

THURSDAY, 3 NOVEMBER 2016

PROCEEDINGS OF THE NATIONAL ASSEMBLY

The House met at 14:01.

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

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS - see col 000.

LEAVE OF ABSENCE FOR MEMBERS OF PARLIAMENT

(Draft Resolution)

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

That the House, in terms of National Assembly Rule 36 read with Item 7 of Appendix A to the Rules, and notwithstanding any provisions to the contrary, grants the following members leave of absence from the House due to ill health, as follows:

- (1) Madikizela-Mandela N W (until 31 December 2016);
- (2) Mmusi S G (until 31 December 2016); and
- (3) Nkomo S J (until 27 November 2016).

Agreed to.

**PARLIAMENTARY AD HOC COMMITTEE TO CONDUCT INQUIRY INTO SABC
BOARD**

(Draft Resolution)

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

That the House -

- (1) notes the need to ensure that its processes are fair and reasonable, and give effect to the rules of natural justice;
- (2) establishes an ad hoc committee to inquire, in terms of section 15A(1) (b) of the Broadcasting Act 4 of 1999 ,

into the ability of the SA Broadcasting Corporation, SABC, Board to discharge its duties as prescribed in the Act, including:

- (a) looking into the financial status and sustainability of the SABC;
- (b) the response by the SABC to the Public Protector Report: When Governance and Ethics Fail, recent court judgments, and the ruling by the Independent Communications Authority of South Africa, Icasa, that the SABC withdraws its decision to ban coverage of violent protests at the broadcaster;
- (c) the current board's ability to take legally binding decisions in light of the resignation by some nonexecutive members of the board;
- (d) the board's adherence to the Broadcasting Charter;
- (e) the board's ability to carry out its duties as contemplated in section 13(11) of the Broadcasting Act;

- (f) human resources related matters such as governance structures, appointments of executives and termination of services of the affected executives; and
- (g) the decision making processes of the board, the committee to:
- i. consist of 11 members, as follows: ANC six, DA two, EFF one and other parties two;
 - ii. exercise those powers in Rule 167 that may assist it in carrying out its task;
 - iii. incorporate in its work, as appropriate, the proceedings and work of the Portfolio Committee on Communications in this regard; and
 - iv. report to the National Assembly by no later than 28 February 2017.

Declarations of vote made on behalf of the Democratic Alliance, Inkatha Freedom Party, National Freedom Party, Freedom front

Plus, Economic Freedom Fighters, African Christian Democratic Party and African National Congress.

Declarations of vote:

Dr A LOTRIET: Speaker, we as the DA welcome the establishment of an ad hoc committee to inquire into the SABC. The DA has repeatedly called for a parliamentary inquiry to be conducted into the SABC including the board's fitness to hold office. On numerous occasions the SABC has violated the constitutional right of the citizens of South Africa including the banning of television coverage of violent strike actions.

The fact that the SABC has, yet again, lost taxpayer's money this year totalling to the amount of R411 million and thinks that this is acceptable is a clear indication that things at the SABC are not working. With only three members remaining, it has lost all its credibility and as we have established, they do not even have a quorum even if the hon Minister, Faith Muthambi, wants to justify this noncompliance with the Companies Act.

The board has overseen and allowed for institutional rot to set in at the SABC and should be held accountable for its failures. The crisis at the SABC should have been addressed much sooner however, rather late than never. This inquiry will be vital for

the survival of the SABC and the restoration of trust between the public broadcaster and the people of South Africa which has reached an all time low at this stage.

It has become patently clear that the board of the SABC only serves to further the interests of the ANC, the Minister of Communications, Faith Muthambi, and Hlaudi Motsoeneng, and is not dedicated, as required by the Broadcasting Act, to fairness freedom of expression, the right of the public to be informed and openness and accountability.

The establishment of this ad hoc committee is victory for parliamentary accountability and the DA will engage in the process to ensure that the SABC is held to account properly. The DA is committed to restoring the integrity and the independence of the SABC and the first step is to ensure that it has the right leadership.

We, as taxpayers, as South Africans and as a nation deserve better than this. And during this inquiry we will ensure that you, as South Africans, yet again, have full access to unedited information. Thank you.

The SPEAKER: Before I call upon the hon Singh, I would like to take this opportunity to clarify the following: The ANC has seven minutes if it wants to make a declaration; the DA has used its five minutes; the EFF must still have its four minutes allocation; and the rest of the other smaller parties three minutes. This is what has been agreed upon by all parties.

Mr N SINGH: Hon Speaker, the IFP supports the establishment of an ad hoc committee in order to conduct an inquiry into the board and the activities at the SA Broadcasting Corporation. In order to ensure the unbiased of the committee to be established, and in light of recent aspersions cast by the SA Broadcasting Corporation, SABC, as regard as purported biased of the current Portfolio committee on Communications which aspersions we do not necessarily share; we agreed that the board consists of members of this House that do not currently serve on the Communications Portfolio Committee.

Last week we heard Mr Motsoeneng who the board recently so valiantly defended trying to allegedly - and that is the operative word - alienate listeners from the Indian community by suggesting name changes to the radio station Lotus FM. If we look at the same radio station with services that predominately

Indian community of South Africa, we note the absurdity of Mr Motsoeneng's 90/10 local content regulation.

Whilst we whole heartedly support the promotion of South African music at the public broadcaster, it should be implemented on case by case basis determined by availability and capacity of local content. There is simply not enough local Indian music to fill this quota and satisfy the listeners show. From reports the SABC is in such poor state of management that this ad hoc committee has been correctly mandated to conduct the fully investigation into its strategic operations. We wish to see the public broadcaster return to the principled of sound management, profitability as a service provided to diverse communities that make up our proud nation. I thank you.

Prof N M KHUBISA: Hon Speaker and hon members, the NFP supports the establishment of the ad hoc committee to look into the affairs of the SABC. I think this should have long been done because misdemeanours in the SABC have been there for quite a long time. It has been in the report of the Public Protector on matters affecting the SABC, both the governance, management and administrative matters, but it seems SABC has been leaping from one chaos to another. We believe therefore if an ad hoc committee is established that it is free, it is independent and

looking into these matters we believe that all problems and challenges affecting SABC will have to be arrested once and for all.

We cannot have a public broadcaster that does not enjoy the trust of the public out there and that serves the interest of the people of South Africa across the board. Therefore, as the NFP, we therefore fully support the establishment of this committee and we would want to see it doing its work fairly so that we come to conclusions that will satisfy the people of South Africa. Thank you very much.

Mr C P MULDER: Hon Speaker, I think we should apply our minds as to what is in front of the House at the moment. In front of the House there is a resolution that says we should appoint an ad hoc committee and - that is technique as far as I am concerned - all that we should be debating at the moment. We all have our views in terms of what the position within the SABC is it at the moment, but I think we should leave that for the process that one such an ad hoc committee is established to bring the facts back to Parliament.

The important thing as far as I am concerned is a fact that we are going to establish such an ad hoc committee, I think it

sends a very strong and clear message not only to the SABC, but to all entities out there that should take note that it seems that Parliament is taking its oversight role seriously and that Parliament is now going to fulfil the role that was envisaged in the Constitution in the first place. I think it is a very positive situation and I think it is positive gesture despite all the negativity out there and all things that we are really hearing about that Parliament plays a role it is supposed to play, and the first step in this instance will be to establish this ad hoc committee. Therefore, we support that. Thank you.

Mr N S MATIASE: Madam Speaker, the EFF welcomes the establishment of the ad hoc committee to lick into the disgraceful state of affairs in the SABC and to bring to an end the shenanigans which Hlaudi Motsoeneng continues to do with fully endorsement of number one tsotsi in the country. Hlaudi would not be behaving in the manner in which he is if he has got not backing of the most powerful individual from the ruling party. Hlaudi Motsoeneng has become a bull in an Indian shop. He has become uncontrollable ... [Interjections.] ... in the Chinese shop rather. He has become a disgrace. Whether Chinese or Indians but because he is controlled by the Guptas. The Indian is even more relevant for the situation that the SABC finds itself today.

We hope that the ANC representative in the ad hoc committee shall have the courage of your own conviction of which you do not have. You will have the courage of your own conviction to end the rot in the SABC. We shall ensure that nothing is left unattended to and bring SABC under control to restore the dignity that it has always been known - an associated with the SABC until Jacob Zuma became the state President of the Republic. I so wish. Thank you so much.

The SPEAKER: It is a bull in the China shop. Hon swart!

Mr S N SWART: Hon Speaker, the ACDP will support this motion. We believe that it is necessary to establish this ad hoc and it is also important to note that there is a need for processes that are fair reasonable and give effect to the rules of natural justice. I attended the communications hearings to a certain degree when the board members appeared before. At this stage the board does not have a quorum, so it is very important although at that stage many sentiments were expressing the committee. There is a very important process that must be engaged on which is fair and reasonable and a process which is also engaged with that is set out here such as looking at the Public Protestor's report, recent court judgement and rulings of Independent Communications Authority of South Africa, Icasa.

Therefore, this is an ongoing process, of course, there is a degree of urgency in this matter and one hopes that the ad hoc committee will be able to report before February because as we know the board does not have a quorum at the moment. This needs to be addressed. What further damage has been inflicted to the public broadcaster? At the end of the day we need to remember that this is a public broadcaster which is accountable to us. Therefore, the ACDP will support this motion and as far as possible participate in this ad hoc committee. I thank you.

Mr N L S KWANKWA: Madam Speaker and hon members, the SABC board in its current form has already indicated that it cannot make any decision, let alone the binding one. This House therefore has a constitutional duty to urgently deal with this matter, with this illegality and the dysfunctional nature of this board and make sure that we replace it with one that places to judicial duty and oversees the activities of the SABC. The board's letter disrespectful if not insolent in tone confirms that the remnants of SABC board have reconstituted themselves as an authority unto themselves.

In its presumptuous fall to the board to this letter declares vote of no confidence in the committee of Parliament - that is the Portfolio Committee on Communications. They even went

further to instruct this House at strange and time frames, how it should conduct its oversight function over the SABC.

Effectively, they are declaring Parliament unfit to do oversight over its operations as dictated to by the Constitution of the Republic. Not only is this the arrogance of titanic proportions, it is also unadulterated claptrap.

NgesiXhosa basiqhela kakubi. [In isiXhosa they are overstepping their bounds.]

While the UDM rejects the arrogance displayed by the SABC referred above and for the purposes of completing the process without further delay, we support the establishment of the ad hoc committee in order to make sure that we bring stability to SABC.

SisiXhosa eso, kukusidelela nokusiqhela kakubi ... [That is isiXhosa, it is to disrespect us and overstepping their bounds.]

Do you refer it when I say insolent? That is English.

Siyabulela. [We thank you.]

Mr M U KALAKO: Madam Speaker and hon members, the ANC welcomes the establishment of ad hoc committee and we want to put it

categorical clear that the ANC is committed to laws of natural justice and fairness, and we understand the urgency of the matter as the ANC. Therefore, in dealing with the matter we do not want to be accused of not following due process. As the ANC, we were the first to condemn the SABC. We were the first to make sure that SABC problems are dealt with. ANC has been committed and ceased with all the problems which have been happening in the SABC.

We want to assure the public that by taking this route we want to make sure that we deal with these problems once and for all. We want to make sure that SABC is brought back to track and that it is not a one-person show. That is a public broadcaster. So, as the ANC and as the study group of the ANC in particular which have been at the forefront of calling for the inquiry on the SABC matters, we want to wish the ad hoc committee well in its endeavours to deal with the problem. We assure our comrades who are in that committee, our comrades who know and have been following the problems which have been happening in the SABC; those who are claiming now that they have been in the forefront of that - we are not here for slogans. Public be rest assured that public broadcaster will be brought back to your hands by the ANC. Thank you.

