

**REPUBLIC OF SOUTH AFRICA**

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**MINUTES OF PROCEEDINGS**

OF

**NATIONAL ASSEMBLY**

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THURSDAY, 24 NOVEMBER 2011

1. The House met at 14:03.
2. The Deputy Speaker took the Chair and requested members to observe a moment of silence for prayers or meditation.
3. [14:04] Notices of motion.
4. [14:06] The Deputy Chief Whip of the Majority Party moved without notice: That the House-
  - (1) notes that 20 December is regarded as the International Human Solidarity Day and was established by the General Assembly of the United Nations (UN) in 2005 as an initiative in the fight against poverty;
  - (2) believes that Human Solidarity Day is a day to celebrate our unity in diversity;
  - (3) further believes that this day should compel us to debate ways to promote solidarity for the achievement of the Millennium Development Goals including poverty eradication as well as raise public awareness of the importance of solidarity; and
  - (4) encourages South Africans to stand together and unite in the fight against poverty.

Agreed to.

5. The Chief Whip of the Opposition moved without notice: That the House -
- (1) notes that 1 December 2011 is the 23<sup>rd</sup> International Aids Day;
  - (2) further notes that the purpose of this day is to increase awareness of the ongoing efforts to stop the spread of HIV/Aids worldwide and to highlight both the challenges and successes of those people living with HIV/Aids;
  - (3) remembers, on this day, all the people who have lost the battle against HIV/Aids;
  - (4) recognises that in South Africa, major strides have been made in developing a comprehensive response to HIV/Aids; and
  - (5) urges all South Africans to know their status by accessing free counselling and testing.

Agreed to.

6. Mrs S V Kalyan moved without notice: That the House -
- (1) notes that 25 November 2011 is International Day for the Elimination of Violence Against Women;
  - (2) further notes that the purpose of this day is to give governments the opportunity to focus on the elimination of gender based violence, especially towards girls and women, in partnership with provincial and local governments, NGOs, civil society groups, both locally and internationally, and the individual citizen;
  - (3) recognises the need to eliminate violence against women within South Africa and the rest of the African continent;
  - (4) asserts its commitment to the elimination of abuse against women in all forms within South Africa to build a truly gender equal, safe, democratic, inclusive, free and fair society; and
  - (5) calls upon all South Africans to join hands so that the nation can combat and eliminate the practice of rape, corrective rape, sexual, physical and psychological abuse against women to ensure a better, greater and more peaceful society that is founded on the values of our Constitution.

Agreed to.

7. The Chief Whip of the Opposition moved without notice: That the House -
- (1) notes with regret the passing of former United Democratic Front (UDF) Western Cape Leader and political activist, Joseph Marks, on 17 November 2011;

- (2) further notes that Mr Marks, as a member of the then Democratic Party, was a member of the Provincial Parliament of the first democratically elected Western Cape government;
- (3) acknowledges the role played by him and his organisation in the struggle for democracy in South Africa and his personal fight for adequate housing for the poor;
- (4) recognises the role played by the UDF in uniting all South Africans regardless of creed or colour;
- (5) wishes to express its condolences to the family and friends of Joseph Marks; and
- (6) urges all South Africans to remember the role played by the UDF in building a non-racial democratic South African society.

Agreed to.

8. [14:11] The Deputy Chief Whip of the Majority Party, on behalf of the Chief Whip of the Majority Party, moved: That the House, subject to the concurrence of the National Council of Provinces, establishes an *ad hoc* joint committee in terms of Joint Rule 138, the committee to –

- (1) consider the request by the Minister in the Presidency: Performance Monitoring, Evaluation and Administration tabled on 10 November 2011 for Parliament to recommend seven candidates for appointment to the board of the National Youth Development Agency in terms of the requirements of the National Youth Development Agency Act, 2008 (No 54 of 2008);
- (2) consist of 9 members of the National Council of Provinces and 12 members of the National Assembly, as follows: ANC 7, DA 2, Cope 1, IFP 1 and other parties 1;
- (3) exercise those powers in Joint Rule 32 that may assist it in carrying out its task; and
- (4) report by 29 February 2012.

Agreed to.

9. [14:12] The Deputy Chief Whip of the Majority Party, on behalf of the Chief Whip of the Majority Party, moved: That the House establishes an *ad hoc* committee to consider and report on the **General Intelligence Laws Amendment Bill**, upon introduction of the Bill, the committee to -

- (1) consist of 12 members, as follows: ANC 7, DA 2, Cope 1, IFP 1 and other parties 1;
- (2) perform the functions listed in Rule 201 (1)(a) and have all the powers listed in Rule 138; and
- (3) report by 29 February 2012.

