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NATIONAL ASSEMBLY

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PROCEEDINGS OF THE NATIONAL ASSEMBLY

The House met at 14:02

The House Chairperson, Ms M G Boroto, took the Chair and requested members to observe a moment of silence for prayers or meditation.

The HOUSE CHAIRPERSON (Ms M G Boroto): Let me first welcome our guests in the gallery, more especially the international anti-apartheid activists from Belgium, who took part in the arms struggle. Amongst them is Helene Passtoors, who spent several years in prison. You can stand, ma'am! [Applause.] Thank you. Also, amongst them is, Guido Van Hecken and Nora Bogart [Applause.] Thank you very much. You are welcome in Parliament

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of the Republic of South Africa. I will now ask the secretary to read the first order of the day.

Mr M WATERS: Chairperson.

The HOUSE CHAIRPERSON (MS M G Boroto): Yes hon Waters.

Mr M WATERS: May I address you in accordance with Rule 2(10) that has to do with the programming committee and decisions of the programming committee, please. According to Rule 2(10)(1) it states that the decisions are taken in the programming committee by consensus. When we last had a programming meeting two weeks ago, there was consensus on the programme and since then, there have been substantive changes to the programme.

I wrote to hon Bhengu on Monday morning reflecting about these changes and our discussion about the changes without being consulted. If you look at the programme for what was agreed at the programming committee to today, this week's programme, there are 31 changes that have been made without any consultation with

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the official opposition. I cannot talk for other opposition parties.

Items have been removed from the programme; entirely, items have been inserted to the programme and items have been moved from one day to the other, about 31 changes this week. I put to you Chair, this is not a tweaking of the programme; this is expropriation without consultation of the programme. [Applause.]

Now, if you look at the digest of rulings, if I may quote from them, Chair, on 13 February 1998, when a member protested against the Majority Party's failure to consult with the Whips of the minority party before making changes to the sitting time of the House, the Speaker, Dr Ginwala stated that, the programme of Parliament including its time is set at a committee on Thursday mornings, namely, the programming committee.

Any changes thereafter, are supposed to be by consultation between the Whips. That should have been done, if it was not done, then that was an error. I think that the Majority Party

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needs to take an account of that. I trust that the Majority Party and all the Whips will cooperate in this regard in future.

Chair, I put it to you that there was no consultation, and I would like to get a ruling from you as to whether this programme that we have today, tomorrow and Thursday is procedurally correct. Before we continue, we need that ruling. Thank you very much. [Applause.]

The CHIEF WHIP OF THE MAJORITY PARTY: Chairperson, the colleague is correct that indeed there should be consultations, if there are any movements on the agenda, and indeed, that was done. The programme was posted to all the Whips on Friday, indicating the changes that we are talking about.

Now, if the colleagues were not happy with any of these items, they would have so indicated. But nobody came to the programming Whip, indicating displeasure with the movement. But we can also indicate to you, House Chair, that in fact the programmes that

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they say are changed, all that has happened is move some items from tomorrow's programme to today's programme.

That is what was then given to today's programme and that is what was then given to all our colleagues on Friday. Had they indicated any displeasure with those movements, indeed, I would have personally come to them so that we have a discussion. We never got an impression that what they have stated are difficulties.

We know that the colleagues have been communicating with the programming Whip on the movement of items from tomorrow's sitting to today's sitting. At any rate, all the items that are here, House Chair, qualifies to be here. There were Announcements, Tablings and Committee, ATC, reports on them; they were below the line and all of them are indeed matters that are before this Parliament.

So, there is nobody, who would say that we have grabbed the matter that was not below the line. All the matters that are

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here are before this Parliament, and nobody can find fault with these matters being debated in this House, unless colleagues are grandstanding.

Ms N V MENTE: House Chair, I stand to confirm that we were indeed consulted. Since Thursday, there have been approaches made by the Whip of the programming from the ANC, and subsequent to that, the order paper which is now here in front of us, was circulated on Friday. We can confirm what we know. [Applause.]

The HOUSE CHAIRPERSON (MS M G Boroto): Thank you.

Mr M WATERS: Chairperson, may I address you?

The HOUSE CHAIRPERSON (MS M G Boroto): Yes, hon Waters.

Mr M WATERS: Chairperson, it's nice to know that certain parties were consulted while others weren't. Also, sending a final programme out on a Friday afternoon is not consultation, quite frankly. Firstly, it's not a draft programme; it was a final

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programme that was sent on Friday afternoon. Secondly, I did write to hon Bhengu on Monday morning, I did, stating our objections to the new programme. [Interjections.]

Yes, there are 31 changes, Chief Whip, 31, not one, and it's irrelevant if the items are below the line. Obviously, they are all before Parliament ... [Interjections.] The programming committee must decide on the programme. There can't be an ad hoc basis on consulting on certain parties and not others. So, I would like a ruling from you, Chair, on this matter.

The HOUSE CHAIRPERSON (MS M G Boroto): Okay, thank you. Hon members, from what I get from those who spoke is that, indeed, there was consultation made although the DA says ...

[Interjections.] I'm still speaking. The DA says that they were not consulted. Therefore, I would like maybe the Chief Whip of the Majority Party should talk outside this House now.

But we will continue with the programme of today, because one thing I know is that, for instance, the first item that we are

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dealing with now, was provisionally agreed to, pending the court case. Hence, it has been brought to the House for discussion today. So, let's continue doing that.

The only advice I can give is that, since you talk about consultation, I allow the DA to talk with the Chief Whip of the Majority Party outside the House to discuss this matter further. Thank you very much. I will now continue with the secretary reading the first order.

**CONSIDERATION OF REPORT OF CONSTITUTIONAL REVIEW COMMITTEE ON
REVIEW OF SECTION 25 OF THE CONSTITUTION, 1996**

Mr M S A MAILA: Hon House Chair, hon members, guests in the gallery, South Africans from all walks of life, good afternoon. During his state of the nation address, President Cyril Ramaphosa made a call for the acceleration of land redistribution programme in order to, amongst others, correct the original sin of land dispossession. We meet here today 10 long months after this House gave the Constitutional Review

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Committee the mandate to review section 25 of the Constitution and other clauses where necessary, to make it possible for the state to expropriate land in the public interest without compensation, and propose the necessary constitutional amendments where necessary. In doing so the committee was expected to engage in a public participation process in order to get the views of all stakeholders about the necessity of, and mechanisms for expropriating land without compensation.

From the outset it should be clarified that this House did not give the committee a mandate to conduct a referendum. As a result, anyone who makes an overemphasis on numbers will be grossly out of order. The committee adopted various forms of public participation which included public hearings, written submissions and oral submissions. It should be understood that there was no form of public participation which carried any weight above the other. It should also be noted that the public participation process that followed is unprecedented in the history of our democracy. As a precursor, the committee hosted a

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preparatory colloquium which laid a foundation for members to engage with inputs from members of the public meaningfully.

I will deal with each form of public participation as it was engaged by the committee starting with the contentious written submissions. Advertisements were put in national and local newspapers calling for members of the public to make submissions on the necessity of, and mechanisms for expropriating land in the public interest without compensation or the contrary thereof. Members of the public were given until the end of May which was extended to the 15 of June. A total of 449 552 authentic written submissions were received. Though it is of no significance, 65% of the written submissions were against the amending the Constitution. Written submissions became a subject for litigation which I will deal with later on. The committee made use of the parliamentary staff and an external service provider to determine those in favour of and those against the amendment of the Constitution.

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Now, with oral submissions, amongst those members of the public who made written submissions, there were those who made requests to make oral submissions. The committee allowed them space to make oral submissions in Parliament for or against changing the Constitution. With oral submissions, the committee was divided into two teams which travelled the length and breadth of the country visiting every province and listening to the masses of our people about what they want, how they view their future and their views about resolving the national grievance, the land question.

The report before the House captures the views of South Africans. Their arguments enabled the committee to make a resolution which says that section 25 of the Constitution should be amended to allow for expropriation of land without compensation. The Constitution should be explicit that expropriation without compensation is one means that can be used to address skewed land ownership patterns. Mostly, the people were not comfortable with the 1913 cut off claiming that the

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original sin is as old as when Jan van Riebeeck set foot at the Cape on 6 April 1652 at four o'clock. [Applause.]

Litigation against the process was unavoidable. Mr Swart of the ACDP addressed the Gonubie Farmers Association on the 29 August 2018, where a decision was taken on litigation. By then the committee was still busy with oral submissions, but a decision to litigate was already taken. Therefore, it was unavoidable.

Hon Carter of Cope has been crying foul ever since the process started. Her claim has always been that 200 000 submissions from Cope were not considered. What is surprising, hon members, is that during the 2014 general elections, Cope was voted for by 123 235 people, and this number includes members, supporters and sympathisers. The under performance of Cope since 2014 has seen to the gradually erode of this number. Now, it becomes surprising that all of a sudden Cope can be able to get 200 000 submissions.

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Hon Breytenbach of the DA claims that she went to the holding room where the submissions are kept and she could not find submissions by the DA. According to her, the fact that she, herself, could not find those submissions by Cope means that the process was flawed. This is very unconvincing.

There is a very thin line that separates FF Plus from Afriforum. With the FF Plus, there is a very thin line that separates this party from Afriforum. It might as well be said that in court it was Afriforum and the FF Plus.

The litigation in question is mainly about written submissions. Written submissions are mainly made by those who are resourced. Being resourced is not a problem; the problem is whether written submissions make meaningful public participation. We learned several lessons from this process. It is the production computer generated template designed by one person, populating the template with his views, and then allowing other people to factor in their names and contact numbers, to be referred to as meaningful public participation?

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Is the mass production of templates merely saying yes or no aimed at inflating numbers so that the community may not be able to do its work - meaningful public participation? Should public participation be aimed at making it possible for Parliament to do its work or should public participation be aimed at holding Parliament at ransom? These are the questions that we need to answer. The lessons learnt from this process should be able to give Parliament a better idea on how engage in meaningful public participation, especially relating to public submissions.

In delivering the 14th Chief Albert Luthuli Memorial Lecture, the Chancellor of the University of Kwazulu-Natal Chief Justice Mogoeng Mogoeng said that the solutions to the land expropriation without compensation challenge in South Africa must ensure enduring peace, stability and shared prosperity. He went on to say that war is not an option. Strategies that militate against peace and stability are not an option. However, silence and inaction in the face of life threatening and dehumanising migration, abject poverty and landlessness are also not options.

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The Chief Justice advocated for dialogue between the dispossessed and those who own land and who seem to be sworn defenders of the status quo. In the same breath, we call on Afriforum and all those parties that support Afriforum, those who are taking the people to court to reconsider their stance. We urge you as this House to adopt this report. We urge you to make it possible for President Cyril Ramaphosa, the "Thuma Mina" volunteer in chief, to make right what is wrong. The people want their land. Give the people what they want. Thank you very much. [Applause.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Thank you. Our honourable guests who are very welcome to this Chamber, I just want to say that by the rules of this House unfortunately you are not allowed to participate in the proceedings. That means by way of clapping hands or making some shouts, or even taking photos. Therefore, I urge you to sit there and listen and just go with the flow with the smile. Thank you very much. Hon Mbabama!

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Ms T M MBABAMA: Hon House Chair, the DA acknowledges that effective land reform must be prioritized and pursued with greater urgency to redress past land dispossessions. South Africa suffers from a history of black people being denied land ownership, but to address this, we do not need to change the Constitution; we need to change the government. The DA wants all South Africans to own their land and property. We want land owners, not tenants.

Let us be clear, effective land reform is possible without threatening food security, without undermining commercial farming, without destroying social cohesion and without changing our precious Bill of Rights. It is obvious that, from the onset, the integrity of the Joint Constitutional Review Committee was compromised by collusion between the wily EFF and the beleaguered ANC. It was apparent that the tail was wagging the dog as the red berets ran roughshod over the two cowering ANC chairpersons and all but took over the process of the Joint Constitutional Review Committee, CRC. One of the chairpersons ultimately resigned from the committee amid the Bosasa scandal.

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When their duplicity was pointed out, the EFF reacted with the usual impertinence that is so characteristic of these rude, rabble-rousing red berets who surely have had no parental guidance whatsoever in their formative years.

IsiXhosa:

Andizukuthetha nokuthetha ke ngezinye iingqeqe ezi zikhonkotha ecaleni kwe EFF ne ANC...

English:

...they are just cheerleaders masquerading as independent political parties.

THE HOUSE CHAIRPERSON: Order hon members, let me hear.

Ms T M MBABAMA: The DA would like to state upfront that the recommendation of the Constitutional Review Committee to amend the Constitution to allow for expropriation without compensation was a forgone conclusion. That is why the ANC President, Cyril Ramaphosa cynically made a late night announcement in July, that

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the ruling party had decided to go ahead with changing the Constitution to allow for expropriation without compensation.

This was before the committee had even started its work in the Western Cape, thus reducing the whole process to a farce. Even now the NCOP is set to debate this report tomorrow, despite the fact that this House has not yet adopted it.

Is it not obvious to South Africans what is actually happening here? It was certainly obvious to the ANC in 2017, when debating and voting against expropriation without compensation in this very House. The ANC Chief Whip, Jackson Mthembu said and I quote:

Section 25 of our Constitution is more of an abler for land reform than a barrier. We failed to take advantage of its provisions, full stop. He added:

THE HOUSE CHAIRPERSON (MS MG BOROTO): Hon Mbabama please take your seat. Hon Mnguni what point are you rising on?

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Mr P J MNGUNI: Hon House Chair, please call the member to order. She may not refer to any member of the House by name. She has to say either, Mr. or Honourable, that is what is in the rule book. Thank you very much.

THE HOUSE CHAIRPERSON (MS MG BOROTO): Who did she refer to?

Mr P J MNGUNI: She has said, Jackson Mthembu.

THE HOUSE CHAIRPERSON (MS MG BOROTO): Okay I heard her, she started by saying the Chief Whip of the ANC. Thank you, continue hon Mbabama.

IsiXhosa:

NKS T M MBABAMA: Uthi uMthembu...

English:

... blaming the Constitution for the embarrassingly slow...

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Mr P J MNGUNI: Exactly House Chair, order, order. This is now a vernacular version of the same thing she is doing exactly the same. Please call her to order.

THE HOUSE CHAIRPERSON (MS MG BOROTO): Now I heard you saying uMthembu.

Ms T M MBABAMA: My apologies Hon House Chair.

IsiXhosa:

Uthi UMthembu ohloniphekileyo...

English:

... blaming the Constitution for the embarrassingly slow pace of land reform is both disingenuous and scapegoating. We failed finish and klaar.

IsiXhosa:

Utsho lo tata.

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English:

Hundreds of thousands of South Africans agreed with this sentiment in their written and oral submissions. People like Ntate Rakgatse from Limpopo who has been working on his farm and paying the government rent for more than 40 years, but still does not own it. Do you think that he truly believes that the ruling party will give him a title deed after amending the Constitution?

IsiXhosa:

Bantu baseGwatyu, phaya phezulu eMpuma Koloni, nabanye abafana nani.

English:

Will changing the Constitution...

THE HOUSE CHAIRPERSON (MS MG BOROTO): Order hon members, you are really shouting now please. Continue hon member. Continue hon Mbabama, your time has been stopped, continue.

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Ms T M MBABAMA: Will changing the Constitution make the government give you the title deeds to your land that you have been fighting for all these years? Will amending the Constitution revive all the restitution and redistribution farms lying fallow and miraculously turn them into well-run profitable entities? Will amending the Constitution get rid of the corruption we saw in Mala Mala, Mpumalanga, and the Estina Dairy Farm near Frede in the Province of the Free State?

IsiXhosa:

Kubantu bethu abahlala ematyotyombeni, nicinga ukuba lo urhulumente uzakuninika izindlu nee neziqinisekiso bunini zazo, emveni kokuba etshintshe uMgaqo-siseko? Hayi, andiqondi.

English:

Changing the Constitution is to allow expropriation without compensation is just a political ploy to get votes out of desperate, vulnerable people. The DA knows that there is a better way to implement successful land reform. The DA is going to bring change that builds one South Africa for all its people.

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IsiXhosa:

Nithanda, ningathandi.

English:

We reject the report of the Constitutional Review Committee for the force that it is. [Applause]

Mr J S MALEMA: House Chairperson, we gathered here today to engaging in one of the most important steps in a process of amending the Constitution of the Republic of South Africa. This is happening after the successful motion of the EFF to expropriate land without compensation and therefore anyone else who doesn't want to hear this fact is because that person wants to distort history.

The people of South Africa, of all races, ages, and socio-economic background for the first time they came together to make their inputs in the public hearings. Therefore, we from the EFF confirm that the process was fair. Everybody else was heard;

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including those had a different view. They were given an opportunity to express themselves.

The intention has never been to run a referendum, because if we had conducted referendum, you can be guaranteed that 90% of South Africans would have voted for expropriation of land without compensation. We say so because the parties that support the land expropriation without compensation in this House constitute more than two third majority and therefore if that was to be translated into the outcomes of a referendum, you can be guaranteed that you will lose.

So, we really want to commend the patience of the chairpersons of both committees. They were patient and allowed us if when at times the debate became more robust. They kept their cool and called everybody to order so that public hearings can continue peacefully. We have experienced that and we want to congratulate them for having conducted a very dignified and peaceful process of listening to our people.

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There is one thing that all of you must actually acknowledge, that all white people who came, poor or rich, all of the landless white people came in Unisom and opposed the expropriation of land without compensation, because the reality is that where white interest and privilege is threatened, they protect one another. They don't care whether the other one is in the wrong or not. Why would people think alike like that, if is not an issue of racism and privilege which seeks to perpetuate landlessness amongst those who were conquered by criminals who came into our country and took our land.

We amongst black people and Africans in particular, there were different views, because we don't come from a process that seeks to isolate anyone, but we came from a background that seeks to win a debate through an honest engagement. Here, you have a group of people, not only in the referendum or consultation who 90% of them vote for the same party. You ask yourself, what is this? This is white privilege. This is in defence of white privilege, which seeks to perpetuate landlessness amongst our people. Therefore, the black unity and in particular African

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unity is very important when it comes to this issue. Thank you very much. [Time expired.]

Inkosi M E BUTHELEZI: Hon Chairperson, expropriation of land is essential in addressing the injustices of the past. The IFP supports the expropriation of land and we are very clear on our stands that our position advocates for expropriation of land with reasonable compensation.

The IFP has always been in favour of ensuring that people that people own land and this was shown how the Ingonyama Trust came about to protect the remnants of what was left when the total mass of land was taken by the apartheid regime.

The IFP has been a forerunner for restoring the dignity of the majority people who have suffered at the hands of colonial and apartheid oppressors in protecting traditional land through the Ingonyama Trust.

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During the public hearings and the submissions made before the committee, I was inspired to see a renewed sense of hope among black and white South Africans willingly offering their support for the process of expropriation of land in the interest of the public of South Africa. This is almost unthinkable to do so without providing a reasonable compensation for land.

No one in this House disputes the fact that we are aiming for a peaceful transition. Yet, not all agree that compensation is a way in which to keep the entire project of redistribution civil.

The process in which the ANC and its alliance partners here in this house tried to rush a Report through the committee without having to include all written submissions by the public is wrong, shameful and must be condemned.

It is very interesting to see how the ANC and its unholy alliance committee members failed to find a balanced view and reach compromise and consensus on compensation. If the majority in public hearings called for zero compensation and the majority

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of written submissions called for reasonable compensation, how can we simply take a skewed stance in favour of the public hearings by simply ignoring the written submissions?

These two processes have the same status. We have seen what flouting process have brought us in this country. It has two-word names, the state capture.

This government has failed. It can't be trusted and it is not doing this process in good faith. The people of South Africa must know who is rushing this Report and what is in their interests, the answers to this can be found in state capture and VBS looting. The IFP rejects this report.

Mr S C MNCWABE: Hon Chairperson, perhaps in moments like this its proper to start by quoting what one of the late struggle veterans, Mr Harry Gwala of Natal Midlands said when he was addressing a peace rally here in Cape Town in 1991, he said and I quote: "when a mother cant give birth a natural way, then a caesarean section must be used, because a child must be born".

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The NFP supports the amendment of the Constitution to allow the expropriation of land without compensation. The NFP considers the willing buyer, willing seller strategy to have been the most accommodative and much fair strategy the government used in addressing the land question in this country, but sadly as we all know this strategy has been a dismal failure and a Budget couldn't carry it any further.

This therefore means, the new much radical but progressive strategy must be adopted and in our view that strategy is the expropriation of land without compensation. Those who colonised us, and those who oppressed us made the land question a forbidden fruit for the majority of the population in this country and now the time has come that we cut this fruit and share it with everyone, especially those who were denied it.

As the NFP, we want to once again argue that the big battles that our forefathers fought against the western settlers in this country were not battles for the right to vote, access to water, but those battles were in defence of their land., for example

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the battle of the Isandlwana of 22 January 1879 was never about the freedom of speech or gathering.

When the Zulu warriors under the command of Ntshingwayo kaMahole Khoza, were approaching the British army, they had one thing in their minds our motherland, our inheritance, with that spirit they defeated the British army and embarrass the entire British Empire.

The Afriforum, last week in the Western Cape High Court tried to do what the British army did, and yes we defeated them as the Constitutional Review Committee and this House. The Afriforum must be told here and now, that their racist argument that the land was not stolen but was discovered empty, is the insult to the bones of our forefathers.

The leadership of Afriforum and its allies must be advised to accept in their minds that indeed land in SA will be expropriated without compensation. As we adopt this Report, let us not do it for this generation, but let us tell our

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forefathers that they must rest in genuine peace. The land is back. Thank you

Mr W L M FILTANE: [Singing.] Chairperson,

"The old order changeth; yielding place to new, And God fulfils himself in many ways, lest one good custom should corrupt the world".

The time for that change is now. For far too long, millions of black South Africans have been landless, unbankable, poor and burdensome on the state. This resulted in them being firm ground for restlessness.

Research tells us that a restless community cannot focus on self-development and is not receptive to development assistance from outside. It is fertile ground for corruption, in return for short-term self-gains. This is the ugly social state we have in our country. Faced with a challenging situation back in 1902, a Russian leader asked the question: what must then be done?

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Our response to that is and I quote: "for things to change, you have got to change the way you do things". Jeffrey Sachs, the erstwhile economic advisor to Kofi Annan and Ban Ki-Moon, in their respective terms as Secretary Generals of the UN, lists natural endowments like land as the number one requirement for development, and S.A. is a developmental state.

We know of no economists who advocate for landless economic growth in any country or community. Therefore, people who stand for a landlessness majority in our country are actually advocating poverty. The current situation in S.A. is that over 13 million people are experiencing food insecurity daily.

Yet with land at their disposal they could practice what is called cashless economy, and be able to produce food at minimal cost to the fiscus. The current commercial farmers produce so much food that they even export some for personal gain. How does that state of affairs help the public interest?

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Let us get together as fellow South Africans and craft the terms on which our Constitution should be amended. The latest cases emanating from our high courts with regards to land send a clear message that community rights must be protected and enhanced. Amongst these are the Constitutional Court, ConCourt, Judgment by Justice Petse, Justice Poswa, as well as judgement by Basson on Xolobeni. The time for change is now.

After twenty four years of a development path, which heavily relied upon foreign assistance, as a nation, we need to rethink and redefine our path to development. The means of achieving that, needs to be steered and emphasised through the effective usage of land and thus agriculture as the way to development comes to the fore

As elected legislators, we shall not outsource this responsibility to other nations outside of the borders of South Africa. We shall resist burdening the courts with matters that are not placed on their desk by our Constitution.

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In this regard, the UDM would make a call to all citizens of South Africa to get together and craft the terms on which the Constitution must be amended. The people who are landless want their Constitution to be amended in order for them to have land. I thank you

Mr C P MULDER: Hon Chairperson, every one of us stood in front of this podium on Wednesday 21 May 2014. Here we swore an oath to uphold and defend this Constitution and we swore that oath in front of the Chief Justice, Mogoeng Mogoeng.

Today you are being asked to say Nah, let's forget that and remove a fundamental principle, a cornerstone and a basic right that goes to the very heart of the rule of law in the same Constitution. You all swore that oath.

The expropriation without compensation is a very powerful tool and threat in the hands of any government, until you actually use it. Then, it becomes a poisoned chalice and your real troubles start. Mark my word today.

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We are in this mess, because the EFF tricked the ANC on 27 February 2018 to support their motion in this House. I warned the ANC Chief Whips, but they didn't listen. From that moment on the EFF had the initiative and the ANC followed. Even the final recommendation in this report was proposed by the EFF and seconded by the poor ANC.

Today, Parliament is being misled by preparing this Report that will embarrass Parliament and it could embarrass the President. It is not the product of public participation. It is not the product of a debate

The written submissions on 14 March 2018, the President stood here and invited the public to make public submissions. The people listened. More than 630 000 submissions were made, but until today, no report that deals with those written submissions was ever adopted or discussed by the committee.

However, 75% of them said no to the amendment of the Constitution. Then, we had civil society who came to make

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representations. They were ignored and 77% of those said no don't amend the Constitution and Mr Malema won't know because he didn't attend any of those.

No debate was ever allowed in the Constitutional Review Committee on this process. No debate. It was the first time since 1994 that no debate was allowed on the substance of one single issue even in this regard and you want to take a decision today in that regard. The fact of the matter is you have made a huge blunder and the poor ANC is like a drunken sailor falling over a wheelbarrow again.

Unfortunately, this whole process was a charade. We wasted the time and the money of thousands of South Africans. We are talking about amending the Bill of Rights. You want to do it in a wishy-washy way that you have done today.

The first speech today by the hon chairperson, just indicate to you how wishy-washy this whole process was. This Report is not

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worth the paper it is written on and it should be completely rejected.

Ms D CARTER: Chairperson, COPE is adamant. The injustices and divisions of our past must be healed and this includes land reform. We support expropriation of land with compensation.

It is important to put the myths to bed for the property clause was not negotiated at the Convention for a Democratic South Africa, CODESSA. The progressive forces got precisely what was required in our final Constitution and an explicit mandate for land reform.

It empowers and compels government to undertake land reform and ensure equitable access to land. It explicitly provides for expropriation. Nowhere does our Constitution insist on willing buyer, willing seller compensation. No where. It was the ANC that decided to go this route so that fraud and corruption could happen at all times.

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The ANC failed and they have never used the power to expropriate for land reform purposes. Just and equitable compensation, could very well mean little or no compensation depending on the circumstances involved. The alternative to the current clause is the unjust, inequitable and the arbitrary confiscation of land.

The High Level Panel Report and the views of academics and authorities all point to the ANC's lack of political will and for dismal failure of government to effect the meaningful land reform; mal-administration; corruption and the elite capture of land reform projects like the dairy farm saga.

The key remains to align our expropriation legislation to the prescripts of our Constitution. Yet, government relies on an Expropriation Act 63 of 1975 when B J Vorster, the Verwoerd's successor was Prime Minister of the pariah apartheid state!

It is our Expropriation legislation that should make explicit what is implicit in the Constitution.

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The land owners and the landless have spoken. The researchers and experts; workers; our farming community, business and banking sectors have spoken, but yet, the ANC are hell-bent and brazenly intent to continue with the marriage with the EFF.

And what mandate, we ask, no change. When this process was raised in the state of the nation address, we asked whose land would be targeted, on what basis and to whom would it be given? You want to make South African tenants to date. We have not. That question is not been answered.

Our rejection of the Report and the reasons therefore including Constitutional flaws in the process and the rejection and non-consideration of submissions. I am not going to have time to withdraw. The single South Africans, will say there is still hope. The power to stop this destructive, irrational lunacy is in your hands. The power lies ... [Time Expired.]

Rev K R J MESHOE: House Chairperson, the ACDP appreciates that the issue of land reform is a complex and deeply emotive issue.

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We have observed first-hand during the public hearings how divisive the issue of expropriation of land without compensation can be.

While justice must be done, we are also strong advocates of reconciliation and nation-building. Biblical justice can be achieved through a process of restitution. It is for this reason that we support land reform and the restitution of land in an orderly and lawful manner. We agree that any decision regarding a possible review of section 25 of the Constitution must consider the impact on food security, stability in the agricultural sector and the economy, investor confidence, financial exposure to banks and other financial institutions by commercial farmers. It must also provide adequate support for emerging farmers.

We agree with the SA Human Rights Commission's, SAHRC, contention that, while they regard expropriation of land without compensation as being just and equitable in appropriate circumstances, the Constitution does not lend itself to

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amendments in the detail needed to limit expropriation without compensation in the context of addressing the results of past racial discrimination.

Hon members have to remember that land ownership is not only important to the people of this nation, but it is also important to the Almighty God. Seven chapters in the book of Joshua, from chapter 13 to 19, are dedicated to the allotment of land to God's people.

Jeremiah 37:12 says, "Jeremiah went out of Jerusalem to go into the land of Benjamin to claim his property there among the people."

All those who qualify must have the right to property and title deeds.

In September, IOL reported that EFF spokesperson on land, Sam Matiase, called for church land to be nationalised for the benefit of the people and said that church land should be

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treated in the same way as land held by private individuals, including land held by traditional leaders. The ACDP strongly disagrees. We are totally opposed to expropriation of land – whether owned by private individuals, families or churches – without compensation.

In consideration of the Constitutional Review Committee report's recommendations, the ACDP is of the view that section 25 of the Constitution in its current form is not an impediment to land reform and believes that the Constitutional Court must be approached to give clarity on the full parameters of section 25 of the Constitution.

Any amendment to section 25 has the potential to threaten food security, agricultural reform and discourage investment.

Individual property rights must be protected and title deeds issued to the beneficiaries of land reform.

The ACDP will definitely not support this report.

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Afrikaans:

Dr A LOTRIET: Voorsitter, grondhervorming en grondrestitusie moet plaasvind. Inteendeel, dit moes al oor die afgelope 24 jaar reeds gebeur het. [Applous.]

Die werklikheid waarmee ons egter vandag gekonfronteer word, is dat die ANC regering dit nie gedoen het nie. Waar hulle wel 'n poging aangewend het, was dit deurspek met onbeholpenheid, korrupsie en begrotings wat totaal ontoereikend is.

Die gevolg is dat daar, ter wille van politieke gewin en opportuniste, 'n proses deur die Grondwetlike Hersieningskomitee gestoomroller is, wat die land nog duur te staan gaan kom.

In plaas daarvan dat die regering introspeksie gedoen het oor sy eie mislukkings en tekortkominge, is daar besluit dat die eintlike rede vir die traie pas van grondhervorming die Grondwet is. Die Grondwet is nou die sondebok en moet nou ten alle koste gewysig word.

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Maar dit gaan nie hier net om die wysiging van die Grondwet nie. Daar word dikwels genoem dat die Grondwet al 17 keer gewysig is. Dit is inderdaad so, maar daardie wysigings was tegnies van aard en het nie die wese van die Grondwet gewysig nie.

In hierdie geval is dit ook nie net 'n wysiging aan die Grondwet nie maar, in besonder, 'n wysiging van Hoofstuk 2, die Handves van Regte – wat nog nooit gewysig is nie.

Die Handves van Regte is die hoeksteen van 'n demokrasie en beskerm bestaande regte wat aan alle mense beskore is. 'n Wysiging hiervan is dus 'n wysiging van reeds bestaande regte waaroor almal beskik. Hierdie Handves staan as buffer tussen alle burgers van hierdie land en enige arbitrêre handeling van die staat.

Artikel 25 spreek juis een van die kernelemente van enige demokrasie en ekonomie aan, naamlik die reg op eiendom. Geen ekonomie kan groei en suksesvol wees as daar nie beskerming van eiendomsreg is nie, en waar daar ook nie remedies is teen

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arbitrêre onteiening deur die staat nie. Let wel, arbitrêre onteiening.

Die motivering wat voorgehou word vir die wysiging van artikel 25 is dat dit wat implisiet is, eksplisiet gemaak moet word. Daar moet blykbaar groter duidelikheid gegee word oor wat bedoel word met artikel 25.

Die werklikheid is dat hierdie bloot 'n rookskerm is om regverdiging te verskaf aan 'n proses wat selfs nie eers deur almal in die ANC volledig ondersteun word nie.

Die Grondwet is nie 'n stel regulasies nie. Dit bied riglyne en norme waaraan handelingegwette moet voldoen en gemeet kan word. Die wyse hoe dit in praktyk gedoen moet word, word hanteer deur die algemeen geldende regsvoorskrifte soos na verwys word in artikel 25(1). Wetgewing is die meganisme waardeur grondhervorming moet plaasvind onder leiding van 'n regering met die nodige politieke wil en kapasiteit om dit te doen. Dit word nie gedoen deur die Grondwet te wysig nie.

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Daar moet altyd onthou word dat die Grondwet daar is ongeag watter party aan bewind is. Die Grondwet is daar om die burgers van 'n land teen die vergrype van die staat te beskerm.

[Applous.] Hierdie aanbeveling dat artikel 25 gewysig moet word alhoewel dit nou ook voorgehou word as 'n minimale wysiging, maak die deur oop vir enige toekomstige wysigings aan die Handves van Regte. As dit nou met so 'n gebrekkige proses aanvaar en deurgevoer word, skep dit die presedent vir enige wegkalwing van die menseregte van die burgers van Suid-Afrika.

Die DA sal nie enige wysiging van artikel 25 ondersteun nie. Die DA se beleid stel 'n behoorlike effektiewe, versnelde proses van grondhervorming voor.

Ons kan en sal nie die regte van Suid-Afrikaners op die altaar van politieke opportunisme opoffer nie. Dankie. [Applous.]

Ms M R M MOTHAPO: Chairperson, hon members, let me start by welcoming the announcement of Advocate Shamila Batohi as the new head of the National Prosecuting Authority. [Interjections.]

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[Applause.] Advocate Batohi is the first woman to be the National Director of Public Prosecution and this can only happen under the ANC government. [Interjections.]

From the onset, we, the ANC categorically state our support for the Joint Constitutional Review Committee Report recommending that section 25 of the Constitution be amended to make explicit that which is implicit in the Constitution with regards to expropriation of land without compensation. This is indeed a legitimate option for land reform to address the painful history of arbitrary dispossession of land. Land is a very emotive issue and cannot, and will not be left unattended by the ANC. It is in the interest of social and economic stability that racially skewed patterns of ownership of land be addressed.

The land question is not new to the ANC. In fact, the formation of the ANC is as a result of the dispossession of land of the indigenous African people. The ANC was formed as a result of the Glen Grey Act of 1894 which sought to make Africans mere wage labourers without means of production. The Glen Grey Act was

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later incorporated into the Native Land Act of 1913 which forbade Africans to buy land outside of the 13% which was allocated to them for occupation. Hon Mbabama, you are misleading the public, this report has been tabled in both Houses and it is up to each House to decide as to when to debate. For your information, the National Council of Provinces will be debating this report tomorrow. [Interjections.]

The President-General of the ANC, then President Pixley ka Isaka Seme is one of the leading figures in the struggle for land. In 1913, he established South African Native Farmers Association, which bought the Daggakraal and Driefontein farms in the Transvaal. They would have bought more farms but were impeded by the Natives Land Act which made it illegal for Africans to buy farms in the then Transvaal. The forced seizure of land disintegrated Africans from an economic and social life and we are still seized with that legacy to this day.

Hon Meshoe ...

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Sepedi:

Modimo ka Beibeleng o re tswalang le ate, le tlale lefase.
Bjale, re tlile go tlala lefase lefe ge wena o šomiša mangwalo a
makgethwa ka mokgwa woo a swanelago wena. [Tsenoganong.]

English:

With regard to wars of resistance, all wars of resistance were
essentially about land. When first Khoikhoi-Dutch War began in
May 1659, and when the San people viciously resisted the
extension of settler farms into their hunting grounds, the war
was about land.

Sepedi:

Le tla gopola gore bagale ba rena, bokgošikgolo Sekhukhune,
bokgošikgolo Sandile, le kgošikgolo ya MaZulu ba lwele dintwa
tše dikgolo ka lebaka la gore bomakgolokhukhu ba batho ba bangwe
ba be ba ba tšee tše naga. Bjale ka se sebaka, re bušetša seriti
sa naga go beng ba yona gore batho ba rena ba se ke ba hlaka, ba
fetoge makgoba ka gare ga naga ya bona. Batho ba rena ga ba
boele nageng ya bona.