The SPEAKER: Hon members, the motion has been agreed to. We will now proceed to the statement by the Minister of Justice and Correctional Services on South Africa's withdrawal from the Rome Statute of the International Criminal Court. The hon the Minister!

Motion accordingly agreed to.

**SOUTH AFRICA'S WITHDRAWAL FROM THE ROME STATUTE OF THE
INTERNATIONAL CRIMINAL COURT**

(Statement by the Minister of Justice and Correctional Services)

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Hon Speaker, hon Members of Parliament, ladies and gentlemen, on 28 October 2016, the General Assembly of the United Nations, with 178 votes, elected South Africa to serve on the Human Rights Council, the United Nations body responsible for the promotion and protection of all human rights around the globe. [Applause.] This vote came nine days after South Africa lodged, with the Secretary-General of the United Nations, notice of its intention to withdraw from the Rome Statute in terms of Article 127 of the Rome Statute of the International Criminal Court.

South Africa's re-election, which does not appear to have received much media attention, is an affirmation of the international community's high regard for South Africa's Constitution; its Bill of Rights; its constitutional bodies which strengthen democracy; its independent judiciary; its tireless efforts to promote peace and reconciliation; its respect for human rights; and its efforts to eliminate all forms of impunity and promote development on the African continent and elsewhere.

The decision to withdraw was not taken lightly by the Cabinet of the Republic. The decision was made after a very careful consideration of all relevant issues, including South Africa's obligations to the International Criminal Court, ICC, in terms of the Rome Statute itself, its international standing, the requirements of the African Union, of which South Africa is a member, and the role which South Africa plays in ensuring that conflicts are resolved peacefully on the African continent and elsewhere.

The Rome Statute was entered into force on 1 July 2002. There are 124 countries that are States Parties to the Rome Statute, 34 of which are from Africa. South Africa was a state party to the Rome Statute from the time it entered into force. An

extended Cabinet committee took a decision on 5 May 2016 that South Africa would consider withdrawing from the Rome Statute. On 19 October 2016, Cabinet took the decision that South Africa would withdraw from the Rome Statute by immediately submitting the Instrument of Withdrawal to the Secretary-General of the United Nations. [Interjections.] In accordance with the relevant provisions of the Rome Statute, South Africa's withdrawal will take effect one year after the Secretary-General has received the notification.

The decision to withdraw from the Rome Statute was not taken lightly ... [Interjections.] ... and our involvement with the ICC has a particular history. South Africa played a significant role in the international negotiations on the establishment of the International Criminal Court and was one of the first signatories to the Rome Statute. The Rome Statute was enacted in South Africa with the adoption of the Implementation of the Rome Statute of the International Criminal Court Act, Act 27 of 2002, thus reaffirming South Africa's commitment to a system of international justice.

South Africa's commitment to the protection of human rights and the fight against impunity is unwavering despite its decision to withdraw. This commitment was forged in the struggle for

liberation from the inhumanity of colonialism and apartheid, and was based on the values of our nation, namely human rights, freedom and dignity as aspired to in the Freedom Charter, which values were adopted by the people of South Africa in 1955 and enshrined in our Constitution.

South Africa has always and will always condemn, in the strongest terms, human rights violations and international crimes wherever they may occur, and will call for accountability of those responsible.

South Africa cannot and will not be silent in the face of serious flaws in the practices of the ICC and will not join the chorus of uncritical loyalty. [Interjections.] [Applause.] It is time to ask ourselves whether the ICC, as part of the international criminal justice system, is actually assisting the world to indeed make sure that there is no impunity against the crimes of genocide and crimes against humanity.

South Africa, from its own experience, has always expressed the view that to keep peace, one must first make peace. South Africa is involved in international peacekeeping missions in Africa and is diplomatically involved in interrelated peace processes on a bilateral basis and as part of African Union mandates.

South Africa, in its peacekeeping role on the African continent, has worked tirelessly with other African nations to establish the African Union, with a strong focus on promoting human security, peace and stability on the continent. Today these are reflected in the principle of intervention in cases of war crimes, genocide and crimes against humanity in terms of the Constitutive Act of the African Union.

In complex and multifaceted peace negotiations and sensitive postconflict situations, peace and justice must be viewed as complementary and not mutually exclusive. The reality is that in an imperfect world we cannot apply international law with an idealistic view that strives for justice and accountability and thus competes with the immediate objectives of peace, security and stability.

In 2015 South Africa found itself in an unenviable position, in terms of challenges with the ICC, when it was faced with conflicting international law obligations, which had to be interpreted within the realm of hard diplomatic realities and overlapping mandates. South Africa was hosting the 30th Ordinary Session of the Permanent Representatives Committee, the 27th Ordinary Session of the Executive Council and the 25th Ordinary Session of the Assembly of the African Union - "the AU Summit" -

from 7 to 15 June 2015. The reality was that the ICC, on 4 March 2009 and 12 July 2010, issued two warrants of arrest against President Omar al-Bashir. These warrants of arrest were transmitted to states parties and members of the United Nations Security Council for execution. [Interjections.] South Africa was one of the countries to which a request for arrest and surrender was transmitted.

South Africa was thus faced with the conflicting obligation to arrest President al-Bashir under the Rome Statute and the obligation under customary international law ...

[Interjections.] ... which recognises the immunity of sitting heads of state ... [Interjections.] [Applause.] ... as well as the obligation to the AU to grant immunity in terms of the Host Agreement and the General Convention of the Privileges and Immunities of the Organisation of African Unity of 1965.

There is also no clarity on the nature and scope of the provisions on the immunities of heads of state in terms of international customary law and the Rome Statute. This lack of clarity is reflected in the inconsistencies in the findings of the very Pre-Trial Chamber of the ICC in the Malawi and Chad cases, on the one hand, and the DRC cases on the other hand. Sudan is a nonstate party to the Rome Statute that continues to

be governed by customary international law. Arrest of such a person by a state party, pursuant to its Rome Statute obligations, may therefore result in a violation of its customary international law obligations.

In order to address this untenable position, South Africa used the mechanism of consultation with the ICC, prior to the AU Summit, to find a resolution available under Article 97 of the Rome Statute, the first state party ever to do so. The reason for using the mechanism was in order to engage the ICC by explaining the difficulty faced by South Africa in this instance. However, this was to no avail. Although there are no procedures to guide Article 97 consultations, South Africa was deeply disappointed that the process was turned into a judicial process. The experience with the ICC left South Africa with the sense that its fundamental right to be heard was violated.

South Africa is of the view that continuing to be a state party to the Rome Statute will hamper its ability to effectively engage with countries in which serious conflicts occur. It will compromise South Africa's efforts to promote peace and security on the African continent and to play an essential part in international peacekeeping missions in Africa and in related peace processes.

The credibility and acceptability of the ICC to become the universally accepted institution of justice that would ensure the ideal of the universally accepted principle of equality before the law was the expectation of South Africa when it became a state party, but this has not been realised and is under threat. For as long as three of the permanent members of the Security Council are not state parties to the Statute, the credibility of the ICC will be questioned.

The Security Council has also not played its part in terms of Article 16 of the Rome Statute as the involvement of the ICC will pose a threat to peace and security on the African continent. There are perceptions of inequality and unfairness in the practices of the ICC that do not only emanate from the court's relationship with the Security Council, but also from the perceived focus of the ICC on African states, notwithstanding clear evidence of violations by others.

On the way forward, South Africa has always believed that countries should have strong national legal systems that can ensure accountability and prevent impunity from these crimes. In this regard, South Africa has various statutory measures on its own Statute Book to combat international crimes that ensure accountability and it will strengthen these as needed.

International courts can only be complementary to national legal systems. We should work diligently to ensure that all countries have the necessary measures in place to prevent impunity and that justice is not simply outsourced to international courts. South Africa has never viewed the ICC in isolation, but as one element in a new system of international justice, law and governance. It must therefore be the last resort to protect human rights and to fight impunity.

South Africa also believes that the African Court of Justice and Human Rights in Arusha, in the Republic of Tanzania, must play a crucial ...

The SPEAKER: Order, hon Minister. I would just like to point out that you've taken two more minutes. So, we will take them from the time you have at your disposal for your reply. So, please, as you proceed, remember we will be deducting time from the seven minutes you have to reply.

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: South Africa also believes that the African Court of Justice and Human Rights in Arusha, in the Republic of Tanzania, must play a critical role in the fight against impunity on the African continent and must become operational as soon as possible. In conformance with

statutory customary international law, Article 46 of the Malabo Protocol provides for immunity from prosecution for AU heads of state or government based on their functions and during their tenure in office. These are principles which South Africa will continue to uphold, and we will effect the necessary legislative reforms to ensure that whilst we comply with our international obligations against impunity in the world, we also uphold our diplomatic system at the same time.

To this end, Speaker, at the end of these proceedings, we will be tabling the notice of withdrawal that South Africa lodged with the Secretary-General of the United Nations and a Bill promoting the repeal of the domestication Act. I thank you very much. [Applause.]

Mr W HORN: Madam Speaker, colleagues, we all know that before 1990 South Africa was a pariah state, first up among the world's mogoe and deservedly so. Then came the miracles of the 1990s and we became the example of peaceful transition from authoritarianism to a constitutional democracy.

We took up a place in the middle of the front row of the nations of the world. On the international stage, we found our voice and advocated for human rights and international justice. Let's give

credit where it is due, the ANC was the biggest role-player in making all this happen.

In respect of international relations, this miracle enabled us as a country to act like a virtual super power. Of course, this was all made possible by the vision of the former President Nelson Mandela who in 1993 wrote in foreign affairs magazine that:

South African policy would henceforth be based on our belief that human rights should be the core concern of international relations and that we are ready to play a role in fostering peace and prosperity in the world we share with the community of nations.

Madam Speaker, in embracing our morale standing in Africa, we were instrumental as the Minister pointed out in the adoption of the Roman Statute of the International Criminal Court, 1998 and the establishment of the International Criminal Court, ICC. A Court in respect of which it is important to remember as was as was admitted today by the Minister. It was always intended to be a last resort.

A tribunal entrusted with prosecuting the type of crimes which shock our conscience, our common humanity, crimes like genocide, war crimes, and crimes against humanity.

When domesticating the Roman Statute of the International Criminal Court in 2002, ANC speakers, still works lyrical about the fight for international justice, human rights and the fact that those thugs have instilled themselves as lifetime leaders of their countries while committing these crimes would not be welcomed in South Africa and would be arrested in terms of summonses of the ICC. Unfortunately, we all know, our never again moment lasted only 13 years.

Let it be clearly understood, we are not of the opinion that the ICC is functioning as it should. At the outset, the first prosecutor made a fundamental mistake of rather seeking international recognition than performance. As Toby Cadman, the international criminal law expert from the UK, nonetheless points out "it made itself guilty of launching cases with much fanfare and publicity which never had any real chance of success in court". This make-believe type of prosecution cannot be at root of the ANC's discontent with this court.

As this is exactly what you guys seem to have been looking for when the leading contender for the Oscar, next year in the category of ten prosecutors, our very own National Diploma in Television Program Production, NDTPP, were selected. In all seriousness, we agreed that the functionality of the ICC is problematic. And that the case can made out that the ICC is biased against Africa.

But this is of course not the official and primary reason for our withdrawal. Despite being one of the countries with the most diplomatic missions in the world, despite having forced its sound relations with the diverse range of nations, the first reason given for our withdrawal is that, our diplomatic relations are being hamstrung by our obligations in terms of the Rome Statute of the International Criminal Court

Now all of a sudden, going forward, struggle, to successfully take part in African peace-making missions if we do not withdraw; the question then begs, why have we not been hamstrung up to now about these factors?

Despite all the protestations, we have to remain steadfastly committed to the fight against impunity and for human rights. There can be no other interpenetration of this explanation than

the one which says, that we have now started to turn our back on human rights in international relations.