Agreed to.

10. [14:12] The Deputy Chief Whip of the Majority Party, on behalf of the Chief Whip of the Majority Party, moved: That the House suspends Rule 253(1), which provides *inter alia* that the debate on the Second Reading of a Bill may not commence before at least three working days have elapsed since the committee's report was tabled, for the purposes of conducting the Second Reading debate today on the **Skills Development Amendment Bill** [B 16B – 2011(Reprint)] (National Assembly – sec 75).

Agreed to.

11. FIRST ORDER [14:12]

Debate on World Aids Day: **South Africa is taking responsibility on the PATH (Policy in Action on TB and HIV) to zero.**

Debate concluded.

12. SECOND ORDER [15:13]

Second Reading debate: **Tax Administration Bill** [B 11B – 2011] (National Assembly – sec 75).

Debate concluded.

Bill read a second time.

13. THIRD ORDER [15:51]

Second Reading debate: **Skills Development Amendment Bill** [B16 - 2011] (National Assembly – sec 75).

Debate concluded.

Bill read a second time (Democratic Alliance and Independent Democrats dissenting).

14. FOURTH ORDER [16:29]

Consideration of **South African Post Office SOC Ltd Bill** [B2D - 2010] (National Assembly – sec 75) (Report of Portfolio Committee on Communications on proposed amendments from the National Council of Provinces, see Announcements, Tablings, Committee Reports, 17 November 2011, p 4765).

Ms A van Wyk, on behalf of the Committee, addressed the House on the Bill.

There was no debate.

The Deputy Chief Whip of the Majority Party moved: That the Bill, as amended, be passed.

Motion agreed to.

Bill accordingly passed (Democratic Alliance and Independent Democrats dissenting).

15. FIFTH ORDER [16:34]

Consideration of **Request for recommendation of candidates to fill vacancies on Media Development and Diversity Agency (MDDA) Board** (Report of Portfolio Committee on Communications, see Announcements, Tablings and Committee Reports, 15 November 2011, p 4691).

Question put: That the recommendation for the appointment of Mr P Nonqane and Ms R A Smith on the Media Diversity and Development Board be approved.

Question agreed to.

Mr P Nonqane and Ms R A Smith accordingly recommended for appointment to the Media Diversity and Development Board.

16. SIXTH ORDER [16:37]

Consideration of **Request for recommendation of candidate to fill a vacancy on South African Broadcasting Corporation (SABC) Board** (Report of Portfolio Committee on Communications, see Announcements, Tablings and Committee Reports, 10 November 2011, p 4596).

Mr S E Kholwane, as Chairperson of the Committee, introduced the Report.

There was no debate.

Question put: That the recommendation for the appointment Mr T K Plaatjie to the South African Broadcasting Corporation Board be approved.

Question agreed to.

Mr T K Plaatjie accordingly recommended for appointment to the South African Broadcasting Corporation Board (Congress of the People dissenting).

17. SEVENTH ORDER [16:39]

Consideration of **Request for recommendation of candidates to fill vacancies on Board of Human Sciences Research Council** (Report of Portfolio Committee on Science and Technology, see Announcements, Tablings and Committee Reports, 23 November 2011, p 5078).

Ms M L Dunjwa, on behalf of the Committee, introduced the Report.

There was no debate.

Question put: That the following shortlist of candidates be approved: Prof A Olukoshi, Mr H Mathabathe, Dr E Sall and Prof E Ulana.

Question agreed to.

The shortlist of candidates accordingly approved.

18. EIGHTH TO TENTH ORDERS [16:41]

Consideration of Report of Portfolio Committee on Tourism on **Tourism Summit from 28 February to 1 March 2011** (Announcements, Tablings and Committee Reports, 14 November 2011, p 4626).

Consideration of Report of Portfolio Committee on Tourism on **Oversight Visit to North West and Gauteng from 25 July to 5 August 2011** (Announcements, Tablings and Committee Reports, 14 November 2011, p 4653).

Consideration of Report of Portfolio Committee on Tourism on **Oversight Visit to Khayelitsha, Gugulethu and KwaLanga small business establishments, dated 8 November 2011** (Announcements, Tablings and Committee Reports, 14 November 2011, p 4673).

Mr D M Gumede, as Chairperson of the Committee, introduced the Reports.

There was no debate.

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

Motion agreed to.