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English:

It is very much misleading to say that the ANC is being led by other parties. I want to educate you on the ANC's policy on land. Since 1923, when the first ever Bill of Rights in South Africa was adopted by the ANC, human rights and the attainment of justice have explicitly been at the centre of our concerns. In 1943 we adopted the African Claims and the Freedom Charter in 1955, the Constitutional Guidelines in 1991 and the Ready to Govern Document in 1993. Since its inception, the ANC has been committed to the struggle for the return of land which was arbitrarily taken through colonialism and apartheid. The land question has been a pillar of our struggle as the ANC.

In 1923 Bill of Rights we declared that the Bantu inhabitants of the Union have, as human beings, the indisputable right to a place of abode in this land of their fathers and mothers and Africans have, as the sons and daughters of this soil, the God-given right to unrestricted ownership of land in this, the land of their birth, Ntate Meshoe.

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The Freedom Charter clearly states that the land shall be shared among those who work it, that restriction of land ownership on a racial basis shall be ended and all the land redivided among those who work it. It also states that all shall have the right to occupy land wherever they choose. In our Ready to Govern document, we said: Dispossession and denial of rights to land have resulted in the present unequal division of land and landlessness, which will require legislative intervention far beyond the mere repeal of apartheid land laws. Our policies must provide access to land both as a productive resource and to ensure that all our citizens have a secure place to live.

We also said that the state will play a key role in the acquisition and allocation of land and should therefore have the power to acquire land in a variety of ways, including expropriation in accordance with the provisions set out in the Bill of Rights. We said that property rights should not be in conflict with public interest. So in essence, expropriation of land without compensation is a long-standing position of the ANC.

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In line with our consistent policy position on land reform, the 54th National Conference resolved to use, *inter alia*, expropriation of land without compensation to accelerate redistribution of land. It is indeed a myth that the ANC is led by others when it comes to the issue of land reform when in fact the ANC was born as a result of the land question. Inkosi Buthelezi, the ANC national executive committee, NEC, reaffirmed mixed ownership of land; allowing for state ownership and lease; communal ownership and private ownership of land. We take cognisance of the mixed economy we have in South Africa. The ANC does not subscribe to views of Alfred Milner who tried to influenced society into thinking that tribal and communal ownership of property is barbaric.

Regarding public participation, we are drawing from the lessons learnt in the cases of Doctors for Life and Land Access Movement of South Africa, we are satisfied that the Joint Constitutional Review Committee has effectively carried out its duty to facilitate public involvement as spelled out in sections 59 and 72 of the Constitution. Public hearings were held across all

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nine provinces. An invitation for written submissions was made and those wishing to make oral presentations were allowed to do so. The people of South Africa spoke. Afriforum is one of those organisations who were not only present at every single public hearing; who deliberately flooded the system with over one hundred thousand written submissions which, as they conceded in their founding affidavit, were duplicates, but also made a presentation on 6 September 2018 through their Deputy CEO Ernst Roets. Instead of enriching the process, Roets abused the parliamentary process of public participation by showing utter contempt to the people of South Africa and their struggles, suggesting that 93% of land claimants would rather have money than land.

This clearly reflects his and his organisation's content with the plight of landlessness in South Africa. He went on to insult the ANC and said that we are drunk on ideology. He further made a claim that there is no hunger for agricultural land. In a desperate attempt to frustrate this process, they filed an urgent interdict to halt this parliamentary process, claiming

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that there was no proper public participation in this process. Their urgent interdict was dismissed by a full bench in Western Cape High Court last week. This is not only victory for the drivers of this land reform process, but it is victory for every South African, particularly the landless.

The message to the masses - to the people of our beloved country, South Africa, we have heard you. We know your genuine hunger for land. We were present when you shared your lived experiences; when you told us of the impact of dispossession. We heard when you shared your plight of lack of security of tenure and the pains of not being able to access the graves of your forebears. We are committed to addressing the historical injustice of land dispossessions and we reaffirm that we shall pursue land expropriation without compensation as a matter of policy. We shall give effect to this resolution in a manner that strengthens the agricultural sector, improves economic growth and meaningfully addresses inequality and unemployment.

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We call on government to speed up the process of reintroduction introduction of the Expropriation Bill and Redistribution Bill and that all relevant legislation should be aligned with the proposed amendment of the Constitution. The ANC supports this report.

Mr L M NTSHAYISA: Hon House Chairperson, we are happy as the AIC that we get to add our voice to the voices of many. The amendment to section 25 of the Constitution of the Republic of South Africa is to be a turning point for the people of South Africa and the history in making.

This amendment is about the healing of wounds of the past and doing away with the attitude of fore which existed when the land was annexed and occupied by force by those powers that be. This is not a racial expropriation of land without compensation but the giving of land to the right people. This must be considered as one of the ways of addressing the challenges of unemployment, poverty and inequality.

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We hope that more people will be working land and making more productive. However, people need intensive training, tools of trade and work implement and skills to work the land. I am sure, hon Chairperson, Africans are prepared to work the land as they were before.

The section 25 amendment is the popular view of the people as we have seen the consultation on the view. How can we therefore be against the view of the majority in a democratic country? That cannot be possible. For sure no one will be landless as long as one lives and work in the land because the land belongs to the people who live and work in it. This is going to be a scientific and a very smart approach so as to avoid land grabs and outcries from those who are ready to complain.

Of course the government must be smart to avoid job losses and guard against inequality, and people should be prepared to work the land. Legal processes must be followed. We are aware of what happened in Zimbabwe. We are not going to follow that but we

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have learned a lot from that and ours has to be very smart in order to avoid similar outcomes.

I think we are going to follow and do what is relevant for the people of this country. There must be and I believe there are relevant economic policies that are going to be implemented to make our country grow so that the people do not starve anymore. The AIC supports the report. Thank you very much.

Mr N T GODI: House Chair, comrades and hon members, the APC joins all progressives in supporting the adoption of the Joint Constitutional Review Committee, CRC, report. Even though the mere amendment of section 25 does not herald the resolution of our agrarian and social challenges, it is nonetheless a very important step in the right direction.

For the Africanists, the land question is not just about fairness; it is at the core of the national question, national sovereignty and independence. Thus the APC will always support

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any move that contributes to the reversal of the humiliation and deprivation since centuries past.

The restoration of the dignity and humanity of the natives is their reconnection with the land. The Africanist' position is that land is a common heritage of the people and not a commodity. All land must be nationalised and socialised for the use and benefit of all especially the working class and African women.

Reactionaries must disabuse themselves of duplicity. We want nationalisation of land the same way these reactionaries have no problems with the nationalisation of minerals, water rights and usage.

Land under traditional African control is under common ownership. It is only land that Africans were permanently dispossessed or in townships that is privately owned.

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Hon Chair, it was on 27 February 2018 when the House resolved to setup the CRC, which date happened to mark 40 years since the passing away of our great leader, Robert Sobukwe. It is not lost to the APC that today we are adopting the report of the CRC on the eve of Robert Sobukwe's birthday which is 5 December, tomorrow. I urge all of us to adopt this report as a beautiful and befitting gift to Sobukwe. Izwe lethu. [Our land.]

[Applause.]

Ms G BREYTENBACH: Hon House Chair, let me join hon Mothapo in congratulating Shamila Batohi as the new National Director of Public Prosecutions. [Applause.] On 27 February 2018 this House mandated the Constitutional Review Committee to review section 25 of the Constitution to make it possible for the state to expropriate land in the public interest without compensation.

The original EFF motion, put by the hon Malema, talked of wholesale expropriation so that land is nationalised and brought into state ownership and we all know where that will take us.

The ANC recommendations fall in line with the Nasrec resolution

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where they resolved to support land expropriation without compensation. This is just again, the ANC giving effect to their policy making body in red.

The hon Maila suggests that no form of public submission was favoured - yet the committee is prepared to totally ignore all the written submissions. Let me be clear, hon members, the DA supports urgent land restitution and land redistribution - absolutely.

We acknowledge the terrible legacy of forced land dispossession, the effects of which are still clear for all to see. We support individual land ownership and encourage the creation of intergenerational wealth that land ownership brings. No one will deny the traumatic effect of land dispossession nor the pain and humiliation that it brought. It was very painfully obvious during the public hearings around the country.

But House Chair, the ANC has had 25 years to address the pressing issue of land reform and has failed miserably. What

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they have achieved could arguably fill the bottom of a thimble. The Land Claims Court has been severely neglected and under-resourced for more than 17 years in which time it has had at best only four judges and no permanent judge president.

The DA is opposed to an arbitrary amendment of Constitution - it is totally unnecessary. The Constitution already allows for land reform and in fact encourages it. This election road show for the EFF, paid for by Parliament and supported by the ANC is nothing more than a cruel hoax. It has allowed thousands of South Africans to believe that they will each receive a plot of land.

The DA has a successful track record when it comes to land reform with a success rate of six times higher than national government statistics according to the Department of National Land Reform. We have demonstrated by putting our money where our mouth is, that we support land reform. We have recognised individual property rights and handed thousands of title deeds

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to property owners. This protects everyone's rights and gives effect to the Constitutional compact of one nation one future.

The EFF the ANC, and their cohorts have abandoned this Constitutional construct in favour of a vote-seeking hoax. The approach suggested today by the speakers of the ANC and the EFF has been tried elsewhere in the world, and has failed; it has yielded only poverty and misery for the landless and the poor wherever it has been implemented anywhere in the world. It is a blueprint for chaos and economic disaster. It deliberately seeks to stoke racial tension, and by definition relies on force - an approach that has no place in a modern, constitutional democracy.

White and black South Africans alike would lose their homes, their businesses, their intellectual property and more. No well informed South African would voluntarily handover their property to any government to become a tenant in their own country. No government should be trusted with this much power. The Constitution is designed to protect the rights of all South

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Africans against all governments, including now unthinkable future governments.

South Africans have the opportunity to prevent this at the ballot box next year, and preventing the wholesale looting that has become the hallmark of these parties. The DA stands opposed to any abrogation of existing property rights. These are the bedrock of development and economic growth. Wholesale expropriation without compensation is nothing other than state sanctioned theft. The DA will not support it. Thank you.

Mr V G SMITH: House Chairperson, comrades, fellow members, and fellow South Africans, it is common knowledge that as far back as the 17th century, colonial powers brutally expropriated land and the resources of the indigenous people of South Africa. It is also common knowledge that the British and the Boers reached an agreement known as the Treaty of Vereeniging to establish Boer republics at the end of the South African War in 1902, which in essence reduced black people to foreigners in the country of their birth.

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Soon thereafter, the Lagden Commission recommended territorial segregation between blacks and whites. This was followed by the establishment of a whites-only Union of South Africa, which made the governor-general the supreme chief of all native communities and dressed him with powers to appoint or dismiss any traditional African leader at his pleasure. It is this racially based ideological system that allowed the white minority government to pass the 1913 Natives Land Act and the 1936 Native Trust and Land Act.

The reading of the Hansard report on the occasion of the debate on the 1913 Natives Land Act, for me, best illustrates the prevailing thinking of the minority government of the time. During that debate, the Member of Parliament for Ficksburg said:

They should tell him, as the Free State told him, that it was a white man's country, that he was not going to be allowed to buy land there or to hire land there, and that if he wanted to be there he must be in service.

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In other words, the black man must forever be a labourer. The *Strategy and Tactics* document adopted at the Morogoro Conference in 1969 states that –

... the bulk of the land in our country is in the hands of land barons, absentee landlords, big companies, and state capitalist enterprises. The land must be taken away from exclusively European control and from these groupings and divided among the small farmers, peasants and landless of all races who do not exploit the labour of others.

That same Morogoro document states that –

... in our country – more than in any other part of the oppressed world – it is inconceivable for liberation to have meaning without a return of the wealth of the land to the people as a whole. It is therefore a fundamental feature of our strategy that victory must embrace more than formal political democracy. To allow the existing economic forces to retain their interests intact is to feed the root

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of racial supremacy and does not represent even the shadow of liberation.

At the opening of the ANC's national land workshop held in May this year, President Ramaphosa remarked the following:

From its formation, the ANC has fought for the return of land to its rightful owners. It has fought for the wealth of the country to be shared, and for the rights of all its people to be shared equally and universally respected. We are meeting here to give effect to the demand that was articulated by our forbears that the land shall be shared among those who work it.

The ANC believes that the land reform project is about healing the wounds of the past. It is about restoring our dignity, and it is about reclaiming our identity and unlocking the economic resources of our country. We are convinced that without land redistribution, we will never achieve a united South African society, nor will we overcome the challenges of inequality. [Interjections.] It is our

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contention that unless we afford the previously marginalised the means to productively farm the land, and unless we change the apartheid spatial plans in our towns and cities, we will not defeat the scourge of poverty and unemployment in our communities.

The ANC is convinced that if we are to maximise the economic value of the land, we must not only distribute agricultural land, but we must also allocate land close to places of employment for residential purposes in the urban centres. We must also provide those living in precarious informal settlements with serviced sites and security of tenure. It is important to emphasise that the land reform project must not undermine economic investment. It must enhance agricultural productivity, and it must not disrupt food security. [Interjections.]

We are very clear that the willing-buyer, willing-seller principle or the market-driven approach cannot and must not be a mechanism for redistribution of land. It is this market-driven concept that in the past was used as an instrument to resist or retard the land reform project. The newly established Office of the Valuer-General

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is a welcome development. It must be well capacitated to independently moderate all land reform valuations. The Land Bank, the SA Land Claims Court, and all other state machineries must be appropriately resourced and upskilled.

Expropriation of land without compensation alone is not enough, and neither is it a panacea for the land problem in our country.

An HON MEMBER: Bosasa!

Mr V G SMITH: It is our view that there is a need for a much wider policy overhaul to ensure a proactive, needs-based acquisition of land. With regard to the policy overhaul, we support the proposal of the National Development Plan, NDP, for district-based stakeholder forums that will play an important role in establishing the needs and identifying which land is available to meet those needs. We call for all laws of general application to be fast-tracked.

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In 1996, when the final Constitution was adopted, the text of section 25 was constructed with the forethought that it would facilitate rather than hinder land reform, including redistribution, restitution, and security of tenure. Twenty-two years after the certification of the final Constitution, it is important for South Africans to reflect on the constitutional framework for the land reform programme in South Africa.

An HON MEMBER: Where does corruption fit in?

Mr V G SMITH: The ANC is of the view that the lack of clarity around the permissibility of expropriation of land without compensation has contributed to the slow pace of land reform. We support expropriation of land without expropriation. [Laughter.] We support expropriation of land without compensation, or zero rand compensation, in the public interest.

Mr M WATERS: Hear, hear, Vincent!

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Mr V G SMITH: As informed by our 54th conference resolution ... [Interjections.] ... ours is a call for a mixed-ownership model that includes individual ownership, state ownership, and communal ownership.

The ANC makes the following firm proposal to this august House for your consideration ...

An HON MEMBER: That they take the money!

Mr V G SMITH: ... that section 25 of the Constitution be amended so as to make explicit and incontestable that which is implicit, namely that expropriation of land without compensation be but one of the mechanisms of the land reform programme. The land issue has always been central to the struggle for freedom and democracy in South Africa, and yet certain sectors of the South African and the international communities continue to deliberately misrepresent the proposal for land expropriation without compensation.

An HON MEMBER: What about Bosasa?

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Mr V G SMITH: These sectors mischievously propagate that our stance is informed by an anti-white agenda. We must emphasise that no one in the ANC has ever suggested that whites or anybody else be discriminated against in the resolution of the land question. [Interjections.]

Expropriation of land in the public interest is about redressing the effects of the original sin of arbitrary dispossession of land. Expropriation is about the access to agricultural and residential land by all. The land reform project must be about the creation of a democratic, nonracial, nonsexist, and a united and prosperous nation. The just and equitable redistribution and restitution of land is about ensuring stability in our country.

[Interjections.] Chairperson, fellow South Africans, and comrades, this land is our land. [Interjections.] We believe that meaningful reform that results in all of us, black and white, being afforded equal access and ownership to land can no longer be postponed.

At this point, maybe we should talk about some of the issues raised very briefly.

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Mr M WATERS: Yes, Bosasa! [Interjections.]

An HON MEMBER: Take the money back!

Mr V G SMITH: The ACDP and Cope ... [Interjections.] ... talked about academics who spoke to us and the high-level panel that spoke to us, and they are correct. They did speak to us, and they did say what they said. [Interjections.] However, the voices of the academics can never trump the voices of the landless people. [Interjections.] [Applause.] Why don't you tell us what the landless people said?

I also want to go the point raised by the hon Mulder. We agree, hon Mulder, that 77% of those at Rhodes supported it. Nobody has disputed that. We agree that those that came to make oral presentations in Parliament supported it - 77%, as you said. Nobody disputes that. What you leave out is the percentage that supported us when we went to the provinces. You deliberately don't say that those who supported us in the provinces were probably 99%

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of the submissions that we received. [Applause.] [Interjections.]
You don't raise that point, and I think we should fix that up.

I also want to raise that the hon Lotriet says, and she says it in Afrikaans so I am paraphrasing, the Constitution mustn't be changed because ...

Afrikaans:

... dit moet ons beskerm of dit moet die mense beskerm. Die vraag is: Teen wie moet dit beskerm? [Tussenwerpsels.]

English:

Who must it protect? Must it protect those that are the owners of land, or must it protect those of us that have land?

[Interjections.] The Constitution is not written in stone.

[Interjections.] It can be and it must be amended.

Obviously, hon members, the ANC has always said, and will always say, that expropriation of land without compensation is the way to go. [Interjections.] The ANC says that those that oppose the

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access of land to our people must be remembered when we go to the election polls in 2019 because it is those people that will hold us back from creating a united, a prosperous, and a democratic South Africa. Thank you, Chairperson. [Applause.]

Debate concluded.

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

Division demanded.

The House divided.

The DEPUTY SPEAKER: Order, hon members! Order, members! Members in the gallery, we repeat the request made to you earlier on. We don't appreciate you participating in what is happening. This is for members, and I do realise what you are doing there. We will request you not to do that. It is not proper. [Interjections.]

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Your welcome only goes as far as you oblige with and agree with the Rules of the House. [Interjections.]

[TAKE IN FROM MINUTES.]

Motion agreed to.

Report accordingly adopted.

iKamva National e-Skills Institute Bill

(Consideration of Report)

There was no debate.

The CHIEF WHIP OF THE MAJORITY PARTY MOVED: Chairperson, I move:

That the Report be adopted.

Motion agreed to.

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Report accordingly adopted.

iKamva Digital Skills Institute Bill

(Second Reading Debate)

The MINISTER OF TELECOMMUNICATIONS AND POSTAL SERVICES: Deputy Speaker, hon members, Ministers, good afternoon, we stand here before you to present the iKamva National e-Skills Institute Bill, and you remember that in the National Document Plan we have been given a clear mandate of ensuring that we improve digital literacy. This therefore meant that as the responsible department we have responsibility to provide that which we needed to do in terms of ensuring that we co-ordinate all those that are involved in a digital skilling program. The lack of co-ordination and collaboration within and across government department and state owned companies in developing and delivering a program of capacity building, contributes to increasing the digital skill challenge and that hinders investment.

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This affects the country's capacity in accelerating digital skill capacity development in underserviced areas, in order to make South Africa digital literate by 2030 in line with National Development Plan. In response to the aforementioned challenges we therefore developed this legislation of iKamva Digital Skills and sought to make sure that we do the following: we establish objects and functions of the Institute, we promote the development and meaningful use of digital skills, and we establish the functions of collaborative laboratories for digital skills knowledge production, training and co-ordination, as we refer to them as COLLECTS, to provide for the governance and management arrangements for the Institutes.

Ladies and Gentlemen this, as I said seeks to bridge the divide that is out there, if you go to our areas, our people everyday they complain of the internet, in the areas that we have provided internet people are not able use effectively for economic growth and therefore our introduction of this Bill seeks to make sure that as people participate in cyber space, they are able to derive an economic spin off. Thank you.

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Mr J L MAHLANGU: Hon Deputy Speaker, Ministers and colleagues, firstly we would like to congratulate Minister Stella Ndabeni on her appointment to the new position. Hers is not an easy job. It is a very difficult situation. We wish you well, madam.

We would also like to congratulate the former Minister Dr Siyabonga Cwele on his new redeployment. I want to declare that I am not a praise singer and I will not praise or sing praises to any politician. However, I must at least confess in this House that both Minister Ndabeni as well as Minister Cwele have been exemplary in their respect to the portfolio committee. They would attend, and if they do not attend they will call us and send a letter to tender their apologies. We wish that as they continue to prosecute their responsibilities, they should continue to respect both the House and the committees, as they have been doing.

The Bill that is before us introduces the Ikamva National E-Skills. This is an initiative that came about after the department introduced the Bill. The committee accepted the Bill

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and published it in all 11 languages, and it was circulated to all provinces. Only four submissions were received and the committee entertained them. All of the submissions supported the enactment of this legislation.

The committee, having deliberated on the purpose and the objectives of the Bill, resolved to rework the Bill from scratch and produce the current Bill which speaks to the spirit and letter of both the policy and the Constitution.

At the onset it is fair that one thanks all members of parties that participated throughout the enactment of the Bill, and there happened to be only two parties, the ANC and the DA. The other parties did not attend.

What it means is that there is consensus in the enactment of this legislation. However, we know that Parliament allows members to participate and debate in the manner in which they do. We do indeed accept that arrangement by Parliament.

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The objective of the Bill is to provide for the promotion and development of the meaningful use of digital skills; to provide for the establishment of the Ikamva Digital Institute; to provide for the establishment and functioning of the institute; to provide for the establishment of collaborative laboratories, colabs, for digital skills; knowledge production; governance and training, amongst others.

This Bill is enacted in line with the ANC's 53rd and 54th conferences, with the aim of providing access and addressing the whole issue of inequality in access.

The question is, what does the future hold for us? In her address, the Minister gave us a glimpse of what the future holds for us in the digital space. We are told that digital life will be very disruptive. We will witness more machines speaking to other machines than people speaking to people. Technology will radically change our lives. You will be in a position to access the world from the comfort of your home at rapid speed. You'll run your business ... your farm from your office or from your

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house. For those who are in agriculture, you will be supplied ... about the moisture in your soil and thus be guided as to where you should have your plantation. Your child will be in a position to attend school anywhere else in the world where he or she decides to, sitting in his or her bedroom. You will activate devices from anywhere in the world.

For those in health care, it will transform the health environment. Vision will be turned into action. Your doctor, linked to the digital devices, will be in a position to pick up your heartbeat ... your body temperature from either your watch or from devices, prescribe medication and send a drone to deliver your medication.

So, our world will change. Indeed, when all these things happen, there are those amongst us who may be left out, and the purpose of this Bill is to seek to bring those of us who may not have had access to education ... digital knowledge ... to fast-track us so that we participate in this future that is already starting to unfold. Those people cannot be left behind. This

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Bill therefore responds to the outcry of those who were denied skills, those who are said to be unemployable, the youth, women in urban and rural areas.

The aim of the Bill is to equip millions of South Africans with skills to help them build an online presence, create content, acquire skills, understand web design, user experience, social media and development, including the use of indigenous languages for the digital space.

In order to reach this target and create meaningful impact, the Bill will improve employability and encourage entrepreneurship amongst the youth of our people.

The Minister has already spoken about colabs. This Bill envisages the creation of colabs in all nine provinces and in several higher institutions in our country. We have a university in almost every province that has a thematic area. For instance, Limpopo's thematic area will be e-health; North West's thematic area will be agritourism; the Western Cape's thematic area will

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be electronic inclusion; KwaZulu-Natal's thematic area will be the enablement of service delivery; the Eastern Cape's thematic area will be information communications technology, ICT, for rural development; the Northern Cape's thematic area will be technology and ... thematic ... in the knowledge-based economy; Mpumalanga's thematic area will be future digital integration and cyber security; and in Gauteng's Tshwane and Vaal universities the thematic area will be creative new media. The Free State ... which was only established last month, will decide on their thematic area.

South Africa is a diverse country, and providing mass level skills training that might just change someone's daily passion to learn, prosper and transform, cannot be achieved at an institutional level. It has to be approached at a community level. Therefore, these institutions working with community-based organisations and communities must bring about the changes that our people desire.

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In order to ensure that we gain access to the youth throughout South Africa's communities it was imperative to appoint these institutions, which I have already referred to, to facilitate learning around digital skills through the thematic areas that I have already alluded to. We understand that they have the scope and will therefore be in a position to carry out this project.

This initiative is indeed a response to the call that the ANC, through its elected representatives ... the ANC in its congresses ... have resolved to ensure that our people, the ... [Inaudible.] ... young and old, rural and urban, are able to participate in this unfolding environment.

We would also like to appreciate that only this week we learnt of the invitation for the establishment of the presidential commission for the Fourth Industrial Revolution which is in line with the 54th conference of the ANC.

I believe that those people who will come here to oppose the Bill will really be saying, our people should be excluded from

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participating in the future that is going to be with us for a very long time to come. I therefore call upon all members in the House to support the Bill in the best interest of the peoples of our country. I thank you. [Applause.]

Mr C MACKENZIE: Deputy Speaker, we have to reduce joblessness and grow the economy that is buckling for decades under the ANC misrule. This bill combines National Electronic Media Institute of SA, NEMISA, the e-Skill Institute of SA, and EISA, into a single entity and become the institute with well paid Directors with annual tax payer funded budget that they can allocate to their programmes of dubious value.

Our view is that they could have saved the R100 million a year simply by shutting this turkey down and wrapping it up in time for Christmas. You see, we have no idea ultimately, how much this entity will actually be taking from the budget in the future, as the self-sustaining model clearly isn't on the agenda. As the Business Case says this "institution is well

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positioned to receive a substantial percentage of the broad band infrastructure budget of the proposed digital development fund.

It hasn't been launched yet but the company is already in line cap in hand and begging bailouts stretched for their share of someone else's money. It's nice work if you can get it. Of the key roles identified in the Ikamva Business case namely leadership, in the digital environment research and policy development funding for approved programmes, delivery of training and e-skills capacity building

We believe that all of these can and should be situated elsewhere. Digital leadership should be housed in the department along with programmes and projects identification funding and policy development. E-Skills capacity building belongs in the Basic and High Educations Portfolios with interdepartmental collaboration a prerequisite and the private sector is meeting another object of the bill, the massification of e-Skills at quantity, quality and pace that leaves this quasi-autonomous non-governmental organisation, quango, standing in the dust

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Since 2017, Google has trained almost 132 000 people in South Africa, more than half of them its women. Microsoft, has targeted 1 million youth on its learn to earn programme, Sisco trained 10 500 in cyber security professional development this year and Boikanyo, a digital content producer for Digify Africa recently revealed that this social enterprises trained more than 85 000 young people in digital skills.

All of this whilst the ANC talks a lot about empowering youth, talks a lot about the Small Medium And Micro Enterprise Sector, SMME, development and entrepreneurship, talks a lot about reducing unemployment, talks a lot about education, but that's all it does, its talk because time and time again it fails to deliver on its promises. It fails because it has no fresh ideas, no new initiatives, and no original thinking, it fails because it has no clue how to address national imperatives of creating jobs because the reality is that when compared to other initiatives in the field ICT, digital training and application development, the Ikamva Institute and this bills fails, it stumbles and it falls short.

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There's no need for an expensive board and costly administrative structure with vanity project that are easily outclassed by the private-sector training and skills programmes. There's no need for an entity that is so mismanaged that they couldn't establish how much expensive equipment was stolen from their store in the recent break in because they didn't even maintain an asset register, there's no need for this bill. It's a bad bill, it's a drain on the fiscal. The state clearly can't do what the private sector do. The DA will not support this bill.

Ms E N NTLANGWINI: Deputy Speaker, what this bill intends to achieve not many can argue with. The fourth industrial revolution is upon us and if South African wants any meaningful role and ensures that we are beneficiaries, e-skills development is central. Like so many ANC legislations and policies this bill was not very well thought through and is limited by narrow thinking.

If we are able to use information, communication technology to our advantage it can be one of many tools with which we can

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achieve economic freedom and sovereignty as people of this nation

By the knowledge, the economy is based as much upon technology and the brains that produce it. There are so many things that can be done to secure our place as leaders and innovators in the fourth industrial revolution. Data cost need to fall and the internet made more accessible so that from an early age people engage with the internet and computers to develop a computer culture and basic skills, this is so that even before formal education children would have basic computer literacy.

Lower data prices will also encourage innovation. Secondly there needs to be a government protection and subsidies for the industries of the fourth industrial revolution, for every artificial intelligence, the internet of things, robotics, block chain and other information technologies

But if there's no e-skills development all other steps become worthless because all this comes from human intelligence and

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capacity that ideas, technologies, and innovations will fuel the knowledge and economic information will be coming from

The weakness of this bill and government's overall approach to information economy is they have very little understanding of what human and skills development means. In e-skills development government has placed nearly all focus and attention on post education and this bill is a perfect example of this.

The bill is intended to provide for promotion of development and meaningful use digital skills, so why only focus on post school education? In Rwanda, they are in a process of moving from Agrarian economy to knowledge based economy. The focus of the skills development has not been only post secondary level.

From the early 2000, there has been a clear plan to be put in place which includes creating data, and making computers accessible using technologies to address the country's challenges, but in terms of skills development, focus has been on school going children.

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The schools and their curriculum have been modernised and made more flexible and schools have also been reequipped so that learners have more experience in working with computers. However in South Africa, our basic education system is not preparing our children for the fourth industrial revolution and equipping them for with necessary skills.

The government's approaching to basic education is sabotaging the children of this country and our ability to be meaningful participators in the fourth industrial revolution. How can we expect children to have e-skills when over 11 000 schools don't even have computers. What are we trying to achieve here, whilst we acknowledge that the bill is meant to focus on post school e-skills development. It is narrow and misguided because the reality is that the government does not have a vision and capacity or meaningful development and human capacity for the fourth industrial revolution, however we do not object to any of the establishment of the digital skills institutes. Thank you.

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Prof N M KHUBISA: Hon Deputy Speaker, the NFP welcomes and supports this Bill. The Fourth Industrial Revolution is here at our door steps. The First Industrial Revolution was about the innovation of the steam and plate, an important role in ushering in civilisation and humankind progression and that was in the Eighteenth Century. The Second Industrial Revolution was about electrifying things as steam was not answering to all the questions and that was in the Nineteenth Century. The Third Industrial Revolution was about the internet and all things associated with it and it was in the Twentieth Century. The Fourth Industrial Revolution is characterised by a fusion of technologies that is blurring the lines between the physical, digital and biological spheres, collectively called the cyber physical system and this is also acknowledged by the Vodacom business Group Chief Officer William Mzimba.

Hon Deputy Speaker, no one can dispute the fact that e-skilling the nation is fundamental to addressing the major challenges and issues it faces. Through digitalisation we can better position ourselves as an information society and creative economy also

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known as knowledge economy. The information and communications technology, ICT devices and their application have gradually taken over in education, health, community government and personal and societal needs. Concepts such as e-commerce, e-business and e-public sector should now be the household words.

In 2013 the World Economic Forum global IT report which was tabled in 2014 on e-readiness indicated that South Africa dropped from the 47 place to the seventh place because of lack of affordability skills, individual usage, government usage and social impacts when compared to its global counterparts in the medium income group. The onus is an integration of three ICT skills development related entities, namely, the National Electronic Media Institute, Nemisa, the e-Skills Institute, ESI, and the Institute for Space and Software Applications, Issa, which was officially launched by the department in 2014.

Digitalisation has arrived and it is here for those in academia, the farming career, the medical profession, the business world and the schooling children. It is our hope that this Bill will

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contribute to employment, alleviation of poverty and bridging all the gaps and injustice that we have in our society. We support this Bill, thank you so much.

Nks N NDONGENI: Sekela Somlomo ohloniphekileyo, i-ANC, njengoko sisazi sonke, kunzima ukuhlangabezana neengxaki zobuhlwempu, ukungalingani, ukuphucula imeko yezozoqoqosho khona ukuze kuxhamle uluntu lonke nokwakha umbuso obeka phambili uphuhliso lwabantu. Konke oku kunzima ngakumbi kuba ubuxhaka-xhaka bezoghagamshelwano abufikeleli kumntu wonke. Ukuzama ukulungisa le ntsilelo, i-ANC iyenze yaba yenye yezinto ezibeke phambili nokulungisa urhulumente woMzantsi Afrika.

Iziko lemfundo lobuxhaka-xhaka boqhagamshelwano elibizwa Ikamva National e-Skills Institute liqulunqwa ngawo lo mzuzu. Eli ziko liza kudlala indima enkulu ekuziseni obu buxhaka-xhaka kumashishini asakhulayo, akwiindawo zabantu abangathathintweni nakwiindawo zabantu abangabaziyo ubuxhaka-xhaka. Loo nto iza kwenza ukuba nabo baxhamle kobo buxhaka-xhaka batsho bangene

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kwesi sigaba soKwanda kokuseTyenziswa kobuChwepheshe
kwezoShishino.

Iinkqubo zokusasaza ulwazi ngobu buxhaka-xhaka ziza kusingathwa
yindibaniselwano equka iiyunivesithi, iikholeji zezakhono,
izikolo, amaqumrhu angekho burhulumenteni, NGOs, njl. njl. Yonke
le nquleqhu ijolise kumntu omtsha ongasebenziyo, omdala,
amashishini asakhulayo kunye nabanemfundo enomsila
abangaqeqeshwanga ukuze baxhamle kolu lwazi lubaluleke
kangakanana kule mihla siphila kuyo.

Kuba sijonge ukuba olu phuhliso lusasazwe kuzo zonke iindawo,
hayi ezidolophini ezinkulu kuphela, loo nto iza kwenza ukuba
ngenene kuxhamle uninzi lwabantu kule nquleqhu ingakumbi uluntu
olusokolayo. Olu luntu luza kuthi lukwazi ukuba lusebenzise ezi
fowuni kuthiwa zi-*smart phones* kwakunye nokusebenzisa umnathazwe
kwezi ndawo zibiwa ii-*Wifi hot spots*. Ngenene konke oku kuza
kuba luncedo olungaphaya eluntwini.

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I-ANC ithi okuhle ngalo msebenzi uqulunqwayo kukuba iziphumo zawo sele zibonakala. Umzekelo, eMpuma Koloni apho ndisuka khona, kusungulwe iziko eliza kusetyenziswa, eliphambili ukunikezela ngezakhono zophuhliso lwamaphandle neendawo ezisokolayo ezingenazinkonzo - *under serviced areas*. Kule nquleqhu kukhankanywe i-Walter Sisulu University, Provincial ICT Working Group, i-Ofisi yeNkulumbuso yephondo, King Sabata Dalindyebo Tvet College, amaZiko oLuntu ka-USAASA kunye nezinye endingazibalulanga.

Abahlali basezilalini nolutsha olungasebenziyo baza kuxhamla. Kulo nyaka ophelileyo wodwa, abantu abangama-680 baqeqeshwe kula maziko. I-ANC ayinamona, ayinanzondo, iyawuthanda lo Mthetho oYilwayo kwaye iyawuxhasa. Nongenaye uMalusi - [matric certificate] noko uyangena apha. Enkosi Sekela Somlomo.

Mr X NGWEZI: Hon Deputy Speaker, science and technology play a pivotal role in our country. Our ever growing youth population strives and lives for new technology and innovations. Although there are many examples of sterling work done in the ICT sector

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which we may applaud and commend it is frustrating to note that so much more work can be done, especially when our rural young people find themselves at a severe disadvantage in terms of accessing programmes to lift themselves out of poverty.

In a continuously globalising world which is making scientific and technological advances everyday it goes without saying that South Africa must be at the forefront of innovation. We can no longer rely on our mineral resources as being the backbone of our economy. In this regard, this Bill becomes very important to bolstering our efforts and improving our conditions. In terms of technology innovation, we are lagging far behind other countries in developing technology industries which translate to jobs as we are at infants stage with regards to the much talked about, Fourth Industrial Revolution.

IsiZulu:

Inkatha, Sekela Somlomo, iyaweseka loMthethosivivinyo. Siyabonga kakhulu.

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Ms M R SHINN: Hon Deputy Speaker, 47% of South Africans over the age of 15 do not use the Internet. That is most of our potential workforce. They do not know how to search for information that will empower them. They do not know because they lack digital literacy. They are not exposed to the Internet because they cannot afford the devices or the data to use its services. They have no conception of what the Internet can do for them.

They are few applications, Apps, in their languages, few Apps that are relevant to their existence. These fellow citizens are mainly poor, live in rural disadvantaged areas and are likely to have been shockingly educated. With this ANC's government perpetual failures to bridge the digital divide our fellow citizens are sleeping further and further behind us. The digital exclusion will have dire consequences for our society.