The argument that we will pursue this through African forums also needs attention. The Minister admits that the African Court of Justice in Human Rights and specifically the criminal chamber, is not up and running. What it does not inform us is that only about half of the African Union nations have ratified this protocol. However, what it also doesn't inform us is that this has been a decade long struggle of the African Union. The question then begs, why should we depend on an African Court which is not yet up and running?

Specifically, in light of the fact that we will have the same diplomatic issues regarding ratification. That the same risk of politicization of the African Court is there as is with the ICC. And more importantly, it doesn't mention that at this stage there is simple no funds available in the AU to make this criminal chamber work. At this stage the ICC operates with the annual budget of US \$140 million.

The International Criminal Tribunal in Rwanda, in 2011 had a cost of US\$270 million and the AU simple do not have the money at this stage to implement the criminal chamber. It is for these

financial considerations that the most AU members have not yet ratified.

Madam Speaker, but not only that - Unfortunately, this saga also illustrates the disdain of our executive for the rule of law and the supremacy for our Constitution. This unsavory Omar al-Bashir saga which will go down in history as one of the lowest points of this ANC-led government, ultimately told us that we have a Minister of Justice and Constitutional Development who do not really believe in the supremacy of our Constitution or the rule of law.

How else do you explain your belief that the customary international law can trump our Constitution and why else would we ignore a clear Court judgment explaining to us that this is not the case? The Minister talks of conflicting obligations. The fact is that, the Supreme Court of Appeal has clearly illustrated and explained to the Minister that there is no conflict. Our obligations in terms of the Roman Statute of the International Criminal Court, 1998, must come first.

Madam Speaker, to compound this and reiterate this disdain for the rule of law on the constitutional supremacy, the Minister then goes ahead and advice us that we have forwarded the notice

to withdraw without asking us as the legislature to repeal the enabling legislation first. Now, Mr Minister, you are saying there is Bill coming to Parliament, but what if Parliament doesn't approve this Bill? Do you have a concept of the separation of powers and the fact that the repeal of legislation ultimately lies with this House and not with you as the executive. [Applause.]

Madam Speaker, we as the country are now at the door step of implementing the so-called silent diplomacy, which we have up to now, reserved for the Mugabes of this world. To all demagogues, autocrats and murderers in Africa, and elsewhere in this country, we will not support this. Thank you. [Applause.]

Mr N S MATIASE: Madam Chairperson, we stand here as the EFF to respond to this Ministerial statement. We as the EFF are concerned about the intentions behind the ANC government's withdrawal from the International Criminal Court, ICC. Given that the state does not have a legitimate leadership, we cannot be blamed for receiving such an announcement with suspicion, especially when it comes shortly after Burundi's similar decision.

We are concerned that the ANC government has made a unilateral decision without the necessary consultation to check whether it is constitutionally required or not. The EFF makes it clear that it does not support the ICC in its current form and has grown increasingly suspicious of its decisions. Throughout its existence, the ICC has only ever successfully tried Africans and incarcerated them. It has failed dismally to act on war crimes committed by superpowers such the US and the UK in all wars in Iraq and in Libya.

The ICC has shown bias and underhandedness in the manner in which it selects the cases it tries, and as the EFF we strongly believe that Africa is a soft target for this judicial body, and Africans will never be treated with fairness under its current attitude. As the EFF, we have always advocated for an alternative and independent African-supported body that would keep the continent in check.

It is regrettable that important continental gatherings such as the Abuja Summit, dating as far back as 1989, the AU, and countless others never pronounced cogently on a roadmap towards a watchdog body that would police war crimes and other crimes against humanity.

It is in this context that a vacuum was created in which the ICC found expression. While the ICC is not the best body to fill that space, it is irresponsible of the South African government to withdraw from it, thus placing itself under no oversight whatsoever.

We should have sought alternative avenues before taking such drastic action. If you are sure of the correctness of the decision, subject this withdrawal to a referendum. The intention to withdraw from such a body without committing to an alternative one is tacitly anarchist in nature.

We are also shocked that government has not consulted other organs of state in taking such a drastic step. It should have at least sought counsel from the judiciary, and at the very least informed Parliament of its intention. In essence, this unilateral decision has undermined the constitutional principle of the separation of powers in which the three organs of state are interdependent and separated.

It is also not clear what the reason is for the rush regarding this move, because there is no urgent matter that is pending to warrant such a hasty decision, unless the ANC knows something and they aren't sharing it with the country. We strongly urge

the ANC government to reconsider their decision and return the matter to proper internal consultations before committing the country to an undertaking with such far-reaching implications.

The ANC must not run this country like it is its own private shop. Such an unthought-of decision is offensive and it is disrespectful of the rule of law. It undermines the tenets that underpin our democratic system. It undermines our required commitment towards adherence to a constitutional system of government.

The ANC's decision is a reminder of the proverbial throwing out of the baby with the bathwater. This decision must be reconsidered, and the ANC cannot apply double standards. They have considered this decision because of having allowed al-Bashir to come to the country, and when they were supposed to uphold the commitment to the Rome Statute to arrest al-Bashir, they refused to do so. The ANC is hypocritical in its behaviour and in its conduct. They behave like spoilt brats. They should have upheld the rule, and ensured that al-Bashir was held. They cannot agree to the rules of game, the rules of engagement, and at the same time ... [Interjections.] ... after breaching ... [Interjections.]

Mr G G OLIPHANT: Madam Speaker!

The SPEAKER: Order! Hon Matiase, can you take your seat? Hon Oliphant!

Mr G G OLIPHANT: Madam Speaker, I am just checking if the hon member will take a question. I am worried about this inconsistency.

The SPEAKER: Will you take a question, hon Matiase?

Mr N S MATIASE: He must concentrate on his failed department, and I have no time for his question.

Mr G G OLIPHANT: O bua ka eng jaanong? [What are you talking about now?]

Mr N S MATIASE: The ANC cannot continue to behave in the manner in which it is behaving. You are fully aware that you should have done the right thing - arrest al-Bashir. The fact that you failed to arrest him ... [Time expired.] ... makes your conduct suspicious, and we reject this decision.

Mr M A MNCWANGO: Hon Speaker, whilst the IFP fully supports the principles as contained in the Rome Statute, and the work of the ICC, as it prosecutes perpetrators of human right atrocities wherever they may be found, and as South Africa was one of the principal motivators to the rest of the nations on the continent to join the Rome Statute, we feel it is incumbent upon ourselves to suggest a middle way approach and compromise in this matter, which will rather see a reformation the ICC and addressing of issues and concerns that certain nation states including South Africa have raised, rather than a complete withdrawal from the Rome statute of the ICC.

Hon Speaker, South Africa is both a continental and international peace-keeper and defender against abuses of human rights wherever they may occur. We are a global player and also a continental leader or at least an aspirant to continental leadership.

We have a supreme Constitution with a Bill of Rights, which is a cornerstone of our democracy. We have a duty and moral obligation to not only show the way but also defend against human rights injustices wherever they may be found.

The IFP has always been outspoken against human rights abuses. Just last week, we raised the issue of the ill-treatment of monks at Larunka in Tibet. The IFP accordingly calls for a reformation of the ICC, and the correction of the perception that is currently so prevalent that African states are being treated less than equally when it comes to prosecution of African heads of state, when their western counterparts - some allegedly being equally as guilty of committing crimes against humanity continue to remain above and beyond prosecution.

Madam Speaker, we are very concerned that we could be perceived to want to sacrifice justice at the altar of impunity. I thank you.

Mr S C MNCWABE: Hon Speaker and hon members, Africa for Africans. The NFP fully supports the decision of our government to withdraw from the Rome Statute ... [Applause.] ... which binds us in a relationship of reciprocal obligation with the International Criminal Court, ICC.

In many ways it is sad that this day has come where we relinquish international ties which were noble in intention. However, we believe that our government has taken a good direction.

Our concern with the continuation of status as a party to the Rome Statute is that there are several Western First World countries that are not party to the Rome Statute. This absence of major role-players in the international justice field makes us question their commitment to universal human rights.

We also question how a signatory to the Rome Statute could evade accounting for war crimes simply based on the sheer intimidatory factor of its international economic and political power. For example, George Bush and Tony Blair, leaders of government in the USA and the UK at the time, have never ever been summoned for mass killings in Afghanistan ... [Applause.] ... in search of Osama bin Laden who was not there. Neither have they been called to account for the killing of many innocent civilians in Iraq in search of weapons of mass destruction which were never found; or the involvement in killing a beloved son of African soil and destroying, to war-torn ashes, the once proud state of Libya. Such duplicity, together with the inability of the ICC to enforce international justice because of the nonsignatory status itself, justifies the decision of our government and we agree with it.

We are also of the idea that as a country on the African continent we need to build more trust and friendship with our

fellow African neighbours. Before the imperialist colonial powers came and carved up the continent of Africa, we were one. We were aware of our common heritage and identity as Africans but now we are divided and focus on differences. This should not be so, and a step away from a justice order that does not assist or work towards reclaiming our common African identity is a promising beginning.

The NFP is of the opinion that the AU must push for the establishment of the African criminal court of justice now. [Applause.] Our withdrawal from the Rome Statute must not be seen as a withdrawal from the noble tenet of human rights. Rather, let us deal with matters concerning our continent in a focussed continental manner and in a way that will honour our African tradition of solidarity. When all is said and done, we need African solutions for African problems. I thank you. [Applause.]

Mr N L S KWANKWA: Speaker and hon members, I remember when this happened. My leader took to this podium during that debate and said that we would never support the arrest of a sitting president of a country. Be that as it may, the issue here is that we said the first thing that the government should have sought to do was to try and transform the ICC, right? The second

step was to say that in Africa we need to make sure that we build the institutions that we need to be able to fight against human rights abuses. That was the issue.

It was for that reason that we said in that very same debate that it is important for the government to review its membership. We also said that in reviewing it, it must be systematic. From our position, the withdrawal from the ICC should have been the last resort.

Asisayi kuyitshintsha kuba nindihewula. [We are not going to change it just because you are shouting at me.]

Now, what's with the rush? From where we are sitting, that is the question that we are asking ourselves. We are saying that in principle we agree with some of the issues that you have highlighted. I mean, I have heard the hon Minister on various forums admitting that the institutional framework to deal with human rights violations in Africa has not been capacitated; it is not up and running. Now if you take the ICC out of the equation what are we going to leave? It is a fundamental question that we as a continent must ask. The other issue ...
... ningakhwaza niyokuma apho niyokuma khona. Kukho omnye umbane ekufuneka niwazile wokuba asinivuleli ngcango apha, ukuze kubane

kungena bonke aba bantu bakule Afrika bamoshayo, baxhaphaza amalungelo abantu, babe ngqawuza apha ... [... you can shout as much as you can. There is another issue that you need to know. We do not open doors for you here, so that the African perpetrators must come in, because they violate the human rights, they were speaking here with confidence ...]

... because that is another thing that you claim you will do. So, in essence we are saying that we should explore all options available to us, including trying to reform the ICC.

The other important question is that we have challenges with all the multilateral institutions but we don't withdraw from them. We try and make concerted efforts to try and transform them. What's with the rush?

Sithi kuni, asiyixhasi, phindani niyiqwalasele ze nibuye xa ilungile ningabi ningxamile apha, maselandini. [Wele-wele.] [We say to you, we don't support it, go back and review it then come again when it is right. Don't be in a hurry, you thieves. [Interjections.]]

Adv A D ALBERTS: `Thank you, Madam Speaker. The ANC government's decision to withdraw from the ICC is conclusive evidence that

the ANC's moral compass is being directed by a self-serving ethos that stands in opposition to a selfless and human rights foundation of thought and action that this country so sorely needs.

Not only has the state been captured but more so it is clear that the hearts and minds of the ANC and this government have been captured by an inward looking short-term attitude that seeks to extract, accumulate and destroy at the expense of the innocents of this country. Me, myself and I is the mantra of the captured ANC soul.

