be able to table its 2015/16 annual report and audited financial statements by mid November 2016.

Yours sincerely,

(Signed)

MR MKN GIGABA, MP

MINISTER OF HOME AFFAIRS

COMMITTEE REPORTS

National Assembly

Please see pages 3-64 of the ATCs.

TUESDAY, 1 NOVEMBER 2016

TABLINGS

National Assembly and National Council of Provinces

1. The Minister of Transport

- (a) Report and Financial Statements of Vote 35 – Department of Transport for 2015-16, including the Report of the Auditor-General on the Financial Statements and Performance Information of Vote 35 for 2015-16 [RP 326-2016].

2. The Minister of Environmental Affairs

- (a) Government Notice No 937, published in Government Gazette No 40221, dated 19 August 2016: Department of Environmental Affairs Language Policy, in terms of the Use of Official Languages Act, 2012 (Act No 12 of 2012).
- (b) Government Notice No 936, published in Government Gazette No 40219, dated 19 August 2016: Draft Marine Spatial Planning Framework: Published for public comment.

- (c) General Notice No 512, published in Government Gazette No 40236, dated 30 August 2016: Norms and Standards for the Management of Damage-Causing Animals in South Africa , in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No 10 of 2004).
- (d) Government Notice No R 1006, published in Government Gazette No 40265, dated 9 September 2016: Proposed amendments to Financial Provisioning Regulations, 2015, in terms of the National Environmental Management Act, 1998 (Act No 107 of 1998).
- (e) Government Notice No 1010, published in Government Gazette No 40270, dated 12 September 2016: Withdrawal of notice to the Paper and Packaging Industry, Electrical and Electronic Industry and Lighting Industry to prepare and submit to the Minister industry waste management plans for approval, in terms of the National Environmental Management: Waste Act, 2008 (Act No 59 of 2008).
- (f) Government Notice No 1011, published in Government Gazette No 40270, dated 12 September 2016: Publication of notice to the Paper and Packaging Industry, Electrical and Electronic Industry and Lighting Industry to prepare and submit to the Minister industry waste management plans for approval, in terms of the National Environmental Management: Waste Act, 2008 (Act No 59 of 2008).

3. The Minister of Finance

- (a) Draft regulations on giving effect to the demarcation between health insurance and medical schemes, made in terms of section 72(2A) of the Long-term Insurance Act, 1998 (Act No 52 of 1998) and section 70(2A) of the Short-term Insurance Act, 1998 (Act No 53 of 1998) and submitted to Parliament in terms of section 72(2B) of the Long-term Insurance Act, 1998 (Act No 52 of 1998) and section 70(2B) of the Short-term Insurance Act, 1998 (Act No 53 of 1998).

COMMITTEE REPORTS

National Assembly

Please see pages 4-10 of the ATCs.