A grand vision to use technology to leapfrog our excluded impoverished citizens into digital empowerment was behind the establishment of iKamva. Its intensions were and still are noble. A decade ago a conference was held to launch the idea. It

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drew expertise and funding from around the world. The ambitious ideas, global research and good will poured in. At its peak of development 18 stakeholders and 16 global development organisations contribute to its foundation.

Three existing state entities were merged to drive a multistakeholder collaborative network. They would partner with universities, Technical Vocational Education and Training, Tvet, colleges, NGOs, corporations, global development organisations to research, develop and deliver leading edge courses that will fast-track our people into the digital era.

So, what went wrong? Government inertia took over. Instead of becoming a dynamic catalytic partner for the private sector it saddled three dying entities with the task they have muddled along. More productive ideas are coming out of the department's Internet for all scheme in which corporations of funding and driving digital skills development most of it without taxpayer funds.

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Today we have iKamva asking for a budget of a R100 million just to exist. It will not have enough money from its budget to implement all of its initial plans. It expects this to be, apart from wishful thinking from the digital development fund that is yet to be formed. It expects to be funded from stakeholder donations. By the way who are these external stakeholders? I cannot tell you because not one of them showed any interest in attesting to Parliament, either through written or personal submissions that iKamva was a critical or valuable entity that they wanted to support. They just did not care enough and maybe they did not believe in it. So, why should the taxpayer?

[Applause.]

Ms D R TSOTETSI: Hon Deputy Speaker, we are always loud when there is fruitless and wasteful expenditure and equally so, we must be loud when the department does well. Let us applaud the department for applying austerity measures and merged iKamva National e-Skills Institute, Inesi, formally the National Electronic Media Institute of South Africa, Nemisa, to form iKamva just dealing with duplications an exercise that is so,

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costly and have adverse implications to the resources that are so scarce.

The also considerate of a high rate of unemployment particularly among young people, educated, skilled and unskilled up to ordinary labourers. They may not have skills but their labour contributes greatly to the growth of the economy in the country. Therefore they must not be undermined. Ikamva is there to empower workers as well. It is a vehicle that will take us to the destination a continuous journey of course, to the land of job opportunities as people will be skilled in the digital revolution. We appreciate the progress in the technological innovation. Although innovation comes with the good and the bad, the Bill of Rights is not adhered to; we have no privacy any more.

Sesotho:

Batho ba leka ho beha molato ho mmuso le moo ho sa hlokahaleng teng.

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English:

Today they talk about the unemployed youth and many unemployed people.

Sesotho:

Empa ke bona ba entseng maemo ao.

English:

When government insist that people who are in the country, should have relevant papers ...

Sesotho:

... bona ba hira batho bao eleng hore ha ba tshwanela ho ba ka hare ho naha ba sena mangolo. Ha batho bao ba se ba batla meputso ya bona, ba llela ho mmuso. Empa kajeno, ke bona bareng mmuso ha o kgone ho etsa mesebesti. Ha bo rafeme ba sa kgone ho laola melao e teng ka hare ho naha e buellang basebetsi re tseba hore mmuso wa rona o sebetsana le di "trade union" hore meputso ya basebetsi e be e bonahalang ba hlompuwe le mesebetsing ya bona ba nka qeto ya ho fokotsa basebetsi. Ha ba se ba fokoditse

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batho mesebetsing ebe bare haesale mmuso wa ANC o ba teng batho ha ba sana mesebetsi empa e le bona ba lelekang batho hobane basa batle ho lefa batho ka tsela e tshwanetseng.

English:

It is unfortunate that we talk about the opportunities for young people, to acquire skills when people are fighting for votes and to govern South Africa. So, they will say all sorts of accusations. Young people out there grab the opportunities. It is not the first of its kind, but the ANC-led government has already delivered a lot to make your life better. Do not trust chameleons, they only want your votes and definitely not you.

We appeal to employers to support the initiatives to skill workers as we all stand to benefit. Young people, especially those who passed matric, but have no skills, those who failed matric and those who did not complete their high school, iKamva CoLabs are there for you.

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Women have been isolated in the digital world and in other main opportunities together with the disabled people. Ikamva is there to narrow the gap of inequalities. Small, Medium and Micro-sized Enterprises, SMMEs, will save a lot of money to digital skills and will reduce greatly. The costly trips to wholesalers just to check prices, it is so inclusive, it is not lip service it is happening. Ikamva is of course fresh ideas, hon Mackenzie.

The committee has addressed all that comes with iKamva e-Skills. All members who make it their business to attend committee meetings will attest to that. Even mobile operators know our endless fights regarding the cost to communicate. We do oversight to check whether schools, clinics and all government institutions are connected.

Last week we had public hearings on Electronic Connection Amendment Bill. Out of the hearings we can attest and announce that a big telecom company has committed to work with the Department of Basic Education and it has pledged R14 million to assist the Early Childhood Development, ECDs, and it is not in

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the interests of the ANC government to see the perpetuation of the unskilled and uneducated people, young and old. For that reason, the government has put in place programmes such as the adult education that is Adult Basic Education and Training, Abet, vocational training and of course iKamva Digital Skills Institute. Over and above, there is no age limit in education. During their reign of terror it was in their interests to see the escalation of unskilled and illiterate young people in order to abuse their labour and maximise their profits.

The children of farm workers were not allowed to go to school, but work in the farms with their parents. Cheap labour was the order of the day. We applaud one or two farmers who have seen the light and support government initiatives to skill young people and the SMMEs of course.

We know progressive work people who understand and support the Freedom Charter. That is South Africa belongs to all who live in it black and white. They are treated as enemies of white communities. Some of them have been killed for believing in the

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Freedom Charter. The anti-apartheid movements both in the country and internationally can bear witness to that. The greatest weapon of the enemies of democracy is divide and rule. They grouped black people against each other.

Chairperson in conclusion, iKamva Digital Skills Institute will ensure the rightful owners of the land acquire relevant skills to toil their land and ensure each according to need. We support this Bill. Thank you. [Applause.]

The MINISTER OF COMMUNICATIONS (on behalf of The MINISTER of TELECOMMUNICATIONS AND POSTAL SERVICES): Thank you, Deputy Speaker. On behalf of the Minister of Telecommunications and Postal Services I want to say that we note the concerns of the hon members. We will come to the inputs that have been made that seek to make sure that this Bill indeed receives what it is supposed to receive.

Most importantly, I just want to respond to the hon Mackenzie and to the hon Shinn just to invite them to visit the CoLabs. I

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know they are members of the portfolio committee. When we come here as the department and make reports to the House to say, "These are the people that we have trained", we don't want you to just listen to us. We want you to go out there and see how we spend the taxpayer's money. I am literally not shocked by that response that says that there is no need for the taxpayer to fund the skilling of our people in readiness for the Fourth Industrial Revolution, because if you can't give them land I don't expect you to want them to be trained and get ready for the Fourth Industrial Revolution. Land and digital skilling go together. When we say we want the land, we want it with everything in it, and therefore it means that we must put our people at the centre. If it means that government has to pay for them to be digitally trained, then, yes, we will do so as long as this Parliament approves that.

The hon Mackenzie goes to the extent of mentioning the numbers and the figures that have been trained by Microsoft and Google. Hon Mackenzie, you would think that this is of your own making. But let me tell you: it is because of the partnership that

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Minister Cwele signed via the programme that is called "Internet for All". Let's not come here and claim easy victories, whilst trying to demoralise the poor that has hope in this government because of what they have seen. Thank you so much, hon members. [Applause.]

Debate concluded.

The DEPUTY SPEAKER: Hon members, let's repeat the question of the Bill. The question is that the iKamva Bill be agreed to. Any objections to that? [Interjections.] No objections. Agreed to. The Secretary will read the Third Order ... Oh, sorry, the Fourth Order.

The SECRETARY: iKamva National e-Skills Institute Bill.

The DEPUTY SPEAKER: The Secretary will read the Fourth Order. [Interjections.] What is it? [Interjections.]

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Hon members, I realised that we moved too quietly for your liking, and I don't understand why you are not listening in the first place. You're privatising your own conversations.

[Interjections.] No, no, no. What I am telling you is that you've been sleeping on the job. [Interjections.]

Hon members, I'll put the question again. Those in favour will say "Aye".

HON MEMBERS: Aye.

The DEPUTY SPEAKER: Those against will say "No".

HON MEMBERS: No.

Mr M WATERS: Is this the Bill?

The DEPUTY SPEAKER: The ayes have it. We've been discussing the Bill. What is the reason for your question?

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Mr M WATERS: You're supposed to put it ... [Inaudible.] ...
Deputy Speaker ...

The DEPUTY SPEAKER: No, no, no. Don't go there.

Mr M WATERS: The DA calls for a division. Thank you.

The DEPUTY SPEAKER: Five minutes; a division having been called.
Don't take chances here.

Question put: That the iKamva Digital Skills Institute Bill be
read a second time.

Division demanded.

The House divided.

[TAKE IN FROM MINUTES.]

Question agreed to.

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Bill accordingly read a second time.

PROPERTY PRACTITIONERS BILL

(Consideration of Report of Portfolio Committee on Human
Settlements)

There was no debate.

IsiZulu:

USOMTSWEBHU OMKHULU WEQEMBU ELIBUSAYO: Sekela Somlomo, sicela ukuthi leNdlu ehloniphekile yamukele lo mbiko waleli komidi. Siyabonga.

Motion agreed to.

Report accordingly adopted.

PROPERTY PRACTITIONERS BILL

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(Second Reading debate)

The MINISTER OF HUMAN SETTLEMENTS: Deputy Speaker, hon members, ladies and gentlemen, this much-anticipated Property Practitioners Bill being introduced today seeks to repeal the Estate Agency Affairs Act of 1996. The Property Practitioners Bill aligns the legislative environment with the new constitutional and democratic dispensation, and is geared to:

Address the historical imbalance in the property market created by the legacy of apartheid;

To create conducive environment for increasing both investment and inclusiveness; Maximise opportunities for accessing and participating in the market by the previously disadvantaged individuals and companies through a specific chapter on transformation measures and programmes in the Bill;

Strengthen the capacity building of emerging property practitioners and enforce the monitoring mechanisms and creating an effective and efficient regulatory framework for the

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marketing, financing, management, purchasing and the sale of property.

It establishes the Property Practitioners Regulatory Authority – the successor of the Estate Agency Affairs Board – to increase access and opportunities for the participation of black people through the establishment of a transformation fund to serve as a vehicle to facilitate transformation in the sector, supported by a research centre and reduce the barriers to entry of small and emerging agencies by creating a special dispensation to waive the submission of audit reports, and establishment of trust funds for small and medium companies. Our government believes that strengthening the property sector is critical to propel meaningful changes in people's lives. While over the last 40 years, the world and the country has changed, including the transition to democracy in our country – this sector is stagnant and its growth prospects sterile. The opportunities in this sector are too important to ignore. The combined asset value that underpins this industry is over R7 trillion, and it contributes between 6%-8% of the GDP. More importantly, it

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employs about 468 000 people annually, and for every one million rand investment in the sector creates about 11 jobs for capital expenditure, or five jobs in the operational segments are created.

There is no doubt that the need to stimulate this sector is critical for growth and employment. Thus the new Bill proposes to make the sector more investor friendly, competitive and inclusive. More importantly this Bill is necessary to revitalise and transform the property sector, and seize the opportunities to create jobs, empower the designated groups and to address the imbalance in this sector to benefit society as a whole. I thank you very much.

Ms N N MAFU: Hon Deputy Speaker, South Africa's property market remains largely untransformed and is not reflective of the country's demographics in a democratic dispensation. In February 2017 the Presidency highlighted that the property sector in South Africa is not inclusive and is not representative of the country's demographics. Instead, South is characterised by a

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R6 trillion property market where only less than 5% of the sector is owned or managed by black people.

The Department of Human Settlements holds that the Property Practitioners Bill is a piece of legislation that will progressively carve the road towards transforming the property industry in our country. Apart from transforming the sector, the Bill is also aimed at regulating the work of property practitioners, provide for the continuation of the Estate Agency Affairs Board as the Property Practitioners Regulatory Authority, provide for the appointment of the members of the board, provide for the appointment of the members of the board, provide for the establishment of the research centre on transformation, enable the continuation of the Estate Agents Fidelity Fund and make sure that there is consumer protection as well as repeal of the Estate Agency Affairs Act of 1976.

The Property Practitioners Bill also recognizes that:

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a healthy property market is a national asset that restores dignity of all South Africans through the basic constitutional right to ownership of immovable property through security of tenure, property is a asset to enhance economic activity, growth and development, there are distortions within the property especially the secondary property market and, transformation of the property market will benefit the country as a whole.

In order to address the above, Parliament through the work of Portfolio Committee on Human Settlements, undertook countrywide engagements on the Bill to ensure that it caters and responds to the real needs of our people within and around the property sector.

Introduced in the National Assembly on 14 June 2018, the Property Practitioners Bill has undergone robust engagement and reflection which began in Parliament on 26 June 2018 until its adoption by the portfolio committee on 20 November 2018. What remains now, is for this House to vote for it and for it to be

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sent to the National Council Of Provinces, NCOP, and I know you are going to do it.

Submissions from a wide range of stakeholders in the property, financial and legal sectors were considered and deliberated. These includes inputs from but not limited to, The Mortgage Origination Council of South Africa, The Council for Debt Collectors, The SA Institute of Chartered Accountants, The Banking Association of South Africa and the SA Property Owners Association.

It was very encouraging to witness so much effort and desire from our people to want to participate in ushering change within the property sector in South Africa. A prime example is the robust conversation that the committee has had with the academics in the Eastern Cape and Gauteng who made very comprehensive submissions on the Bill.

They advanced that there must be explicit information regarding the transformation imperatives of the Bill. They held that there

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should be checks and balances on the sector performance which required a re-think on the monitoring and evaluation capabilities.

As the Portfolio Committee on Human Settlements, we are pleased that we were able to heed the call and ensure realization of property sector transformation priorities that will pursue meaningful participation in the property sector.

We are honoured that we have been able to actively and meaningful involved in pursuing the wishes of the previously disadvantaged individuals, cultivate the demographic distribution of skills that determine the resilience in the property sector and advancing inclusive and accessible curriculum development within the sector.

IsiXhosa:

Siyabulele kakhulu kumalungu ekomiti kuba ukutshintsha iimpilo zabantu zibengcono yinto ebalulekileyo kakhulu kwi-ANC, ngoko ke ukuvotela iANC kubalulekile kubantu boMzantsi Afrika ngakumbi

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kwabo bangwenela ukubona uMzantsi Afrika ongcono oqhubekela phambili. Impilo, kunye nabantwana bethu kubalulekile ukuba sibashiye nelizwe elikhululekileyo elizakububhekisa phambili ubomo babo. Kubalulekile ke bantu boMzantsi Afrika ukukhumbula ngalo lonke ixesha ukuba xa sithetha ngemiba kunye nezinto ezibalulekileyo, awukho umbutho okwaziyo ukujongana nani ngaphandle kombutho weSizwe.

Kubalulekile ke ukuba ningayenzi impazamo. Kulonyaka uzayo wama-2019 awukho omnye umbutho enizakukwazi ukuwuvotela ngaphandle kwe-ANC, umbutho okwaziyo ukuthatha iimpilo zenu uzenze ngcono. I-ANC iyawuxhasa lo Mthetho-oYilwayo. Enkosi.

IsiXhosa:

Mnu M R BARA: Sekela Somlomo ohloniphekileyo masibulele.

English:

We welcome the Bill as it seeks to ensure that there is inclusivity in the property sector. The repeal of the of Estate Agency Affairs Act 112 of 1976 is long overdue, this is an

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indication that the slow pace of the ANC- led government in improving people's lives is not as important as it when they ask for votes. We therefore want to say that as the DA, we support any initiative that seeks to promote inclusivity in the economy and in that way open up the sector for people to be able to open up their and promote small businesses.

IsiXhosa:

Siyayazi kukho le nto kuthiwa yingxowa-mali yenguqu kushishino ngezindlu, sifuna ukuyigxininisa into yokuba leyo yindlela elula yorhwaphilizo. Sizakuyijonga ke lo nto ngeliso elibukhali ukuze siqinisekuse ukuba abantu bakuthi imali ebizwe ngabo iyafikelela kubo ukuze bancedakale. Into eza kwenzeka kukuba izakutyiwa le mali ngamagosa asebenza ngayo, inikwe izihlobo kunye nabahlobo kube mnandi.

Sifuna ukuthi kuwe Mphathiswa, sikunika uxanduva lokuba uqinisekise ukuba le ngowa-mali yenguqu iyayenza into esekelwe ukuba iyenze ukuphucula iimeko zabantu bakuthi. Ukusuka apho ...

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English:

...we do support the fact that there will be exemption granted for...

IsiXhosa:

...abantu abanamashishini asakhasayo, kuba lo mcimbi akhawunti yasebhankini yeshinini efuneka kumntu wonke ukuze akwazi ukusebenza iyabavalela abantu abaninzi. Lo nto ithetha ukuba amaxesha amaninzi xa sicinga ukuba abantu siyabavulela ngamanye amagama siyabavalela. Esi siphakamiso sithi, nayipni na inkampani eyenza imali engaphantsi kwe R2, 5 yezigidi akunyanzelekanga ukuba babe nolu hlobo lwe-akhawunti yasebhankini, siyasamkela.

Sitsho sisithi kuza kufuneka siqinisekise ukuba iQumrhu lohishino ngezindlu (EAB) liyawenza umsebenzi ofunekayo kuba amaxesha amaninzi siyawuqulunqa umthetho emva koko singababhexeshi aba bajongene nokuba makwenzeke oko. Loo nto ithetha ukuba iMithetho eYilwayo iphela ingakwenzi okufanele ukwenziwa.

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English:

The other point to that Deputy Speaker is that, the resource centre should drive the innovation and up skilling property practitioners. We also welcome the move to have the fidelity fund certificate being valid for a maximum of three years.

IsiXhosa:

Ubuvila ke babasebenzi kukuba abantu benze zonke izinto ezifunekayo, bafake onke amaphepha kwaye bahlawule iimali ekufuneka bezihlawule kodwa basebenze ngaphandle kwezatifikethi okanye bangasifumani ekubeni bezenzile zonke iimfanelo. Siyalamkela eli phulo lithi kufuneka ivulwe kangangeminyaka emithathu ukwenzela ukuba abantu basebenze. Okunye okulandelayo kukuba urhulumente adlale indima yakhe ngokuthi kungabikho imithetho njee libe lingaxhaswa elo shishini ukuze likwazi ukuqhubela phambili. Zininzi izakhiwo zikarhulumente ezimileyo kwaye abantu bakuthi bengakwazi ukufikelela kuzo.

English:

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You are as good as a property practitioner with the sales you make, if you do not make sales, you are nothing. This sector pays based on the money that you make, on commission as it were.

IsiXhosa:

Amasebe karhulumente mawaqinisekise ukuba izakhiwo ziyancedisa ekubeni abantu bakwazi ukusebenza, benze ingeniso ukuze bakwazi ukondla iintsapho zabo. Ngalo mazwi siyawuxhasa lo Mthetho oYilwayo. Enkosi.

Ms N K F HLONYANA: Hon Deputy Speaker, the property industry in general, and the estate agency industry in particular, represents the worst of what we have inherited from colonialism and apartheid. This property industry has been reluctant to transform, and radical legislative reforms are required to drag this industry kicking and screaming into a democratic South Africa.

In 2009, the Estate Agency Affairs Board indicated that only 8% of the more than 50 000 Estate Agents registered in the country

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were black. But the Real Estate Business Owners of South Africa reported that last year this figure was less than 5%, and that residential sales market is undoubtedly dominated by white agents.

There are many barriers to entry into this industry, but the most important of all is race. It is race which mediates inclusion and exclusion.

The Bill has enormous potential to effect significant transformation in the sector and we welcome the efforts to better regulate property practitioners to ensure more effective and equitable functioning of the residential property market. But in so doing, the Bill must not introduce more red tape for aspiring participants in the industry.

The requirement that all property practitioners must be registered and obtain a Fidelity Fund certificate and pay fees to the Fund, and must also open and maintain a trust account, may be a tad too much for emerging practitioners. This could

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have been done on a sliding scale, and at least eliminate the requirement for a trust account for new entrants.

Secondly, we welcome the broad definition of the property practitioner, but we are adamant that specific attention must be paid to property valuers. These valuers have in the past colluded to milk the state dry when it comes to valuing land for land reform purposes. They have colluded with white landowners and fooled the state into paying more than the market value for the land. There must be more stringent regulations to hold them to account. To this end, we welcome the proposed establishment of a Property Practitioners Ombudsman.

Lastly, this Bill made no provision for the massive changes that will be brought about by the amendment of section 25 of the Constitution to allow for land expropriation without compensation.

The amendment will have significant impacts in that manner property practitioners conduct their businesses. Going forward,

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valuers must learn to value property other than land, because soon land will be a public resource under the custodianship of the state.

Despite the minimal objections we have to the Bill, we are in general support with its intention, and we shall ensure that its implementation will benefit the majority of our people.

Therefore, the EFF support the Bill. Thank you. [Applause.]

Mr K P SITHOLE: Hon Deputy Speaker, at the outset, this Bill presented to amend the term "estate agent" and to substitute it with "property practitioner" and thus expanding on the definition to include various other participants to which the IFP agreed.

The IFP supports the fact that the new Bill preserves the spirit of the existing Act that repayment of remuneration unlawfully earned by a property practitioner must be made, and going one step further in requiring that any remuneration earned by a property practitioner whilst not in possession of an Fidelity

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Fund Certificate must be refunded to the person who provided the remuneration on demand.

The establishment of the property sector research centre is an important inclusion because there is a need for a centre of knowledge to ensure that the generation of new knowledge which translates into socioeconomic benefits. We support transformation in the property sector, particularly for the Minister to facilitate the accessibility of finance for property ownership, property development and investment. We need to enable meaningful participation of historically disadvantaged individuals, including people with disabilities, women and children.

The majority of practitioners and stakeholders in property remain largely white and the poor previously disadvantaged need to be granted access to opportunity to become a part of the sector.

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This Bill is important because the Act in its current form does not assist to meet the needs of all South African communities and therefore the insertion of the words "rural and land reform" was included as to include people with expertise in rural land development because we believe the scope of this Bill need to include everyone. The IFP do support the Bill. Thank you very much. [Applause.]

Mr M L SHELEMBE: Hon Deputy Speaker, buying a house is probably the largest single investment that the average South African will ever make in a property market with a value of almost six trillion Rand. We believe the Bill will contribute to the much needed transformation of this important sector of our economy through regulation, participation and inclusion.

Firstly, we are encouraged by the creation of an independent Property Practitioners Regulatory Authority that will regulate the conduct of not only of estate agents, but also of bond brokers, home inspectors, property managers and developers.

Widening the definition of property practitioners will assist in

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effective regulation of the sector and allow for a coordinated, equitable and uniform approach to steering the sector towards increased consumer protection.

Secondly, the NFP has always maintained that one cannot be a player and a referee at the same time, and for this reason, we also welcome the establishment of the Property Practitioner's Ombud Office to deal with the public complaints. This is an important development as it takes the responsibility for consumer complaints away from the regulatory authority and vests it in an independent body, as in the case of financial services industry. This step extends consumer protection significantly and is aligned with the objectives of the Bill.

In addition, the NFP welcomes the provision made for the establishment of a transformation fund which will encourage and expedite the transformation of the sector and encourage the participation of more black professionals.

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In 2017, a mere 5% of property practitioners were black, and NFP believes that this skewed representation should change without further delay.

Finally, the vast majority of our people have historically been excluded from the property market, but that is changing fast. We believe that the adoption of the Bill is necessary to expedite much needed transformation in this sector so that it will reflect the rapidly changing face of property ownership in our country, and accommodate the needs of those who are entering the property market after generations of access denied.

In conclusion Deputy Speaker, the NFP support the adoption of the Practitioner's Bill as tabled here today. I thank you.

[Applause.]

Mr L P KHORAI: Deputy Speaker, Ministers, Deputy Ministers, Members of Parliament, ladies and gentlemen, transformation is an essential element of changing the socio-economic dynamics and the structures of any country embarking on journey for

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transferring the means of wealth, addressing the past imbalances and improving the equality of life for all. Changing the patterns of ownership, participation and management within industries lies at the centre of the ANC's transformation agenda. This change will be achieved through ensuring meaningful participation of black people with regards to the ownership, control and management of the economy.

The Property Practitioners Bill has undergone a wide range of engagement to ensure that its objectives of inclusivity are achieved. The Bill was presented on the Social Protection, Community and Human Development, SPCHD and Technical Working Group, TWG on 19 April 2016. The TWG gave support for the Bill to be presented before the SPCHD Cluster of Directors-General. Furthermore, the Bill has been presented to NEDLAC.

A Socio-Economic Impact Assessment System, SEIAE was conducted on the Bill. A SEIAS and quality assurance sign-off form granting permission to the department to proceed with submission of the Property Practitioners Bill to Cabinet was obtained. Some

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critical issues are noted within the Bill. The Property Practitioners Bill seeks to establish a Property Practitioners Regulatory Authority, provide for the appointment of the Board of the Regulatory Authority, and provides for other matters connected therewith.

It also seeks to put in place better monitoring mechanisms as compared to the current Section 32A of the Act which provide inspectors with wide powers of search and seizure on premises without proper authority. The Bill now requires that inspectors obtain a warrant to enter premises. The issue of Section 32A has been a bone of contention and escalated to the Constitutional Court as reflected by the judgment of Auction Alliance and the Estate Agency Affairs Board, EAAB. We are confident that the Bill will now assist government to achieve the outcome of improving the functioning of the property market which includes regulating the buying, selling and renting of land and buildings.

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Furthermore, the Property Practitioners Bill will assist to meet the needs of the South African communities and also accommodate the dynamic needs of the real estate industry. Some of these needs include encouraging the participation of the youth, women people with disabilities and the previously disadvantaged; increase the total number of industry participants; promote monitoring of estate agency matters; buffer possibilities of the abuse of client's funds; and respond to issues related to unregistered estate agents.

We are confident this can and will be addressed through effective implementation of the Property Practitioners Bill.

Sesotho:

Ba ahi ba Afrika Borwa ka kakaretso, haholo rona batho ba batsho, bo rantsho, ha re tsweleng pele ka ho kgetha le ho tshehetsa mokgatlo o pusong hona jwale selemong se tlang sa 2019, mokgatlo wa ANC. Re tle re kgone go tswela pele ka leano la bophelo bo botle ho batho bohle ba Afrika Borwa ka kakaretso

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haholo batho ba phelang ka bofuma. Re re bohle, kgethang ANC ka 2019.

English:

The ANC supports the Bill. I thank you. [Applause.]

Mr M S MALATSI: Deputy Speaker, the book of Ecclesiastes states that to everything there is a season and time to every purpose. In politics, there is time for sectarian interest and there is time for bipartisanship. There is time for propaganda for some and there is time for the truth. There is time for differences and there is time to show leadership and what the committee did with this Bill was to show leadership.

We believe that this Bill is a necessary intervention because it enhances inclusivity in an industry that lacks such. The reality of the situation is that the real estate agency industry isn't reflective of the diversity of our rainbow nation. The same old big players continues to prosper while the new potential entrance in the market are locked out of opportunities because

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the government has failed to create the enabling environment to support those new players into the float.

The prospect of any industry to grow relies on its ability to create space for new players into the market and in order to achieve this you need the government to provide support for previously disadvantaged entities in order for them to compete but also thrive. But be that as it may, the fact that we are only repealing the Estate Agency Affairs Act of 1976 now, following a ruling by the Constitutional Court after the estate agency lost a case shows now again that the ANC can only do the right thing when the court forces them to do so. [Applause.]

However, the Bill will eliminate inequality in this industry if it is implemented well. And this is why as the opposition we will play our role to make sure that we hold the Minister, the agency and all the practitioners accountable for their conduct. And this is why we welcome the extensive code of conduct because in reality, for too long in the industry, unethical practices

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and discriminatory practices have allowed to take place without proper circumstances.

Minister, we will be keeping a close eye on the management of the transformation fund so that it does not become one of the many sludge funds in the government that finances and bankrolls gallivanting crooks, cronies and comrades. We will robustly hold you accountable to make sure that you don't abuse your powers in appointing people to the board because dysfunctional boards will lead to the collapse of this entity. We will also make sure that as imperfect as the Bill is, should the need arise we will propose the amendments so that it continues to reflect the intervention that the industry needs. And if needs be, we will take you to court when that need arises.

But in closing, I would like to acknowledge the role that the Chairperson of the committee played in ensuring that all the inputs of the stakeholders have been incorporated in this Bill. For as long as it took and as much as we differ robustly on some aspects of the Bill, the Chairperson made sure that the

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environment in the committee was to incorporate the input that we did. And it is not surprising that all of the parties that have come here, we have reached one position because we played a contribution in enriching this Bill despite its imperfections. Thank you very much. [Applause.]

Sepedi:

Moh M F NKADIMENG: Motlatša Seboledi sa Ntlo ye e hlomphegago, Matona le batlatši ba wona, maloko ao a hlomphegago le baeng ba rena, ke a le dumediša. Motlatša Seboledi, lehono ke rata gore ke mogo botse ebile go a kgahiliša ge maloko a Ntlo ye a dutše mmogo gomme ba dumelelana ka ditaba tšeo di tlo hlabollago maphelo a batho ba gaborena.

Modulasetulo, re boledišana mo ka taba ya Molaokakanywa woo e sale o beakanywa bogologolo ka 1976. Go wona phetogo ke namane ye tona gomme e swana le kgomo ye e tswaletšego mphorogohlong wa dithaba e gana ge badiši ba yona ba tšea mohlana wa yona.

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Bana ba thari ye ntsho le lehono ba sa swere ka thata tabeng ya tekatekanyo thekišong ya dintlo le mafelo a go dula. Mmušo wo o etilego pele ke ANC o kodumetše gomme o netefatša gore le bona ba tšea karolo kgwebong ya thekišo ya dintlo le mafelo a go dula.

English:

Hon Deputy Speaker, transforming the property industry forms part of the ANC's broader transformation agenda of dismantling South Africa's currently unequal economic structure and configuring an economy that distributes wealth to all, free of any racial biases. Changing the property relations in South Africa has been the preoccupation of the ANC-led government for a long time.

This commitment is marked by the adoption of the Property Sector Charter in 2007 by the Department of Public Works. According to then Minister, the purpose of the Charter is to be a guiding document on transforming the property sector through ensuring

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effective and meaningful participation of black people including women, youth and people living with disabilities.

The ANC's 2012 National Executive Committee, NEC, meeting resolved that more focus should be given to estate agencies and the need for decisive action to be taken to ensure that South Africa is home to a property industry that is inclusive and involves the participation of black people. Transformation of the property sector was further noted and prioritised in 2012 by the Department of Human Settlements which highlighted the need of fast-tracking transformation in the property sector which was characterised by 5% ownership by black people within South Africa's 4000 estate agencies.

As a result, a youth training project spearheaded by the Department of Human Settlements was launched in conjunction with the Estate Agency Affairs Board in 2012. The objective of this training programme is to transform the property sector and make it a more attractive industry for the South African youth.

Central to the achievement of this goal is the Estate Agency

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Affairs Board's, EAAB, role in the one learner-one estate agency programme which involves the creation of learnership and internship opportunities for 10 000 youth across the real estate sector.

This programme was characterised by the recruitment of 3 300 entrants graduates and school leavers, each year between April 2004 and March 2017. Apart from the launch of the transformation-linked programme, the structural changes undertaken in 2012 of relocating the Estate Agency Affairs Board from the Department of Trade and Industry to the Department of Human Settlements, marked an effort to stabilise the agency, ensure alignment and focused approach towards achieving transformation in the property sectors.

Similarly, the resolutions made by the ANC at the 2015 NEC Lekgotla reiterated the need for comprehensive analysis and review of the current policy instruments to help ensure access and inclusive participation of all in the property and construction sectors. The commitment and effort to transform

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South Africa's property sector is also evident within chapter 4 of the Property Practitioners' Bill.

The transformation chapter provides for the establishment of the property sector transformation fund, Property Sector Research Centre and enables the exemption of property practitioners from keeping accounting records and trust accounts. If applied and complied with diligently, we are confident that this piece of legislation will have positive impact in our country.

Sepedi:

Motlatša Seboledi, ke dira boipiletšo setšhabeng sa Afrika-Borwa ka bophara gore se se gakantšhwe ke bomabina go solwa bao ba tlogo tla go bona bjale ka dinku tše di ikhupeditšego ka matlalo eupša ka gare ga bona go se bose. Ke dira boipiletšo setšhabeng gore ka 2019 ba tsoge ka makata a namane ba yo bouta, ba boutele mokgatlo wo o ba ntšhitšego bokgobeng wa ba iša Kanana - mokgatlo wa ANC. Montshepetša bošego ke mo leboga bosele.

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Ke rata go ya go bašomi-ka-nna mekgatlong ya DA, EFF, IFP le NFP.

English:

Hon Bagraim, thank you so much for supporting this Bill.

Sepedi:

Lehono ke taba ya moswananoši; ga e ke e direga. Re a e loboga. E bontšha gabotse gore o tseba bohlokwa bja se le bohlaki bjo batho ba gaborena ba phelago ka gare ga bjona.

English:

Hon Hlonyana, I thank you very much.

Sepedi:

Ke be ke gopola gore o tlo fiša o be o tonye. Ke be ke se na nnete.

English:

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So, you disappointed me by supporting the Bill. Thank you very much.

Hon Sithole, as usual, you supported the Bill again.

Sepedi:

Mohlomphegi Shelembe, re a leboga, papa. O tate, o tseba bohlaki.

English:

Hon Malatsi, with all the important contribution that you have made, thank you very much for supporting the Bill. The ANC supports the Bill. [Time expired.]

IsiXhosa:

UMPHATHISWA WESEBE LEZOKUHLALISWA KOLUNTU: Sekela Somlomo ohloniphekileyo, ndifuna ukuthabatha eli thuba ndibulele onke amalungu ale Ndlu athe athetha apha exhasa loMthetho oYilwayo. Kucacile ukuba mninzi umsebenzi owenziweyo ngalo Mthetho oYilwayo, ukuze side sibe sifikelele kule ndawo. Ndifuna

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ukuwathembisa amalungu athethe athi, ukuba alukho utshintsho bazakukhomba mna. Ndiyaniqinisekisa ukuba eyona nto besiyenza kuloMthetho oYilwayo besifuna kubekho utshintsho ukuze kuvuleke iminyango namathuba kubantu ekukudala becinizelekile. Ngoko ke, ukuba awusebenzi lo Mthetho oYilwayo, ndiyaniqinisekisa ukuba uza kutshintshwa.

Mnu Bara no Mnu Malatsi, ndiyayivuyela into yokuba niwuxhase lo Mthetho oYilwayo, ndiyazi ukuba zikhona izinto ezizakuthethwa kwaye nani nimele ukuncoma nigxeka kananjalo ukuze nikwazi ukuhlala kakuhle kuloo ndawo nihleli kuyo.[Kwahlekwa].

Enyanisweni, oko beniyinxalenye yale komiti, ngoko andothukanga xa niyivuma kuba niyayazi kwaye wonke umntu ebevumelekile ukuba abe yinxalenye yale komiti.

Ndifuna ukugqibezela ngokuthatha eli thuba, ndibulele ikomiti esebenze ngokuzinikela kuloMthetho oYilwayo. Into endiyithande ngakumbi kukuba babe yinxalenye kungabikho bantu bamele bucala kuba besuka lwelinye iqela. Abantu banikwe ithuba lokuba

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bathethe izimvo zabo, bade batsalwe ukuze bafikelele kule nto kufuneka yenziwe. Enkosi kakhulu.

English:

Debate concluded.

Bill read a second time.

CUSTOMARY INITIATION BILL

(Consideration of Report of Portfolio Committee on Co-operative Governance and Traditional Affairs)

Mr M WATERS: Chairperson, Chairperson, I rise on Rule 210.

The DEPUTY SPEAKER: Is that me the Chairperson.

Mr M WATERS: Sorry Deputy Speaker. This particular item was not agreed to in the Programming Committee meeting. It has been inserted without the consultation of the Official Opposition. We

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want that noted and we also want to note that we reserve our rights in this regard.

The DEPUTY SPEAKER: Alright. I now recognise the Chief Whip of the Majority Party.

IsiZulu:

USOTSWEBHU OMKHULU WEQEMBU ELIBUSAYO: Sekela Somlomo sicela ukuba le Ndlu yamukele lo mbiko walekomidi.

English:

Motion agreed to.

Report accordingly agreed to.

CUSTOMARY INITIATION BILL

(Second Reading debate)

Mr M WATERS: Deputy Speaker, again I rise on Rule 210.