Met die ondertekening van die Statuut van Rome het Suid-Afrika gespog dat hy een van die eerste state in die wêreld is wat hom daartoe verbind om vergrypers van menseregte, veral staatshoofde, te vervolg en te arresteer. Hierdie verbintenis het Suid-Afrika 'n besondere status as 'n verantwoordelike internasionale burger gegee. Dit was ook in lyn met die ANC se verhaal dat hulle Suid-Afrika bevry het en regeer tot voordeel van almal binne en buite Suid-Afrika. Die ANC het egter nooit gedink dat daar 'n dag sal kom waar hul beloftes wel getoets sal word nie. (*Translation of Afrikaans paragraph follows.*)

[By becoming a signatory to the Rome Statute South Africa prided itself on being one of the first countries in the world to

commit itself to prosecuting and arresting those who make themselves guilty of human rights violations, particularly heads of state. This commitment gave South Africa an exceptional status as a responsible international citizen. It was also in line with the ANC's narrative that it had liberated South Africa and was governing to the advantage of everyone in and outside of South Africa. However the ANC never thought that a day would come when their promises would indeed be put to the test.]

For at the very first sign that the Rome Statute also implied moral action, the ANC dithered. The ANC should have known that they could not invite al-Bashir to South Africa, given the warrants of arrest issued against him; yet they did. The ANC should have known that they must arrest al-Bashir, given their ICC obligations; yet they helped him to escape. The ANC should have known that in signing an international agreement you provide a basis by which the rest of the world will measure you; yet they chose to take the morally indefensible path. In fact, the ANC merely tried to show off to the world how morally angelic it is but all of this moral positioning is now exposed as a big show. This country is now a fake and moral charlatan, thanks to the ANC.

Van nou af sal die ANC geen meer morele basis hê om die verlede te blameer nie. Dit is van nou af duidelik dat die probleme wat

die land in die gesig staar, geskep is deur die ANC wat regeer met 'n gekaapte hart en siel verkoop aan Mammon en aan al sy Gupta-verskyningsvormings. (*Translation of Afrikaans paragraph follows.*)

[Henceforth the ANC will no longer have any moral grounds to blame the past. It is henceforth clear that the problems that the country is grappling with were created by the ANC who governs with a captured heart and soul sold to Mammon and to all his Gupta-apparitions.]

As for international law, the ANC is advised to investigate the meaning and follow the development of the international law term called jus cogens. The prohibition against crimes against humanity is considered a jus cogens rule. This is a peremptory norm from which no state may derogate and thus binds the ANC government. So while you might think that you can shirk your statutory duty not to arrest al-Bashir by exiting the ICC, next time you might find yourself in another bind due to a duty of arrest imposed on you by way of international custom and jus cogens. Watch this space.

President Zuma en sy Ministers mag dalk nog in die toekoms gearresteer word wanneer hulle weer Europa besoek omdat hy en sy Kabinet willens en wetens 'n voortvlugtige help ontsnap het. Die

VF Plus gaan in dié verband 'n versoek aan die Internasionale Strafhof rig om wel so 'n moontlikheid te ondersoek.

(Translation of Afrikaans paragraph follows.)

[President Zuma and his Ministers might yet be arrested in future when they visit Europe again because he and his Cabinet have intentionally assisted a fugitive to escape. The FF Plus will issue a request in this regard to the International Criminal Court in order to indeed investigate such possibility.]

Ms D CARTER: Thank you, Speaker. The decision taken by the President and his cabal to withdraw from the ICC was simply unconstitutional, unlawful, arrogant and immoral.

In announcing and endeavouring to justify the decision, the Minister of Justice indicated at a press conference that a legal opinion had been sought and obtained which supported the action prior to the decision been given effect to.

Well, in this regard will the Minister make this opinion public because our opinion that we got says something different? If an opinion supported the decision it is clearly so faulty that it must constitute fruitless and wasteful expenditure.

Apart from this, the decision was unlawful and unconstitutional, and must be rescinded immediately as Parliament has not taken and should not take a decision to repeal the Act tying us to the ICC Rome Statute; neither has society been consulted on this matter.

It is shameful that the President and his ANC are intent on dismantling, brick by brick, the morality and the values that underpin our very being as a nation and a constitutional state.

Wenzi? [What did he do?]

Was the decision taken to protect Zuma and his executive from further embarrassment in court or was the decision even taken because they are scared that they themselves will be in front of the ICC very soon with the fraud and the corruption?

Cope will not support any decision before ... the ICC for the action. Cope will not support any decision to withdraw from the ICC. It goes against the cornerstone of our Constitution and our Bill of human Rights. This executive has got South Africa at the point of junk status and now you want to take us to a skunk status.

Mr S N SWART: Thank you, Speaker. The ACDP appreciates the concerns that have been expressed about the International Criminal Court, ICC from African countries. There can be no doubt that the ICC's almost exclusively African-focussed prosecution is regrettable.

However, what is crucial is that the majority of the cases has been referred to the court have been done so by the relevant African states or their citizens themselves. This, no doubt, was the last recourse for justice where their own domestic courts have failed them. We know that the Southern African Development Community, SADC tribunal was undermined and as the Minister said, the African Court of Justice and Human Rights, criminal chamber has not yet been implemented.

We also know that superpowers such the US, Russia and China are able to use their Security Council to protect themselves and their proxies. This flaw was always there. South Africa sought to address this by implementing the Rome Statute in a manner which gave it the power to prosecute any individual, regardless of their nationality, for genocide, crimes against humanity or war crimes, provided those persons visited South Africa after committing those crimes.

It was this innovation that intended both to secure accountability and cancel out global inequality that made South Africa so admired by advocates of international justice throughout the world. By withdrawing, we will definitely lose this moral high ground. The ACDP believes that rather than withdrawing, we should have continued to raise our concerns with the UN and the ICC in an attempt to have our issues and concerns addressed.

Remember, South Africa the led a group of more than 50 like-minded states at the Rome Conference leading to the adoption of the ICC. These states resisted pressure from powers like the United States that sought a less-independent court, and one more beholden to the Security Council. Given this, innovative and pioneering stance that we took then, it is regrettable that South Africa is the first country to leave the ICC.

Further, the argument that demands for accountability and justice impede the pursuit for peace just that does not hold water if we look at the modern history. It is replete with examples of international justice processes proving critical for the attainment of peace. Take for an example, the exclusion of the Bosnian Serb warlords, from the Dayton Peace Accords that ended the Bosnian conflict, owing to their indictments by the

International Criminal Tribunal for the former Yugoslavia, this was said to be essential for the achievement of success for that agreement.

Chairperson, the ACDP believes that the process of the withdrawal is also seriously flawed, given that the Rome Statute was incorporated into our law by an Act of Parliament. Consequently, only an Act of Parliament can repeal this law. Therefore, we support the application by the DA for direct access to the Constitutional Court to provide clarity on this matter. I thank you. [Applause.]

Mr M P GALO: Thank you very much, hon Speaker., theThe AIC would like to remind this House that in the last decade of the 20th century after a long struggle to achieve equal rights for all under the government of the people by the people for the people, this changed.

In a historic speech at the opening of Parliament on 02 February 1990, the then President F W de Klerk announced the unbanning of the principal liberation movements, including the ANC, PAC and the SACP; and the release from prison of ANC leader Nelson Mandela.

In 1994, the country's first democratic Parliament was convened. A new Constitution was drafted that was based on the rejection of unrestrained power of the apartheid regime and the desire to create a state system in which power is directed by law. As a result the Constitution of the Republic of South Africa of 1996 is the supreme law of our country, which is monitored and enforced by the Constitutional Court.

The only loophole as identified by the AIC is the fact that section 85(1) subsection 1 under the executive authority of the republic in the Constitution of this country gives more powers to one person, the President in this case. The AIC therefore is pleading with the National Assembly to strip the President and his Cabinet of such powers: where the President and his Cabinet will take decisions worthy livingwilly-nilly without consulting the National Assembly.

The decision to withdraw from the ICC is unwise and it is a matter of grave concern. Recently the leader of the ANC Youth League made a shocking kind of a call on the members of uMkhonto weSizwe veterans association that they must take up arms and defend President Zuma.

Today the Minister for Justice is addressing this House about the decision to leave the ICC. Your decision is questionable hon Minister. The AIC is advising you and the President to call a referendum. The people of South Africa are ready to be engaged on this fundamental issue. Thank you very much. [Time expired.]

Mr M A PLOUAMMA: Thank you, hon Chair, the debate today confirms a disease which has affected those who are advocating for the withdrawal of South Africa at the ICC. This disease in Mandarin is called quanci because, hon Chair, we have become a proxy of China and Russia against the west. This decision is not dictated by a desire to be independent from foreign influence; but by Chinese desire to establish a new international political and economic order in the 21st century.

Hon Chair, we have lost our moral authority among nations. We have now become defenders of dictators, crooks, and political zombies like Robert Mugabe, who accumulate wealth while their people suffer. It is precisely for this reason why South Africa intends from withdrawing from the ICC. Hon Chair, the reason behind the withdrawal from the ICC is not a policy direction but a corrupt one and assurance that our country is run by syndicates who do not have the interest of our people at heart.

Hon Chair, the ruling party has put our country on an action, our country is for sale. The highest bidder who is willing to bribe, sustain opponent living of the ruling oligarch without questioning their gross violations of human rights, patronage and nepotism, is the one who will be able to dictate the direction this country is taking.

Hon Chair, so far the ICC poses a threat to those who have no intention to uphold democratic principles. All this is done to please the Omar Al Bashir and the Yoweri Kaguta Museveni of this world. This schizophrenic policy direction shows how our country under the leadership of President Zuma has lost its way.

In essence this country as a joint has joined a club of mafias who killed their people at will without consequences, who owned their treasury as pocket money, who harass and maim their citizens without punishment. We don't support this withdrawal. I thank you, hon Chair. [Applause.]

Mnu L K B MPUMLWANA: Somlomo ohloniphekileyo, malungu ahloniphekileyo nesizwe ngokubanzi, molweni. Apha ndizama ukusombulula isishiqi sengxubakaxaka. Ingxam yile, isizwe singena endlini sicinge ukuba libhotwe, xa siphakathi sihlaselwa ziincukuthu, ubuxhwangu, namangolwane la embala. Xa sigqotsa

apha kule Ndlu, sixelelwa yi-DA: ukuba masiphindele ngaphakathi, unotshee!!! *(Translation of isiXhosa paragraph follows.)*

[Mr L K B MPUMLWANA: Hon Speaker, hon members and the nation at large, greetings to you. Here I am trying to untie a very tight knot. In short, the nation occupies a house thinking it is a palace, only to find inside bed bugs, red ants and even mites. When we run inside the House, because the DA tells us to go back inside, no ways!!!]

Let me explain why the ANC decided to instruct this government to pull out South Africa out of the ICC as a matter of urgency. Firstly, ICC emphasizes punitive measures towards the perpetrators of human rights as the only of solving conflicts, irrespective of whether this will harm endeavors to establish permanent peace. The foreign policy of the ANC government, on the other hand, is anchored in the values of Ubuntu, patriotism, humility and integrity. One of the pillars of Ubuntu is promotion of peace, even when we greet, we say:

Dumelang! Kgotsong! Ha e lale, makwala re none. [Hello! Peace! Calm down, let peace reign.]

It comes naturally therefore to patriotic South Africans that promotion of peace takes precedence to any other form of resolving conflicts. [Applause.]

The ANC started at home by preferring the Truth and Reconciliation Commission, TRC, method of resolving South African problems. It offered perpetrators of atrocities Nobel prizes instead of prosecution. [Applause.] Now, some of them are attacking this policy based on Ubuntu when applied to other people.

Mr Alberts agrees that apartheid was a crime against humanity. He suggests indirectly, that the perpetrators of apartheid should have been hunted down like in ICC. This policy of the government brought good results in Sudan, Madagascar, and Lesotho to mention but a few. The President and the Deputy President spent sleepless nights away from their families, flying all over the world promoting peace among warring parties. When there is peace there is stability.