Report on **Tourism Summit from 28 February to 1 March 2011** accordingly adopted.

Report on **Oversight Visit to North West and Gauteng from 25 July to 5 August 2011** accordingly adopted.

Report on **Oversight Visit to Khayelitsha, Gugulethu and KwaLanga small business establishments, dated 8 November 2011** accordingly adopted.

19. ELEVENTH TO THIRTEENTH ORDERS [16:53]

Consideration of Report of Portfolio Committee on Communications on **Visit to South African Broadcasting Corporation (SABC), Sea Point Regional Office, Cape Town on 23 August 2011** (Announcements, Tablings and Committee Reports, 8 November 2011, p 4446).

Consideration of Report of Portfolio Committee on Communications on **Oversight Visit to Northern Cape and Free State from 26 June to 1 July 2011** (Announcements, Tablings and Committee Reports, 8 November 2011, p 4450).

Consideration of Report of Portfolio Committee on Communications on **Oversight Visit to Eastern Cape and KwaZulu-Natal from 28 March to 1 April 2011** (Announcements, Tablings and Committee Reports, 3 November 2011, p 4181).

Mr S E Kholwane, as Chairperson of the Committee, introduced the Reports.

There was no debate.

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

Motion agreed to.

Report on **Visit to South African Broadcasting Corporation (SABC), Sea Point Regional Office, Cape Town on 23 August 2011** accordingly adopted.

Report on **Oversight Visit to Northern Cape and Free State from 26 June to 1 July 2011** accordingly adopted.

Report on **Oversight Visit to Eastern Cape and KwaZulu-Natal from 28 March to 1 April 2011** accordingly adopted.

20. FOURTEENTH ORDER [16:56]

Consideration of Report of Portfolio Committee on Public Enterprises on **Study Tour to Venezuela and Brazil from 22 July to 1 August 2011** (Announcements, Tablings and Committee Reports, 2 November 2011, p 4016).

Dr G W Koornhof, on behalf of the Committee, introduced the Report.

There was no debate.

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

Motion agreed to.

Report accordingly adopted.

21. FIFTEENTH ORDER [17:02]

Consideration of Report of Portfolio Committee on Police on **Study Tour to Canada and the United Kingdom from 24 June to 10 July 2011** (Announcements, Tablings and Committee Reports, 2 November 2011, p 4077).

Mrs L S Chikunga, as Chairperson of the Committee, introduced the Report.

There was no debate.

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

Motion agreed to.

Report accordingly adopted.

## 22. SIXTEENTH ORDER [17:03]

Consideration of Report of Portfolio Committee on Labour on **Oversight Visit to Nine Labour Centres in Free State from 25 to 29 July 2011** (Announcements, Tablings and Committee Reports, 2 November 2011, p 4127).

Mr M E Nchabeleng, as Chairperson of the Committee, introduced the Report.

There was no debate.

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

Motion agreed to.

Report accordingly adopted.

## 23. SEVENTEENTH TO TWENTY-THIRD ORDERS [17:12]

Consideration of Report of Portfolio Committee on Justice and Constitutional Development on **Provisional suspension of Magistrate P S Hole, Kimberley**, (Announcements, Tablings and Committee Reports, 23 November 2011, p 5079).

Consideration of Report of Portfolio Committee on Justice and Constitutional Development on **Withholding of remuneration of Magistrate D Jacobs, Clocolan**, (Announcements, Tablings and Committee Reports, 23 November 2011, p 5081).

Consideration of Report of Portfolio Committee on Justice and Constitutional Development on **Withholding of remuneration of Magistrate CM Dumani, Graaff Reinet** (Announcements, Tablings and Committee Reports, 23 November 2011, p 5082).

Consideration of Report of Portfolio Committee on Justice and Constitutional Development on **Withholding of remuneration of Magistrate I W O M Morake, Lichtenburg** (Announcements, Tablings and Committee Reports, 23 November 2011, p 5083).

Consideration of Report of Portfolio Committee on Justice and Constitutional Development on **Withholding of remuneration of Magistrate MT Masinga, Umlazi** (Announcements, Tablings and Committee Reports, 23 November 2011, p 5084).

Consideration of Report of Portfolio Committee on Justice and Constitutional Development on **Withholding of remuneration of Magistrate L B Maruwa, Daveyton** (Announcements, Tablings and Committee Reports, 23 November 2011, p 5085).

Consideration of Report of Portfolio Committee on Justice and Constitutional Development on **Suspension of Magistrate D Jacobs, Clocolan** (Announcements, Tablings and Committee Reports, 23 November 2011, p 5086).