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The DEPUTY SPEAKER: Yes.

Mr M WATERS: With regards of this item not being approved by the Programming Committee meeting.

The DEPUTY SPEAKER: Yes.

Mr M WATERS: So, we object of it being inserted into the programme without consultation and we reserve our rights. Thank you.

The DEPUTY SPEAKER: We hope that you can be able to sort this out. We will consider ... yes. Alright.

The CHIEF WHIP OF THE MAJORITY PARTY: Deputy Speaker, can we respond to this issue.

The DEPUTY SPEAKER: Sorry.

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The CHIEF WHIP OF THE MAJORITY PARTY: We did indicate that many parties were consulted. Indeed, last Thursday and Friday, they only came back to the Programming Whip this Monday. All other parties agreed with the items that are on the agenda. However, more importantly Chair, these matters are before this Parliament. They were all below the line. So, we have not grabbed the matter from another parliament and brought it to the business of this Parliament. All these matters are before this Parliament and we have done the consultation.

The DEPUTY SPEAKER: Alright.

The CHIEF WHIP OF THE OPPOSITION: Deputy Speaker.

The DEPUTY SPEAKER: Yes.

The CHIEF WHIP OF THE OPPOSITION: May I address you in terms of the rules. Deputy Speaker, if anybody should be defending the rules of this House, it should be the Chief Whip of the Majority Party. Programming is done according to the rules. The hon

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Bhengu circulated that programme at about 15:50 on Friday afternoon. As soon as we got it on Monday, we lodged an official complaint with the programmer which was not being comprehensively dealt with. There has been no consensus, therefore these matters are all going to be subject for review and this House is going to have wasted its time.

The DEPUTY SPEAKER: Alright.

The CHIEF WHIP OF THE OPPOSITION: We have to operate according to the rules. When we do not operate according to the rules, we end up with a problem.

The DEPUTY SPEAKER: Alright members, I hope you can settle this elsewhere, but thank you for airing it. It is alright. We have now heard both sides. Let us proceed with the Minister of ... I see the Deputy here. The Deputy Minister of Co-operative Governance and Traditional Affairs. [Applause.]

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The DEPUTY MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS: Thank you, Deputy Speaker; I am standing in for the Minister. I am the Deputy Minister, and I am not the Minister. Thank you.

Deputy Speaker and hon members, we are introducing the on Customary Initiation Bill. In its preamble the Bill recognises the right to life, affirms the right to cultural practices and emphasis the protection of children from abuse, maltreatment, neglect and degradation.

The primary aim of the Customary Initiation Bill is to make provision for the effective regulation of the customary initiation practices, to provide for the establishment of a national initiation oversight committee and the provincial initiation co-ordinating committees and their functions, to provide for the responsibilities, roles and functions of the various role-players involved in initiation practices as such or in the governance aspects thereof, to provide for the effective regulations of initiation schools, to provide for regulatory

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powers of the Minister and premiers and to provide for the monitoring of the implementation of this Act.

The Bill will also make provisions for municipalities to strengthen their bylaws regulatory processes. Municipalities must ensure the provision of the necessary infrastructure such as land, clean water and sites for initiation.

Traditional initiation signifies the transformation from boyhood into adulthood and of significant is the preparation for manhood. Leadership, respect and responsibility is a right of passage to adulthood. Since June 2012 to date, the challenges of initiation, deaths, injuries, amputations arises mainly from the illegal schools or bogus schools.

The following figures are a reminder. Since 2012, 290 000 initiates went through the school. In the illegal initiates were found 24 662. Those who are hospital admissions as a result of these illegal schools is 3 685. Initiates deaths in the past six

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years is 409. Amputations, those who lost their manhood are 132. Arrests were only 240.

So, this Bill therefore is coming in to say this cannot go on and I think we need to do something as a country. South Africa is governed by laws and we cannot allow lawlessness, therefore this Bill seeks to deal harshly with hijacking of our culture, commercialisation of our good cultural practice. It is about punishing wrongdoing such as criminal elements who abduct underage boys without the knowledge of the parents and families for financial gain, they establish illegal schools all over including in the mine dumpings, the abandoned factories, just all over the country.

Colonisation and apartheid neglected, distorted and suppressed the culture of the majority of South Africans. It is against this background that the government views culture as the integral component of development in that it contributes to such process, but also that it can play a facilitative role in the unfolding of the development process. So, the Bill therefore is

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not there to interfere with the practice itself, but to identify those areas that are problematic, that have led to many fatalities and ensure therefore that our culture is practiced without fear, but that it is good that the children will go alive and come back alive.

Culture also seeks to inform and contribute to nation-building efforts. These two processes are of the highest priority for the government led by the ANC, and culture has a central role to play.

It is against this backdrop that initiations is part of our cultural practices and are now protected by the Constitution. However, over the past few years, we have seen all those things that I have already alluded to. Many initiates have lost their productive organs due to negligence of traditional surgeons and nurses who often are inadequately trained. Some surgeons have also been found to be operating under the influence of alcohol, drugs and even use the unsterilized instruments, which contribute to the spread of blood borne diseases such as

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HIV/Aids, Tetanus excessive bleeding, and other related diseases.

As the government of the ANC therefore we say this is to help them and to strengthen them to hold on, on this culture and be the custodians that can regulate and ensure that culture is done and practiced under good conditions. Therefore this Bill is being introduced for that purpose, hon Deputy Speaker. I thank you.

Mr M R MDAKANE: Hon Deputy Speaker, hon Ministers and Deputy Ministers and hon members, this Bill is a product of the meaningful participation in the law making processes in the National Assembly. It seeks to protect, promote and regulate initiation and provide acceptable norms and standards for structures at national, provincial and local level with a view to ensure that initiations takes place in a controlled and safe environment.

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It is an essential debate that deliberates on the protection of life, the prevention of injuries and prevention of abuse of any form, during and after initiation. We have noted that over the past years, there have been deaths of young men due to unsuccessful circumcisions and assault in some cases. In some cases, underage children are taken to these schools without parental consent or permission. The Bill is needed to protect and to regulate the customary practice of the initiations uniformly across the country.

Hon Deputy Speaker, it is highly crucial to highlight the mission of the traditional affairs as it is informed by the National Development Plan and back to basics. It is to transform, develop and promote traditional affairs institutions through monitoring and providing support to the institution in its administration of affairs of traditional communities in accordance with customs and traditions. In the state of the nation address in February 2018, the President of the Republic of South Africa, comrade Cyril Ramaphosa, invited each and one of us to participate in building our country.

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The call is a reminder that whatever we do as public representatives and civil servants in different spheres of government we remain the servants of our people. We have the responsibility to take forward the struggle for the improvement of the lives of our people. We have to carry the baton as successors of our many South Africans who led the struggle of our freedom and justice, equality and democracy. We also vow to never rest until we reaches zero deaths of initiate in the lives of our people and change it for better.

The objective of the Bill as legislated is to provide for the establishment of National Initiation of Oversight Committee and Provincial Initiation Co-ordination Committees and their function, to provide the responsibility roles and functions of various role players and to involve the involve initiation practices as such in a governance aspect thereof. To also provide for effective regulation of initiation school, to provide the regulatory power of the Ministers and premiers, to provide for the monitoring of implementation of the Bill and to be provided to national peculiarity.

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Hon Deputy Speaker, Parliament does not intend to usurp the traditional initiation while formulating the Customary Initiation Bill. The ANC ...

Isizulu:

... njengombutho wabantu iyawahlonipha kakhulu amakhosi. Isebenzisane nawo kwindlu yamakhosi emvelo kazwelonke nabo babambe iqhaza elibaluleke kakhulu. Konke lokhu esikuletha namhlanje kungomunye wemisebenzi wamakhosi nabantu abaningi ezindaweni zasemakhaya, esiye ezindaweni zabo sibacela ukuthi babeke imibono. Bayibeka imibono okokuqala ukuthi kungumsebenzi wombuso ukuthi uvikele impilo yabantu, ivikele nezinto zabo. Akukho namunye umuntu okufanele angavikelwa umbuso ngoba umbuso unomsebenzi onzima ofanele uwenze ukuthi bonke abantwana esibase entabeni ukuyokwenziwa isiko bebuyeemakhaya bephephile nabazali bonke bejabule ngoba abantwana babo baphephile. [Ihlombe.]

Nakuba konke lokhu sikwenza ngokubabisana nayonke imiphakathi kodwa kukhona okusihluphayo. Okwamaje siyazi ukuthi abantu abayisikhombisa ebekade besentabeni sebehambile emhlambeni.

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Kufanelekile lokho sikumele sonke, senze ngawo wonke amandla esinawo ukuthi kungaphinde kwenzeka ngoba phela alikho isiko okufanele livumelwe ukuthi abantu abalenzayo begcine behambile emhlabeni. Kungumsebenzi wethu sonke njengamalungu ePhalamende kaZwelonke ukuba sibambisane nabantu bakithi. Kuningi ke esikufundile kubantu bakithi ukuthi bayakwazi ukuhlukanisa isiko lokukhulisa umntwana nesiko elenzelwe ezempilo, bayazi ukuthi umntwana ukhuliswa kanjani. Uma singakusebenzisa kahle konke lokusoka singakwazi ukwakha abantu abaqotho, abazosisiza ukuvikela udlame olubhekise kwabesifazane nabantwana. Bakwazi futhi ukuba baphathe imizi ngendlela efanele. Kungumsebenzi wethu njengamalungu ePhalamende njengoba silana namhlanje ukuba lo Mthethosivivinywa ophambi kwenu niwubhekisise kahle, bese niwuvuma ukuze sikwazi ukuba uhulumeni kaZwelonke abambisene nabantu bawenze ngendlela efanele.

Kuwmsebenzi wenhlangano ebusayo ezweni ukuthi zonke izinto ezifunwa abantu bakithi ikwazi ukuzenza ngokubambisana nabo ngoba kungumbono njalo esihlala sinawo ukuthi ngaphandle kwabantu akunanto esingayenza. Sizophumelela kuphela uma

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sibambisene nabantu bakithi ezindaweni zonke abahlezi kuzona ngoba yibona abaziyo ukuthi yini inhlupheko ababhekane nayo futhi ezikhathini eziningi bayazi nokuthi kufanelwe kwenziwe njani ukuze kuxazululwe izingxaki nezinkinga ababhekane nazo. Umbutho wezwe lonke uyakhuthaza kakhulu abantu bakithi bonke behambe bayobhalisela ukuvota ngonyaka ozayo.

Siyathemba kakhulu njengohulumeni nanjengombutho we-ANC ukuthi abantu bayawuthokozela kakhulu umsebenzi esesiwenzile emnyakeni engamashumi amabili nanhlanu okwenza ngcono izimpilo zabo. Bayazi futhi ukuthi konke esikuthembisile okuningi sesikwenzile. Okuningi sisazokwenza nayo ke le yokuqeda ukuba abantwana uma beye entabeni bengabuyi emakhaya nayo sizoyiqeda kodwa sizoyiqeda kuphela uma sibambisene nabantu. Siyethemba ukuthi ngonyaka ozayo noma lunini ukhetho abantu bonke bazovotela umbutho wabo i-ANC, ngoba phela yiwona phela umbutho othembekile nombutho oqotho, nombutho osebenzela abantu bakithi ngendlela ethembekile. Siyazi ukuthi bonke abanye abakhona nje sibambisene nabo kodwa bayazi futhi ukuthi umbutho omkhulu yiwona okufanele uphathe izwe. [Ubuwelewele.] Ngaleyondlela siyathemba ukuthi

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abantu bakithi bayohlala njalo bebambisene nathi ukuqhubekela phambili nokwenza ngcono izimpilo zabo. Ngiyabonga kakhulu Sekela Somlomo.

Mr K J MILEHAM: Deputy Speaker, I did not expect to have hon Mdakane to appear doing political grandstanding. Anyway, Deputy Speaker, this Bill seeks amongst other things to prevent the loss of life or genital mutilation of initiates in traditional initiation ceremonies. It is long overdue. According to recent data, a total of 1077 initiate deaths have been recorded in Eastern Cape since 1995. That is just the ones we know about. Accurate statistics are not available for the number of penile amputations, but the number is estimated to be roughly twice the number of deaths.

In the current summer initiation season which has been only underway a few weeks, in the Eastern Cape alone, seven young men have already lost their lives. It is a situation that is completely out of hand, with people of varying skill, experience and knowledge currently performing the act of surgery. It is to

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a large degree unregulated, or at best, overseen by local traditional leaders. In many instances it is a money making scheme. This Bill seeks to rectify this. It requires that initiation schools be registered. It requires the schools renew their registration annually and in the process submit a curriculum to the Provincial Initiation Co-ordinating Committee, the oversight body which will be responsible for ensuring compliance and monitoring initiation schools in each province. The Bill regulates who may and may not be a principal or caregiver at an initiation school by precluding any persons who have a history or criminal record related to the abuse of children, violent actions, substance abuse or any misconduct against any person.

Perhaps most importantly, this Bill makes the initiation process strictly voluntary. No person can be forced or coerced into participating and makes provision for criminal sanction if a person is taken involuntarily to an initiation school. Both the parents and the child must consent to the attendance at the school and to the process to be followed with regard to

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circumcision, that is, whether medically, traditionally or not at all. It requires that all initiates must provide a medical certificate stating that they are fit to participate in the initiation process. This Bill also regulates who may conduct surgical procedures. It requires that these are either performed by registered medical practitioner, or where conducted by a registered traditional surgeon, that this is done under the supervision of such a registered medical practitioner.

Lastly, this Bill makes offences of the following activities: The operation of a nonregistered initiation school, the participation in any initiation practices at a nonregistered initiation school, the acceptance at any school whether they are registered or not of any initiate who is younger than 16 years of age, the forcing of any person to attend an initiation school or the forging of consent to attend and lastly, the performance of any initiation practices by an unregistered traditional surgeon. Hopefully, this will address the scourge of illegal, dodgy and frankly deadly initiation schools.

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The DA strongly supports the need to regulate customary initiation practices which have resulted in the death and maiming of numerous young men every year. This Bill moves this objective forward significantly. While it is far from perfect, the legislation will provide a good framework to ensure that hygienic circumcision practices are adhered to and that the actual circumcision takes place under the supervision of a registered medical practitioner. No more of our children should be mutilated or killed. Every death is one death too many. The Democratic Alliance supports this Bill. [Applause.]

Mr Z R XALISA: Hon Deputy Speaker, each and every year hundreds of young boys who only seek to undergo the cultural practice of initiation perish on bogus initiation schools across the country, but more particularly in the Eastern Cape. Many other charlatans have abused the secret cultural practice and established illegal schools and seek financial benefits from initiation. Parents are excluded and children die in the name of culture. We maintain that it is not culture if it kills and

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there is no room in our democracy for condoning practices that maim and kill our people.

This Bill therefore is long overdue and brings together institutional mechanism which ought to have been introduced long time ago. We welcome the introduction of the National Initiation Oversight Committee and the fact that it is inclusive of many stakeholders who ought to be involved in the initiation process. We are particularly pleased with the provision that at least three members of the oversight committee must be women. For far too long we have heard perverted notion of culture that excludes the participation of women drummed down in our heads. Authentic initiation process is traditionally inclusive of women and it is in the main women who suffer the most from having their sons injured or killed at these initiation schools.

We also welcome the establishment of the Provincial Initiation Oversight Committee but we are of the view that this should have been cascaded to regions as well. We know for the fact in the Eastern Cape the most troubled region is the O R Tambo District

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Municipality region and the regional oversight committee dedicated in that region would have more impact than a provincial one located in Bisho.

To maintain the sanity of this cultural practice however those who will be involved at the cold face of the monitoring adherence to standards must be people who have undergone the practice themselves. This must be a requirement even in the inclusion of medical practitioners. The recruitment of medical practitioners in these regions must take this into account. We should also have loved if the Bill had made it mandatory that traditional surgeons must be trained and licensed and that their licenses must be renewable on a yearly basis, based on the stringent training and hygiene requirements.

Section 23 of the Bill provides that traditional surgeons must be registered but it attaches no training requirements. Lastly, the penalties for offences are too lenient since the initiation process is the life and death situation we would have liked that punishment for those who break the law to be tougher. The

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sentence of three or five years for people running illegal initiation schools is not proportionate to the crime. These people ought to be sentenced for life imprisonment for endangering the lives of our youth. The EFF is in support of the general provisions of this Bill. Thank you very much.

[Applause.]

Mr X NGWEZI: Hon Deputy Speaker, at the onset the IFP supports this Bill. However, there are anomalies which exist and in passing this through will be deferred back to Parliament. Such as within the Children's Act of 2008, which criminalises the cultural circumcision of children under the age of 16 thus it is in direct conflict with existing cultural norms and practices.

We welcome the legislation, which has been in the making for many years and has the potential to save thousands of lives as the sacred cultural rite of passage many boys and girls take have been marred in recent years with countless unnecessary deaths. This has caused a lot of grief and pain to mothers,

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fathers, families and loved ones of initiates who have undergone botched processes or even kidnapping.

Furthermore, Deputy Speaker, it is worrying that traditional leaders have felt excluded from this process in developing legislation which directly deals with their work and practices. It is absolutely necessary that in the spirit of co-operative governance that we include at all times the relevant stakeholders to partake in the legislation process.

The IFP is pleased with the final draft of this Bill as it ensures that each and every initiate's life is valued and that there are systems and processes in place to safeguard the health, life and dignity of every young man and women who participate in the cultural rite of passage.

Traditional initiation ceremonies remain an integral part of our society. Therefore, Parliament must now make sure that our young men and women can celebrate this important period in their lives

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with the full knowledge that their lives are safe. Thank you very much hon Deputy Speaker.

Prof N M KHUBISA: Hon Deputy Speaker, the NFP supports the Customary Initiation Bill that is tabled here today. The Bill is a culmination of a long process that began many years ago. The public hearings that were conducted proved beyond any shadow of doubt that a Bill of this nature was long overdue. Noting the death and harm to initiates especially when they go for this practice especially in winter, it became necessary to make some provision for the effective regulation of the customary initiation practices. This Bill now gives room to traditional leaders, health practitioners, family doctors and caregivers to also play a critical role in the exercise of customary initiation practices.

The role of traditional leaders in ensuring that those who conduct initiation undergo the necessary training as prescribed by law is sacrosanct. Many initiates have died under bogus customary initiation doctors. The bringing in of medical

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practitioners is important. The fact that the medical profession is brought to the fore ensures that our children are not exposed to circumstances where there is no professionalism, appropriate sanitation and correct medication, etc.

The Bill also stipulates that principals of customary initiation schools must ensure that those initiates, who come to these schools, come with a letter from the medical practitioner confirming their status of health. No initiates or other persons must use, possess, supply or manufacture drugs or liquor at an initiation school. And no child who is younger than 16 years of age is allowed to enter into an initiation school. This Bill takes into cognition the Children's Act of 2008, the Justice Act, the Drugs and Drug Trafficking Act of 1992 and the Child Justice Act of 2008. It also puts parents on the fore because they too must give consent before their children are admitted into an initiation school.

The protection of religious and linguistic rights as contained in the law is also considered. Thank you Deputy Speaker.

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IsiXhosa:

Mnu N L S KWANKWA: Sekela Somlomo, andisayi kukhumsha tu ngalo mba kuba kaloku uyandichaphazela. Lo mba ushukuxwa apha ubaluleke kakhulu kwaye siyawuxhasa lo Mthetho oYilwayo. Akukhonto isenza siwuxhase kangumbi ingathi yile nto yokuba kuza kubakho ...

English:

... this National Initiation Oversight Committee ...

IsiXhosa:

... kuba izisa abantu abaninzi abaza kuthi bakwazi ukuwuqwalasela lo mba babe nendlela yokuba kusetyenziswane ukuze kuyeke ukubhubha kwabantu abatsha besentabeni esuthwini. Esi sihelegu sibangelwa, ngamanye amaxesha, ngoonomgogwana babantu abenza amabhoma kuba befuna ukwenza imali. Abanye babo, kufuneka siyithethe inyaniso, basebenzisana nabazali abangakhathaliyo kunye neenkosi zidibene nabahlali abangenayo indlela yokuqwalasela izinto eziqhubekayo kubo ekuhlaleni.

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Isithethi ebesilapha ngaphambili kwam besichane ucwethe xa besisithi le nto iyingxaki kakhulu phaya kula mhlaba kaMasipala wesiThili i-O R Tambo ngezizathu ke phofu ezibambekayo kuba...

English:

... there are other dynamics there.

IsiXhosa:

Nabantu bakuthi nabo kuyafuneka ukuba babuyise laa nto yokuba kubekho ooSosuthu apho amakhwenkwe aza kuthi xa esoluka kusetyenziswe ibhoma elinye. Loo nto iza kwenza ukuba ...

English:

... the oversight system...

IsiXhosa:

... yasemakhaya ingapheleli kwezi zikarhulumente zisekiweyo kuphela kodwa yaziwe ukuba iqala nakubantu abangamakrwala, amadodana, ukuya phaya phambili. Kaloku nabo banoxanduva lokutyelela amabhoma, ungekabafaki abantu abadala. Ngapha

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ngakuthi iyaqhubeka loo nto leyo bemana betshintshisana ukuya kula mabhoma. Siyayibulela na lena into yabantu abaqhubeka bengwxelerha okanye bebulala abantwana ukuba nabo baza kuhlala entolongweni.

Okubalulekileyo kwaye nesifuna ukukugxininisa yile nto yokuba la makhankatha ayabhaliswa nje kuphela bengaqeqeshwanga. Kaloku la makhankatha ayakwazi ukusebenzisa isixhobo esinye bengakhange basilungise xa begqithela komnye umntwana. Ngokwenza njalo, baza kubaphathela izifo kuba kaloku abaqeqeshwanga ngendlela. Ukuba bekungeko apha esidlangalaleni, bendiza kukhe ndicace gca oku kwekati emhlophe ehlungwini, ntonje ndiza kufika ndibethwe zingwevu phaya xa ndifika. Amaxhego aza kundingxolisela ukuthetha izinto zabo ezintloni phakathi kwabantu. Siyabulela, nangoku ndiyayazi loo nto yokuba ndiligoduka, tyhini.

[Kwahlekwa.]

Sepedi:

Mna C D MATSEPE: Sepikara, DA e thekga Molaokakanywa wo - e o thekga ka botlalo. Mohl Motlatšatona Obed Bapela, ga ke kwane le

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wena mong wa ka ge o re Afrika-Borwa ke naga ya go hlompha molao. Ga ke kwane le wena ka lebaka la gore ge nkabe Afrika-Borwa e hlompha molao, nkabe boradipolotiki ba ba ANC ba le kgolegong. Bjale ge, ga ke kwane le wena mong wa ka. Ba sentše; ba tšeere ditšhelete, efela ba sa sepela ba lokologile ka mottle.

Molaokakanywa wo o lego pele ga Palamente lehono, o thulantšhitše basadi le banna ka dihlogo kua Kapa-Bohlabela, kudu kua Kokstad. Molaokakanywa wo o re komeng kua thabeng, maphodisa a tla tsena, dingaka di tla tsena, basadi ba tla tsena le baoki ba tla tsena. Molaokakanywa wo o thušitše batho ba bomme ka lebaka la gore banna kua Kokstad ba be ba le kgahlanong le Molaokakanywa wo, ba ganetša bomme ge ba bolela. Bomme lehono ba fentše ka gore ba ile ba bolela ba re bana bao ba hlokofalago kua komeng ke ba bona gomme banna ga se ba swanela ke go ba ganetša ba tsena ka komeng.

Basadi ba boletše ka mathata ao a lego gona dikomeng kua Kapa-Bohlabela. Ba re go na le batho bao ba rekišago diokobatši kua

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komeng, bjale Molaokakanywa tšeo kamoka e a di gana. Ke ka lebaka leo ke reng Molaokakanywa wo lehono o lamoletše batswadi ba bana bao, gagolo bomme, ka gore rena banna re re go se dumelele basadi ba tsena ka komeng ke setšo, mola bana ba fela.

Bjale ge, Limpopo le Leboa-Bophirima ke diprofense tšeo di swanetšego go fiwa difoka ka lebaka la gore bomme ba ile ba tšea karolo e kgolo go Molaokakanywa wo. Kua Limpopo sehlang se se fetilego, ka June le July, magoši a bolotše 53 000 ya babolli, ba boile kamoka, ga go na le o tee yo a hlokofetšego. Le kua Leboa-Bophirima ke mengwaga re sa kwe ka babolli bao ba hlokofalang. Se se ra gore go ya le ka tsela yeo Ntate Bapela a bolelago ka gona a rego Afrika-Borwa hlompha molao, Molaokakanywa wo o ka se hwetše thekgo go tšwa go mmušo. Ke nagana gore Molaokakanywa wo o swanetše o hlohlomišwe, ge Afrika-Borwa e hlompha molao ka nnete, go na ga ba hlohlomiše molao wo, ba se ke ba o beela thoko.

Molaokakanywa wo e tšwela pele go fa makala ao a swanetšego gore a laole koma; ke lelaka la bosetšhaba la profense le la magaeng.

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Ke makala ao a tlogo go thuša gore koma e sepetšwe gabotse.
Ngwana o tla hwetša setifikeiti ge a boa komeng. Rabadia o
swanetše go hlokomele koma gammogo le mong wa koma. Bjale ge ...
[Tsenoganong.] ... O re ke na le maaka? Wena ga o mo komiting ya
rena ... [Nako e fedile.]

Mr J J DUBE: Hon Deputy Speaker, Ministers and Deputy Ministers,
on 01 December, it is World Aids Day and awareness month but
also part of 16 Days of Activism. We want to raise an awareness
of this important ... of getting tested for this potential
virus.

Today, we are tabling this important Bill - Customary Initiation
Bill. There is compelling evidence that a male circumcision
reduces the risk of HIV infection in men. Initiations have been
practised for many centuries. Colonialism and apartheid
neglected, distorted and suppressed the culture of the majority
of South Africans, blacks in particular.

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It is against this backdrop that the ANC views culture as an integral component of the process of development in that it contributes to such processes but it can also play a facilitating role in the unfolding of the development processes. Culture also seeks to inform and contribute to the nation-building efforts. These two processes are of the highest priority for the ANC.

Culture has a central role to play in a successful nation. Initiation schools are part of our culture practices in South Africa and are protected by the Constitution. However, over the past few years, there have been numerous complaints about some of these schools. An unregulated initiation school had led to the deaths of a thousand young men while other left with deadly infections and atrocities.

The Customary Initiation Bill is not intended to interfere with traditional cultures or take away the custodianship of traditional leaders. Their authority is guaranteed in the Constitution.

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It however, seeks to protect, promote and regulate the customary initiation practice and ensure safety of both males and females in order to avoid and eliminate deaths and injuries in an initiation school.

Through proper channels of preventing and reporting criminal activities at the initiation schools, the Bill will help traditional surgeons, principals and caregivers to ensure safety in initiation schools.

The Bill also recognises children's rights to education as an integral component of the Bill of Rights. The right to education is fundamental to resolving the structural legacies of apartheid. The Child Protection Act introduces a minimum age for initiations.

Most of the traditional leaders express concern about boys who aren't at matric. It becomes challenging for them to choose between attending a winter school or an initiation school.

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The Bill acknowledges the importance of land, employment and education for African black majority because this tradition does not only speak to cultural initiation custom but the pride and dignity of Africans. Culture is about development of the society. These rituals and sacred needs a land to be performed at and are traditionally regarded as an educational institution where initiates are taught about social conduct and responsibilities.

Hon members, by doing this, we will try and fight the raping of women scourge that is affecting our country. Once this Bill has been signed into law, it will provide acceptable norms and standards in conducting these customary practices.

In closing, let me quote Mama Sisulu:

We are each required to walk our own road and then stop, assess and we have land and share it with others. It is only in this way that the next generation can learn from those who

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have walked before them. We can do more than tell our story, and then it is up to them to make of it what they will.

Siswati:

Sikhutsata wonkhe umphakatsi waseNingizimu Afrika kwekutsi awuhambe uyobhalisela kuvota, kutekwati kutsi kulomnyaka lotako baphume ngebuningi babo bahambe bayovotela Khongolose. Loko kutawusita kakhulu, nine Bekunene, kwekutsi Khongolose akhona kuchubeka netinhlelo takhe letikhona njengamanje, kute bonkhe bantfu baseNingizimu Afrika batewuyitfola lemphilo lencono.

English:

The ANC supports the Bill. Thank you.

The DEPUTY MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS (Mr K O Bapela): Deputy Speaker, let me thank all hon members for the support you gave to the Bill and indeed your concern to preserve life and at the same time to also preserve our cultures that they are done and happen in safe environments

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and that the death of our kids should not continue. I dearly thank you all.

The committee members listened to the age issue which was raised during the public hearings, particularly for Limpopo, North West, Free State and some parts of Mpumalanga.

IsiZulu:

IPHINI LIKANGQONGQOSHE KAHULUMENI KANYE NEZINDABA ZEZENDABUKO:
Baye bathi kini ngoba udaba lweminyaka yabafana luyaphazamisa ngakho ke kuzomele lubhekisiswe ukuya phambili njengoba siphasisa lo mthetho, ngoba phela kuleya ndawo ingoma iculwa kabili uma abafana beyosokwa. Kunengoma eculwa uma abafana sebelungiselelwa ukuyosokwa, kune nenye eculwa uma sebebuya njengamadoda. Ngakho ke kukhalwa ngokuthi lo mthethesivivinywa awuzange ubhekelele ingxenye yaseNyakatho yalelizwe.

NjengoHulumeni sikuzwile lokhu, kungakho sizoyibhekisisa le ndaba futhi siphinde sibheke neminye imithetho efana njenge-

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Children's Act neminye imithetho ukuze sibone ukuthi singaluxazulula kanjani lolu daba.

Sepedi:

Batho ba Limpopo re le kwele, re tla dira ka mokgwa woo le re kgopetšego ka gona. Ya bobedi ke taba ya tahlegelo ya bophelo, gagologolo kua Kapa-Bohlabela.

IsiZulu:

IPHINI LIKANGQONGQOSHE KAHULUMENI WEZOKUBUSA NOBUHOLI BENDABUKO:

Kakhulukazi endaweni yase e-OR Tambo, isiqubulo sethu sithi mabaye kosokwa bephila baphinde babuye bephila, ngoba kulapho izingozi eziningi zenzeka khona. Kuzomele ukuthi njengoba lo mthethosivivinywa usuzophasiswa ngokusemthethweni maduzane nje, ikwazi ukusinekeza amandla okuvimbela okungafanele kwenzeka.

Mhlonishwa uNkwankwa ucishe wakhapha izimfihlo zasentabeni ukuthi kwenzakalani uma izinsizwa ziyosokwa, besingikuvimba nami ngithi nje pheza ungabe usaqhubeka ngoba sikuzwile obukakade ufuna ukukusho.

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IPHINI LIKASOMLOMO: Nawe mhlonishwa, ungabe usaqhubeka ngoba isikhathi sakho sokukhuluma sesiphelile

IPHINI LIKANGQONGQOSHE KAHULUMENI WEZOKUBUSA NOBUHOLI BENDABUKO: Mangibonge kakhulu kuwona wonke amalungu wonke ngokuwuchaza kwenu lo Mthethosivivinywa

English:

[Time expired.] Thank you very much.

ROAD ACCIDENT BENEFIT SCHEME BILL

(Consideration of Report)

There was no debate.

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

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The CHIEF WHIP OF THE OPPOSITION: Deputy Speaker, I would like to address you in terms of Rule 288 of the National Assembly Rules, if I may: We have been in significant correspondence with your Office over the course of the last few days. As you would know, Rule 288(3)(f)(ii) says that –

... in addition to the views represented of the majority in the committee, convey any views of a minority in the committee in order to facilitate debate when the report comes before the House.

I also draw your attention to the Procedural Developments in the National Assembly document, where it says very clearly at 29 that “the Rules of the National Assembly provide that except when reporting on a Bill, a committee may not submit a minority report”.

That clearly implies that when a Bill is up for discussion, a minority report has to be included. You would know that the DA and other parties submitted a substantial number of minority

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reports. What this committee report covers is only Rule 288(3)(f)(i), which is specifying "in which respects and why there was not consensus". The minority report is not covered. I would submit to you that this is out of order, that it is also not in line with section 57(2)(b) of the Constitution, which guarantees the rights of minority parties to participation in this House. This committee report is therefore out of order, and we would ask your ruling on it. [Applause.]

The DEPUTY SPEAKER: Hon members, the hon Steenhuisen is correct. We have exchanged words on this matter. Let me point out the following about the concerns he raised about the content of the report before the House and specifically the manner in which the report captures their views.

I should first clarify that the Rules require that a committee, as a collective, must report to the Assembly. Consequently, a committee must decide how the opinions, including those of minority parties, are expressed in its report. It is for the same reason that the Rules preclude minority reports. It is, of

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course, correct that a report should carry sufficient information for members of the House to hold an informed debate, but I do not believe the Rules envisage circumstances where reports carry every detail raised in a discussion. In this regard, I understand that the committee did discuss and agree to the report, and we must proceed on that basis.

The CHIEF WHIP OF THE OPPOSITION: Deputy Speaker, with respect, I think the Rule that you are relying on is Rule 166 that doesn't apply to the legislative process. The legislative process and Rule 288 are prescriptive. It says that a committee "must", not "may", not should, not if it feels like, not if it takes a vote on it –

(f) must, if it is not a unanimous report –

(ii) in addition to the views represented of the majority in the committee, convey any views of a minority in the committee in order to facilitate debate.

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That is because not every member of this House serves on that committee. It is only fair then and correct that both views are put so that the House can properly apply its mind. Excluding the minority report or the minority view, as it has been done in this case, is counter to democracy. It is also unconstitutional because you are depriving the minority parties of participation in the process of this House. [Applause.]

The DEPUTY SPEAKER: Hon Steenhuisen, in response to you ... or rather first, before we responded to you, you complained about the inadequacy of capturing your views in the report. You did not deny that they were captured. You were unhappy with the quality and presumably the number of points from your point that were covered in there. You were unsatisfied with that - not that they were not covered completely.

So, minority views, including those of the majority view, are captured in the report - from just you reading your own statement, just from reading your statement to us. I suggest that we proceed.

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The CHIEF WHIP OF THE OPPOSITION: Deputy Speaker, will you note the DA's objection. Would you please minute it that we have brought it to your attention, this constitutional and Rules impediment, and we will take this on review, and we will embarrass Parliament once again? [Interjections.] [Applause.]

The CHIEF WHIP OF THE MAJORITY PARTY: Deputy Speaker, you know, I don't know what is happening here because the fact of the matter is that the report produced by this committee does make reference to the discussions that were had, including whatever views were championed by other parties in this House. Of course, the committee then reached finality through a vote, and that is what democracy is about. Thank you very much. [Interjections.]

Ms D CARTER: Thank you, Speaker. No, Deputy Speaker! I just promoted you! I just want to speak on correspondence in terms of Rule 291 I received from your Office this morning.

In terms of the correspondence or communication I sent to the Office of the Speaker, we requested that there should be some

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amendments presented in the Announcements, Tablings, and Committee Reports. The communication from you - and that is why I just want to put it on record - says that according to the committee, they have discussed and deliberated on the matter. Now, I have to say to you, Deputy Speaker, if that did indeed happen according to what they are saying, then this would never have been a section 75 Bill because of what it affects. It would have been a section 76 Bill.

So, I put it to you that the committee has been dishonest with you. [Interjections.]

The DEPUTY SPEAKER: I am unable to deal with a claim you are making from the floor. Do it by way of a substantial method so that we can respond to you. We initially responded to you, in the first place, and the requirements for amendments ... you know the Rules and how you deal with the Rules, right? You know how to do that here. [Interjections.]

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Hon members, I suggest we proceed. Hon members know what needs to happen.

Division demanded.

The House divided.

During division:

Mr N XABA: Deputy Speaker ...

The DEPUTY SPEAKER: The bells are ringing already, sir. I don't know what you ...

Mr N XABA: On a point of clarity: They call for a division of a report they don't want.

The DEPUTY SPEAKER: It is fine.

Mr T W MHLONGO: Do you know what a division is?

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The DEPUTY SPEAKER: No, stop talking now. Go and get a bit of oxygen into your system. Please just take it easy.

[TAKE IN FROM MINUTES.]

Motion agreed to.

Report accordingly adopted.

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON TRANSPORT ON
ROAD ACCIDENT BENEFIT SCHEME BILL**

(Second Reading debate)

The CHIEF WHIP OF THE OPPOSITION: Deputy Speaker, I would like to address you in terms of Rule 210 of the National Assembly Rules. Deputy Speaker ... [Interjections.]