The ANC government assistance is in demand worldwide and is highly appreciated except of course here at home with the opposition. This makes it clear that they are not patriotic. The people must know that it has been in the interest of South

Africa to always vote ANC to power. It is important therefore to dispel from the out set that assertion that the decision to withdraw from the ICC lacks merit.

The ANC reaffirms its support for the primacy of the international law and role of international justice in stamping out impunity for mass atrocities. However, in doing so chief among these considerations should be whether such a treaty is in accordance with our existing laws or policies; or if it, is in fact, seeks to supersede or replace them.

In their haste to rush to the courts to challenge any decision taken by the democratically elected government, the DA that wants to govern or to co-govern this country through the courts is filling for direct access to the Constitutional Court, claiming that Cabinet notice was issued without the parliamentary resolution and thus invalid. This is in line with the DA's custom of sacrificing the national interest at the altar of political expedience.

Secondly, it has become evident that the United Nation Security Council selectively utilises the ICC as a tool to further the political objectives of some of its permanent members, instead

of ICC being used as a tool to end impunity and advance international peace and security.

Article 13(b) of the Rome Statute of the International Criminal Law grants this council the power to act under Chapter 7 of the United Nations, UN to refer situations in which international crimes or genocide crimes against humanity, and war crimes may have been committed to the ICC. This is regardless of whether the state in question has ratified the Rome Statute. Three of the members, America, Russia and China are not part of the ICC. The council has twice referred the situation to the ICC, Darfur in Sudan and in Libya.

There have been several instances of double standards and inconsistency of the permanent members of the council, in that manner in which they approach issues related to the ICC. The council has failed to act in several situations where grave international crimes have occurred, for an example in Afghanistan, in Palestine and in Iraq.

The fact that three of the permanent five have not ratified the Rome Statute; and the added fact that they have veto powers as permanent council members means that they are in fact insulated from the court. Clearly, some they have also protected their own allies from the ICC, for an example, the situation in Palestine.

They would not be referred to ICC as the United States US probably would blog it, double standards.

Ihla ngamqala mnye, nkosazana. [What's good for the goose is good for the gander, lady.]

It should be noted that referral resolutions at the instance of the United States which are not party to the Rome Statute by the way also state that expenses incurred in the connection with the referral are to be covered by parties to the Rome Statute or states that have contributed voluntarily.

The UN would not cover any of the expenses thus states not parties to the Rome Statute use the ICC selectively for political purpose; but do so without incurring any material cost to themselves and to advance the duo political interests.

Another example of the council's inconsistency is that in the Libyan case, the ICC issued the warrant of arrest for Seif al-Islam Gaddafi, the son of Muammar Gaddafi, who remains in custody in Libya, officials who refused to hand him over to the court despite a binding Security Council resolution, which is 1970.

To this effect, the council has done nothing to enforce its own decision by calling the Libyan authority to hand him over to the ICC. [Applause.] Thirdly, the ANC government regards South Africa as an African country and not a European country; and that it is bound by the resolutions made by the continent structures like the AU. This government is championing again African continent which is prosperous, peaceful, democratic, nonracial and united; and which aspires to the world that is just and equitable. [Applause.]

It is deeper destabilising our foreign policy as it relates to our policy that is the ICC, destabilises our foreign policy. It raises the point of conflict prevention, ours, which is a peaceful resolution to conflict and negotiations. The Sudan case and Côte D'Ivoire cases are in point; taking back all the progress, we have made here, justice cannot trump peace. It works in the Ivory tower not into account of reality.

Before I finish, I still have two minutes. Our diplomatic interest is being compromised by being in the ICC. It is creating tensions in our diplomatic relations with countries of the South and Africa in particular, and not serving our own national interest. I want to challenge the people on my side, how patriotic are you? Let the nation judge, therefore, who is

more patriotic, the ANC or the DA or the EFF? It will be committing suicide if Africans can ever vote DA or EFF. South Africa will be isolated and go back to the apartheid state.

Mr Hon, I thank you for recognising that the ANC government which produced Mandela did a very good thing. [Applause.] I also want to say it is because of this Constitutional Court decision that we must run away from the ICC because to be in the ICC it runs contrary to our policies; another thing that you must understand, please read section 231 of the Constitution.

You know the DA and the EFF always says we are protecting the Constitution and yet section 231 is very clear. It must be the executive that must enter into treaties, take the policies of getting in and getting out. Now this is being challenged; of course I like the EFF it says one, the ICC is against the people of Africa, on the other side we must not get out from it.

[Laughter.] The UDM's proposal is a pipe dream. I think one must reform the UN Security Council first.

... eneneni phofu, xa utswikilwa yindlovu, ayiva nokuva ngakumbi ukuba itswikilwa yimbovane. [... as a matter of fact, when an elephant is pinched it does not feel a thing, especially if it is pinched by an ant.]

I'm appealing to the people of South Africa. I'm appealing to the opposition, just be patriotic, just once. I think the NFP has got it correctly, and I want to congratulate you, Sir.

[Applause.] I'm sure the other parties did not read everything as you probably did. They would have agreed with me. Please just be patriotic once. I thank you. [Applause.]

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Chairperson, in November 2007, the Inter-Parliamentary Union convened a meeting of experts in Bangkok ... [Interjections.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon members, can we just quieten down a bit, please? Let us allow the Minister to respond to the statement.

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: ... and at that meeting, I was asked to represent this Parliament and the interests of parliamentarians in a debate on whether international law should be changed so as to allow parliamentarians to play a role in the negotiation of international agreements.

Why was that symposium convened? Because international law, as it stands, states clearly that the negotiation and signing of

international agreements is the preserve of the executive, a view echoed by our Constitution at section 231(1).

It is for that reason that, before Parliament considers a Bill, the executive sits, determines policy, decides that there is a need for a new law to deal with a particular policy gap in our governing system and then introduces the Bill. Only then does this Parliament become seized with the matter.

Similarly, an international agreement ... Show me one international agreement that was negotiated here first and only thereafter submitted to the executive to concur so that the executive can then sign and submit that agreement. Show me one example. [Applause.] And tell me further, in terms of which Rule? In terms of which provision of the Constitution or any other law are you asking us to approach Parliament first and seek parliamentary concurrence? Because, you see, we say the Constitution says that constitutional supremacy and the rule of law right in the founding provisions of this Constitution is what governs how we do business? Now, you can't change the rules midstream and suddenly create new rules because it suits you politically.

And, of course, tell us something: you are saying ... you are accusing us of doing this behind the back of Parliament. Do you remember that, not once, but at least not less than twice during the last 12 months, this House sat and had a full debate on this matter?

The majority party at its national general council, NGC, sat and agreed that we are going to move in this direction and they made their intentions known publicly. So, where is the secrecy in all of this? We have indicated that immediately after the end of this debate ... [Interjections.] ...we will table the Bill, we will table the notice for your consideration as Parliament to enable you to exercise your parliamentary ... [Interjections.] ... under the Constitution. That is what we are going to do. We will comply with the Constitution. No issues, no mathata! [no problems.] Thank you very much. [Time expired.]

Mr M WATERS: Chairperson, I rise on a point of order. It is becoming a common practice by the presiding officers that, when a member from the opposition' time has expired, the microphone is immediately turned off - and rightfully so -at the podium. When it happens to be an ANC member or a Minister you allow them to carry on indefinitely. I appeal to you and the other

presiding officers that this Rule be implemented impartially with all members of this House.

The HOUSE CHAIRPERSON (Mr C T Frolick): No, there is no such Rule, hon member.

Mr T RAWULA: Chairperson, I rise on the same point. The worst part of it is that he is being cheered. I am not sure if he is being cheered for defying you, or what is happening. But the point is that the Minister is dishonoring you and is being cheered at yet, he is doing the wrong thing. How are we supposed to ensure that we act consistently with the Rules ...

[Inaudible.] [Interjections.] to Parliament?

The HOUSE CHAIRPERSON (Mr C T Frolick): Thank you hon member. The points are noted.

**CONSIDERATION OF BUDGETARY REVIEW AND RECOMMENDATION REPORT OF
PORTFOLIO COMMITTEE ON TELECOMMUNICATIONS AND POSTAL SERVICES**

There was no debate.

THE CHIEF WHIP OF THE MAJORITY PARTY: Thank you, House Chair. I move that the Report be adopted.

Declaration (s) of vote:

Mr C MACKENZIE: Chairperson, I understand that the Minister can't be here today. But given his love of Information and Communications Technology, ICT, perhaps he can catch the proceedings live through... Minister, I beg your pardon! Let me assist you! House Chairperson, let me first welcome the Minister. Yesterday, it was incredible as in unbelievable to listen to the Deputy President works lyrical on the supposed implementation of the National development Plan, NDP, and add insult to injury, by rabbiting on about all the help the government is giving to ensure the future of financial stability of the SA Post Office, Sapo.

The fact is that the Sapo CEO, is on record saying that the government has failed to deliver on a single promise of the government business. The much spoken about but unseen 30% he said is essential for the Sapo to survive. I have a message for the Deputy President that, no matter how many Christmas cards you sent to all your friends that are laundering in London, are not going to cut it. The Sapo needs much, much more than that.

It needs bold solutions as those outline in the NDP: Start with the last making business of the former Courier Freight Group, CFG, whose bankruptcy has proved its inability to compete with

its noble private sector competitors; enter into a profitable public private partnership that will enable the Sapu to compete in this lucrative and growing economics backbone free from the shackles of the Public Finance Management Act.

With almost R4 billion in borrowings and barely eight months of free cash flow left, the unacceptable alternative to a public private partnership for the Sapu, is more debt, more losses and more bailouts, courtesy of hard press South African taxpayers who are being asked to stump out an extra R28 million next year. When will this government acknowledge that this gold alone approach as far as the Sapu is concerned, isn't delivering, no matter how much it takes and how much of other people's money it takes. Enough is enough! Thank you, Chairperson. [Applause.]

Ms V KETHABAHLE: Chairperson, the department's role has been that of stumbling block and reactionary to the central and the important purpose of this department. South Africa is unable to provide necessary transition to its million young people into their economical productive life because; they are marginalised and excluded from accessing affordable and reliable means of communication with the rest of the world.

A lot of people, black young people in particular, are without jobs, housing, medical aid and their prospect of decent, quality education diminishes. For them, each day, the cost of communication becomes even more exorbitant, particularly for those in the rural areas, who are far away from the big cities, many of which are women. This is not accidental. The exclusion and marginalisation from access to means of communication are inherited and perpetuated by the capitalist design.

By denying the black youth an access to affordable and reliable telecommunications, is a means to reproduce the readily available, cheap and easily disposable labour. The companies like Vodacom, MTN, Cell C and other companies in telecommunications are allowed to exploit, fleece and convene their services without excuses.

The Department of Telecommunications and Postal Services has failed to concretely take necessary steps in this regard. The department and the portfolio committee have failed to act even after a nationwide campaign of #Data Must Fall. Thank you.

[Applause.]

Ms L L VAN DER MERWE: House Chairperson, at the outset, I wish to say that the IFP aligns itself with the recommendations as

contained in the Budget Review and Recommendations Report, BRRR. But allow me to raise few areas of concern. Firstly, fruitless and wasteful expenditure have doubled in the past financial year, to almost R12 million. In addition, as pointed out by the Auditor-General, no effort of steps were taken to prevent irregular expenditure amounting to over R27 million. Also surprisingly but not surprisingly, the suppliers were not paid within 30 days.

Also allow me to express the IFP's dismay with the fact that the Post Office remains in perpetual crisis. The floundering entity recorded a 9% drop in revenues and recorded a staggering R1,1 billion loss for the past financial year. Two hundred and twenty-one Post Offices were closed due to outstanding rentals, although it still operates at times with no paper, no toner and no basics to provide actual services. To make matters worse, this government has been complacent in keeping the Post Office in the state of incapacity. It has failed to keep its commitment to give Sapo 30% of all government business so they can stay financially viable.