Question put: That the Report of the Committee be adopted, including the recommendation that the provisional suspension from Office of Magistrate Mr P S Hole be approved.

Question agreed to.

**Report adopted and provisional suspension from Office of Mr P S Hole approved.**

Question put: That the Report of the Committee be adopted, including the recommendation that the withholding of remuneration of Magistrate D Jacobs be approved.

Question agreed to.

**Report adopted and withholding of remuneration of Magistrate D Jacobs approved.**

Question put: That the Report of the Committee be adopted, including the recommendation that the withholding of remuneration of Magistrate C M Dumani be approved.

Question agreed to.

**Report adopted and withholding of remuneration of Magistrate C M Dumani approved.**

Question put: That the Report of the Committee be adopted, including the recommendation that with withholding of remuneration of Magistrate I W O M Morake be approved.

Question agreed to.

**Report adopted and withholding of remuneration of Magistrate I W O M Morake approved.**

Question put: That the Report of the Committee be adopted, including the recommendation that the withholding of remuneration of Magistrate M T Masinga be approved.

Question agreed to.

**Report adopted and withholding of remuneration of Magistrate M T Masinga approved.**

Question put: That the Report be adopted, including the recommendation that the withholding of remuneration of Magistrate L B Maruwa be approved.

Question agreed to.

**Report adopted and withholding of remuneration of Magistrate L B Maruwa approved.**

Question put: That the Report be adopted, including the recommendation that the suspension from Office of Magistrate D Jacobs be approved.

Question agreed to.

**Report adopted and suspension from Office of Magistrate D Jacobs approved.**

24. TWENTY FOURTH ORDER [17:16]

Consideration of Report of Joint Committee on Ethics and Members' Interests on **Complaint against Ms Y Botha** (Announcements, Tablings and Committee Reports, 16 November 2011, p 4700).

Prof B Turok, as Co-Chairperson of the Committee, introduced the Report.

There was no debate.

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

Declarations of vote made on behalf of the Democratic Alliance and the African National Congress.

Motion agreed to.

Report accordingly adopted.

The member standing, the Speaker administered a reprimand to her, in the following terms:

Ms Botha, the charges on which you have been found guilty by this House are extremely serious.

To engender trust and ensure transparency in the manner in which members of Parliament perform their functions and to guarantee that they remain accountable as public representatives, Parliament has created, among other Rules, a Code of Conduct that compels members to disclose their financial interests. By your breach of the Code of Conduct you have gravely undermined these principles of trust and transparency.

The people of South Africa expect the highest levels of integrity and probity from their members of Parliament, but you abused their trust by lying under oath to the Committee and showing no remorse for your unworthy conduct. Moreover, your flagrant disregard of the Rules of this House has made a mockery of the faith your colleagues placed in you when they elected you as the chairperson of the Portfolio Committee on Social Development.

You have brought the House and the integrity of its members into disrepute.

The Speaker further stated that he would ensure that the fine of 30 days' salary that was agreed by the House was imposed.

25. [17:29] Members' statements.
26. [18:08] The Chief Whip of the Majority Party, with leave, moved without notice: That the House -
  - (1) notes that the Parliamentary Millennium Project (PMP) was established in 2000 as an initiative, under the leadership of the Executive Authority and assisted by an Advisory Board, that sought to use creative and interactive means to engage South Africans on issues of nation building and heritage;
  - (2) further notes recent proposals to reform the PMP in order to refine its organisation and focus areas; and
  - (3) amends the resolution of the National Assembly of 17 November 2011 on the PMP as follows:

That the House, with the concurrence of the National Council of Provinces, resolves to re-launch the PMP as a nation building and heritage programme of Parliament and to replace the governance structure with a multi-party Parliamentary Millennium Council, the Parliamentary Millennium Council to –

- (a) engage with institutional and national efforts to develop and promote the South African and African identity and heritage;
- (b) report and make recommendations on its functions and activities to Parliament, as required;
- (c) consist of 10 members from the National Assembly (ANC 5; DA 2; Cope 1; IFP 1 and smaller parties 1); and 3 members from the National Council of Provinces (ANC 2; DA 1); and
- (d) be co-chaired by the Speaker and Chairperson of the National Council of Provinces.

Agreed to.

27. [18:10] The Speaker afforded members an opportunity to address the House on the occasion of the end of the session.
28. The House adjourned at 18:59.

Z A DINGANI  
Secretary to Parliament