The DEPUTY SPEAKER: No, order! Order, please allow the member to speak.

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The CHIEF WHIP OF THE OPPOSITION: Deputy Speaker, as you would know, decisions around programming of legislation or decisions of the Programming Committee takes place on a Thursday. The last meeting of the Programming Committee has this Bill scheduled for tomorrow on the Order Paper. With no consultation or consensus, this Bill has been moved to today.

There was no consultation with the official opposition. The irreparable harm that has now being caused by that - as you would know from the correspondence you have sent me is that amendments that we initiated yesterday have now being ruled out of order from your office. That is the direct results of an incorrectly programmed and unlawfully programmed item on the Order Paper and has been irreparable harm because of the amendments which would ordinarily have been carried had the Bill being discussed and debated as agreed by the Programming Committee by consensus, and its last meeting, has now being moved forward. I would like to say to you sir that I would like a ruling from you in this particular regard because there is now

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irreparable harm through this unlawful programming

[Interjections.]

The DEPUTY SPEAKER: Hon member, I think the next port of call is for you to do a report to the appropriate structure to handle this matter that you are calling irreparable harm so that it is addressed effectively. That report will serve before us, and we will handle it here.

The CHIEF WHIP OF THE MAJORITY PARTY: Chair, you know that the DA relies on section 210 of the Rules, we also rely on that very same section, because section 210(2) says that if indeed there is a need to change, that matter will be discussed between the Speaker, the Chief Whip and the Leader of Government Business. And when consensus is reached, then three of the very same Rules, say that there need to be consultation with all the parties. Now, these are the only people who claim that they have not been consulted when everybody else have been consulted. We have 13 parties in this House, only one party ...

[Interjections.] ... again, what were the issues ... there are

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two Bills that we took from tomorrow's programme to debate on today's programme. It is the Bill that we have just concluded now - the customary and road one. For very good reasons, which we have consulted on with all the 12 parties on Friday and indeed this is allowed by these Rules that they are relying on. There is therefore no omission on the part of the offices that were supposed to do the consultation. They were consulted. I don't know what consultation means because they agreed that they received this agenda items on Friday in the form of consultation. [Interjections.]

The CHIEF WHIP OF THE OPPOSITION: Hon Deputy Speaker, may I address you in term of Rule 210. Rule 210(3) which the hon Chief Whip refers to, only kicks into place if there is no consensus. How would you determine consensus, if there has been no engagement with the opposition parties? Additionally, we are also not the only opposition party, the FF Plus - that we know of, was not consulted. [Interjections.] The IFP was consulted this morning. [Interjections.] So, what you should be doing as the Deputy Speaker of Parliament is vigorously defending the

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Rules and the programming procedure which should be precisely done to avoid this.

The DEPUTY SPEAKER: Hon member, and not your interpretation of your Rules. You must stop doing that to us. You are patronising us as we chair. [Interjections.] You can't say that I should be doing that, by giving me instructions. It is out of order. Yes, hon member.

Ms E N NTLANGWINI: Deputy Speaker, I just want to refer you to Rule 210(2). We were consulted from our side and then can we please let the House just continue because the DA is adamant for the House to come to a stand still. [Interjections.] We were consulted, and they must stop being selfish and thinking that they should read Rules selectively to suit their own agenda. [Interjections.] And that guy must go to school as well. Thank you very much. [Interjections.]

The DEPUTY SPEAKER: Hon members, can I ...

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The CHIEF WHIP OF THE OPPOSITION: Deputy Speaker, I would like to respond to what the hon member said and indicate that she is acting out of instructions of the hon member for Hyde Park, Kelly. If there is any party that disrupted this House is the EFF. What we are trying to do is to ensure that the Rules of Parliament are respected ... [Interjections.] ... because this is going to have an effect on the image of Parliament down the line. I was not patronising you, sir. I really regret the inference that you have made that I was. I think it is my duty as the Chief Whip of the Opposition to raise these Rules and points of order in the House because if we don't raise them in the House and take them to other forums, you get upset. I want it on record; this Bill is not properly before us. I want it brought to your attention in this case. If you choose to proceed now, sir - that's your business, but I brought it to your attention, the fatal impediments.

The DEPUTY SPEAKER: Thank you very much hon member, I hear you clearly but I do not agree with you that I or anybody that I know of gets upset when you bring matters to the Joint Rules, to

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the Rules, or to any structures of Parliament where you know this matter should be handled - including the structure that the Chief Whip brags on, because that issue can be settled there.

The changes in the programme are not our business. We insist when that happens is must be as a result of your discussions there and so on. If you feel that you are unhappy with it, take the next internally here, so that we can see what we can do with that. Hon members, can I go ahead please. [Interjections.] No, no, no. Yes, hon member, I have made a ruling that we must proceed. That is why I am requesting you to settle down and stop raising points of order, so that we can proceed with this matter. I have said approach any of the structures that you know deals with programming. The Joint Rules is the biggest body here. Do that so that we can act on those issues expeditiously.

IsiZulu:

Mnu M M DLAMINI: Cha, Sekela Somlomo musa ukuzihlupha ayaqhaq hazela amabhunu. Siwuthathile umhlaba manje. Yingakho eshabasheka ngalokhu akwenzayo. [Ubuwelewele.]

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USEKELA SOMLOMO: Cha, cha, lungu elihloniphekile musa ukukhuluma kanjalo eNdlini. Akukhulunywa ngamabhunu la eNdlini, kufuneka ukhulume ngamalungu ahloniphekile. [Ubuwelewele.]

Mnu M M DLAMINI: Amabhunu nje.

IsiZulu:

USEKELA SOMLOMO: We baba, we baba uxolo. Uxolo! Lungu elihloniphekileyo ngicela ukhulume kahle njengamalungu ahloniphekileyo. Yenza kanjalo baba. Cha, cha yenza kanjalo.

English:

Sign language is not recorded by the system.

IsiZulu:

Sicela usho ngomlomo wakho kuzwakale ngempela ukuthi uvumelana nathi.

Mnu M M DLAMINI: Ukuthi siwuthathile umhlaba emabhunwini.

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USEKELA SOMLOMO: Hhayi, hhayi ukuthi amalungu ahloniphekile la okhuluma ngawo. [Ubuwelewele.]

Mnu M M DLAMINI: Cha, ngithi Somlomo siwuthathile umhlaba emabhunwini namhlanje. Ngakho ke inkinga ayikho asiqhube siyephambili.

USEKELA SOMLOMO: Cha, ngicela wenze lokhu engikucela kona.

English:

I request you to do as I plead with you.

IsiZulu:

Mnu M M DLAMINI: Ngenzenjani?

The DEPUTY SPEAKER: You cannot address members like that.

English:

Mr M M DLAMINI: Which one?

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The DEPUTY SPEAKER: It is out of order to refer to members, saying that ...

IsiZulu:

... uthathe umhlaba wamabhunu.

The DEPUTY SPEAKER: What's that?

Mr M M DLAMINI: No, but I was not speaking about them.

The DEPUTY SPEAKER: No, you shouldn't do that.

Mr M M DLAMINI: No, but you must listen.

The DEPUTY SPEAKER: And you are pointing at them. It is incorrect, hon member.

Mr M M DLAMINI: No, no, no!

The DEPUTY SPEAKER: Can you withdraw those remarks.

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Mr M M DLAMINI: No, no, no! No, wait. No, but don't rush me. You must listen to me first. [Interjections.]

The DEPUTY SPEAKER: I have listened to you, sir.

Mr M M DLAMINI: I said to you. No. No, listen again, then. I said to you, Deputy Speaker "siwuthathile umhlaba emabhunwini." [we have taken the land from the farmers.] That's all I have said.

The DEPUTY SPEAKER: I don't accept that. It is out of order. [Interjections.]

IsiZulu:

Mnu M M DLAMINI: Siwuthathile nje.

The DEPUTY SPEAKER: I am asking you to withdraw your statement. Don't you want to do that? [Interjections.]

IsiZulu:

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Mnu M M DLAMINI: Ukuthi umhlaba siwuthathile.

The DEPUTY SPEAKER: Don't you want to withdraw that statement that I asked you to withdraw?

Mr M M DLAMINI It is fine, then. [Interjections.]

IsiZulu:

Cha kulungile kodwa umhlaba sesiwuthathile.

USEKELA SOMLOMO: Uthini baba?

IsiZulu:

Mnu M M DLAMINI:Ngiyisusile eyamabhunu kodwaumhlaba siwuthathile. Umhlaba siwuthathile leyo ayishintshi. Uma unenkinga ngaloko, hhayi angisangeni ndawo lapho.

The DEPUTY SPEAKER: Withdraw that. [Interjections.]

Mr M M DLAMINI: Which one?

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The DEPUTY SPEAKER: Just withdraw what you said earlier on about "amabhunu" [Interjections.]

IsiZulu:

Ngifuna ukuzwa. [Ubuwelewele.]

Ms H O MKHALIPHI: Deputy Speaker. Deputy Speaker.

The SPEAKER: If you don't want to do that ... [Interjections.]

If you don't want to do that ...

Ms H O MKHALIPHI: Deputy Speaker.

IsiZulu:

Mnu M M DLAMINI: Ukuthi umhlaba siwuthathile emabhunwini.

USEKELA SOMLOMO: Angikhulumi ngaleyonto.

Mnu M M DLAMINI: Yiqiniso.

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USEKELA SOMLOMO: Angikhulumi ngalokho.

Mnu M M DLAMINI: Ukhuluma ngani kanti?

USEKELA SOMLOMO: Ngikhuluma ngalamazwi owasebenzisile la eNdlini ukhuluma ngamalungu ahloniphekile njengamabhunu. [Ubuwelewele.]

Mnu M M DLAMINI: Kodwa azange ngikhulume kubona. Ngithe umhlaba siwuthathile emabhunwini. Siwuthathe kubona, basinikezile yini? [Ubuwelewele.]

USEKELA SOMLOMO: Ngicela uhoxhise amagama wakho.

Mnu M M DLAMINI: Amaphi? Ukuthi umhlaba siwuthathile emabhunwini.

USEKELA SOMLOMO: Ngikutshelile ukuthi amaphi. [Ubuwelewele.]

Mnu M M DLAMINI: awusho nje ulokhu uthi angiwahlehlise.

[Ubuwelewele.]

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USEKELA SOMLOMO: Uma ungafuni, ngiyakucela ... [Ubuwelewele.]

English:

Mr M M DLAMINI: No, no, don't threaten me.

Ms H O MKHALIPHI: Deputy Speaker!

The DEPUTY SPEAKER: Yes, why are you standing? There is a member speaking here.

Ms H O MKHALIPHI: Yes, but I want to come in.

The DEPUTY SPEAKER: You can't do that the way you are doing it, hon member. You can't scream when I am speaking to another member.

Ms H O MKHALIPHI: Yes, but you must recognise me.

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The DEPUTY SPEAKER: No, no, no! Sit down; I will recognise you when we are finished. Go ahead, hon member. Hon member, so you are refusing?

Ms N V MENTE: Deputy Speaker, may I address you. Why do you say this member must withdraw because he didn't refer to anyone specifically here in this House? [Interjections.]

The DEPUTY SPEAKER: Tell me, why are you saying that? Is that how you refer to members in the House ... and pointing them out ...

Ms H O MKHALIPHI: I am asking you that ...

The DEPUTY SPEAKER: I am telling you it is because he pointed them out.

Ms H O MKHALIPHI: No, no! Which Rule is that? Which Rule is that because he didn't refer to anyone in this House?

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The DEPUTY SPEAKER: It is offensive; it is unacceptable.

Ms H O MKHALIPHI: No, no, no, no! Which Rule? Which Rule is that?

The DEPUTY SPEAKER: Hon member.

Ms H O MKHALIPHI: No. Which Rule? Use the Rules.

The DEPUTY SPEAKER: Don't you know the Rule about using offensive language?

Ms H O MKHALIPHI: So, if he was referring to the ANC were you still going to say the same thing? He didn't refer to any member of this House.

The DEPUTY SPEAKER: Okay. Hon member, I have made a ruling on that matter and I request you to leave the House - because you are refusing. [Interjections.] Hon member, I request that you

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leave the House. I have made a ruling on this matter, and I am not debating about it anymore.

Mr M M DLAMINI: Deputy Speaker, if you want me to withdraw ...

IsiZulu:

... ukuthi umhlaba siwuthathile emabhunwini. Ngeke uze uyibone leyonto! Ngeke ngize ngiyenze.

English:

That you must know, and everyday ...

IsiZulu:

... siwuthathile umhlaba emabhunwini ...

English:

... and we will tell them here, outside and everywhere we meet them. [Interjections.]

The DEPUTY SPEAKER: Hon member. Hon member.

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Mr M M DLAMINI: ... [Inadible.] ... I am not withdrawing anything!

USEKELA SOMLOMO: Lungu elihloniphekile ngicela uphume eNdlini.

Mnu M M DLAMINI: Hhayi, suka!

English:

The DEPUTY SPEAKER: Take a walk, please. [Interjections.] yes, hon member.

Ms H O MKHALIPHI: Deputy Speaker, as the Whip of the EFF, can you just point out to a Rule why you are chasing this member out, because according to my understanding he didn't refer to any member of this House. So, why are you so harsh on him by telling him to leave the House? [Interjections.]

The DEPUTY SPEAKER: Hon member, this is a ... this is a sick leave of hiding behind "what is the Rule?" Don't you know the Rule that refers to offensive language - unacceptable language?

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Don't you know that Rule? Hon members, we will ...

[Interjections.]

Ms H O MKHALIPHI: Deputy Speaker.

The DEPUTY SPEAKER: We will proceed on this matter.

Ms H O MKHALIPHI: Deputy Speaker. May I address you?

The DEPUTY SPEAKER: On what matter?

Ms H O MKHALIPHI: Why are you saying no. Are you a Deputy Speaker, "wena" [you]?

The DEPUTY SPEAKER: Are you debating my ruling, hon member?

Ms H O MKHALIPHI: No, no! I just need clarity from you. You can't just say that ...

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The DEPUTY SPEAKER: Are you debating the ruling that I have made?

Ms H O MKHALIPHI: I am not debating a ruling. I want clarity. I am the Whip of the EFF. If you chase my members out, I need to be clear as well because I need to contest that with you in other forums. So, I want you to clarify me and tell me which Rule it is, because the member here didn't refer to anyone in this House. Please, clarify me. [Interjections.]

The DEPUTY SPEAKER: Hon member, I am going to proceed and on that basis I have made this ruling and the member has thankfully left the House, the matter between you and every member now is for us to proceed with the business of the House. If you object, please follow it up immediately, so that we can take action on this matter. Even tomorrow we can deal with it, but not now. You can't be stalling the business of the House on the basis of this matter.

Ms H O MKHALIPHI: Deputy Speaker, can I come back?

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The DEPUTY SPEAKER: Yes, what are you coming back on?

Ms H O MKHALIPHI: Can we agree that you have chased out this member wrongly because you don't have any Rule to refer to.

[Interjections.]

The DEPUTY SPEAKER: Hon member, no. All what I am saying to you is that offensive language accompanied by gestures is unacceptable in the House. The Rule states that I tell you the number or the principle, and the principle is simple. It is the offensiveness of the content of your language, including the gestures that you are making. Now, I am pleading with you that we proceed now. I am not accepting points of order anymore. Let us proceed. Minister.

Ms E N NTLANGWINI: On appoint of order, Deputy Speaker

The DEPUTY SPEAKER: I have said I am not taking...

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Ms E N NTLANGWINI: I know; I know. It is on something totally different.

The DEPUTY SPEAKER: Hon member, I requested ...

Ms E N NTLANGWINI: I have a right to speak here. Every time you collapse this House unnecessarily.

The DEPUTY SPEAKER: Is that your point of order?

Ms E N NTLANGWINI: So, I request that you go to Hansard and check, but we will take further steps according to what you say because every time you collapse this House and you think it is fashionable to do so.

The DEPUTY SPEAKER: Please, please ma'am; that is in the Rules.

Ms E N NTLANGWINI: We are here because we are send by the people and not by you, and not by you occasion.

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The DEPUTY SPEAKER: Please.

Ms E N NTLANGWINI: Stop behaving like we are coming here on a courtesy invitation of you. [Interjections.]

The DEPUTY SPEAKER: Hon member.

Ms E N NTLANGWINI: We are not here on a courtesy invitation of you.

The DEPUTY SPEAKER: Your language is getting out of order. I plead with you to take your seat. [Interjections.]

The CHIEF WHIP OF THE OPPOSITION: Deputy Speaker, can the EFF please allow the proceedings to continue? They cannot disrupt us ... [Interjections.]

The DEPUTY SPEAKER: No, no, no. I have made a decision, hon member.

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Ms H O MKHALIPHI: No, Deputy Speaker, we cannot be told by the DA what to do after all what they have already done before. So, be neutral, please.

The DEPUTY SPEAKER: Hon member, I have said ...

Ms H O MKHALIPHI: Please; please. No, they have been dragging the process using wrong clauses to ...

The DEPUTY SPEAKER: I have addressed that member. Please take your seat. I have addressed it. Hon Minister, please proceed.

THE MINISTER OF TRANSPORT: Hon Deputy Speaker and members, today actually should be a day of celebration for the overwhelming majority of our people with the introduction of the Road Accident Benefit Scheme. This RBS Bill as we call it is intended to replace the current fault base system administered by the Road Accident Fund which often results in extensive and costly litigation, prolonged claims, finalization and high

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administrative costs, in the process enriching unscrupulous lawyers and doctors. Today with this Bill we are closing the tap

Isizulu:

UNGQONGQOSHE WEZOKUTHUTHA: uma ungibuza kahle ukuthi laba abasukuma belwa kangaka nje yini? Basebenzisa imicikilisho nje yemethetho yePhalamende. Inkinga ngempela ngempela ukuthi balwisana nokuthi sivala lo mpompi obulokhu uvulekile yabammeli abadla izimali zabantu bakithi abelimele ezingozini.

This Bill provides a benefit scheme which is reasonable equitable, affordable and sustainable. It also proposes a comprehensive social security safety net scheme that is not fault based and therefore not punishing people who have already suffered

The Bill will allow expanded access to the much needed benefit for road users. For that reason I would also like to thank Ms D Magadzi for leading the Portfolio Committee so ably that we now

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have reached this stage; that this piece of legislation is before the House.

There are many things that we can mention that this Bill is trying to correct amongst other things, people from outside South Africa getting involved in a road crash and they claim hundreds of millions of Rands from our own system and we are saying this is no longer going to happen with this Road Accident Benefit Fund.

Our government cannot allow the abuse and theft of funding from your road users through the Road Accident Fund fuel levy which is meant to alleviate the financial burden which result from the road carnage to be siphoned off to benefit the middle man, its often men, and a privileged few.

Our courts as we speak right now are clogged with road accident fund matters that are causing mass consternation on our justice system, in fact this clogging benefit the very same unscrupulous lawyers and doctors who have actually been fleecing the system,

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I would have expected from the opposition that they should be in the forefront to say no more in so far as fleecing this very important scheme that is benefiting our people who have been involved in road crashes.

Corruption fighting must apply across the board, it can't be that you use the rules here to hide the fact that there are people that you are silent about who are enriching themselves through these schemes.

Some of our stakeholders we know, hon Dr Motsoaledi, the Minister of Health has been complaining about threats of being sued forever. This is another place the very same lawyers who are troubling you have been chowing money and getting with sometimes taking up 80% of benefits of people who have lost their lives or have been left with many disabilities.

The other thing that we are please about this is not a Bill that just emerged now; it has gone through massive consultations and to be quite honest the report that recommended this was issued

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in 1999, in fact this matter is almost as old as this democratic parliament.

It is time therefore that we put this matter to rest once and for all. With this new Bill we'll be able to make sure that all these other problems are a thing of the past and we introduce defined benefits that are paid timeously and appropriate care based on reasonable tariffs.

We are also being accused of acting on inaccurate actuarial calculations, that is not true but also in addition we are saying we are going to do regular actuarial calculations as we implement this Bill so that we base this on facts, so as to assist the claimants, therefore today hon Deputy Speaker we urge the House to approve.

Sepedi:

Ms D P MAGADZI: Motlatšasepikara, ke dira boipiletšo go setšhaba sa Afrika-Borwa ka bophara gore se se gakantšhwe ke bomabinabosolwa bao ba tla tlogo go bona bjalo ka dinku tšeo di

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aperego matlalo a phiri, gomme ka gare ga bona go se bose. Ke re ka 2019 ka letšatši la dikgetho ba tšwe ka makata a namane gomme ba ye go boutela mokgatlo woo o ba ntšhitšego bokgobeng wa ba iša Kanana - mokgatlo wa ANC. Ke nnete montshepetšabošego ke mo leboga bo sele.

Ke rata go ya go bašomi kanna, e lego mekgatlo ya DA, EFF, IFP, NFP.

English:

Hon Baca, thank you so much for supporting this Bill.

Sepedi:

Ye ya lehono ke taba ya moswananoši, ga e ke e direga; re a leboga. E bontšha gabotse gore o tseba bohloko le bohlaki bjoo batho ba gaborena ba phelago ka gare ga bjona.

English:

Hon Hlonyane, I thank you very much.

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Sepedi:

Ke be ke le mo ke nagana mo ke nagana gore o tlile go fiša, o be o tonye, ke se tshepe. [Disego.]

English:

So, you disappointed me; you supported the Bill. Thank you very much. Hon Sithole, as usual you supported again the Bill. Thank you very much.

Sepedi:

Mohl Shelembe, re a leboga tate. O ntate, o tseba bohlaki.

English:

Hon Malatji, with all the contribution that you have made which are so important, thank you very much for supporting the Bill.

Sepedi:

Re a leboga.

English:

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The ANC supports the Bill [Time expired.]

Mr C H H HÜNSINGER: Deputy Speaker, we are contrasted against the dire need for sincere intent to deliver a fair civic deal; what we are faced with in Road Accident Benefit Scheme, Rabs, reflects irrational design and manipulated process.

The current financial dilemma of Road Accident Fund, RAF, is a result of mismanagement, sloppy governance, deliberate interference of operations and disregard for administrative discipline.

By approving Rabs, you irrationally be subjecting the South African public to immense financial pressure, having to fund a dual system which would result in an increased fuel levy of up to 75%; to fund both RAF and Rabs for at least 13 years. This is unwarranted.

By approving Rabs you will be subjecting the fiscus to a financial burden which is based upon uncertain and unreliable

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information. This is irrational and unjustified. By approving Rabs you will be: legitimizing under-settlement, which is unfair.

By approving Rabs you will: contrary to the Satchwell Commission's recommendations be indemnifying the wrongdoer, something which is immoral and wicked,

By approving Rabs you will be excluding the not economically active victim. This is irrational and not pro poor. By approving Rabs you will be stopping general damages with that any opportunity to restore a victim's financial security over the longer term and this is cruel and short-sighted.

By approving Rabs you will be eliminate claimant's access to medical costs incurred when preparing a claim, this is harsh, & punishing,

By approving Rabs you will be denying fewer than 18 and over 60-year-old victims of a direct claim, this is irrational and

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heartless. Mindful of the financial agony which the RAF has landed itself into the DA consistently promotes amendment to the current RAF Act 56 of 1996, acknowledging Rabs as "A" solution, but not the only solution. This Bill is far from the logical base of the Satchwell Commission's decisions and proposals of 15-years-ago and today unsupported with relevant actuarial evidence.

We have offered effective measures through which the financial bleeding of the fund can be stopped with immediately.

Frequently, I have approached each of the three transport Ministers over the last four years to accommodate such a dialogue.

Ignorance, however, is not to be blamed, but something much more brutal, mindful of the fact that sessions were recorded during the public participation process undertaken in nine provinces. I place it on record, that only 13% directly supported Rabs.

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In fact, the majority complained and shared bad experiences, not realising that Rabs will provide far less remedy and check and balances. Seven provinces rejected Rabs of which four, rather favoured amendments to the current Act.

Frustration amongst members of the committee realising it's not going their way, built up to such an extent that up to seventeen interruptions were recorded during particular public submissions.

The public participation process supported by industry specialists and stakeholders held here at Parliament followed the same trend with little regard, let alone impact allowed, measured against the substantial content and quality that was offered.

During the last phase of this unreasonable journey, the DA submitted a written minority view in accordance with Rules 166 and 288 to be included as part of the portfolio committee's Report. This, in compliance with provisions which invites

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minority parties to specify in which respects there was no consensus.

We expressed and conveyed views to facilitate this debate. Unwarranted, our report was removed from the draft version and not included in the Report tabled here today. In this regard, we have approached the Speaker's Office and still await your response.

In accordance with Rule 291(5) (a), the DA requests this Bill to be recommitted to the committee for reconsideration based on amendments which we have submitted. Again, approaching your office, yet not receiving any response. Therefore, we reject the Report and do not support the Rabs Bill in its current irrational fabrication. I thank you

Tshivenda:

Adv T E MULAUDZI: Mudzulatshidulo, riṅe vha ḽihoro la EFF ri khou hanedza hei Bill uri iye phandḽa.

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English:

This Bill is inconstant with the Constitution, because of the following reasons: it excludes the victim common law right to sue the wrong doer; it doesn't provide for general damage or life enhancement benefit; [Inaudible.] and medical treatment to private medical sector.

The funding model of Rabs is flawed and the Department of Transport has failed to update the actual calculations after the submission by the National Treasury in August 2018. I put it to you that that none of the majority party or, the Department of Transport can state as a fact that Rabs is cheaper than the RAF. I put it to you that Rabs will require double the current fuel levy that our voters can't afford another increase in fuel levy.

The government, including the National Treasury have given us no clear explanation of where the government will get the funds to afford the dual system. You must remember that if you want two you have to pay twice.

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The Rabs will be dependent on the sick government hospital infrastructures. The South Africa has the largest accident rate in Africa. The public can't afford Rabs on the financial and safety basis. This will kill our people.

The ANC government is doing nothing to own up their constitutional duty to ensure the safety of our road users. The ANC government is misusing petrol levy and will continue doing so under the dual funding system to corrupt rather than paying the victims and to use the money to bail the state capture consequences like South African Airways, SAA and e-tolls.

We as law makers, have a duty to create a good law for our people. The Rabs doesn't achieve these goals. We need to protect victims of road accident to ensure their financial independents and provide appropriate health care. Instead of supporting the victims, the ANC government will exploit the victims, especially the poor by having to pay more to receive less.

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This is not the aim of social legislation. The poor will never achieve financial rehabilitation nor will they have long term financial security under Rabs as it will be simple not to gain access to the administrator or to exploit as we have the current in the direct clean system.

Without hope of the financial rehabilitation due to the absence of general damages, workers who become victims of road accident will not be able to put on the table the food for their families. Will they be able to put the roof over their children's head, close them and put them in school?

Instead of addressing the administrative and the obvious management problems, the government is showing their true colours by excluding the poor to get their hands on the fuel levy intended for victims.

When the EFF govern in 2019, we will look after the South African road crashes. We will send their children to school. The government will make sure that the victims of car accident are

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treated with respect. More importantly, the EFF government will fix the roads, impose public transport and use the land expropriation without compensation to build more roads, to reduce congestion in our roads and accidents. The EFF reject this Bill, because it won't help our people. Thank you.

IsiZulu:

Mnu K P SITHOLE: Sihlalo, okokuqala asiveze ukuthi ngesikhathi kuqulwa iningi lezifundazwe esahamba kuzo zakhombisa ukuthi i-Road Accident Benefit Scheme aziyazi kodwa into ababeyizele kwaku wukukhalaza ngezicelo abazifakile kwi-Road Accident Fund, RAF, bengayithola imali yakhona, babezokhalaza ngokuhlala kwabameli ezibhedlela besebenzisana nodokotela ukuthi bakwazi ukuthola amafayela abo ekugcineni imali bangakwazi ukuyithola. Ekugcineni-ke ngicabanga ukuthi iqiniso kufanele sibhekane nalo. Umbuzo okhona manje uthi, njengoba sikhuluma ngokuthi kuzoba nomlawuli ozobhekana nokunceda abantu njengoba kade kunenkohlakalo engaka ebikade yenzeka kwi-RAF, izovinjwa kanjani manje kwi-Road Accident Benefit Scheme ngoba i-Road Benefit Scheme nakhona kuzobe kukhona abantu abezoba befana nabantu

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abekade bekhona kwi-RAF. Manje yizo lezo zinto ezifike zithande ukukhathaza uma ubheka lo mthetho esiwushayayo. Umthetho wona muhle kufanele ngabe kudala wabakhona kodwa uma ubheka kunezinto eziningi ezisho ukuthi kufanele ngabe uMthetho we-RAF kufanele ngabe ziningi izinto esilungisiwe kuwo kunoma senze omunye umthetho ofanayo nezinto ebezikade zenzeka, ngoba kade zenzeka nje

Kukhona ezinye izinto okufanele sizibheke manje ukuthi ...

English:

... in this respect, if this government is certain that issues with regard to what can only be described as discrimination upon claimants nonresident based solely upon their resident status. Additionally, the imposing of time limit upon family support benefit in respect of timeframes during which family support benefit can be paid.

IsiZulu:

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Okwenza ukuthi mhlawumbe sikhazaze ngalokhu ukuthi uma ungabheka umuntu obekade elimele, ebekwazi ukuthola isamba semali ebekwazi ukuyithola. Njengamaje kwi-Road Accident Benefit Scheme akazoyithola imali kodwa kuzobhekwa ukuthi imali ebeyithola ngesikhathi esasebenza bekuyimalini nanokuthi uma elimele kuzoba nemali yokuthi imbhekelele noma uma eshonelwe kuzobakhona imali engango-R20 000 ukuthi ukwazi ukuthi uyongcwaba. Emuva kwalokho kuzokwenzakalani? Imali izotholakala kanjani? Yilezi zinto okufanele ukuthi, Ngqongqoshe, ngicabanga, ngokuhlonipha okukhulu nokuhlonipha lokhu ... ukuthi njengamanje njengeqembu leNkatha yeNkululeko, kulo mthetho lo okhona manje, asikwazi ukukuxhasa baba. Ngiyathokoza.

Mr M L SHELEMBE: Hon Chairperson, the Road Accident Benefit Scheme Bill that is tabled here today is controversial and it is likely to have a significant impact on the lives of South Africans when it becomes law. The fact of the matter is that the South African roads are amongst the most dangerous in the world and statistics released by the Road Traffic Management

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Corporation shows that more than 14 000 people lost their lives on the South African roads in 2017 alone.

Chair, this is a frightening figure which we dare not to ignore when considering the intentions and the purposes of this Bill. Some of the advantages of the Bill have already been mentioned and we are in agreement with those. There is however pitfalls in the provisions of the Bill which the NFP believes should be highlighted.

One such pitfall is to be found within the no fault system which will be implemented should the Bill become law. Our concern is that the new no fault provision will allow any person injured in a motor vehicle accident to claim benefits, with the only exception of those who are involved in a motor vehicle accident whilst engaged in an act of terrorism. By implication this means that a person who is involved in a motor vehicle accident, whilst commissioning a crime, such as for example cash-in-transit heist will be able to benefit at the expense of those who would be funding the scheme. In our view this is wrong.

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The NFP is also concerned about the appeal's provisions, and in particular, the provision which restricts a challenge to a decision of the Appeals Committee to a judicial review only. We believe that such a restriction could lead to injustice and ideally should not feature in the Bill.

The process to apply for benefit seems reasonable and straightforward, but the internal decision-making mechanisms are laborious and onerous.

In all honesty, our state departments do not have a very commendable track record of efficiency and substantial administrative processes provided for in the Bill might well negate the good intentions and ultimately see the scheme drown in the morass of paperwork.

In conclusion Chair, the NFP rejects this Bill. I thank you.

[Applause.]

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Ms C N MAJEKE: Hon Chairperson and hon members, from the outset, I would like to register that the UDM will not support this Bill as it places undue and unnecessary financial hardship and strain on all the people of the country. Hon Chairperson, I am confident that any party or member who supports this Bill is not invest in the interest of this country's development and it must be simply be seen as such.

Many voices have been raising concerns about this Bill and it seems to have fallen on deaf ears. The Bill seeks to inflict further pain on South Africans. This Bill effectively will abolish the right to general damage claims, limit claims for children and for victims older than 60 years of age to emergency medical care. As adults we know that funerals are expensive and we wish to send our loved ones off with the highest degree of dignity as possible, but this Bill will cap funeral expenses to R20 000.

Furthermore, it excludes those who may potentially be financially impacted by offering no cover for victims whose

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annual income exceeds the national average R219 000. In keeping with this exclusionary manner, the Bill further seeks to exclude children from being beneficiaries from road accidents as well as people over the age of 60.

Finally, the Bill excludes the liability of a driver or owner of a vehicle. This is unacceptable as it erodes the accountability and sense of responsibility of road users. A drunk or reckless driver may be less discouraged to act antisocially and ensure that they are responsible for the lives of other people on the road. They will be excluded from being liable for the damages they have caused to other responsible road users and therefore be less inclined to make sound decisions. Soon South Africa's standards of road usage, respect for fellow motorists and respect for road rules will be so far forgotten.

Chairperson, the Minister through this Bill seeks to place no personal responsibility on road users who may commit offences or act negligently. So often we hear of families destroyed by the road carnage, we have our emergency and health care systems

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placed under enormous strains due to not roadworthy, irresponsible and drunk drivers.

We call on the Minister to humbly retract this Bill for further consideration and actually work with all South Africans to develop a better system that is beneficial for all. We will not hold the Minister if he retracts this Bill. However, celebrate his inclusive approach to addressing our concerns. Mr Minister ...

IsiXhosa:

... khawubuyele emva uye kucingisisa. Lo uMthetho oYilwayo awulunganga kwaphela. Ndiyabulela. [Kwaqhwytywa.]

Adv A D ALBERTS: After the obscene accident earlier today where we witnessed the lionising of the principle of expropriation without compensation, we are now also witness to the first Bill to be passed which implements expropriation without compensation, namely the Road Accident Benefit Scheme, Rabs, Bill.

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It is ironic that in those public spaces where the state does have a limited and an important role to play, such as in insuring road accident victims and protecting dependents, the current government broke and bankrupted the functioning Road Accident Fund, RAF, system with that old ANC sickness of irregular governance and corruption. Now it wishes to replace it with Rabs, which expropriates existing rights without compensation. So let me count the ways in which expropriation without compensation is making its presence known:

Firstly, Rabs expropriates the common law rights to claim against any guilty party in an accident. This in effect provides a free pass to those who drive recklessly;

Secondly, in an insidious and irrational manner, it provides rights to those who have acted recklessly on the roads, like drunken drivers, due to the no-fault system, as they will also be able to claim in an accident that they caused. This in effect expropriates the right of road users to a safe travel road environment;

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Thirdly, it expropriates the rights of the middle class – nurses, police officers, teachers – to participate in the scheme as opposed to the current position where they may claim from the RAF;

Fourthly, it expropriates the right to choose one's own medical practitioners and relegates everyone to a state-managed process of medical care. Should the scheme only approve medical care management via the public health system, claimants will become victims of those concentration camps, today known as public hospitals and clinics;

Fifthly, lifetime care is expropriated. Once you become 60 years old, the scheme will abandon you. So take that, elderly people of South Africa! We now know that the ANC hates you; and

Lastly, the right to legal representation is effectively expropriated and claimants are left to the devices of the scheme that acts as legal counsel, adjudicator and administrator – a

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clear conflation of roles and interests that leads to undersettlements.

Afrikaans:

'n Verder kern probleem met die wetsontwerp is dat die beplande befondsing van die skema nooit behoorlik in die komitee gehanteer is nie en daar verwarring is oor die verskillende definisies van die skema. Daar is ook verwarring omdat dit nie duidelik gestel is dat daar twee skemas is wat gelyktydig deur die petrol heffing befonds moet word nie.

English:

Road users must take note that the fuel levy is going to increase substantially due to the funding needed for both the RAF and Rabs that will run concurrently.

This Bill gives road users every reason to be very concerned and must surely be contested in court. And when we go there, we will ask the court to issue cost orders personally against every

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Member of Parliament who supported this Bill. I thank you.

[Applause.]

Ms D CARTER: Chairperson, compensation for injury or death arising from road accidents forms an important component of our broader social security net. However, I want to start off with the following question. How can a Bill that will have serious financial implications on provincial hospitals and provinces, be tagged as a section 75 Bill. Surely this Bill should be a section 76 Bill. This is the first mistake.