Instead, Sapo continues to seek one taxpayer bailout after another. But it begs a question: If the government doesn't consider Sapo to be a dependable service provider, why is not

being privatised? And if the government doesn't have confidence in the Post Office, how can we ask the public to support it? Incredibly, this is not the department's greatest failure. The indictment is reserved for the department's spectacular failure to address the cost to communicate.

We all know that South Africa's data costs are some of the highest in the world. Yet, mobile networks continue to make exorbitant profits at the expense of struggling South Africans. I therefore again pledge the IFP's support for Data Must Fall Movement. MTN, Vodacom and Cell C must be compelled to reduce their data prices before the November deadline set by Parliament. For once, Independent Communications Authority of South Africa, Icasa, and this department must show some leadership. I thank you.

Mr S C MNCWABE: Chairperson, the extraordinary list of observations and recommendations contained in the report tabled here today by the portfolio committee, tells us in no uncertain terms that this department is indeed in crisis. We are living in a global era which is highly reliant on the information technology and the electronic communication. Failure by this department to execute its core mandate is jeopardising our country.

The NFP notes that the expenditure patterns of the department are erratic. In many instances, the prioritisation of funds seems highly questionable. It is not surprising if we consider the Auditor-General's observations that there are consistent internal control issues, which we believe, that they correlates with the unacceptable high rate of staff vacancies, particularly at the high management level.

We also have serious concerns with execution of Programme 5 of the department, which is mandated to provide in the ICT, infrastructure support of the country. The roll-out of both broadband internet connectivity and the migration of Digital Terrestrial Television is filtering and there does not seem to be any urgency within the department to address this.

The biggest concern we have with the outcomes of this report, however, is the complete meltdown of Sapo. In particular, we note with alarm the findings of the Auditor-General that, the material uncertainty exist which cast significance doubt on the Post Office's ability to operate as the ongoing concern.

Technically, the Post Office is insolvent, and as such, the NFP questions if this entity has any right to exist? Having said and

expressed our concerns, we will however support the report.
Thank you.

Ms M T KUBAYI: House Chairperson, I was sitting there listening to the members and I'm actually surprised and wondering if the colleagues have actually did read the report. They have raised quite a number of issues that are not in the report. In fact, they have nothing to do with the report.

Firstly, let me thank the IFP for the support in terms of the cost to communicate. The report of the public hearing will be presented and we are looking forward to that support. The report is not yet included in this report, but it will be on the next report that will be presented in the House. So, we will definitely call on your support for the public hearings' report.

The second issue that the colleagues are talking about is the department. In the previous financial year, the department has stabilised. Previously, we didn't have senior managers but we now have them. We also have got an improvement in expenditure and the department has improved in its performance. Now, I am not sure which department is in crisis? That is why I'm concerned that the colleagues come to the podium without taking

efforts to read the report to understand where the department is.

Coming to the issue that hon Ketabahle that you spoke about - the issue of transformation in the rural areas - it would be better if you can request your colleagues or partners in Nelson Mandela Bay or in Tshwane not to stop the free Wi-Fi projects, just because they were started by the ANC. They are benefitting mainly young women; young people who are studying and the people who are doing small businesses.

The partnership that you have with them if they go and stop - it is your partners - because they want to stop them; hence it's my appeal from where I'm sitting, for you to speak to your partners in Nelson Mandela Bay and in Gauteng, in Tshwane specifically.

The last point is on Sapo. Firstly, we have to understand the issue that this report covers the period when there was no board, there was only an administration. Secondly, there was no CEO. Now, we do have a board and the CEO. Things are looking better than before. Yes, there are challenges around the issue of the government business. The Post Office indicated to us that, the constraint is around Public Finance Management Act. Now, it needs to come formally to Parliament for us to look at

whether we can give them an exemption. [Time expires.] Thank you very much. The report needs to be adopted.

Ms M O MOKAUSE: House Chair!

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

Ms M O MOKAUSE: May I address you? I just want to appeal to you as the Chair of this House that, when the members of the ANC take up the podium, they must not make baseless statement about the EFF. We do not have partners from any of the municipalities that she has mentioned. The EFF went to those municipalities and into this Parliament alone.

The HOUSE CHAIRPERSON (Mr C T Frolick): No, hon member, that is out of order. Please take your seat! That is not a point of order. Order, hon members!

Question put: That the report be adopted.

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

**CONSIDERATION OF REPORT OF BUDGETARY REVIEW RECOMMENDATION ON
PORTFOLIO COMMITTEE ON SMALL BUSINESS DEVELOPMENT**

Declarations of vote:

Mr R W T CHANCE: House Chair, the Department of Small Business Development has produced its first annual report since it was formed in 2014. In the year ending March 2016, the department spent R1,1 billion yet only met 42% of its target. It received an unqualified audit opinion with findings relating to irregular expenditure of R1,8 million on a training programme. The department is still suffering from birth pains, trying to reconcile three mutual incompatible organisational structures simultaneously.

The portfolio committee has been unrelenting in its criticism of the department and the slow implementation of many of its programmes. One of the most glaring targets missed concerns the amendment of the National Small Business Act, Act of 2004. We have been told that the amended Act will only be published for comment in the second quarter of 2017. A full 3 years after the department was formed. Meanwhile, the DA has been hard at work and my colleague hon Kruger has tabled the Red Tape Impact Assessment Bill, which we expect to be well received by the department and the committee.

Another matter of concern was the late appointment of a chief executive officer, CEO, at the Small Enterprise Development Agency, Seda, after nearly three years of acting CEOs. Our greatest criticism was reserved for the Small Enterprise Finance Agency, Sefa, however, which reported a R380 million loss with impairments in its direct lending book by 67%. This is unsustainable. In the committee's view only a wholesale restructuring and a merger with its sibling Seda will bring relief.

It is worth noting, as reported by the director-general last week, that spending on small and medium enterprises, SMEs, by all national government departments amounts to R15 billion. The department's own budget is a piddling 0,1% of total government expenditure.

Unless Minister Zulu and her department get a grip on their mandate to create a positive, enabling environment for SMEs, it will continue to be regarded by the business community and society at large as practically irrelevant to the country's goal of creating 11 million jobs by 2030. The DA supports this report. [Applause.]

Mr N P KHOZA: Chairperson, the department was established with the aim for radical transformation of the economy through effective development and increased participation of small, medium and micro enterprises, SMMEs, and co-operatives in the mainstream economy; something that was grossly neglected for over 20 years due to misguided economic policies that placed too much faith in the oppressive capitalist.

What has transpired since the department was established in 2013 is more confusion. Confusion over the mandate, confusion over legislation, confusion over budgets and confusion over capacity required - these are the issues the report failed to deal with decisively. The department has even failed to solve a simple matter of payment of suppliers on time. Until such time that there is a coherent and co-ordinated effort to develop proper economic policies, the majority of SMMEs cannot compete in the market flooded with cheap and low quality products from all over the world.

The main objective of the department dedicated to SMMEs is to prioritise infant industries and facilitate establishment of manufacturing capacity. Hon Chairperson, SMMEs should produce finished products. They should have exclusive rights to supply big retail stores within their areas with finished products.

They should be labour intensive and create jobs. They should be prioritised to underpin local economics. The EFF rejects the adoption of the Budgetary Review and Recommendation Report, BRRR, on Portfolio Committee on Small Business Development. [Applause.]

Mr M HLENGWA: Hon Chairperson, the IFP supports the recommendations of the Budgetary Review and Recommendation Report because we believe that they are frank, honest and to the point and diagnosed the problems that are there and provide sensible solutions in terms what needs to be done. We want to emphasise the importance of ensuring that the departments pay small businesses on time.

The fact that there is a prevailing and continuing behavior of not paying on time is a problem. This kills small businesses. They depend on the flow of cash. After they have provided services, it is only fair business sense that they are paid on time. Really, we need to take decisive action. I am against the transgressors and we need to lead by example if we are a government. It is important that you support small businesses because it is the masses of our people who had to bear brutal branch of apartheid, who are emerging through small businesses for survival and if the systems are not going to work in their

favor, then you are doing them a major injustice. It is very important that we do what needs to be done in order to ensure that small businesses actually survive.

We want to draw the attention of the House to the importance of co-operatives which for a very long time have sustained many communities, small businesses and we need to fast-track all the initiatives which need to be set into motion to ensure that co-operatives survive.

The vacancy of the chief financial officer, CFO, was a major impediment to the department being able to submit for audit financial statement, which was within reporting format and noncompliance with certain legislation and National Treasury regulations and that needs to be fast-tracked.

Finally, on the issue of incubation for those that have received grants and funding, it is very important that we make sure that they are able to stand on their own two feet and give them the necessary support in order to move forward.

Kodwa sifuna ukukugcizelela ukubaluleka ukuthi amabhizinisi amancane awumgogodla anoma yimuphi umnotho ofuna ukukhula, ikakhulukazi abantu abampisholo okuyibona abathembele kula mabhizinisi. Kufanele senze konke okusemandleni ethu

ukuqinisekisa ukuthi amathuba ayavuleleka. Asiqale ngamabhizinisi amancane. Ngithokoza kakhulu Sihlalo.

(Translation of isiZulu paragraph follows.)

[But we want to emphasise the importance of small businesses as they are the backbone of any economy which strives to grow, especially for the black people since they are the ones who rely on these businesses. We have to do everything in our power to ensure that we create opportunities. Let's start with small businesses. Thank you, chair.]

Mr S C MNCWABE: Ngiyethemba ngizohola ukudlula wonke umuntu. [I hope I'll earn more than everyone.]

Chair, the Department of Small Business Development has been in operation in existence for two years now. It is reasonable to expect that initial teething problems would have been resolved by now. When the department was launched, there were high expectations that it would be a prime driver of employment, entrepreneurship and economic growth but its current performance is slowly killing such expectation.

The report shows that whereas the department has spent 83% of its budget in real terms, it has only achieved 42% of its key

performance indicator goals. Chairperson, our people are crying out for opportunities to improve their lives. Small businesses have the potential to make a significant contribution to uplift our people economically and restore to them their dignity which comes with self-sufficiency. How are we going to achieve any satisfactory results when the department underspends by 17% and failed to achieve 58% of its goal?

The NFP particularly concerns about the lack of progress in Programme 2 which is mandated to assist, facilitate and develop co-operatives. Our people in rural areas have a wiggly avenue for economic development opened to them and establishing co-operatives is one of such avenues. It is an outrage that no progress or whatsoever has been made with the establishment of the co-operative development agency, a co-operative training academy and a co-operative tribunal by delaying the department depriving our rural people of an opportunity to build a better future. The Minister must take this into a serious consideration. The NFP supports the report.

Mr X MABASA: The SMMEs and co-operatives are the core of the success of small businesses worldwide and South Africa is no exception, especially under the capable leadership of Minister Zulu. [Applause.] When EFF says it does not support the report,

there is no surprise at that because even if we asked and said: One plus one makes what? If we said is two, they will say no, it can't be two because they never agree with us on anything.

[Interjections.]

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

Mr M N PAULSEN: Will the hon gentleman take a question?

Mr X MABASA: Yes, let me take a question.

The HOUSE CHAIRPERSON (Mr C T Frolick): Take a seat hon member. You can ask a question, hon member.

Mr M N PAULSEN: Are you saying that our mathematics is as bad as Jacob Zuma's? [Interjections.]

Mr X MABASA: You failed even to ask a question. [Laughter.] When it comes to the DA, hon Chance knows very well that we accept the red tape motion that is being tabled so that we look at it in the next quarter. We said if we look at it now, we will be looking at it piecemeal and that would not make any sense. So, truth be told, you know that we are at one in terms of red tape.