As Cope, we have been concerned about the failure and the good, clean, effective and efficient governance of the RAF. The fund has essentially been insolvent and in financial predicament for the past three decades at the extent of systemic fraud, corruption and wastage affecting the fund, its claims and its operations.

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The status quo cannot remain and reform is needed. That is agreed. However, we do not believe that the most prudent means is by adopting a dual system. Minister, a dual system.

The Road Accident Benefit Scheme, Rabs, does not provide reasonable, fair and practical solutions to the problems and shortcomings of the current fund. In the first instance, we do not support the introduction of a no-fault system as it means that both the victims as well as perpetrators of accidents will be able to get compensation; that as a consequence, there will be no negative outcome for negligent and reckless drivers; that the quantum of compensation granted to accident victims will reduce significantly; and that the no-fault system will merely add to the already existing financial and administrative burden.

If this Bill is adopted we will be further burdened by having to maintain and administer two systems. Yes, Minister, Rabs is not replacing the RAF. The Department of Transport has not done a costing on Rabs and it is estimated that the petrol levy will double, placing a further burden on the poorest of the poor.

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Obtaining medical and police reports with potentially no reimbursement will negatively impact on the ability of the poor and the vulnerable to access benefits from the fund.

Administrative staff are now going to make medical decisions and victims will have no recourse.

There's no government rehabilitation centres in the Free State, the Northern Cape, Limpopo, the Eastern Cape or Mpumalanga.

[Interjections.] There are six in the Western Cape, two in Gauteng and only two in KwaZulu-Natal. How on earth do we expect victims to travel to other provinces? Six hours ago, you the ANC were pro-poor and here you are excluding the poorest of the poor!

We are concerned that the Bill will stop the right to general damages. Section 9(3) of the Constitution is clear. The state may not discriminate directly or indirectly against anyone on their social origin and age, amongst others.

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Excluding victims under the age of 18 and ... [Inaudible.] ... than 60 is unconstitutional. It includes teachers, nurses, police officers ... [Time expired.]

Mr S N SWART: House Chair, the ACDP understands the need for reform but this is not the answer. The Bill and its scheme which it seeks to establish are fatally flawed and fail to achieve the objectives set out in the memorandum. On the contrary, it will result in extreme hardship to future victims of road accidents, particularly those who are most vulnerable in society, including children, widows and the poor. Every opposition party here is opposed to it and that should give reason for thought.

The concepts of reasonable and equitable go hand in hand and there can be no rational basis – that is a legal requirement – to suggest that it is reasonable or equitable to support condemning seriously injured children to a lifetime of abject poverty and suffering. That is what is proposed here, with no prospect of achieving a reasonable standard of living. Is that propoor? Definitely not!

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It arbitrarily limits the benefits payable to widows and dependents of deceased breadwinners. It burdens an already failing public health care system by forcing victims without medical aid to use public hospitals ... and the total abolition of any claim for general damages for pain and suffering, not even for the most catastrophic injury. This is disgraceful! This is contrary to what the Satchwell judicial commission of inquiry recommended.

We as the ACDP have deep reservations about the Bill's impact, particularly on the no-fault system. So, let's just have a look at it. What is the system at the moment? You have an innocent motor vehicle driver; you've got a drunken driver. The drunken driver cannot claim. Now the drunken driver can claim. What do you have? Double the claims. What does that result in? Double the fuel heffing [levy.] It is not rocket science to understand the implications of this and that is why the National Treasury said it is unaffordable.

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So, let's just have a look. To make matters worse, section 35 totally removes any civil claim that you may have. That is disgraceful! It also removes legal assistance. So the Minister blames lawyers very easily but let us just have a look. At the moment direct claims that were instituted ... there are 200 000 direct claims without lawyers. A total of 20 000 of those have already been prescribed. That means they have no claim. That is disgraceful!

There is another example of a direct claim that was instituted. A total of R45 000 was offered to those claimants. Lawyers were brought in and the settlement was eventually four million rand. This is disgraceful to blame lawyers!

Let us have a look. The courts are apparently clogged. What is the problem with that? ... the RAF, because they litigate right through to the court steps and then they are settled there. Very few of those cases go through to final trials.

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So we cannot accept this. The right to claim due and proper compensation following a motor vehicle collision, particularly where one is not at fault, is a guaranteed constitutional right which cannot be sacrificed on the altar of government incompetence, maladministration and corruption. Thank you.

[Applause.]

Mr L RAMATLAKANE: Chairperson, at the onset, let me say that the ANC understanding the objective of the Bill that draft goals ensure the sustainable benefit scheme and to protect the income victim's households.

We know that the anti-transformation of the DA, with the coalition that they have with the EFF is not going to support the Bill because of the express reason of anti-poor and the victims of the road accident on the contrary.

What the DA wants is the continuation of the legal fees. Let me just say it for the record, R8,8 billion has been paid in the financial year 2016 towards the legal fees of the lawyers that

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they present. In the meantime, the victims of the road accident are not getting the same. Let me make this point clear, what we are saying is that it is very nice for the DA to come here and grandstand. They have not made any of those recommendations in the committee.

Let me deal with the points the hon Humsinger is talking about. It is very clear that the minority report is not allowed according to the committee report. [Interjections.]

The CHIEF WHIP OF THE OPPOSITION: Point of order.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Ramatlakane, take your seat. Yes, hon Steenhuisen?

The CHIEF WHIP OF THE OPPOSITION: Mdam House Chairperson, I refer to you in terms of Rule 288 (3F) where it says the committee report must if it is not unanimous report in addition to the views of the representative of the majority in the committee convey any views of the minority in the committee in

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order to perceive that debate in report come before the House. What the hon member is has just said is not correct and he is misleading the House again.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, you are aware that you are now debating with the member on the podium. Continue, hon member. That's not a point of order at this stage. .

Mr L RAMATLAKANE: The Rule that has been sited, we have discussed it in the committee. We understand it very well and in detail. It doesn't say the DA must go and write its report from the dashboard. It simple says that the majority must convey the views of the minority, which is being conveyed. It has been clearly conveyed. There is nothing with it.

Let me just deal with the next issue, which is grandstanding about the general damage. The general damage has been subject to a number of constitutional charges court. The decision has been taken and accepted.

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Let me deal with the other issue. You come here and just talking. The ANC cares. That is why the ANC is bringing this Bill before Parliament to make sure that the money that comes out of the accident benefits the poor who are the victims of those accidents.

Let me tell you, the issue about no fault that has been talked about here, it means anybody that has no money that is unable to prove that the accident is as a result of someone else forfeit the right to claim in the current scheme. The current scheme disallowed that. The new scheme says accident will be treated as an accident. We have engaged on all of these in the committee.

There is an issue of constraint about the Common Law Right as a result of this Bill. Of course, yes, there is no right that is in fact ... Clause 36 of the Constitution provide limitation on those particular right, which is the Common Law Right that has already been said. Constitutional Court has in fact dealt with this matter and has agreed with the amendment of 2005 that in any case in terms of that law, including the regulation that

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limitation was already in place. That is there. In fact, the Constitutional Court goes further to say what you are asking is the general damages because there is an accident fund available if an accident has happened. Those who claimed do so because there are fuel levies that paid for that. The money that is going to be paid out comes out from fuel levies.

Hon Hungsinger, if you want to embark on a general claim outside of that so where the money will come from? In fact, the Constitutional Court goes into details to explain this rationale that is insane. You want to say that you are claiming out of this that you can still go and have it at the back door. We have deal with another part of this.

The issue about participation is a fiction of imagination of hon Hungsinger to say 13%. We had discussion on this issue. There is no such thing that 13% of people have listened this. The issue about people coming to complain is just defiable.

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People complained about the fact that lawyers have vanished with their money. They have submitted and signed the form of the power of attorney and the lawyers have in fact disappeared. It's justifiable.

Unconstitutional issue about the advocates - I thought you will have a better articulation. It is surprising that you come here having not been in the committee, have not been in fact even read the submissions even the constitutional judgement on this matter. This simply says what you are claiming to be unconstitutional is unfounded. It does not exist.

The third thing I want to say is that we have stay close to the Sexual Commission of Enquiry on this particular matter.

[Interjections.] Let me tell you what we did. [Interjections.] Yes, of course. Why not? [Interjections.] We have. The commission recommendation made it clear that everything that you are talking about here has to be within the confine of the affordability of the state. It must be seen as a social security system. That is why in the Bill, Minister, there is a provision

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that suggest that there should be an introduction of that particular Bill that deals holistically with the issue of social security network in the country.

The lam sum, central commission dealt with that issue. It is surprising that the no fall to become the issue. We have asked lawyers to present the case where you are saying the system is operational. They could not do it. There were lawyers throughout the country in a committee. They could not produce simple evidence. We ask them to go back and look for that evidence and provide it to us but they couldn't. Hon Hungsinger was part of this discussion. [Interjections.] We have not ignored you. You have not participated. [Interjections.] You have your time.

Let me go further to say this: the FFP is laughable because in the last minutes they attended nothing. Suddenly on the last minutes, they had expert of understanding this particular Bill. They come up with the Common law Right that has been abolished. Of course, there is a limitation clause even in the

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Constitution. It's dealt with in terms of the constitutional law. It has no dispute about it. Go and canvas this view.

If you want to canvas this view around the issue the common law the constraining of that, the old people that has been mentioned here that are going to be subject to is unfounded allegations that has been made.

I want to say the ANC cares. That is why it brought this Bill before Parliament. That is why we say in fact Rabs Bill Minister at the end of the day automatic repeal the Rabs Bill. There is a provision in that Act that says that it's going to repeal it ... Thank you very much. [Time expired.]

Mr M S F DE FREITAS: House Chairperson, from then beginning of this process, it was blatantly obvious that the ANC did not have the vehicle crash victim in mind when considering the Road Accident Benefit Scheme, RABS, Bill. There is much that the ANC has said about lawyers "milking" the fund. The fact is that the enormous Road Accident Fund, RAF, Legal Bill is caused by claims

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being opposed by RAF contracted attorneys who in most cases have no legal basis to oppose the claims. The RAF have legal fees of close to R7 billion annually up from about R180 million nine years ago.

Claims are settled shortly before the final legal proceeding. An example of this is that 80% of cases in court are RAF cases with less than only 1% actually going to trial. The current system was developed when South Africa had only 500 000 cars on our roads and now we have more than 11 million cars. To make it worse we have more than 14 000 road related deaths annually and about 140 000 seriously injured persons on our roads per annum.

There are about 70 000 claims per year. South Africa has about 156 fatalities per 100 000 the international good standards is less than 10.

The ANC has been pursuing the continued narrative that attorneys are bad and stealing poor claimants' money. This narrative is led by blind, illogical political stubbornness to implement this

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Bill at all cost. Should this Bill be passed, it would lead to the total breakdown of the rule of law and accessibility to the courts. If RABS becomes law, any person younger than 18 making a claim will cease to receive benefits once they reach the age of 18 even if they need the benefit for life. RABS ensures that anyone older than 65 will be guaranteed of not receiving any benefits whatsoever, even if they need this assistance for the rest of their lives.

This isn't the worst issue. In future we will not only pay more and receive less but those that shouldn't receive anything at all, will. The RABS Bill proposes that anyone claiming from RABS would not require to prove if a vehicle crash was caused by that party involved in the first place. To put it bluntly; a drunk driver can repeatedly cause an accident and even kill people involved in a crash and will be able to claim from RABS over and over again. In other words, a drunk driver would be rewarded for driving under the influence of alcohol.

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This sounds unbelievable but it's true! Essentially this government and the ANC have no problem with drinking and driving. RABS will cement this. Thank you.

Mr A M SEABI: Chairperson, the African National Congress is a party committed to advancement of quality and decent social security for the underprivileged and the vulnerable. Under apartheid the people of South Africa were stratified according to the colour of their skin and social status hence the ANC regards the national question and race relation interwoven and mutually reinforcing one another. In the main the current social security system like all other colonial policy imperatives, is characterised by skill distribution and lack of consideration on the underprivileged population of South Africa, who remain black and mostly rural. The Road Accident Fund is a manifestation of such policies where professionals turn to benefit at the expense of victims of road accidents.

These victims still experience inequality of benefits based on levels of occupation, while corruption and unsustainable lump sum

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payments are the central features of Road Accident Fund. Since the dawn of democracy the ANC has always been committed to develop inclusive policies by repealing apartheid laws that continue to enforce the basic political, social, economic and gender oppression and exploitation. The ANC Government is committed to overcome in a swift, progressive and principled way, the legacy of inequality and injustice created by colonialism and apartheid.

Motor vehicle accident legislation has been in place for over 70 years and has been the subject of numerous commissions of inquiry, looking into the flaws inherent in a foiled base system. The Chairperson of the Portfolio Committee on Transport has already referred to the commission of inquiry under the chairpersonship of Justice Satchwell. The recommendations as contained in the Satchwell Report became the guiding principle in the processing of the Road Accident Benefits Scheme Bill. The report recommended a no foiled as already said that provides benefits in the form of periodic payments governed by an

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approved tariff subject to threshold and monetary caps and paid directly to claimants.

The other overarching principles recommended by the report were that the Road Accident Benefit Scheme should be reasonable, affordable, equitable and sustainable. These are the principles that spirited throughout the Bill. The disadvantage of Road Accident Fund is the creation of barriers to access in that proofing foiled exclude many who are unable proof that someone else contributed to the accident, proofing foiled exclude the injured claimant and dependants of the deceased breadwinner from claiming.

The Road Accident Benefit Fund Bill provides solution to challenges with delictual common law system in that it provides for an arrangement that is reasonable, affordable and sustainable, it moves away from delictual principle to social security; it expands access and proactively assists claimants, it recognises needs as oppose to loss, it provides predefined benefits, it pays benefits in structural manner, it emphasizes

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rehabilitation and return to work, it provides for benefit review. This claim procedure is simple.

The bill goes on to extend of providing the family of the decease with an assistance for burial of their loved ones with a lump sum of R20 000. As oppose to Road Accident Benefit Scheme, the Road Accident Fund plugged with irregularities and high level of corruption owing to the third party interference, contrary to the Road Accident Fund the Road Accident Benefit Scheme directs administrator to be liable to assist the claimant in an event where the disagreement occur, the appeal committee intervene to mitigate. This will limit the possibility of litigation and corruption by law firms.

The cry by victims not receiving their claims is the thing of the past, thanks to the carrying ANC Government. Under RAF claimant can wait for two to six year. It is worth noting that the Bill provides for a transitional arrangement, so there will be no lapse and such victims will no be disadvantage. The right to help is enshrined in the constitution; this therefore

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solidifies the ANC's Government's resolve and commitment to take care of its citizens. As the ANC we are perturbed by the veracious contestation from interest groupings, supported by the dying Party the Democratic Alliance. We understand that in times of rage epidemic diseases, the sick claim to have a cure.

It is in this regard that remain convinced that Road Accident Fund Law firms who are using corrupt practices to rob our underprivileged people of their claims, will not go down without a fight. As the ANC will not shiver nor shrink, for we know that their actions are not representative of our people. For the Democratic Alliance to come here and accuse the African National Congress is pural and political grandstanding of the highest order and crude electioneering. The Democratic Alliance can only speak for the elite against the vulnerable underprivileged masses o f our people. What they want from these unsuspecting underprivileged masses is their votes; however our people are not stupid, they cannot be duped into these DA political shenanigans, they know that the ANC is there for their course.

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Even these elite that they are claiming to represent can see through the DA. I don't know why the DA can not learn that every time they portray this elitist behaviour against the vulnerable they are busy fast racking their demise. As if Albert Einstein was speaking to DA when he said "once you stop learning you start dying". Our people are fully aware that we can not solve our problems with same thinking that created them. The portfolio committee went an extra mile doing public consultations. Our challenges started in the committee, the DA submitted an alternative report disguised as their minority view and tried all with their might to coerce the committee into adopting it.

Those spent time in school will be able read route 288 correctly, having noted the descending views as presented by the DA, the majority of the Picot are of the view that the bill was tacked correctly that are in lines with court precedence. President Oliver Reginald Tambo once said "we must speak truth to ourselves even if it coincides with what the enemy is saying", that is why we had to listen to them.

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The less we speak about Cope the better, hon Carter has the nerve to stand in the House and contest the bill, when she or her party was conspicuously absent in the deliberations of the Bill. Hon Carter that being economic with the truth and unfortunately digging your political grave. We are aware that your in alliance with the AfriForum which is hell bent on opposing anything. If King Monaka was in the House he would see that DA and Cope...

Sepedi:

... ba a idibala ka lebaka la Sekimi sa Thušo ya Dikotsi tša Mebileng, mola batho ba rena ba eja diyokate ka lebaka la ANC. Chairperson I conclude with the words of President Mandela when he said "a good head and a good heart are always a formidable combination. But when you add that to a literate tongue or pen then you have something special. A nation should not be judged by how it treat its highest citizens but its lowest ones". Vote ANC. The ANC supports the Bill. Thanks Chair.

English:

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I conclude with the words of President Mandela when he said:

A good head and good heart are always a formidable combination. But when you add to that a literate tongue or pen, then you have something very special. A nation should not be judged by it treats its highest citizens but its lowest one.

Vote ANC, the ANC supports the Bill. Thanks Chair.

The MINISTER OF TRANSPORT: House Chairperson, just few points in response to some of the issues that have been raised here. If you listen very carefully to what the opposition parties are saying, they are criticising RABS but they are coming up with any alternatives, instead they are discrediting the views of the people which are overwhelming about the fact the Road Accident Fund is being fleeced at their direct expense and people an alternative.

IsiZulu:

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UNGQONGQOSHE WEZOKUTHUTHA: Abantu bakithi bayakhala nsuku zonke ngokuthi izimali zabo zithathwa oDokotela nabammeli.

Abaphikisayo ayikho into abasitshela ukuthi mayenziwe njengombono wabo. Sifisa ukuthi kwi-UDM, kuyihlazo ukuthi singasenzisa i-Social Security system ukupanisha abantu bakithi.

English:

Drivers ho do not respect then rules; the laws of the country must be enforced on them. We can't use our social security system to punish people who actually should be punished through the normal legal processes; we can not be able to do that.

IsiZulu:

UNGQONGQOSHE WEZOKUTHUTHA: Mningi umehluko, mhlonishwa Sthole ubuze umbuzo wokuthi ukuphi umehluko uphi la, muningi umehluko okhona, owenza ukuthi sikiphe abantu abadla izimali ukuze abantu bakithi bazithole izimali zabo. Angifuni nokukhuluma nje nge-EFF ngoba isikhathi esinigi, futhi yazi kuthi angiyinibuze umbuzo wokuthi naphikisana kangaka nalento, niyadla yini la

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wezingane zakwethu? ngoba la nidla khona nivame ukuthi
ningahambisani nezinto ezimelene na la nidla khona..

Debate concluded.

Decision of Question postponed.

FOREIGN SERVICE BILL

(Consideration of Report)

There was no debate.

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

The CHIEF WHIP OF THE OPPOSITION: Hon House Chair, I rise in
terms of Rule 210 of the National Assembly rules and bring it to
your attention that this matter was by consensus brought on the
order paper today. I would like it to be on minutes that the DA
has brought this to your attention.

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The HOUSE CHAIRPERSON (Ms A T Didiza): Order hon members, hon member the Chief Whip

The CHIEF WHIP OF THE MAJORITY PARTY: Hon Chair, I do not know as to how many times must we repeat the same thing. Everybody was consulted including the DA and all the 12 parties represented in this House as in terms of our rules. Thank you very much.

The HOUSE CHAIRPERSON (Ms A T Didiza): Order hon members, hon Steenhuisen you have raised, indeed repeatedly and an answer has been given, that there has been consultation and the programme has been circulated. You have indeed said in terms of your party you have not been consulted although you had received the programme on Friday. I would actually propose that this matter be raised in the programming committee on its next meeting and for now we proceed with the order.

The CHIEF WHIP OF THE OPPOSITION: Hon House Chair, I am going to continue to do this because that fact the proper procedure is

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not followed means that these decisions are reviewable. I would be failing in my duty as the Chief Whip if I did not get up on every opportunity to bring it to your attention.

The HOUSE CHAIRPERSON (Ms A T Didiza): I have taken note of you issue and as indicated that the appropriate forum for raising this issue is the programming committee indeed. You have tabled it and earlier on the other questions where such a matter has been raised other parties have confirmed to the consultation, in recall that earlier, order hon member, earlier the Deputy Speaker even suggested that maybe there should be a discussion between the Chief Whip of the Majority Party and the opposition party, particularly the DA. I would propose that we move with this order that has just been by the secretary so that we can proceed with the business of the day.

Question put.

Report accordingly agreed to.

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FOREIGN SERVICE BILL

(Second Reading debate)

The MINISTER OF INTERNATIONAL RELATIONS AND COOPERATION: Hon Chair, Members of the House, today I have the privilege to address the National Assembly at the Second Reading of what can only be described as the historic event in our democracy. Earlier this year I had the honour to address Parliament during my budget vote and I said that this centenary year of Nelson Mandela is a year that we should use to leapfrog into the future that we all dreamt of and build on the immense work done by Oliver Tambo in our international relations. I believe that this moment to leapfrog into the future of the National Assembly is poised to take today by adopting the first legislative mandate of the Department of International Relations and Foreign Service of the Republic of South Africa.

The adoption of this Bill during this administration will be a major achievement for Parliament. I want to express my sincerest

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and greatest appreciation for the leading role of the portfolio committee and Parliament in finalising this Bill. I single out for particular thanks the chairperson of the committee Mr. Masango. The Bill will add to the effective operation of the department and the political, economic and the cultural benefits that proper execution of foreign policy will bring to the people of this country.

To deliver on the mandate, South Africa needs a Department of International Relations and Cooperation and the Foreign Service that are capable and empowered to unwaveringly promote our foreign policy, our image as a country and a progressive international agenda. International relations are conducted in an increasingly, complex and rapidly changing world and the Foreign Service has to be able to respond appropriately, adequately and often immediately. Unique challenges are faced daily in respect of the realities, management and operations of the missions abroad and their jurisdiction.

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International best practise shows that the effective execution of International relations as a foreign service needs to be supported by an appropriate legislative framework that is flexible enough to address the challenges posed in an international level and in our missions and it is a basis for professionalising our service.

Today, I believe that the National Assembly has a Bill before it that will enable the department and the Foreign Service to deliver the maximum gains for the people of South Africa as envisaged in the National Development plan and The White Paper for South Africa's Foreign Policy. The title of the Bill accurately sums up the purpose of the Bill and that is, I quote,

to provide for the management, administration, accountability and functioning of a professional foreign service of the Republic of South Africa and, to provide for the operational requirements that are suitable and supportive of the operations of foreign service in a global environment and,

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to provide for matters incidental thereto.

This Bill defines the Foreign Service as consisting of all South African missions and those who serve in the missions and that are accredited to a foreign state for the period of their service abroad. The Foreign Service consists of all transferred officials from all departments including heads of mission. The Foreign Service is responsible to promote and advance international relations and cooperation in South Africa by representing the country in an effective, coherent and comprehensive manner. The Department of International relations and Cooperation has a mandate to conduct and coordinate the international relations of South Africa at a bilateral, regional and multilateral level in accordance The Foreign Policy of South Africa and to manage the administration of foreign policy.

This Bill could not have come at a better as we battle with who legally represents South Africa abroad when we see multitudes of municipal managers making their way out there. The Bill will define who speaks on behalf of South Africa, who signs twee tees

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on behalf of South Africa. [Applause] The Bill provides for the criteria to be met by all heads of mission and requires a head of mission to be a fit and proper person with relevant knowledge and experience, heads of mission must reflect the diversity of South Africa, moreover it provides for the recall of members of the Foreign Service under specific circumstances. The diplomatic academy that is attached to the Department of International Relations forms a basis of how we respond including the provision of the necessary prescribed mandatory training that all people who serve in the Foreign Service are required to have.

Finally Chair, I would like to thank everybody for the time that they have given me and I would like to think that we will be ready to adopt this Bill, it a very necessary piece of legislation. Thank you very much.

Ms R M M LESOMA: Hon House Chair, hon Ministers and Deputy Ministers, and fellow South Africans. On the 22nd November 2018, the Portfolio Committee on International Relations and Co-

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operation adopted the report on the Foreign Service Bill [B 35-2015] referred to it and classified by the Joint Tagging Mechanism, JTM, as a section 75 Bill, reports on the Bill with amendments [B 35A-2015].

Indeed, it is history in making, #thuma mina. We are humbled to present, request and recommend that the House adopts this Report and approve the second reading of the amended Bill.

We would like to express our heartfelt appreciation of invaluable contribution by almost all political parties towards the Bill under the stewardship of hon Masango.

The ANC supports the submissions which are inline with the 54th National Conference Resolutions and National Development Plan, NDP, expectations outlined in chapter 13 and 14 of " Building a more responsive and capable foreign service to deal with the ever increasing demands of economic and cultural diplomacy. And the importance of having a competitive base of infrastructure, human resource strategy and regular tariff framework, hence the

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part of professionalised public service which strengthen accountability, improve coordination and prosecute corruption where it exists." It is an enduring legacy as it is for first time that the Republic to have a legislation that governs the Foreign Service.

Creating an enabling administrative and management framework for the Foreign Service and will be operationalized within the existing legislative framework governing the public sector service and the security services in South Africa; and is in compliance with the constitutional dispensation.

The Bill does not aim to change the existing mandates of those departments with officials serving abroad to fulfil specific functions, as it only deals with the administrative and management aspects of the foreign service system.

It has been long and exciting learning journey from the day the Bill was referred to the Portfolio Committee on International Relations and Co-operation (The Committee) on 27 October 2015.

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The Bill was published on 18 July 2016 and translated into 11 official languages for public comments in the national and provincial media for public comments and inputs.

The resultant challenge was that the initial responses were minimal; with only four individuals and organisations having submitted written submissions and it was extended for more public involvement. Subsequently, more stakeholders sent their written submissions to the committee for consideration.

However, the committee still saw a need to seek more public involvement in the legislative process regarding issues of international relations; especially the management of South Africa's Foreign Service and demystifying the perceptions that Foreign Policy by its nature remained elitist.

Public Seminar was held in Pretoria, on 24 of January 2017. which was able to reach a wider range of stakeholders; including Labour organisations and practitioners of Foreign Service were among the last stakeholders to be engaged.

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It became clear that the Bill is perceived to be encroaching into mandates of sister departments. In order to better understand the concerns of the Department of Public Works related to ownership, maintenance and disposal of immovable assets abroad; the committee resolved to undertake a fact-finding oversight visit to Namibia which was linked to clause 8 of the Bill on Assets.

After extensive deliberations and due consideration of all the submissions received from stakeholders and the responses from the Department of International Relations and Co-operation, the committee made several amendments to the Bill.

The committee is of the view that the current dispensation of a highly fragmented Foreign Service in relation to the management, administration, accountability and functioning of the various officials from different departments, is inconsistent and in many cases not optimal. The committee agreed on the desirability of a legislation that would address these concerns. The Bill will operationalise with the existing legislative framework

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governing the public service sector and the security services in South Africa.

The committee further acknowledges that the amendments to the Bill would provide for a single and professional Foreign Service for South Africa. It will further provide a framework to address challenges posed at the operational level in Missions abroad which are located in a global environment which is different from the domestic context.

The committee is convinced that the amendments to the Bill recognise the fact that the Department of International Relations and Co-operation conducts its affairs and operations in a global environment. And further recognises that the global platform is surrounded by circumstances and conditions which are often vastly different and diverse from the policy context within South Africa that governs the rest of the public service.

In addition, the committee is of the view that the amendments to the Bill will address the issue of custodianship of state-owned

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properties abroad. The amendments will empower the Minister of International Relations and Co-operation that as a custodian, will acquire, maintain, lease or dispose of immovable assets of the department outside the Republic. The committee recognises that the department has physical presence abroad, and is regarded as responsible and accountable by the receiving states for the management of all acquisitions, including leases, additions and sales of real property in the receiving state.

The majority of the committee, having noted the dissenting view presented by the EFF on the matter 'must' as a minority view, and that the amendments to the Bill adequately addresses the issue relating to the criteria of the 'Head of Mission' in Clause 5 of the Bill and satisfied that the matters raised had been extensively discussed and clarified during the submissions and presentations made to the committee.

The majority of the committee members were of the view that the Head of Mission may have the relevant knowledge, skills and experience; the minority view was recorded accordingly.

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The committee recommends that the House adopt this Report and approve the second reading of the amended Bill.

We, as ANC, remain committed to building a better South Africa; a better Africa and a better world. South Africa is committed to multilateral relations and co-operation from matters related to world security to issues of climate change and solidarity with the progressive finding African solutions for African problems.

People shall govern. #voteANC2019. I thank you, House Chair.

Ms S V KALYAN: House Chairperson, I agree with the Minister that this is indeed a historic Bill and one which is long overdue. The aim of the Bill is to professionalise the Foreign Service. Since the advent of democracy, the Foreign Service has been operating on the basis of ad hocism, for want of a better word.

The ANC has used the Foreign Service either as a reward for loyal cadres or political favours. A case in point: the appointment of one Bruce Koloane, former chief of state protocol

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officer - he who authorised the landing of the Gupta jet at the Waterkloof air force base. In return for his agreement to be the fall guy, he was deployed to the post of ambassador to the Netherlands. A cushy landing, wouldn't you say?

This trend is most unfortunate and, as a result, 80% of the appointments are political, while only 20% of the positions are given to career diplomats. Hopefully, this Bill, in particular clause 5, will go a long way towards professionalising the Foreign Service and deployments to it. The clause also refers, in particular, to the criteria required to be a head of mission. I am delighted indeed that the DA's submission to include diversity as one of the criteria was accepted. Initially, the Bill only stipulated that race and gender should be considered.

However, after my suggestion that we should rather use the word "diversity" to include persons with disabilities, persons from the LGBTI group and persons from other vulnerable groups, the term was unanimously agreed to. This is quite significant

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because this kind of terminology is inclusive, and, I think, all our Bills going forward should be like this.

As I alluded to earlier, appointments are mostly made on an ad hoc basis. Let's take Hazel Ngubeni, aka Francis MacDonald, who was once the ambassador to Singapore. She's a convicted criminal, a drug smuggler. Her security clearance was issued three months after she took up her post. S'bu Ndebele, former Minister of Transport, despite facing fraud charges was appointed high commissioner to Australia. [Interjections.] Ms Pheko, ambassador to Japan and her fake PhD, is yet another example of poor probity and intelligence checks. Hopefully, clause 4(3)(c), which refers to security clearance, will now be more strictly adhered to as security clearance is and must be a prerequisite for a posting.

The recall of diplomats due to misconduct has been most inconsistent, and the DC processes are very long and drawn out. Diplomats, who are drunk on duty, attend illegal gatherings, abuse their domestic workers or even SAA flight attendants, get

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to keep their jobs. Mr Jerry Matjila, South Africa's representative to the United Nations, is under a very dark cloud regarding the tender and construction of the mission in New York - to the tune of about R180 million - yet no action has been taken against him and he enjoys a plum position.

[Interjections.] Keep howling now; those that are howling at me from the back there.

Incidentally, the Department of International Relations and Co-operation has flip-flopped on the UN resolution regarding the situation of the Rohingyas in Myanmar, but the decision by the Minister to recall the delegation, brief them and review our position is most welcome. Perhaps that entire team, Minister, should be retrained to avoid more embarrassing flip-flops.

Making training by the diplomatic academy mandatory is another welcome provision in the Bill. Some appointees in the past seemed to have thought that the training was an optional extra.

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The acquiring and disposing of immovable assets of the department continues to be a problem, and this Bill is clear about the Minister's custodianship of all assets acquired for use by the Foreign Service and the authority to dispose of them lawfully. Again, one is hopeful that better asset management can result in an unqualified audit for the department. Indeed, Minister, the very fact that three spheres of government all tend to make their visits to different countries and engage in treaties and accords without consultation at the national level is problematic, and this Bill will streamline that and, in turn, streamline our commitments to international accords.

Overall, this piece of legislation is a much-needed move in the right direction to ensure a professional Foreign Service. This Bill was introduced in 2015, and a lot of hard work - as you've heard from the hon Lesoma - has gone into it. I would like to place on record my special thanks to committee secretary Lubabala Sigwela, content adviser Lineo Mosala and researcher David Madlala who assisted the committee in their legislative duties. I thank you. [Applause.]

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Ms N R MASHABELA: Hon House Chair, the leadership of the EFF, hon members and fellow South Africans, the objects of this Bill which is the legislative establishment of a South African Foreign Service is not something that we fundamentally object to. Although we do have concerns with the fact that section 2(2) specifies that where it conflicts with existing legislation, the Foreign Service Bill prevails. We do recognise the need for change in our foreign service. For years the current Foreign Service system has been fragmented and unco-ordinated with no consistency amongst the various officials serving different departments abroad.

This lack of consistency and confusion often plays itself out in South Africa's foreign policy where our government flip-flops on issues is more rhetoric than action, and often take contradictory positions that go against basic values. South Africa's foreign policy should be based on three key principles: sovereignty, Pan-Africanism and solidarity with the oppressed of the world. However, under this new dawn instead of asserting of our sovereignty government is on an international road show

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trying to secure Foreign Direct Investment. History has shown us that reliance on Foreign Direct Investment means handing over your economic independence, making you answerable and reliant on those foreign nations and companies which have invested.

On the African continent this government still fails to recognise the importance of strengthening our continental institutions. More human and financial resources should be put towards giving both the African Union, AU, and Pan-African Parliament teeth and muscle to carry out and implement many of the resolutions they have adopted. Further examples of this government's flip-flopping and moral hypocrisy are our continued relations with the apartheid state of Israel. For years the ANC government has made various pledges, statements and commitments on how it intends to help the people of Palestine and put pressure on the Israeli government, but this has been all talk and no action.

The criminal Israeli government continues to violate the basic rights of Palestinians. They are denied the right to self-

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determination, they are denied basic amenities like water and electricity, and they are under constant threat of bombardment, death torture and arrest by the notorious and murderous Israeli security services. In Western Sahara the people remain under colonial rule, by fellow member of the African Union, Morocco. The fact that our government continues to maintain relations with both of these criminal states is a clear indication of our lack of ideological perspective, and that our foreign policy is determined by who has the biggest pockets.

This Bill while dealing with technical and administrative issues was a missed opportunity. It should not only have dealt with the co-ordination and alignment of the Foreign Service, but should have also dealt with the nature of South Africa's foreign policy and how this policy finds expression and is implemented. We support this Bill. Thank you.

Mr M HLENGWA: Hon House Chairperson, I think the IFP also joins in the chorus that this is indeed a historic day in wherein we actually professionalise the Foreign Service of South Africa to

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ensure that it is effective and efficient in the execution of its duties on the international stage. Of course, it is an opportune that we pass the Bill ahead of South Africa taking it ... [Inaudible.] ... on the UN Security Council. This rule in fact act as test as to whether the Bill will be able to fulfil the objectives which we have actually set out. I think we must congratulate the committee that has done a lot of good work as a committee on this Bill and the support staff as readily been available at all material times to ensure that it gives the necessary support.

However, hon Minister, note the main issue that we are faced with and remains with us the high number of foreign missions around the world South Africa having one of the highest in fact. This is exorbitant and draining to the fiscus as South Africa now currently has 122 embassy around the world which requires billions for salaries and billions for goods and services every year. These have become nothing but nice to haves, but the question then becomes are there really necessary for a country that is barely making ends meet. This Bill is compromised by the

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fact that foreign missions have become dumping zones for fallen cadres and are not linked to any strategy that contribute to the economy of this country.

We take tainted and compromised individuals and we put them where they are expected to represent us. They are meant to attract interests and investment, but how are we to achieve these if we deploy individuals who are already compromised. This tendency by the government impune on the integrity of ours and its own ability to self-regulate and self-actualise in order to become a contend in the world. We are ready as a country for a new focus and economics, a reorientation exercise must therefore make sure that our diplomats shift attention to economic diplomacy.

Hon Minister, for so long as you have not rationalised our foreign missions and the exorbitant cost which they are to the fiscus we would not have done service to South Africans.

Therefore, our expectation, of course, I think the confusion which we must clarify is that a Bill cannot in any way define

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policy. I think policy will change and be determined by progressive and successive government. However, what this Bill has done is to give a fundamental framework which ensures that our foreign missions are equal to the task of actually being what it is that South Africa needs. Therefore, on that note the IFP supports this Bill and hope that its objectives what it seek to achieve will be fulfilled in the committee in interest of South Africa. I thank you. [Time expired.]

Mr S C MNCWABE: Hon House Chairperson, the Bill provides a coherent and well co-ordinated Foreign Service within the broad parameters of Foreign Services as practice or as contemplated internationally. South Africa has been a victim of a fragmented, mismanaged and maladministered Foreign Service. As South Africa's democracy is maturing and its international relations footprint is found across the globe, especially on the African continent, the difficulties in the management and the administration of the current fragmented Foreign Service system became evident.

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Numerous challenges have been countered in the missions abroad and most of these put our country into disrepute. Questions of ill discipline and misconduct by some of our members which includes official and diplomats have been mentioned in the past. Such issues had a bearing on the image and integrity of our country even the economy was affected as a result of these. However, to deal with these matters the Bill provides for the establishment of the diplomatic academy in respect of the training of South African diplomats and foreign diplomats, especially from the African continent.

This Bill brings about in the diplomatic service, for instance, it gives the Minister and the department a right to consolidate an asset register for each and every diplomatic office and also to dispose lease or rent the immovable assets of the department within or outside the Republic. It is important that our missions are well managed and there is no reason why proper administration as contained at the International Relations Department is not adhered to. Those in the mission through this Bill can be assessed or face consequences if they do not perform

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according to the standard practice that this department has set. It is important that cases are dealt with expeditiously and that the personnel and diplomats do not do as they wish, but they are beholding the high standard of code of behaviour as contemplated within the law. The National Freedom Party supports this Bill. Thank you.

Ms T E KENYE: Hon Chairperson, hon Ministers and Deputy Ministers, hon members of this august House, ladies and gentlemen, it is remarkable that the debate on the Foreign Service Bill takes place shortly after the hosting of the Global Citizens Initiative – an initiative that seeks to take the world's biggest challenges, such as HIV and Aids, poverty, education, etc, head on. The initiative, befittingly, celebrated the centenary of the founding President of a democratic South Africa, by carrying his vision of ending poverty.

President Nelson Mandela was an internationalist, as were all presidents of the ANC, cultivating international solidarity

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against oppression and striving for peaceful coexistence among peoples. These are enduring principles cultivated by the ANC.

Moving ahead in the trajectory set by Madiba, the ANC government is always vigilant about the proper use and management of our resources, locally and abroad.

For the first time in the history of our country, the foreign service will be regulated by an Act of Parliament, thus providing a legislative framework that will enable the Department of International Relations and Co-operation, Dirco, to consolidate, manage and regulate the service.

The HOUSE CHAIRPERSON (Ms A T Didiza): Order hon members. Can we please lower our voices? Order! Hon members, can you please converse quietly?

Ms T E KENYE: The Bill provides for a single foreign service system which will improve accountability and co-ordination. This will professionalise the service and end the cumbersome

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fragmentation of the current foreign service system, consolidating reporting and accountability.

A well-co-ordinated management and administration of missions will allow our foreign service to capitalize on opportunities available abroad to advance our foreign policy and developmental agenda.

The Bill is a product of extensive consultations with affected departments, including the labour sector, to harmonise policy and ensure that it passes constitutional muster.

The Bill sets minimum requirements. One such important requirement is that heads of missions should be fit and proper persons to stand shoulder to shoulder with other nations.

The Bill seeks to ensure proper co-ordination by Dirco of all international engagements. This will curtail the tendency from provinces to undertake international engagements without co-

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ordination by Dirco. Compliance and adherence with prescripts of our foreign policy will be managed by a co-ordinating mechanism.

The Bill will allow for the recall of serving officers back to South Africa with immediate effect when they behave contrary to the interest of the country or in an embarrassing manner. The recall will be followed by an inquiry and a disciplinary process by the relevant department at home.

The Bill empowers the Minister of International Relations with complete authority over state-owned properties abroad. The Minister will be empowered to acquire, dispose, lease or manage these properties, as contemplated in section 13(1) and (2) of the Government Immovable Asset Management Act, Giama, and thus take full responsibility of all state-owned properties abroad in accordance with this Act. In this regard, the Minister will take action in consultation with the Minister of Public Works and the Minister of Finance. This is a progressive step that will ensure that Dirco is able to take proper and decisive action and hold the integrity of the country in the international community.

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IsiXhosa:

Bantu bakuthi hambani ke ngoku niye kuvotela i-ANC. Kuqala kuza kufuneka ukuba nibhalisele ukuvota ngowama-26 nama-27 kweyoMqungu.

English:

The ANC supports the Foreign Service Bill. I thank you.

[Applause.]

Mr M S A MAILA: Thank you very much, House Chair. This Foreign Service Bill is based on the Freedom Charter's undertaking that there shall be peace and friendship. The Foreign Service Bill is a step in the right direction for South Africa to be able to professionalise her foreign service.

In the foreign service the head of mission plays a critical role. This Bill makes provision for the selection criteria for heads of missions. The Bill makes it mandatory for a head of mission to be a fit and proper person. It also makes provision that heads of missions should have relevant knowledge, skills

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and experience so that they can play a meaningful role in professionalising the foreign service.

During the course of drafting this Bill, extensive consultations were held with various departments, especially those that deploy attaches to various missions abroad.

The Bill makes provision that the head of mission is responsible for the management and administration of the mission, and that all members of the foreign service located at the mission, meaning those who are from South Africa and even locally recruited personnel, report to the head of mission. This is important because it will create order in the missions, because everyone's movements must be accounted for.

One aspect that is addressed by the Bill, which has always been a thorn in the flesh of the department, is the issue of immovable assets. The country has immovable assets in the form of land and buildings throughout the world. Currently, the mandate for the disposal of such assets sits with the Department

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of Public Works. Whereas Dirco has a footprint throughout the world, the same cannot be said about Public Works. However, constructive engagements between the two departments resulted in the Bill making provision for the mandate on the acquisition, management and disposal of immovable assets being given to Dirco on condition that Dirco complies with the provision of Giama.

The Bill relates to the posting of personnel to foreign missions. It was thus imperative that the committee had to have engagements with labour, through engagements with the National Education Health and Allied Workers Union, Nehawu, Cosatu and the Public Service Co-ordinating Bargaining Council where issues relating to conditions of service were thoroughly discussed. Although we cannot say that we have reached conclusion in this matter, engagements will still ensue whilst the Bill is implemented.

The Bill makes provision for Dirco to be central in the co-ordination of international engagements and this includes international engagements by all spheres of government. Dirco is

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tasked with the responsibility of ensuring that various spheres of government adhere to policy. We should move away from matters where, as hon Kalyan said, treaties could be concluded between countries in the form of twinning agreements because most of the time that is not on.

This Bill shows that the ANC puts the interest of the people of South Africa first. [Interjections.] Yes. We are happy because all parties support this Bill but the truth must be told at all times. Hon Kalyan has an issue when cadres of the ANC are deployed as ambassadors. However, she doesn't say that as we deploy cadres we do not only look at the ANC; we also look across all other political parties because we have been able to deploy, from the DA in particular. These are people like Sandra Botha, Tony Leon and Douglas Gibson, yet that is never an issue. Now, that is why we should not have a problem with that. However, what is important is that here and now we as a country want to go forward in professionalising the foreign service.

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The ANC supports this Bill, and as we move forward having proven that the ANC puts the people first, it becomes imperative that the people of South Africa should renew the mandate of the ANC in an overwhelming majority in 2019. [Applause.]

The MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION:

Chairperson, I'd like to thank everybody who came here and gave their comments on the Bill. Very progressive comments were made and all of them supported the Bill. I'm looking forward to a time when it will be adopted because the sooner it is adopted then all the good things that we have been talking about, will come into being, madam Kalyan.

The ad hocism that you talk about is attended to by the Bill and we will make sure that at the adoption of the Bill this is one of the first things that will happen. We are professionalising this. The diversity ... I didn't know the idea came from you but thank you very much. I hope that you will make sure that the DA votes for this Bill.

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The Bill is now ready for adoption and the foreign service will be a lasting legacy for all of us because, as everybody has indicated, it is indeed the first time that we have a Bill of this nature. I hope that the Bill will be adopted. We will take into account all the matters that have been raised, especially what has been raised by the member of the IFP about the missions that are a cause of concern, especially the numbers. We are working on rationalising these.

We would like to ensure that we take on board the fundamentals that the member of the EFF talked about. This is a Bill. It talks about fundamentals. We are working on the policy and we will continue to work on it as the world shifts and the politics of the world shift.

I would like to thank the Minister of Public Works in absentia for his concurrence that we should work together and that I should have the powers to acquire, dispose and lease immovable assets. Thank you very much to everybody and I want to support hon Kenye ...

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IsiXhosa:

... kwinto yokuba abantu mababhalisele ukuvota, bavote ukuze i-ANC iqhubeke ngokulungisa. I-EFF iza kulandela emva ...

English:

... we only deal with progressive organisations right now. Thank you very much, Chairperson. [Applause.] [Interjections.]

Debate concluded.

Question put.

Agreed to.

Bill read a second time.

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CONSIDERATION OF REPORT OF THE PORTFOLIO COMMITTEE ON LABOUR -
OVERSIGHT VISIT TO GAUTENG AND FREE STATE PROVINCES

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Mr B L MASHILE: House Chair, it has been a serious marathon with a lot of ... [Interjections.]

The HOUSE CHAIRPERSON (Ms A T Didiza): Order hon members, those of us who are moving and out can they do so quietly. You may proceed.

Mr B L MASHILE: ... Parliament derives its powers from the Constitution of the Republic of South Africa, 1996. Let us indicate that section 42(3) bestows oversight of executive function to the National Assembly. Section 55(2B), empowers the National Assembly to provide for mechanism to maintain oversight of the exercise of the National Executive Authority including the implementation of legislation.

In compliance with the above, the Portfolio Committee on Labour undertook an oversight visit to Gauteng and Free State provinces from the 14th to the 16th of August 2017... [Interjections.]

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The HOUSE CHAIRPERSON (Ms A T Didiza): Order hon members! You are drowning the speaker on the podium. Can you please converse a bit quietly. Proceed hon member.

Mr B L MASHILE: ... Chair, in Gauteng the committee interacted with stakeholders in the horse racing industry. Furthermore, in Free State province, the committee focused in mining, hospitality, wholesale and retail as well as construction sectors. The objective of the visit was to monitor compliance to labour legislation with regard to working conditions, contracts of employment, status of permits for foreign nationals who work in South Africa and other matters relevant to conditions of employment.

The purpose of this Report is to highlight the issues raised by the workers and employers as well as observations made by the committee members during the oversight visit and to make some recommendations. The delegation comprise of five hon members from the ANC and the DA only supported by the committee staff. The delegation was joined by the Gauteng Provincial Department

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of Labour which laid a plan for the first visit in the horse racing industry.

The committee visited Randjesfontein Race Course Training Centre and engaged the racetrack manager and the security site manager. The centre is managed by Phumelela Gaming and Leisure Limited. The delegation was informed that Randjesfontein that is contracted to Netcare for emergency medical services.

In Free State at Sibanye Still Water Mine, the delegation was joined by the Free State Provincial Department of Labour. We engaged the Deputy President of the mine who took the delegation through various presentations. It came out that Sibanye Gold besides the Beatrix operation has foot prints in North West and Gauteng provinces. It also have operations beyond the borders of South Africa including Zimbabwe and United States of America.

The delegation proceeded to Bloemfontein where we conducted an oversight in the hospitality at Protea Hotel. We recommended that the provincial office should conduct an inspection at the

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Hotel and report back on the following day. Then the delegation visited Makro store in Bloemfontein on the 16 of August 2018. We were received by the general manager of the store and his other section managers. We then to proceeded to law and civils construction project. We engaged the site manager who informed us that the purpose of the project was to build 128 toilets in Bergman Township. In attendance was the community liaison officer and the branch chairperson of the South African National Civic Organization.

The Portfolio Committee on Labour deliberated on the observations made during the oversight and recommends that the Minister of Labour considers the following recommendation. That the inspectorate of the Department of Labour consider conducting inspections at all work places in the provinces and not wait until the portfolio committee decided to conduct oversight, that employment of women be taken seriously at all workplaces to reflect the employment equity, that the Department of Labour conduct workshops and advocacy campaigns to educate workers on their rights and resources available to them. I therefore

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present the Report to you hon members to consider and adopt. I thank you.

The CHIEF WHIP OF THE MAJORITY PARTY: House Chair, we move that the Report be adopted by this House. Thank you.

Declaration of Vote:

Mr D AMERICA: Hon Chair, as per usual, this oversight visit was characterized with confusion and bad planning. On the first day the delegation visited the Randjesfontein Race Course Training Centre. From the outside it was clear that we were barking up the wrong tree not having been briefed adequately of the purpose of the inspection we finally ended up visiting the offices of Phumelela Gaming and Leisure and the living quarters of the grooms.

Again, the officials who were responsible for the planning of the visit had no idea of the workings and structure of the race horsing industry. This led to much confusion and the delegation ended up engaging a single employer.

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This industry employs over 4000 grooms which are employed by individual trainers who are their employers. It is a complicated structure and cannot be viewed as the monolithic entity. Suffice to say, a subsequent visit by the labour inspectors revealed that most of the employers were complying with our labour legislation and where they were not the necessary compliance notices were issued.

Day two, the delegation visited the Sibanye Still Waters in Welkom and the Protea Hotel in Bloemfontein. At Sibanye, no noncompliance legislations were detected. The obvious observation is that the praises the union representatives of both National Union of Mineworkers, NUM, and Association of Mineworkers and Construction Union, AMCU, saying towards their employer. I visited Makro and the small construction site also did not reveal any significant non compliance with the legislation.

Afrikaans:

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Dit is 'n feit dat nagenoeg 10 miljoen van ons mense werkloos is. Dit beroof hulle van die vermoë om vir hulself en hul families te sorg. Hul menswaardigheid word erg geskend en beperk hulle om 'n positiewe bydrae tot die samelewing te maak. Met die aantal matrikulante en studente van kolleges en universiteite wat hierdie jaar afstudeer, sal die werkloosheidsyfer vir seker meer as 10 miljoen beloop volgende jaar. Hoe ons ook daarna kyk, dit is 'n onuithoudbare situasie. Ons moet erken dat ons ons mense, veral ons jeug, diep in die steek gelaat het.

English:

For the past four years, not once was the unemployment question on the agenda of the Labour Portfolio Committee. Instead we rushed with speed to pass job killing legislation with little regard what impact it will have on the million of our people who are without jobs.

The Gucci comrades and fake revolutionaries in their narrow pursuits to realize our objectives of the national democratic revolution have displayed a chilling cold heartedness to the

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millions of our people who are unemployed and poor. These fake revolutionaries with their fancy clothes and cars have run out of ideas. They lack the will and imagination to grow the economy and to create jobs. But more disturbingly with their pensions and medical aid secured have given on the cries of the poor and unemployed.

To the 10million and counting unemployed brothers and sisters out there, the DA is saying, all is not lost. You have the choice. You have the power to bring about change. It is in your hands. If you vote for the DA next year it will send out a clear message that you take a destiny in your own hands and you take it seriously. Where the DA governs unemployment is at its lowest. You stand a better chance of getting a job under the DA government than under a corrupt ANC -led government. The DA cares for the poor and the unemployed. Therefore, we cannot support this Report. One South Africa for all. Thank you, Chair.

Ms H O MHALIPI: House Chair, we will continue to wear Gucci because we are like that. So, DA, if you are jealous of us

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wearing Gucci in order for us to be presentable, that's your problem.

The state of labour in this country is at all time low. There is high unemployment and no jobs are being created. Only few hours ago there was an announcement that the Gross Domestic Product, GDP, of the country has grown and technically, we are out of recession. But for unemployed of this country it means very little as economic growth does not equal economic development or job creation.

For the past 24 years the ANC has totally embraced free market fundamentalism and neo-liberalism which only benefit the few, especially the white people who are jealous of black people. This has led to the opening up of our market and the collapse of the productive sectors of our economy which have been unable to complete the foreign producers due to a lack of ... go to school wena [you] [Laughter.] ... foreign producers due to a lack of state protection and subsidisation; while the financial sector has continued to grow, creating very little sustainable jobs.

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But even for those who are employed, it's a struggle because petrol has increased, Value Added Tax, VAT, has gone up, John Steenhuisen does not go to school but he affords to go to school because of white privilege, food is very expensive, transport has gone up, everything has gone up in this country and because wages are so low only the white privileged can benefit because they are protected by white people; and because wages are so low to ensure maximization of profits for capital, millions of unemployed South Africans still live in poverty except the few white people in this country.

The portfolio committee has been on various oversight visits throughout the country and everywhere we see the same thing. In the committee we have made practical and implementable solution to unemployment. So, no amount of intimidation the DA is going to pose to us; you can collude with white journalists in South Africa but rest assured that EFF is going to grow and DA is going to go down. Thank you, Madam Chair. [Applause.]

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Mr S C MNCWABE: House Chair, with the propagation of the new Act for the Department of Labour and taking to consideration the Basic Condition of Employment Act, the Labour Relations Act, Compensation for Occupational Injuries and Diseases Act, Unemployment Insurance Act, Occupational Health and Safety Act, and many other pieces of legislation. This oversight visit was, therefore, very crucial.

Our people wake up everyday morning and go to various places of work for their families. It is, therefore, important to know how they are treated in the workplace.

The Portfolio Committee on Labour visited the Gauteng and the Free State provinces with focus on mining, hospitality, wholesale, retail and construction sectors. There are many instances where people are not treated well in certain workplaces and where employers do not abide by the prescripts of the law.

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The visit of the committee to Yaarsfontein North Rand Training Centre was truly an eye-opener. What the committee found was that the hostel was not in good condition. But it was not worse than the second one that was visited. The toilet facilities were found to be in a very unhealthy state, showers did not have doors for privacy and some toilets could not flush properly.

The North Rand's Yaarsfontein is one of the big estates with different business interests resulting in a lack of uniformity in conditions of employment. It was also noted that employees had to submit a medical certificate even when they are off sick for one day, and failure to do so resulted in a R50 per day reduction and R300 for a weekend. It was clear that most of the legal prescripts were violated.

The issue of occupational health, safety and wellness as well as salaries and representation at Sibanye Stillwater Mine, in Beatrice, Free State province, were also discussed. It was found that there are many issues of silicosis and tuberculosis that the Department of Mineral Resources was attending to.

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The issue of decent housing for mineworkers and people within the vicinity came uppermost.

The NFP agrees with the Report of the portfolio committee that employment of women be taken seriously at all workplaces to reflect the employment equity regulations; and that the Department of Labour conducts an advocacy campaign to educate workers on their right and resources available to them in cases of emergency.

The NFP supports this Report. [Time Expired.]

Ms L C THEKO: House Chair, in celebrating the centenary year of Madiba, it is of paramount importance to look back at the long road that we have travelled with Madiba as the founding President travelled there since 1994.

The dawn of democracy brought about among other things the desire to fight the vulnerability of workers which saw this democratic state and the ANC-led government championing the

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enshrining of the workers' rights in Section 23 of the Constitution and the acknowledgement by government that workers' are human rights.

The noble goal is among other rights that the founding heroes and heroines of this great movement fought for, laid down their lives for and were inspired to achieve. It is against this background that the protection of vulnerable workers is a key outcome that informs the inspection of employers and workplaces to determine compliance with employment law.

This idea has been promulgated by the Basic Conditions of Employment Act in 1997 and the sector-specific determination to ensure that vulnerable sectors such as domestic, farming, wholesale and retail and the security among others to accelerate the fight against worker vulnerability.

Our visits to provinces were like the horseracing industry as it proved that whilst a lot has been done and achieved, much more needs to be done. The horseracing industry has proven that the

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ANC-led government has to continue to scratch where it is itchy. The conditions in this sector are appalling. Workplace safety is compromised and the wages are a shame. The promulgation of the national minimum wage will go a long way in addressing the latter by being the floor-level wage. These workers will be covered by the universal coverage envisaged in the form of a national minimum wage and this means that, in the words of our struggle icon, "Never, and never again, shall a worker in this industry earn less than the minimum wage."

There is a need to accelerate. Through the inspection and the enforcement services of the Department of Labour, the fight to ensure the achievement of workplace safety and the safety of the dwellings. The latter in the case in the Gauteng province; the lavatories and the showering facilities were found to be in an unhygienic state; it was very bad.

In the Free State province, the situation was found to be rather different. There was non-compliance in this regard to employment

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equity to an extent that some employers did not even have the employment equity plans.

In the space of the basic conditions, employees were even required to produce medical certificates - as the other member has alluded to it - for an absence of one, which they were paying R50.

The Free State employers were found to be compliant with the Compensation of Occupational Injuries and Diseases Act and had letters of good standing in this regard.

Despite all the above mentioned challenges, the enforcement notices have been served to all non-compliant employers.

According to the extract from the strategic analysis of the sport of South Africa horseracing in 2009, ten years ago, the total size of this industry was 2,3 billion. And when multiply effects are taken into consideration, horseracing makes a R2,7 billion to the GDP of the country. It sustains 16 244

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direct and indirect jobs. Ten years down the line, it should be clear that the baseline set above, the industry has grown massively; that some workers in this industry are still being paid less than R3000 per month in 2018, it's a shame. It is against this background that there was dissatisfaction from workers in this regard, that was further worsened by the absence of the sectoral determination. Despite its turnover, this is an industry that remains largely ignored. After political intervention and deliberations and the intervention by the department on the standardisation of their salaries, the floor-level salary moved to R4000 per month. The intervention, especially in the Gauteng province, included the standardisation of improved conditions of employment to ensure that every employee has a payslip, particulars of employment, payment for Sunday and weekly rest periods, and payments for public holidays. These are areas in which there was a lack of compliance.

Improving conditions of employment means moving beyond the minimum wage to deal with issues such as payslip, particulars of

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employment, accommodation, to name a few. Following our visits to provinces, the Department of Labour has continued to focus on the industry by intervening through inspection, advocassation with both the employers and employees including the trainers; and through the enforcement of compliance with the occupational health and safety to ensure that both the workplace and the dwelling place of the employees are of accepted standards. Standards that are referred to above are those defined in terms of health and safety legislation.

In the Free State, the department established a working relationship with Beatrix [Inaudible.] as a pilot site for advocacy session on employment equity and Unemployment Insurance Act in the mining sector. The advocacy sessions were done as a form of improving compliance with employment law, but also to ensure that both the employer and employees are conversant with what has to be done to ensure compliance. We acknowledge the tripartite formation and the role in this case.

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In the Makro incident in the Free State where Ms Doreen Thipe fell from the ladder which was ignored until the committee's visit and which resulted in the investigation which was conducted when we were there. The portfolio committee recommended that the compensation fund should facilitate awareness and educate employees regarding their rights and benefits.

Above all, all stakeholders welcomed the visit [Time Expired.] vote ANC, thuma mina. The ANC supports the Report.

Division demanded

Voting

Agreed to.

CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON MINERAL RESOURCES ON OVERSIGHT VISIT TO MPUMALANGA AND GAUTENG FROM 13-

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(Consideration of Report)

Ms H V NYAMBI: Hon Chair, the committee has two agenda items to cover when it undertook an oversight visit to Gauteng and Mpumalanga in August. Firstly, it had to investigate a petition that was sent to Parliament against a new coal mine that was proposed near Springs in Gauteng. Secondly, it had to complete a consultation process with trade unions in connection with the increase in fatalities we have seen in the mines in 2017 and 2018.

Hon Chair, it is not the job of Parliament to decide where a coal mine must go. That is the power in hands of the Minister of Mineral Resources but there was a petition which said Parliament must investigate because of many risks and negative impacts that could occur as a result of the mine. Farmers in the area explained their fears that their activities would be disrupted. There are poultry farms in the areas and chickens refused to lay eggs when blasting occurs.

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Environmentalists and residents drew attention to the accumulative impact of the additional mine in an area that is already scared by past mining and is vulnerable to acid mine drainage pollution from several sources. On the other hand, the applicants for the mine told the committee that all water used in processing the coal would be recycled internally. No water contaminated by the activities would be released from the mine site.

This mining company has other mines that operate in areas where they have farmers including poultry farmers as neighbours without problems. They said the land disturbed by mining would be continuously rehabilitated and in return to agricultural uses. The committee visited the Exarro Leapart Colliary and the state-owned colliery in Mpumalanga where it showed how rehabilitation of mine sites are regulated by the department. An approximated 320 new direct jobs will be created by the proposed coal mine.

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The Gauteng province did not respond to the request from Parliament to meet the committee. Farmers at the meeting with petitions said that even more than 320 jobs could be created from agriculture and agricultural processing in the province. The Agricultural Research Council and the Technology Innovation Agency gave support to the agricultural hub in the Lesedi Local Municipality.

The community found that mining laws were properly followed by the Department of Mining Resources in considering the proposed mine. The application for the mining right was accompanied by the required scoping reports and environmental impact assessment report as well as the mine plans. An extensive programme of public consultation was carried out and was fully documented by material available on public internet website. The Department of Mineral Resources accepted the application in May 2017 but required an additional round of public consultation in 2018. This concluded with the public report in May 2018.

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The matter has to be decided and it is the Minister that has to weigh up whether the disruption caused by mining will be justifiable or not. It was a problem that this issue was only considered by the Mining Portfolio Committee and not by the Principal Component Analysis on Environment and Agriculture. We recommend that the portfolio committee should advise the NA on whether the mining laws and as implemented by the Department of Mineral Resources are resulting in an unacceptable environmental effect or are impacting negatively on food security.

Members will be aware that there seem to be a declining threat in mining safety with more workers dying on mines. These follow a long period when fatalities decrease every year. Although mine deaths from accidents and seismic events are still below 100 a year, the industry aims to go to zero. Zero harm is the slogan but progress has slowed down. Every fatality is one too many. The committee wanted to have separate engagements with the organised labour to get their views. This was a very successful initiative and the consolidated report was written by Amcu and presented to the committee by Num, Solidarity and Uasa. The unity of purpose

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from the side of labour was encouraging and appreciated. However, labour representatives agreed that there are negative aspects to be prevailed in managing culture. There is also a structural shortage of manpower. I present, hon Chair, this report that House adopt.

Mr M L W FILTANE: Hon House Chair, on a point of order: I think the member forgot to remind people to vote for the ANC.

The HOUSE CHAIRPERSON (Ms A T Didiza): Order, the member was introducing the report as the Acting Chair of the committee but I am sure she will appreciate your statement. As the member was introducing the report here, reminded me of a signage in the highway between Durban and Pietermaritzburg around Ashburton next to the Rainbow chicken farms. A big billboard that says - sssh, the chickens are sleeping. [Laughter.]

Declaration of vote:

Adv H C SCHMIDT: Hon Chair, we are not discussing chickens. Hon Chair, the purpose of visiting Mpumalanga and Gauteng was three-

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fold. Firstly, a visit to the mine development colliery near Springs, following the receipt of the petition from the Speaker's Office. I need to remind you that it was a petition by the DA Mike Waters which was considered. Secondly, to determine the extent of environmental impacts the Department of Mineral Resources has to manage due to coal mining activities. Lastly, it was a followed up visit to Evander in Mpumalanga to assess progress on marking of the mineworker's graves buried at the Winkelhaak Cemetery and to meet with trade unions regarding safety at mines.

The DA supports all the initiatives to identify almost a thousand unmarked graves of mineworkers who died in mine related accidents and are buried at Winkelhaak Cemetery since the late 1950s. It is indeed fitting to acknowledge the contribution of mineworkers in the mineral's economy. The building of the national monument of mining disasters in Johannesburg once the epicentre of mining in the world should also be accompanied with an acknowledgement of the positive contribution mining has made to South Africa.

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The intended mining precinct should therefore, in a fair and balanced manner reflect the contributions and disasters of mining in South Africa. Striving for zero harm in mining is an industry's initiative supported by our all stakeholders including the mineral's council, mining companies and the unions. The implementation of steps to ensure zero harm to mineworkers requires not only investment by mining companies, government and new technology but also a change in the mindset of all those employees who are responsible for the safety of their co-workers and their own safety.

Various reasons of profit for there is an increase on fatalities, namely, lack of adequate employees at mines; at least failure by mine management to give effect to the concerns of staff responsible for safety; as well as a lack of appropriate regulation and laws. South Africa, despite all these problems decreased the rate of fatalities from approximately a thousand workers per year in the 80s and 90s to the current 58 fatalities so far for 2018. Last year, 82 people died in mine related deaths to which we agree is 82 deaths too many.

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The Health and Safety Council, mineworkers, unions, mining companies and the Department of Mineral Resources should therefore co-operate in ensuring that the necessary safety environment for mining improves continuously. Following the implementation of the one environmental system, the Department of Mineral Resources is responsible for the implementation of the environmental laws in the mining industry.

The environmental department is responsible for the illegal framework pertaining to the environmental management. The department is also the appeal authority for objections against decisions taken by the department relating to the environmental compliance by the mining companies. Many problems still need to be resolved between the Department of Mineral Resources, Department of Environmental Affairs and the Department of Water and Sanitation including the finalisation of regulations and the alignment of the Mineral and Petroleum Resources Development Act of 2002 with the new [inaudible.]

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The environmental degradation by mines is unfortunately self evident on statutory. This situation is worsened by the failure of the Department of Mineral Resources to employ sufficient inspectors; ensure compliance with the environmental regulation; to determine appropriate financial provision of environmental liabilities. The Department of Mineral Resources needs to increase the ability to ensure compliance by appointing more inspectors; improve financial monitoring of financial provisions; and the implementation of rehabilitation conditions contained in mining licenses.

The issuing of section 54 notices which may have the consequence of bringing mines or sections thereafter all needs to be implemented with discretion and in deserving cases only. It therefore, all boils down to effective implementation of policies, rules and regulations by sufficient world trained and committed staff by the department.

Ms Y N YAKO: Chairperson, the many oversight visits that Parliament undertakes not only in the Portfolio Committee on

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Health but across all committees have been nothing but a costly exercise that cannot be justified because the reports that we adopt here in the House do not match the reality on the ground. The reality on the ground is that miners are dying because of poor safety standards. Miners are still living in hostels the same way they used to live during apartheid.

The mining sector has remained untransformed and none of this is covered in the report or any realistic solutions to these problems. As part of the EFF's 2019 election sector manifesto consultative meeting, we met mineworkers and communities around Marikana and small-scale informal miners in the Limpopo province and they were all clear and emphatic on what needs to be done to make mining work again in a redistributive way. Now, we are pretty sure that those miners will do the right thing and vote for the right party, which is the EFF. [Interjections.] The state must work with small-scale informal miners to give them money and formalise their operations. This state must assist all small-scale informal miners to benefit market and distribute their products instead of exporting raw mineral resources.

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Many workers have made a call that each mineworker must have a house, pension and medical aid. They also said that no mineworker should earn less than R12 500 per month. As long as the mineral resources continue to belong in the hands of the few, with a Minister who is going around promising multinational companies that he will withdraw legislation illegally, the demands of the workers and small-scale miners will remain an unanswered cry and such reports will remain meaningless. I thank you. [Interjections.] [Applause.]

Mr J A ESTERHUIZEN: Chair, the objective of this oversight visit was to evaluate concerns about the new development of a coalmine in Palmietkuilen farm near Springs, Gauteng and to understand the extent of the environmental impact of coalmining in the area. Given the size of the South Africa's coalmining industry, it is no surprise that its environmental impacts are considerable. It would be unrealistic to expect any industry moving nearly 300 million tons of a product each year and not for it to have a considerable effect.

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Still, the planned open cast coalmine in 225,2 hectares of wetland and some of the most sensitive wetlands in South Africa is unbelievable. The potential for irreparable damage to the sensitive surrounding environment, the biodiversity, simply does not justify the project. The principle of precaution under the National Environmental Management Act should apply and in this instance government should err on the side of caution when taking into account the many potential impacts of this project may have, not only on the surrounding flora and fauna but also on humans in the immediate vicinity of Palmietkuil and Aston Lake region. Having said that, one must also be cognisant of the fact that for the last 150 years mining has been the driving force of South Africa's industrial and economic development but in today's constitutional South Africa, this cannot be at the cost of lives and wellbeing of the citizens of this country.

I must commend this committee on being one of the few that does regular oversight and in this regard, another area to consider for the chairperson of the committee must be the Northern Cape, where illegal mining is literally destroying entire communities.

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The infrastructure does not justify the accommodation of the thousands of foreign workers that now operate in small towns in the Northern Cape digging for diamonds and other rare materials. The IFP supports this report.

Mr M H MATLALA: House Chair, members of the committee, comrades and friends, the mining industry, as Minister Mantashe described it, is often defined by the four Ds; it is Difficult, Dirty, Dangerous and Diseased. There is no escaping these realities about the mining industry. However, the same industry contributes about 13% to the gross domestic product, GDP, of South Africa and currently employs close to half a million workers and is the highest earner of foreign currency into our economy.

These facts about the mining industry are meant to drive the point home that when we approach sensitive matters such as potential hazards of mining we need to balance these with the undeniable contribution the industry makes to our economy.

Marxists-Leninists call this a dialectical relationship, the

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unity and the struggle between the opposite. The contradiction that we are talking in this sector have never been more vividly portrayed than on the oversight visit we undertook after concerns were expressed regarding the development of a new coalmine at Palmietkuil near Springs in Gauteng, on its border with Mpumalanga. Some of the most fundamental concerns of the communities around this mining development are outlined in the committee report that, firstly, it threatens the livelihood of farmers. Secondly, it has the potential to destroy an environmentally-sensitive ecosystem. Thirdly, it is likely to threaten food security in the surrounding areas.

In light of the recent lessons learned in the court cases in which communities have taken the mining companies and the Department of Mineral Resources to court, as the ANC, we are of the view that dialogue among all the parties involved in such matters is critical. The courts must be forums of last resort to settle such disputes. The need to update and strengthen the synergy between our mining, land reform and environmental laws is of paramount importance. The executive and Parliament need to

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seek out the best legal minds that we have, in order to study this exercise; this was one of the recommendations of the High Level Panel.

This exercise, from the ANC's point of view, must enhance the rights of the people to access to food production and to live and raise families in healthy environments and to create sustainable economic benefits for all the people of South Africa, particularly those who were previously oppressed. The ANC would want to see the discretion of length where mineworkers died; hence we would want to see faster progress in terms of the project of the erections of the memorial plaque at Kinross Mine. We want to hold applicants for mining rights to their commitments that all the water used in processing the coal will be recycled internally and no water contaminated by their activities will be released from the mine site.

We call on the organised working class in the mining sector to engage with the Mine Health and Safety Council in order to address the root causes of safety lapses in the mines. From our

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side as the legislative arm of state, we are recommending the meetings of the Portfolio Committees on Environmental Affairs, Mineral Resources in order to find lasting solutions to these complex policy and legislative matters. The Department of Mineral Resources must ensure that in its inspectorate, particularly in Mpumalanga, has sufficient personnel on the ground to ensure that the law and regulations are adhered to in all the mining developments. As the ANC we have confidence in the leadership of Minister Gwede Mantashe and the ANC government and that we trust that these challenges will be overcome. The ANC declares that the report be adopted. Thank you very much.

[Applause.]

Motion agreed to.

Report accordingly adopted (Economic Freedom Fighters dissenting).

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The HOUSE CHAIRPERSON (Ms A T Didiza): In future, can I just advice members that if you have an objection, please stand up so that you are recognised. Thank you very much.

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON MINERAL
RESOURCES ON OVERSIGHT VISIT TO GAUTENG FROM 29 JANUARY TO 2
FEBRUARY 2018**

Mr I A PIKININI: [21:35:03] Chairperson, the Portfolio Committee on Mineral Resources, having undertaken an oversight visit to Gauteng from 29 January to 2 February 2018, the aim of the oversight visit was planned to further the mandate of the committee with regard to mining research and precious matters, beneficiation and furthermore, consolidate an update on previous committee's observation and recommendation. The theme for the oversight was related to government support for the future growth of the mining sector, covering support from prospecting the granting of rights to minerals, research on mining methods, machinery and the development of technology to process ore and waste from mining operation, in a sustainable and economical

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ways. These are among the issues considered in the 2015 laboratory for Mining Phakisa; these are critical areas in order to unlock the potential of our mining sector; enhance sustainability and advancing the ANC government agenda of radical economic transformation of the economy and the mining sector in particular. Hon Chairperson, the oversight theme was to get an overview of how the Department of Mineral Resources acts as the custodian of the nation's mineral resources. In this role, the Department of Mineral Resources grants access to mineral resources by licensing, facilitating and encouraging research on mining. In this respect, the oversight visit was insightful in understanding how the Department of Mineral Resources engages in its mandates; what challenges and constraints it faces; what risk mitigation measures are being taken and overall; how the Department of Mineral Resources is contributing to the achievement of strategic objectives as outlined in the National Development Plan, NDP and how this is finally reflected in the revised Mining Charter for this industry. Allow me at this stage, comrade Chair, to thank our oversight delegation and all who made this oversight visit

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possible. The report outlines the details of each site visit, meetings, presentations, challenges and final recommendations. I believe that engagements were robust and they advanced the work of the portfolio committee and they also assisted in the goals that we set to achieve ourselves. They will go a long way in assisting the Department of Mineral Resources to adequately deliver in its mandate. Comrades, I wish to adopt this report. Thank you. [Applause.]