Let me proceed to say it is better if criticisms are made by organisations that made constructive criticisms and that also say, yes, we support. The employment of the CFO for a new organisation like ours - that on its own it's a sign of success. The Auditor-General has come out to say the small business has got all the great marks. For the Auditor-General to say that for a new department, we must applaud ourselves. Minister, you are doing very well. [Time expired.]

Mr L M NTSWAYISA: I am sorry hon Chairperson that I've got to speak after this big man here. I don't know whether it's according to the rules or Mandela that I should speak as the last person. [Interjections.] Hon Chairperson, this department is a new department that needs great support from the government. The 11 million jobs deemed to have been created by 2030 as according to National Development Plan, NDP, seemed to be a dream that would not be easily realised due to the negative economic conditions affecting our country. However, there is a hope that things may change for a better, as the small business sector seems to contribute better to gross domestic product. It is important for this new department now to fulfill its mandate of developing the small, medium, micro and co-operative enterprises as according to National Small Business Act of 1996.

The agencies like Seda and Sefa should be fully utilised so as to assist the small business entrepreneurs. The recommendations made by this committee to the Minister of Finance and to the Minister of Small Business Development are good and feasible. We therefore wish that these are relatively considered. We as AIC support this report and its recommendations'. Thank you very much.

The CHIEF WHIP OF THE MAJORITY PARTY: I move that the report be adopted.

Motion agreed to (Economic Freedom Fighters dissenting).

Report accordingly adopted.

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON HEALTH -
BUDGETARY REVIEW AND RECOMMENDATION**

There was no debate.

Mr B A Radebe (On behalf of the Chief Whip of the Majority Party): I move that the report be adopted.

Declaration(s) of vote:

Dr W G JAMES: House Chair, South Africans die of infectious diseases and noncommunicable diseases like cancer. No effects of vaccines exist for HIV and TB, and there is no cure for [16:01:08] certain forms of cancer.

Finding cures required that serious money be put into brains and technology to solve what are complex science problems, but we are under invest in medical research in our country.

The Medical Research Council, MRC, 2016-17 budget is R657 million, which is a rounding error, given our overall national budget. Indeed, the MRC, budget will deep only to return to 2016 levels by 2019. The National Institute for Communicable Diseases, NICD, - the disease detection agency - has a budget of R300 million a year, which is inadequate given the health risks, what with antimicrobial resistant bacterial diseases, hemorrhagic viral fevers, and rabies on the rise in our country.

Once the NICD folds into the National Public Health Institute of South Africa, Naphisa, the situation will simply get worse.

The Portfolio Committee on Health in the Budget Review and Recommendation Report, BRRR, therefore, rightly urges Minister

Aaron Motsoaledi to bag for a substantial increase of a medical research and disease surveillance budgets. Beyond that, to save money, health must become more efficient.

Tender corruption in ANC-run provincial health departments must be curtailed. An interpersonal violence, reckless driving, alcohol and drug abuse, smoking and poor nutrition are clogging up our hospitals with patients who should not be there demanding behavioural change from our citizens, including everybody sitting in this House. I am amazed by the number of Members of Parliament who still smoke, even though 30% of cancers are caused by this rather stupid habit. I thank you. [Applause.]

Dr H CHEWANE: The EFF rejects the BRRR of the Portfolio Committee on Health. From the time this administration came to power in 2009, there have been insistent talks about the implementation of the National Health Insurance, but today, seven years later, the majority of our people who are not on medical aid still go to the death camps that are our public hospitals.

Twenty-two years after the attainment of political freedom, out of a population of 54 million South Africans, only 17,4% of the population is medically covered. That is just over 9 million,

leaving 45 million people without cover. Only 10,5% of black African people are covered by private medical insurance compared to 72,7% of white people. This means that without a rapid implementation of the National Health Insurance, NHI, the majority of our people will still struggle to access proper medical care. The majority of our hospitals will still be understaffed, underresourced, and wholly incapable of providing universal access to quality health care for our people.

Furthermore, people in rural Pongola in KwaZulu-Natal, in Acornhoek in Mpumalanga, Qoboqobo in the Eastern Cape, still have no clinics that open 24 hours a day, meaning that old people, women, and children, who needs health care in the middle of the night are left to die by themselves.

We continue overburdening those public hospitals that work because we cannot get the basics right. Orthopaedic unit in the Eastern Cape have all, but collapsed, leading to car accident victims who have the means to travel coming to Groote Schuur Hospital here in Cape Town. This means that without money people have to resign themselves to the possibility of premature deaths because our health system just cannot function.

We, therefore, as the EFF reject this report and urge the Minister to move faster in sorting out our health care problems.

[Applause.]

Mr N SINGH: Hon Chairperson, let me say at the outset that I support hon Prof James, in his call that the MRC should be given more funding because one area that they need to do research on, on an urgent basis is the use of cannabis oil, and other products for quality of care for people suffering from cancer. Hopefully, we will get that Bill passed in this House in the not too distance future.

As the IFP, we support this report. We have a couple of concerns, and one of them is the problem of the department, nationally and provincially having sufficient funds moving forward. This is because of the massive rise in sometimes frivolous and unfounded medical negligence claims at a cost of millions of rands to the department. We find that there are unscrupulous attorneys and agents that hang around hospitals and clinics waiting for people to come out to find out if there is a good medical care so that they can institute claims against the department. However, this says to the department that, we need to up our game in terms of the provision of services at all state hospitals and clinics.

One of the other areas that has been cited in the report is condition at certain hospitals, and I would like to just mention one hospital - the R K Khan Hospital in Durban, which was recently visited by IFP Members of the Legislature, and they can attest to the poor state of hygiene and unsanitary conditions in a psychiatric ward.

Now, Cabinet yesterday called upon all South Africans to advance the rights in quality of life of people with disabilities in line with the National Development Plan, NDP. Mental disability is a disability. I think as the national government, we need to give attention to the poor conditions at the R K Khan Hospital.

We will support this report, and we realise that the national department has oversight over some of the provincial departments in some areas, although, provincial departments are essentially responsible for managing the hospitals, but because of the funds that we allocate to the provision of revenue, we need to intervene. Thank you. [Time expired.]

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

Prof N M KHUBISA: Chairperson, let us also add our voice to what we think the department needs to improve on, and to what we think is positive. First and foremost, we want to say to the department that they must try by all means that hospitals and clinics reduce the queues that our people are subjected to when they go for medication, and also improve on our hospitals themselves.

The state of hospitals and clinics, especially in rural areas, they are in an appalling situation. That must improve. But there are also some positive things that we know of in the department - The department must be commended for receiving an unqualified audit for the past five years. We are also encouraged by dramatic drop in a regular spending from R389 million in 2014-15 to R2,9 million in 2015-16 financial years.

More encouraging is the fact that the Auditor-General has found that there has been no unauthorised or fruitless and wasteful expenditure, and we congratulates the department for that. We are also encouraged by the fact that more people now have access to TB medication. We also note that fatality rates for children under the age of five has been reduced from 11% in the 2014-15 financial year to 8,9% in the 2015-16 financial year.

We look forward to a day when this figure will be zero. But as already said, it is not all sunshine and roses. Whereas the department spend 99,4% of its budget, it only achieve 64% of its performance targets.

The NFP is particularly disappointed with the results for Programme 5, which is hospitals of tertiary services and workforce development that achieved only 47% of the said targets. We urge the department to make every effort to address this blemish; otherwise the favourable track is appreciated. We support the budget. Thank you. [Time expired.]

Mr L M NTSHAYISA: Hon Chair, as AIC, we submit to this House that the portfolio committee did interact and scrutinised the reports of the department and its entities. The AIC, therefore, supports the report and its recommendations.

However, the committee noted some areas that still require some improvements, amongst others, are the followings: the small pace in the improvement of mortality rate, life expectancy, and the infant mortality. One of the causes for that may be the incapacity or ineffective systems within the department.

High irregular expenditure that is seemed to persist in this department is still a problem even in this financial year, 2015-16.

Improvement in procurement process is needed to fast-track the spending by this department since this has been picked up as one of the stumbling blocks towards spending.

Employment conditions for community health workers that vary from province to province need to be given an urgent attention. This, therefore, means that an increase in the budget for this department will talk directly to challenges that face this department - challenges such as development of skills, employment, and filling of critical positions. We, therefore, support this report. Thank you very much.

Mrs C DUDLEY: House Chair, the ACDP has many reservations regarding policy choices in the health sector, but we support recommendations by the committee in this budget report. We know that health sector budgets are under pressure due to compensation costs, increased use of public health services, higher import prices of medicines as a result of currency depreciation, and the need for additional funding throughout the sector.

Alarming reports confirm concerns regarding an explosion in cancer death among women worldwide, mostly breast cancer and cervical cancer.

The ACDP calls upon government to priorities making cancer treatment accessible to all. We also note concerns regarding a surfer girl cancer, and we support calls for the MRC to conduct further research on the causes of this cancer, especially in the Eastern Cape.

Now, the ACDP continues to be extremely concerned about the increase in neonatal mortality or death of new born babies and maternal death statistics. One of the main reasons given in support of increased excess to abortion is maternal death statistics, yet South Africa's maternal mortality rate has risen dramatically since the year 2000, and the implementation of super-liberal abortion legislation.

We are told that many deaths could be prevented if pregnant women would look after their health and the health of the baby right from the early stages of pregnancy. However, young women who are told that an embryo is just a lump of tissue that can be discarded at any time for any reason are less likely to grasp the need to take care of themselves and their baby.

The ACDP calls upon government to prioritise education of young women even before pregnancies occur, regarding the life growing within them when pregnant, and the health needs of both mothers to be and the tiny babies that they carry.

Lastly, we welcome the news of the new paediatric TB formulations that should impact positively on more than 30 000 children that develop TB each year in South Africa, and presently face six months of daily bitter pills made for adults. Thank you. [Time expired.]

Ms M L DUNJWA: House Chair, I think firstly, I must say thank you to the parties that supported the report, but I think it's important that as the ANC and members of this House, we familiarise ourselves with the White Paper on National health Insurance, NHI, because it can't be that there will be a public representative, who wouldn't know - I am referring to the EFF - that as we stand, there are building blocks in ensuring that we achieve the NHI, and those building blocks are pilot sites that are in all provinces, the re-engineering of the primary health care within the context of the ideal clinic.

That is going to be very important, and the White Paper is out, and there are work streams that have been developed by the Department of Health. Therefore, it is in that context that we think as the ANC every member of this House is to ensure that he or she understands what is contained in the White Paper so that when you go out there, you are able to empower your members and the community at large.

With regard to the audit report, we are happy as the portfolio committee that there are two provinces that have improved - the Eastern Cape and Gauteng. We are stand here unafraid that in fact ... [Interjections.]

Ms M O MOKAUSE: House Chair!

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member at the podium, take your seat. Why are you rising, hon member?

Ms M O MOKAUSE: I am rising on a point of order.

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

Ms M O MOKAUSE: House Chair, the speaker on the podium makes as if now the knowledge on NHI is a monopoly of the ANC ...

[Interjections.]

The HOUSE CHAIRPERSON (Mr C T Frolick): No, hon member that is not a point of order.

Ms M O MOKAUSE: ... hence she is wrong.

The HOUSE CHAIRPERSON (Mr C T Frolick): Please, take your seat.

Ms M O MOKAUSE: She is casting aspersion on the EFF.

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

Ms M O MOKAUSE: You need to call such members to order.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, take your seat. That's a point for debate, it's not a point of order.

Continue, hon member!

Ms M L DUNJWA: Let's congratulate Gauteng and Eastern Cape, and in particular Eastern Cape that it's not a secret that for 14 years they have had qualified audit report, but as we stand

here, they have received an unqualified report, but within the same vain, we are a bit concerned about regress of Limpopo and North West.

On human resource, hon House Chair, we are aware and we are concerned as the committee that this issue ... [Time expired]
[Applause.]

Motion agreed to (EFF dissenting)

Report accordingly adopted.