Declaration(s) of vote:

Mr J R B LORIMER: [21:37:39] We are not going to oppose this report because it's fairly inoffensive, but the recommendations are rather silly and trivial. Let's look at the recommendations: Mining Phakisa programme should be tailored in manner that allows for the absorption of unemployed engineering projects; it should be about jumpstarting the industry so that mining grows.

The ANC here can't see the wood for the trees. If they actually unshackle the industry, it could create tens of thousands of jobs, rather than loosing a hundred thousands as they have done

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over the last five years. It's not about more new government programmes; it's about getting out of the way so that the industry can fly.

The report also recommends that SA Mineral Resources Administration, Samrad, is for black South Africans to use. This is not the problem; the problem is that Samrad doesn't work for anybody, that's why we can't see who has what mining right; who owns more than they should for longer than they should; that's why new mining entrants can't secure prospecting rights because there is no transparency. They apply; they hear nothing and then they find out that the area they applied for has been given over to friends of the officials.

The Samrad needs to be replaced. We've been saying it for years and this year the ANC government finally agrees with us and admitted it. But now they want a Rolls-Royce system which will cost money we can't afford. Samrad could be replaced in six months at an affordable price. But when you spend more money, I suppose, the opportunity is for corruption or much greater.

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The report says that the Department of Mineral Resources must work more closely with the Department of Environmental Affairs to align strategic goals. That would be nice; the chances of this happening though are around zero. These departments define the concept of working in silos. Here's a good one, the report says that Gold and Precious Metals Regulator should introduce more programmes that will deal with a creation of a strong domestic market for polished diamonds.

Yes, the reason that South Africans are not buying lots of polished diamonds is because there are simply not enough government programmes that encourage them to do so. If only they were buying our diamonds, they would not be spending money on blue label whiskey from Scotland, Rolex watches from Switzerland or posh kayanas from Germany. This is silly and misses the point of the oversights.

On some other points, this oversight showed a stunning reversal. The private sector now does almost no mining technology research in South Africa, after we were once world leaders. An effort is

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being made to revive mining research at the Koala road facility, but it's led by other departments and it seems that the Department of Mineral Resources is barely involved.

I spoke to a scientist there who would be involved in machine boring technique for gold mining. This is an innovative technique which seems to hold much promise, not least with regards to safety for miners underground. Was it cost-effective, I asked? He said they never found out, because they stopped the programme. Why did they stop the programme?

They stopped it because the Department of Mineral Resources wouldn't grant them a license to mine 24/7. Government's involvement in mining is squashing innovation. When we visited university schools of mining, members on the committee were aware of the fact that there are so many graduates who were unemployed. So, that doesn't take a genius to work out that if the government was not killing the mining industry, they would need more jobs to go to.

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One gets the feeling that the committee meanders around the periphery too often, we don't deal with the most important issues. We are still awaiting the details of the Mining Charter which we were told are so tremendous, meanwhile the industry is doomed to a slow steady decline. The attraction of this investment has been suffocated by massive rules, bureaucratic whim and racial engineering.

What should be a gift to our people to lift them out of poverty has become a curse; a blot of a landscape which prevails false promises and bitter water. Look at how our rules of empowering people, says the ANC. Well, go and tell that to 20 000 Alluvial miners who have lost their jobs since the passing of the Mineral and Petroleum Resources Development Act.

They now sit and slowly starving in the small dusty towns in the Northern Cape, the Free State and North West, and while you're in the North West, go and look at the mushrooming shack settlements at the mining towns for people who have lost their jobs. Also, go tell it to the busses that are heading for the

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Eastern Cape, carrying retrenched mining workers who are making their last trip because their jobs were lost and also because gold and platinum mines doesn't make sense anymore to them because of this government's policies.

If you listen to the ANC, you would hear that these challenges are there because they are a fault of somebody else. But actually, they are the fault of people in this Chamber; on this committee and in the Minister's office where the big decisions are made. This portfolio committee sometimes does good work, but this is not one of those times. This report is deeply unserious.

Mr N S MATIASE: House Chair, in the Gross Domestic Product, GDP, figures that were announced a few hours ago, it was revealed that the mining sector has contracted by 8,8%. Einstein is often credited with the quote, "insanity is doing the same thing over and over again but expecting different results." This is something that the ANC should learn.

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Einstein and Steenhuisen are not in the same WhatsApp group. The difference is as big as Table Mountain. The one is a genius; the other one is an idiot. [Interjections.] For the last 24 years, the ANC government has taken a market-led approach to mining. During this time the industry has shrunk and hundreds of thousands of jobs have been lost.

Mr M WATERS: Chairperson?

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Matiase, please take your seat. Yes, hon Waters?

Mr M WATERS: I rise on Rule 85. The hon member at the podium just called hon Steenhuisen an idiot. I put it to you that it is unparliamentary and he should withdraw that.

Mr N PAULSEN: No, he didn't!

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member ... Hon Paulsen, relax.

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Mr N PAULSEN: He didn't.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Waters, can we say that he never said which Steenhuisen. He never said hon ... He never said the member of this House.

Mr M WATERS: He named him.

The HOUSE CHAIRPERSON (Ms M G Boroto): We don't know which Steenhuisen he is referring to. [Interjections.]

Mr M WATERS: Chairperson, there is only one Steenhuisen in this House, please.

The CHIEF WHIP OF THE OPPOSITION: House Chairperson, does that mean it is right to say that Matiase is a VBS looter and a thief? [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member ...

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Ms E N NTLANGWINI: On a point of order.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon members, please.

Ms E N NTLANGWINI: On a point of order, Chairperson.

Mr M WATERS: ... [Inaudible.]

The HOUSE CHAIRPERSON (Ms M G Boroto): No, hon members!

Ms E N NTLANGWINI: On a point of order, Chairperson.

The HOUSE CHAIRPERSON (Ms M G Boroto): Can I deal with the hon Waters first?

Ms M S KHAWULA: But I want to know ...

IsiZulu:

... Uhlaleleni lapha phansi. Senimenzeni?

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The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, please.

Ms M S KHAWULA: No, no, no. You are totally wrong.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, can you sit down so that I finish my ruling?

Ms E N NTLANGWINI: Hon Chair, can you please recognise me after Mike Waters?

The HOUSE CHAIRPERSON (Ms M G Boroto): Yes, I will do that.

Mr M WATERS: Chair, are you saying that because the speaker at the podium didn't say hon John Steenhuisen and just said Steenhuisen is an idiot, therefore in this House ...

[Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member ...

Mr M WATERS: ... it isn't a reflection on any individual?

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The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, as I said ... Take your seat. I think I heard you very well. Hon member, as I said, he said there are two. There is Steenhuisen and there's another surname that he talked about, Einstein. But I cannot conclude that he's referring to the member of this House. Hence I am saying that I cannot take that as a point of order.

Mr M WATERS: Okay, we accept your ruling Chair, but in future if I refer to an individual by a surname then I'm not referring to any individual in this House. [Inaudible] ... that's your ruling then. Thank you.

The HOUSE CHAIRPERSON (Ms M G Boroto): Thank you very much, hon member. Let's not do that ... something that should be ... Hon member, I think I've ruled on this one. We are continuing. Is there something out of this one?

Ms E N NTLANGWINI: Thank you very much, Chairperson. You said that you would recognise me. If you recall, a week before last

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week I said that there's a certain abuse by the DA towards you as a Chairperson.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member ...

Ms E N NTLANGWINI: No, wait Chair. Please hear me out. Firstly, this DA ... Steenhuisen and Mike Waters think they have the liberty to abuse you.

The HOUSE CHAIRPERSON (Ms M G Boroto): Thank you, hon member.

Ms E N NTLANGWINI: Secondly, the hon Sam Matiase didn't mention him per se, but if he feels that the shoe fits him they must wear it on a different occasion.

The HOUSE CHAIRPERSON (Ms M G Boroto): No, no, no, hon ... Thank you. Hon member, that's not a point of order. I think we are done, hon Paulsen. Can you allow your member to continue?

[Interjections.]

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No, no, no, I'm not going to allow it. I've ruled on this matter, hon members. Continue hon Matiase. It's late now, people are tired.

Mr N S MATIASE: For the last 24 years the ANC government has taken a market-led approach ...

Mr N PAULSEN: Chair? Chair?

The HOUSE CHAIRPERSON (Ms M G Boroto): If it is on this issue ... Unless it's something ...

Mr N PAULSEN: No, it's not on this issue.

The HOUSE CHAIRPERSON (Ms M G Boroto): Okay, if it's another ... something else, yes, come.

Mr N PAULSEN: Thank you for your indulgence, hon Chair, but if you recall, the hon Steenhuisen called the hon Matiase a VBS looter.

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The HOUSE CHAIRPERSON (Ms M G Boroto): No, no, no, no, no, hon member! No, I'm not going to ...

Mr N PAULSEN: No, he did! He must withdraw that. He called him a VBS looter and he must withdraw, right here, right now! Right here! Right now! You withdraw! [Interjections.] He called him a VBS looter!

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon members, I'll listen to that one. Okay, I'll listen to that one because I didn't hear him referring to ...

Mr N PAULSEN: No, no, there are no VBS looters here!

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, take your seat. Take your seat. I'll listen to it on Hansard and I will rule on it. Thank you. Sorry, hon Waters.

Mr M WATERS: Chairperson, if the shoe fits, wear it.

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

Huh uh! Huh uh!

An HON MEMBER: Here! ... if the shoe fits ... about to hit him!

... [Inaudible.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Matiase, continue please.

An HON MEMBER: Idiot!

An HON MEMBER: We will come for you!

Mr N S MATIASE: For the last 24 years the ANC has taken a market-led approach to mining. During this time the industry has shrunk and hundreds of thousands of jobs have been lost because the ANC has been listening – I don't know for what reason – from the DA; from the hon Steenhuisen; from the Chamber of Mines and the Free Market Foundation. These are not friends of the working

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class and the poor, but you keep on listening to them. I don't know why.

The same mistakes continue to be made by the ANC. At the recent investment summit, mining companies pledged billions of rand worth of investment, but already we see the sector contracting again. What is needed, is for the state to nationalise the mines, and facilitate and coordinate the large-scale beneficiation of our mineral wealth. [Interjections.]

In the oversight visit to Gauteng, many institutions involved in the science of mining and the beneficiation of minerals were visited and a vast amount of knowledge, wisdom and expertise was shown. The technical expertise this country has when it comes to mineral resources was clear for all to see, but the private sector is intransigent and it's stubborn in contributing to the beneficiation of our mining and mineral wealth.

By not putting enough resources and attention to this, it will continue to undermine the potential this country has with regard

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to beneficiation. If the state takes ownership of the mining industry, it will be able to ensure its long-term sustainable growth, allowing for not only mineral extraction, but for the beneficiation of our mineral wealth so that our economy develops and grows. The mining industry has a lot of potential but this potential will never be realised under the current ownership patterns.

We stand in solidarity with the people of Xolobeni, for them to determine their future and the future of mining in the land of their ancestors. The EFF rejects this report, and calls on all exploited working-class people of this country to reject the ANC in the 2019 general elections and vote for the EFF. [Applause.]

Mr J A ESTERHUIZEN: Chair, although unfortunately not part of this oversight visit, it's good to read in the report that the committee concentrated more on the research and to safeguard the future of South African mining industry through the development of new people-centred technologies and techniques that prepare mine for modern mining methods. Chairperson, mining is far more

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than just a job opportunity and it must also be recognised that a mining affected community, there is also a stakeholder with legitimate interest and the right to be heard.

Innovation should be at the forefront as we explore ways of mining that are not excessively be capital intensive but can make use of existing mining and community process and infrastructure. As the committee noted, there must be innovation in a broader sense addressing all aspects of sustainability for business, safety and health environment, needs to community and also the Department of Mineral Resources. We hope that this department and the committee will through regular oversight succeed in arresting the current general decline of the local mining industry in South Africa.

The support of legislative regulatory and administrative environment to ensure an outcome that addresses all issues is what is required in order to unlock South Africa's use potential in mineral resources which will greatly assist in reducing unemployment and poverty and narrowing the inequality gap.

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Mining must deliver inclusive growth benefits to all stakeholders in South Africa. The IFP supports the report.

The HOUSE CHAIRPERSON (Ms M G Boroto): Thank you. The ANC – hon Luzipo. [Interjections.]

Ms N K F HLONYANE: House Chair, can the members of the ANC please wake up. This is embarrassing. We are here to work. [Interjections.] Can they please wake up.

The HOUSE CHAIRPERSON (Ms M G Boroto): Continue hon Luzipo. [Interjections.]

AN HON MEMBER: Hon House Chair [Interjections.]

Mr S LUZIPO: House Chairperson, the respected members of the portfolio committee, colleagues, comrades and friends, let me start to ... [Interjections.] [Inaudible.]

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

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Mr S LUZIPO: ... from the premise of a declaration in its essence that this report was agreed and adopted unanimously in the committee. But I dare say this that I am being reminded by what Samora Machel once said:

"The day you hear whites speak of me in good terms, that day don't share your secrets with me, because that means I would have betrayed you already"

[Applause.] Now I am being reminded that I should understand why there are people who now wants to denounce the report. And I don't think one should go on much and argue on the basis of what people have agreed on. But also it reminds me of what the former President Thabo Mbeki at the debate between Cosatu and the ANC once said:

"Sometimes I don't understand how these Cosatu comrades are; one moment when we are in the boardroom they agree with you on everything but the moment they get into the mic

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- behind that truck - you get something completely different"

I suspect there is something wrong with this podium because the same people you sit with in the committee, the moment they come to the podium you get a completely different character. In all the debates of Mineral Resources, as the ANC we are guided by the principle as articulated in the Freedom Charter that the mineral wealth beneath the soil shall be transferred to the ownership of the people as a whole.

As the portfolio committee therefore, our oversight function as we continue to exercise over the Department of Mineral Resources is to ensure compliance with the Mineral and Petroleum Resources Development Act, MPRDA and other relevant pieces of legislation. As the ANC we have made particular observations on our visit in Gauteng. Amongst those are the issues that relates to the South African Mineral Resources Administration, SAMRAD System. In particular, the issue of identifying people who have been granted mineral rights and which remains one of the major areas.

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We are concerned about the challenges with regard to the integration of all information system of the Department of Mineral Resources making applications in terms of technology in accessible in rural communities particularly with the FLAG Fund regional offices. With regard to the Council for Geoscience National Core Library in Donkerhoek, it highlighted that the Council for Geoscience, CGS plays a crucial role in identifying mineral potential in our country and its particular sites so that the nation's mineral wealth can be prudently managed.

In terms of the Council for Scientific and Industrial Research, CSIR visit in Kloppersbos, it is doing an important research into the properties of Mine Dusks and its risk. Government must continue to work towards finding leverage in research in terms of the new coal mining development in Waterberg. At the University of Pretoria, at the faculty of mining engineering, we discovered extensive collaboration between the new school of mines and the South African and mining research in the public and private sector.

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Our visit in the Mandela Mining Precinct at Carlow road Johannesburg, it illuminated the development of new mining techniques and government support for research and development in this area. We are confident that progress is being made in developing the potential for more efficient mining methods. The South African Diamond and Precious Metals Regulator, SADPMR is a key institution in ensuring that more South Africans' precious mineral wealth is processed locally. Much work though, still needs to be done around the area of beneficiations and the value chain.

The work of promoting zero harm and change is required along the way so that we can improve safety and health at the workplace level and Department of Mineral Resources remains central. We are concerned - obviously - about the high number of unemployed mining engineering graduates and the poor access due to the technology system which limits all the Historically Disadvantaged South Africans, HDSA in terms of access to the SAMRAD System. It appears there is an oversupply of mining undergraduates at the expense of post graduates.

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We need to establish a viable precious metal beneficiation industry. The Mining Phakisa programmes absorb more employment engineering graduates. The Department of Mineral Resources should improve and have a user friendly SAMRAD System. The Mining Qualifications Authority Bursary Scheme should seek to address the issue of undergraduate students. As I round up, I am again reminded of what Steve Biko once said:

“The biggest mistake the black world ever made was to assume that whoever opposed the apartheid system was an ally”

I want to state clearly that the days in any revolution is what we call populist demagogue. No revolution can be carried on the basis of slogans and populism. The question of transforming the mining industry requires dedicated soldiers and cadres that will understand the task at hand. I find it very strange when we assume that the revolution will be achieved through slogans and wishful thinking. Thanks to Harry Gwala who said:

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"We must be careful, it is necessary to dream but it is important to check what the time is when you dream"

I now understand because it is late so others are still dreaming. The ANC will continue to lead the revolution. It has a task at hand and that's what the masses had given them. Next year; it will be proven. [Applause.]

IsiZulu:

USOTSWEBHU OMKHULU WEQEMBU ELIBUSAYO: Ngiyabonga Sihlalo, sicela ukuthi lo mbiko wekomidi wemukeleke la kule Ndlu yesiShayamthetho.

Question put.

Motion agreed to.

Report accordingly adopted (Economic Freedom Fighters dissenting).

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CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON PUBLIC WORKS -
OVERSIGHT VISIT TO EASTERN CAPE PROVINCE

Ms E NTLANGWINI: Chairperson, I rise on a point of order. I can see it -like even the way you are introducing the Report - can we have energy here? The night is still young.

The HOUSE CHAIRPERSON (Ms M G Boroto): You are still I understand, enjoy yourself. Continue hon Memezi.

Mr H M Z MMEMEZI: House Chairperson, the people of South Africa, Ministers and hon members, on behalf of the Portfolio committee on Public Works, we present this Report for consideration, deliberation and approval. We also urge the Department of Public Works even at provincial and local levels including entities to go through the Report and implement it without fail.

The Report covers all key details about areas visited during our oversight follow up visits. It also reveals the desperately needed development of small harbours such as Port Grosvenor on

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the coast of Lusikisiki near Emkhambathi, eMsikaba eMthethu, eMbotyi beaches development needs. Including Port Saint Johns small harbour and a Waterfront Development Plan, which was very promising with an office park precinct auction economic development with fish factory, aqua culture etcetera.

The Report unfortunately exposes in particular our government that the much needed infrastructural development in poor areas that desperately need it most in such economic catalyst ... [Interjections.]

Mr M N PAULSEN: You can't give a report with etcetera, what is that?

The HOUSE CHAIRPERSON (Ms M G Boroto): Continue hon member. That is not a point of order.

The CHIEF WHIP OF THE OPPOSITION: House Chairperson!

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

The CHIEF WHIP OF THE OPPOSITION: House Chairperson, may I address you in terms of Rule 92? There have been several rulings in this House before most notable from Ms Frene Ginwala. She said here after numerous spurious points of order were raised during a debate on the 28 of August 1997 that "members should not interject and interrupt the proceedings of the House by raising of point of order that do not have any locus standi in terms of the rules". This evening several speakers have been interrupted for spurious points of orders.

The HOUSE CHAIRPERSON (Ms M G Boroto): I have ruled hon Steenhuisen. I have ruled on hon Paulsen ... [Interjections.]

Mr M N PAULSEN: I can't have the under achiever acting like a head boy here!

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The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, please take your seat. Continue hon Memezi. No hon member. Continue hon Memezi

Mr H M Z MMEMEZI: ... the Report unfortunately exposes in particular our government that the much needed infrastructural development in poor areas that desperately need it most in such ocean economic catalyst, our government is found wanting. About 100km from uMtamvuna River to Keiskamma River Mouth, there are no small harbours. Even beaches in those areas only operate as informal beaches with no sanitation, no water and no other incentive no dignity and worse still, there are no tarred road nor even properly gravelled road towards those beaches.

We must remember too that those rural areas in terms of Dr Verwoerd 's apartheid spatial planning were made reserves. And were only meant to be labour sending areas to the mining industries, sugar cane industries, and to the old industrial such as Johannesburg, Durban, Cape Town, and Port Elizabeth.

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The following departments must answer and accelerate investment and empower many of the rural people along the coastal towns.

Department of Public works, Department of rural development and land reforms, Department of transport, Department of Environmental Affairs, Department of Agriculture, Forestry And Fisheries, Department of Co-operative Governance, Cogta, the Eastern Cape Department of Roads and Public Works.

IsiXhosa:

Ukuvulwa nokuququzelelwa koqoqosho kwindyabo yaselwandle noshishino kunxweme lolwandle kufuneka lungabekeli abahlali bezi dolophu zigudle olu lwandle, ecaleni. Abahlali kufuneka baqeqeshwe khona ukuze basikelwe kwinyama yolwandle lwabo kuba kaloku yeyabo.

English:

Why must we the rural folks be forced to go to areas where certain people stay for us to enjoy or taste what a well equipped beach is? Why are roads to rural beaches still not tarred 24 years after democratic dispensation? Why is it that in

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the rural towns it is so difficult to find proper functioning communal toilets, why?

The details within this Report are indeed one that should capture the intergovernmental interplay between departments, municipalities and entities ... [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Memezi, just take your seat please for a while.

Ms M S KHAWULA: Thank you very much, Chairperson...

IsiZulu:

... bengifuna ukwazi ukuthi ngoba phela uhulumeni nguyena lo we-ANC ovimba abantu. Ubuza bani, sengathi uphethe inkulumo engeyona. [Ubuwelewele.]

USIHLALO WENDLU (Nk M G Boroto): Ngicela uhlale phansi, akukona ukukhalima okuphambukayo. Usuwenza inkulumo-mpikiswano nesikhulumi esingaphambili, asivumi.

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Nk M S KHAWULA: Hhayi, uyasidida phela manje.

USIHLALO WENDLU (Nk M G Boroto): Asiyivumi, asiyivumi leyo.
Qhubeka baba.

Mr H M Z MMEMEZI: ... municipalities and entities which must prioritise better lives and service delivery for all our people even in rural areas. From the two small harbours we visited Umthatha Regional Magistrate Court, a very crowded space with lots of challenges. We then moved to the adjustment uMthatha High Court where at least we smiled a bit for the first time during our visit.

IsiXhosa:

Siyambulela urhulumente we-ANC kwaye mhle kakhulu la msebenzi eniwenzele abantu bakuthi kula nkundla yamatyala. Enkosi kakhulu.

English:

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We then moved to Greenville housing estate and met public works old time tenants. We hope the Department of Public Works is attending to the issues raised in our recommendation. Then we moved to the newly built Centule clinic and nurses home in the rural areas of uMthatha made possible through Expanded Public Works Programme, EPWP, public works programmes... [Time Expired.]

Declarations of vote:

Mr D R RYDER: Chairperson, the visit to the Portfolio Committee on Public Works was an excellent demonstration of the failures of this government and brought into sharp relief the realities of the effects of those failures on the average citizen.

In the visit to the Eastern Cape especially the more rural areas provides a glimpse into the reality of the poorest and most underserved communities in South Africa. But this follow up oversight visit showed everything that is wrong with the manner in which this government operates.

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We were dragged to an area which just happens to be near the birth place of our committee Chair the big **Mac** 22:08 [Inaudible] - to see a project proposed by the local community to built a small harbour in an area that does not even have any road to access it. The fact is that political expediency and electionitis prioritised that visit and the visit to Greenville rather than visiting actual public works projects which are in much more need of serious oversight.

A short in distance but long in time drive was enough to demonstrate that the local municipality and provincial teams have a lot of work to do at their site before ever such a request can be entertained by the national department. Yes, development is desperately needed but this must be done in a well planned and logical sequence to ensure that wild elephant's facilities are not built at great expense only to bring false hope to our people and end up as vandalised shells of no use to anybody.

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Return visits to the magistrate's courts and prisons show little change in circumstances over the year between visits and how our people are left to suffer the consequences of government's disdain for those mostly in need of the interventions. The magistrates courts has been prioritised for 17years for an upgrade and yet the best that public works could do over the past year was to repair an area damaged by fire probably from an insurance pay out. But that fire was a sure indicator of a lack of maintenance and an attention to occupational health and safety. This is as a much a failure by the department of justice who have failed to prioritise budget as it is with the Department of Public Works.

The deterioration of government buildings through the country is a symptom of this government's inability to perform the most basic functions required for the country to remain viable not to flourish, not to expand to meet population growth or urbanisation but merely just to retain what we have now.

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Almost every government building you may have visited in South Africa show signs of decay and absence of maintenance as this is a criminal waste of state assets. The inability to maintain what we have will soon mean that replacement buildings will need to be erected at huge costs if government is to keep delivering basic services to South Africa. But we know that corruption under the ANC is out of control.

While the focus of the media is on the grand of state capture the daily endemic corruption continues and funds meant to be spent on the people's needs are squandered in service of narrow interests. The result of this were obvious on this oversight visit.

A comment from a committee member that they would rather break down a colonial building to build an African building next to its ruin appears not to be just a politically charged comment made in anger on a tour bus but more of a hint of the real vision of this ruling party. Break it down and worry about it

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next week. Let the rand fall and we will pick it up. It doesn't work like that.

The places that we visited were a confirmation that the dream of freedom was killed soon after it was born. The unfair treatment of the people who should be serviced by the government was frankly heartbreaking. Opportunities that should have been created by catalytic public works project are hijacked, delayed and stillborn in appreciation of diverse backgrounds, diverse history and diverse needs cannot be adapted to by officials in Pretoria whose only qualification is a membership card. It became glaringly clear that if voters really want one South Africa for all, if they truly choose freedom, fairness, opportunity and an embracement of diversity they must choose a party of delivery in 2019.

That can only mean choosing the DA. Public works needs to step back, decide what your core mandate is refocus and build the South Africa that works. While I strongly disagree with the way

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that this oversight visit was conducted this Report is a fair reflection of our visit and it is accepted. Thank you.

Ms N NOLUTSHUNGU: Hon Chairperson and hon members, if this department was utilised efficiently and in a developmental manner it would play a very important catalytic role in the development of this country. A question was posed to the department a few months ago, and they indicated that they owned 5,2 million hectares of land across the country, of which 1,6 million hectares was vacant land. This includes 861 000 hectares of vacant stands; 831 vacant farms; and just over 4 000 hectares of undeveloped land. While millions of South Africans are landless and homeless, the department sits on this precious resource; underutilised and sterile. What will happen is that they will auction off these pieces of land to their comrades for peanuts. This is the level of degeneration that the ANC has undergone.

The oversight visit to the Eastern Cape demonstrated this level of neglect and confirmed what the key priorities for the

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developmental state should be. The Property Management Trading Entity must be transformed into playing a more developmental role. It must release the land it has to the people for beneficial use. We will pay particular attention to all the transactions made by this department to ensure that they do not auction off public resources for their own nefarious ends. The EFF rejects this report.

Mr K P SITHOLE: Hon Chairperson, the Department of Public Works, which is the custodian and manager of all of national government's immovable assets, has the most critical mandate when it comes to the people of South Africa in terms of developing and maintaining infrastructure for basic service delivery, social services, a competitive economy and jobs.

The construction and maintenance of infrastructure occur across the three spheres of government, and this is where we witness the many instances of nonalignment and co-ordination of development among the Department of Public Works built environment teams and their various client departments and

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municipal councils. As we are nearly a quarter of a century into our new democracy, it is critical that we not only develop new infrastructure in terms of spatial planning for redress for ease of access for historically disadvantaged areas, but also additionally maintain, upgrade, replace and rehabilitate existing infrastructure.

This visit was essentially a follow-up visit, focusing on weaknesses observed in 2017 by the committee in the province. The Port St Johns Local Municipality must be congratulated on their efforts to prioritise projects that will unlock economic development and provide employment and work opportunities for SMMEs.

In Umtata, the regional and magistrate's court building remains an urgent matter. This project has been going on since 2001 and has changed multiple times over the years. It must be prioritised and completed as soon as possible.

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The Century Clinic has been an ongoing project since 2015. This clinic has been completed already but has not opened owing to a payment dispute with the contractors, with the people in the area being the net losers in terms of the lack of provision of health care services.

In conclusion, the IFP would like to see greater impetus on the liaison between the department and the various role-players in the Eastern Cape as regards current ... [Inaudible.] ... projects. The IFP does support the project. I thank you.

Prof N M KHUBISA: House Chairperson, the NFP welcomes and supports this report of the Portfolio Committee on Public Works dated 23 October 2018. The Department of Public Works is the custodian and manager of all national government immovable assets. This includes the acquisition, maintenance and disposal of such assets. As a result of the turnaround strategy of the department, the function of property management was devolved to the new entity called the Property Management Trading Entity.

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The Department of Public Works has been battling with a consolidated and coherent asset register and the overuse of consultants. It is therefore gratifying that the use of consultants has been reduced over time, but we have seen worn-out buildings and dilapidated buildings in citizen townships. We have seen government flats occupied by individuals that the department is not aware of. Other buildings are renovated, but renovations take a long time to complete. Allegations of fraud and corruption have been the order of the day and have been publicised in both the print and electronic media.

Infrastructure development is crucial to the tone and the health of the system. The Umtata regional court had to catch fire, but it is also gratifying to see that the High Court, though not complete, is well built.

The NFP wants to say that small harbours have to be developed for job creation and the alleviation of poverty and to deal with unemployment. Having said, we support the report, Chairperson.

Thank you very much.

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The HOUSE CHAIRPERSON (Ms M G Boroto): Thank you, Tata. I now call the hon Filtane of the UDM.

Mr M L W FILTANE: Oh yes; save the best for last.

[Interjections.] [Laughter.] The UDM supports this report. We have been part of this crusade since 2014, and what this oversight visit to the Eastern Cape has revealed are the following. There is an urgent need to build a harbour in Port St Johns, Minister. The people of Port St Johns are tired of getting various political visits with no earth-moving equipment accompanying them. Stop visiting Port St Johns if you haven't got concrete plans to build in Port St Johns. That is the message I got from some of the officials who were there the day we visited. I hope you have got the message well and good. By doing that, you'll be making yourselves, as a department of the ANC, relevant to the economic development of this country.

Regarding the schools you've built, there is hardly any meaningful education coming out of them. In terms of the courts, you're trying, but now please take some resolutions as the ANC

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to build economic infrastructure. You know I've been saying this for donkey's years - since I joined.

Now, moving from there, that road to Grosvenor would be the first priority. Port St Johns is ready. Please make a budget available.

The magistrate's court in Umtata is far from being adequate for the purpose for which it exists, and we are aware that there are talks about a larger precinct, and we would encourage that as there is too much congestion there. So that needs your urgent attention, if you must still stay in government.

The UDM is very proud that after probing you as well as the Ministry of Justice in 2015 to 2016, sensitising you through reports that we were getting from local attorneys in Umtata in that there was a need to pay attention to the High Court, you finally responded. The UDM made you move. I don't know if you were ever going to move, because that had been a long-standing problem. But I know I had talks with you as well as the Minister

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of Justice and Correctional Services. Thanks for responding.
We'll continue to do that until we have a share in government.

About Greenville housing: hon Minister, you need to take a
decision and give ...

IsiXhosa:

... abantu bakwaMpuku bafuna izindlu kwaye bafuna zibe segameni
labo...

English:

... that you know. At last, before the elections, go and make a
pronouncement and say:

IsiXhosa:

Bantu bakwaMpuku nazi izindlu ndiyanikhululela, kakade awunayo
nemali yokuzi khathalela eza zindlu, uzigcinele ntoni ke?

English:

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The HOUSE CHAIRPERSON (Ms M G Boroto): Address the Chairperson, Baba Filtane.

Mr M L W FILTANE: Centuli Clinic is another example of a white elephant. Almost R10 million has been spent there, and there's hardly a nurse, hardly any medication just because of poor maintenance owing to contractors and management. So, Public Works, please pick up and move with time. Thank you. [Time expired.]

Mrs E K M MASEHELA: Hon Chair, let me start at the outset by saying that the ANC supports this report. Indeed, hon Chairperson, the portfolio committee made a follow-up visit to the Eastern Cape to check as to whether the matters that emerged from the first visit, which took place from 11 to 15 September 2017, were addressed in accordance with the recommendations made.

This was a great move and we wish that Parliament could allocate more time to oversight visits, because it proved that most of

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the issues raised were completed and addressed just before the second visit, for example Centuli Clinic. During the first visit we learnt that it was completed and fully furnished in November 2016, but that it was not in use. On our second visit we found that it had been opened and fully functional from 6 August 2018, just seven days before we visited the place. Hon Filtane, it is working - that particular clinic is fully functional now.

The focus remains on the strengthening of the intergovernmental co-ordination that the Department of Public Works must perform to get projects completed on time and within budget. We cannot have a situation in which projects which have been planned for two years are completed in five years with double the budget. This we cannot have, and this is what we have made clear to the department.

There is a need for rural areas to have economic activity taking place in their areas. As the ANC government we say that people should live a better life where they stay or where they are, which means that investment should be decentralised to rural

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areas. This will address situations in which parents leave for work very early in the morning, leaving the children while they are still asleep, and coming home very late to find them already asleep. They are unable to check their children's school work. This is a recipe for failure.

The process usually starts with the departments themselves to identify the buildings that need to be built or buildings that need to be renovated. They are approached by the Department of Public Works' service provision entities which also avail funds for the projects.

As far as Greenville is concerned, the occupancy period of this asset varied between 1986 and 2000. Tenants are paying rent which differs from one household to another. They are not allowed to do any alterations to the buildings but yet they are not maintained. They are given eviction letters, and the committee has recommended that the eviction processes be put on hold and that the province intervenes in the situation so that

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people who have occupied these houses for such a long time are not evicted.

The Sakhululeka Secondary School is a very good school with very good results. Indeed, South Africa works because Public Works works. However, we were not pleased with the changes to the school. The fence was half done, the hall was excluded, and there was no access for people with disabilities, and yet the principal is a disabled person. It must be made very clear to the department that all buildings should have universal access. Even the old buildings that were not compliant should be renovated to be compliant. This is what we are saying as the ANC.

The temporary structures bought and used by the school during the renovations were removed and it is alleged that they are being stored somewhere. This must be investigated by the province and the perpetrators must be brought to book. These structures can be used by other schools that have a shortage of classrooms.

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For 300 years the apartheid government never built schools in rural areas. It is only the ANC government that has, since 1994, started to build schools and other amenities. That is why we still have this backlog. We cannot be expected to have addressed a backlog of 300 years within 24 years. It is practically impossible. [Applause.] However, we are getting there.

Sepedi:

Pele ke mo re yago, morago re ka se tsoge re boetše.

English:

Another critical development in terms of the small harbours and the ocean's economy is the initiative involving the Department of Basic Education and the SA Maritime Association, with the addition of maritime studies at the Ncume High School whereby lessons in maritime skills development will be taught, setting a foundation for people from previously disadvantaged backgrounds to enter the space that was previously reserved for the minority.

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Sepedi:

Ka nnete ANC e a phela gape e tla tšwela pele go buša.

English:

With the development of infrastructure comes the creation of working opportunities and the development of people's skills through the Expanded Public Works Programme, the EPWP. The EPWP does not only allow beneficiaries to benefit in terms of getting a stipend, but also provides work experience that they can carry forward to future ventures in terms of gaining better employment.

Hon Chairperson, I want to say to the hon Ryder here: This is not our failure, as you have been putting it. The failures are from 300 years back, as I've already indicated. So you cannot put them on the ANC right now. You are very cross that we travelled on a very bad road to that rural harbour. This is because you don't ever travel on such roads. We are used to it; we travel on such roads all the time. And you are still going to travel on those roads when we do our oversight. If you can't,

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you must remain and not go with us. But we are going to check our rural areas whenever we go out and we will travel on those particular roads.

Hon Chairperson, we don't want people here who will come here

...

Sepedi:

... ba tlo itira diila kgaka eupša ba enwa moro. Go na le lengwalo le le sepelago mo le bontšha gore le ngwadilwe ka 25 May 2009. Motho o a bona lengwalong le gore Prince M le yena o humane ditšhelete go tšwa go diGupta ... [Tšhwahlelo.]

Ke a leboga, Modulasetulo. Re le ANC re a e thekga pego ye.

[Nako e fedile.]

The CHIEF WHIP OF THE MAJORITY PARTY: House Chair, we move that the report be adopted.

Motion agreed to.

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Report accordingly adopted (Economic Freedom Fighters dissenting).

The House adjourned at 22:33.

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