**CONSIDERATION OF REPORT OF BUDGETARY REVIEW RECOMMENDATION ON
PORTFOLIO COMMITTEE ON ECONOMIC DEVELOPMENT**

Mr B A RADEBE: Chairperson, I move that the report be adopted.

Declaration(s) of vote:

Dr M J CARDO (DA): Chairperson, in so far as this budgetary review and recommendations report reflects the presentations made to the portfolio committee on economic development and are in discussions, the DA supports the report. However, going forward we need to ask whether the Department of Economic Development is a vital cog in the wheel of government. When the

department was launched in 2009, its mandate was clear, it was going to bring coherence to economic policy making and implementation across state departments. It was going to promote inclusive growth and the department was going to break the back of unemployment was accelerating job creation. However, despite the efforts of a committed Minister and his team on everyone of these indicators, policy coherence, economic growth and employment, the ANC government has failed.

This year according to the International Monetary Fund, South Africa will be lucky to grow at 0.1%. IN 2009 there were 6.7 million South Africans without a job. Today, there are almost nine million unemployed South Africans. With every passing quarter the National Development Plans of 2030 targets of 5% growth and 11 million jobs and 6% unemployment recede further and further into the horizon. The targets in the New Growth Path which is ideologically at odds with the NDP are also a pipedream. Clearly we are not getting enough bangs from the departments R675 million buck. That is why the DA believe that by 2019 the Department of Economic Development should be shut down whilst its budget and functions should be channeled to other departments. Thanks you.

Ms N R MASHABELA (IFP): House Chairperson, the Economic Freedom Fighters have been in Parliament for well over two years and we have taken every opportunity to educate and offer solutions on industrial and economic policies. Instead the Gupta-led mafia faction of the ANC under the leadership of the corrupt, the criminal and the thief Jacobus Zuma has failed to listen. The Department of Economic Development ... [Interjections.]

Mr B A RADEBE: Point of order!

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Member ...

Ms N R MASHABELA: ... has no relevance to play any role to deal with economic structural challenges facing South Africa.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, please take your seat. Let's hear the point of order.

Mr B A RADEBE: I am rising on Rule 84 and 85 where they attack the integrity of the President.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, you have called the President of the country as a thief, the ... you know what you said. Would you please withdraw?

Ms N R MASHABELA: No.

Mr N S MATIASE: Madam Chair ...

Ms N R MASHABELA: House Chair, I said, members of the ANC must learn to listen. I said the leadership of the corrupt, the criminal and the thief Jacobus Tsuma. We do not have Jacobus Tsuma in this House; we have hon ... [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member ...

Ms N R MASHABELA: We have hon Jacob Zuma in this House.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, we do not have anybody like that leading the ANC. We do not have such.

UNIDENTIFIED MEMBER: Oh!

The HOUSE CHAIRPERSON (Ms M G Boroto): So, obviously, please do not play tricks with us. Hon member, just withdraw.

Ms N R MASHABELA: House Chair ... [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Please withdraw, hon member.

Ms N R MASHABELA: The President of the ANC is hon Jacob Zuma, J, A, C, O ... [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, please withdraw, do not play with our minds please.

Ms N R MASHABELA: No, I said it is Jacobus Tsuma and not Jacob Zuma.

Mr N S MATIASE: Order, Chair ...

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, please seat, I am still dealing with the member on the podium. Hon member, you know very well what the rule says and from what you have said, you are talking about a leader of the members on this side and you are just trying to say the name differently which is a pronunciation problem and not exactly what you want to say.

Mr N S MATIASE: Order Chair.

The HOUSE CHAIRPERSON (Ms M G Boroto): Would you please ... [Interjections.]

Mr N S MATIASE: House Chair on a point of order ...

The HOUSE CHAIRPERSON (Ms M G Boroto): I am still speaking.

Mr N S MATIASE: House Chair, may I address you?

The HOUSE CHAIRPERSON (Ms M G Boroto): Please keep quiet and sit down.

Mr N S MATIASE: House Chair, may I address you?

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, will you please withdraw?

Ms N R MASHABELA: House Chair, may you please listen carefully. I am talking about Jacobus

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, no.

Ms N R MASHABELA: I am talking about Jacobus Tsuma here. We do not have member ... [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, I will come back to this issue. Thank you very much, please continue.

Ms N R MASHABELA: Thank you.

Mr N S MATIASE: Chairperson, may I raise a point of order?

Ms N R MASHABELA: The Department of Economic Development ...

[Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Order hon member, your member is on the podium.

Mr N S MATIASE: Chair, we consider you as harassing our member. You see ... [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, what is your point of order and on what rule are you standing?

Mr N S MATIASE: Chair, you are harassing the member on the podium. The ANC is not protected in this Parliament. The member has a right to make reference.

The HOUSE CHAIRPERSON (Ms M G Boroto): Please sit down.

Continue, the issue will be looked into and we will report back to the House. Thank you.

Ms N R MASHABELA: The Department of Economic Development has no relevance to play any role to deal with economic structural challenges facing South Africa, particularly so if one considers that the department existence is underpinned by the NDP that waffles over and over and misdiagnoses economic structural challenges facing South Africa. If anything, the department is a stumbling block by sitting with key factions and entities like the IDC without decisive steps to co-ordinate industrial and economic policy.

The EFF rejects these policy, it is for this reason that the Gupta family can treat bank accounts of the IDC like a personal account which senseless loans that have not been paid back to date. [Interjections.] What do you mean by a wrong speech? You must listen, man. You keep on stealing and you're doing nothing for this country. You must listen, you thieves.

With the state at the centre and control of strategic sectors such as mining, manufacturing, banking and all these underpinned by a strong foundation of agricultural development. The EFF rejects this report. You must listen, you thieves. [Applause.]

Mr M HLENGWA (IFP): Chairperson, the IFP supports the recommendations and the report. Chair, whilst the department received an unqualified audit, we are concerned that the fact that the financial statements that were submitted for audit were not in accordance with the prescribed reporting format as prescribed by section 41(b) of the Public Finance Management Act. This of course, is a serious indictment in terms of the capacity of those in office and we really think that greater effort needs to be made at improving those financial statements.

The co-ordinating role that the department plays needs to be strengthened to ensure that everybody does what they need to do to stimulate the economy. The fact that unemployment is on the rise, the economy is not going to grow beyond 0.5% and next year's projections of 1.7% speak to the serious challenges which the country is faced with and we want to, in supporting the department, call on it to ensure that we go back to the basics.

Let us identify niche economic opportunities and the various sectors of South Africa and strengthen those beneficiaries around. Let us build local economies in order to ensure that we are able to assist the economy to grow. So much emphasis is placed on micro-economic activities and we are forgetting the ordinary man

in the street. The small things which could help need to be done and I am not speaking about skeletons.

The entities of the department, Itec, the Competition Commission, Competition Tribunal, and the IDC continue to do good work and we must really give them the support which is necessary particularly around the areas of collusion because you have people who are taking advantage of the economy and stealing money because there is not much strength around regulation.

Ngqongqoshe, esikhushoyo ukuthi abantu bakithi ... [Minister, what we are saying is that South Africans ...]

... and you need to lead the role ... [Interjections.]

[Inaudible.] ... let's get back to the basics and build the economy. Thank you.

Ms M S KHAWULA: Uxolo kancane Sihlalo. [On a point of order, Chairperson.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Is that a point of order?

Ms M S KHAWULA: Yebo. [Yes.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Singayizwa ... [Let us hear it ...]

... under which Rule?

Nks M S KHAWULA: Angizikhulumi mina izindaba zemithetho [rules] ngicela ungilalele. [Uhleko.] Ngiyaxolisa kuwe ngoba yiyo into engasebenzi leyo.

USIHLALO WENDLU (Nks M G Boroto): Mhlonishwa uKhawula, bengizokuvumela, kodwa uma ngabe uyasukuma bese ukhuluma ngama-point of order kodwa ungekho umthetho osekela lokho ofuna ukukusho ... [Ubuwelewele.]

Nks M S KHAWULA: Ngikhuluma nge-Rule 56.

USIHLALO WENDLU (Nks M G Boroto): Muphi umthetho?

Nks M S KHAWULA: 56, bheka lapho ephepheni lakho. [Uhleko.]

USIHLALO WENDLU (Nks M G Boroto): Ngiyayo mama.

Nks M S KHAWULA: Yebo. Bengifuna ukubuza lana ukuthi ngempela Sihlalo, lana siyazana ukuthi ubani ngubani, ake ungitshela

ukuthi uJekobusi ubani la? Ngoba uMashabela ukhuluma ngoJekobusi oyisigebengu, hhayi lo enihlezi nimvikela.

USIHLALO WENDLU (Nks M G Boroto): Mama uKhawula, ngicela uhlale phansi. Okokuqala i-Rule 56 ayikhulumi ngalokho okukhulumayo, ngakho-ke i-oda ayikho lapho. Xhubeka baba. *(Translation of isiZulu paragraphs follows.)*

[Ms M S KHAWULA: I don't talk about the Rules, please listen to me. [Laughter.] Apologies to you, because that does not work.

The HOUSE CHAIRPERSON (Ms M G Boroto) : Hon Khawula, I was going to allow you, but if you just rise and raise points of order with no Rules that support what you want to raise ...

[Interjections.]

Ms M S KHAWULA: Under Rule 56.

The HOUSE CHAIRPERSON (Ms M G Boroto): Under which Rule?

Ms M S KHAWULA: 56, check on your paper. [Laughter.]

The HOUSE CHAIRPERSON (Ms M G Boroto): I do have it, ma'am.

Ms M S KHAWULA: Yes. I wanted to ask something, Chairperson. We know each other here, we know who is who, so tell me, who is Jekobusi (Jacob) here? Because Mashabela is talking about Jekobusi (Jacob) who is a criminal, not the one you always protect.

The HOUSE CHAIRPERSON (Ms M G Boroto): Ma'am Khawula, please take your seat. First of all, Rule 56 does not talk about what you are talking about, therefore there is no order there. Continue, sir.]

Prof N M KHUBISA (NFP): House Chairperson, the current global economic growth rate, according to the IMF statistics is projected to be 3.4% and if we measure the South African growth rate of 0.5% against the global rate then we have to face the fact that South Africa has a big problem. The National Freedom Party recognizes that the Department of Economic Development has a pivotal role to play in the recovery of our economy and to address the high prevalence of unemployment and persistent economic inequality.

The Minister of Finance said in the Medium-term budget Policy Statement last week that if "we do the right things to support investment and confidence; our economic recovery will be more

rapid". We firmly believe that the department should take its cue from the Minister in this regard. We share the concerns expressed by the portfolio committee contained in the report and in particular we are concerned about the vacancies at senior management level which could impact negatively on the capacity of the department to deliver on its core mandates. We are also concerned about the audit issues raised by the auditor general which indicates that there is a general reparation in the key internal financial controls in the department and entities. We urge the department to give effect to the recommendations of the portfolio committee therein.

Finally, if we take into consideration that a key function of the department is to provide strategic economic department co-ordination to other state departments, then it is disappointing to note several of the recommendations in this report that allude to a lack of inter-governmental planning. The National Freedom Party is of the opinion that such inter-governmental planning is of utmost importance if our economy is to recover and urge the department to pay particular attention to each aspect of executing its mandate.

To conclude, the National Freedom Party supports the budget.

Thank you.

Ms E M COLEMAN: House Chairperson, I just want to start by thanking all those who supported the report, even though they do not sit in the committee. I want to reiterate that section 19(2) of the Constitution confers powers to the President to appoint, assign powers and functions and also to dismiss Ministers and their deputies. Therefore, the establishment of the Department of Economic Development was not a mistake but a deliberate effort with clear intentions and purposes. Those who would want to wish away this department must relax.

In terms of the economic situation of the country, as a committee we have acknowledged the challenges faced not only by our country or its economy but those of global countries. As stated in the policy documents of our governments and our department, it is very clear that we are doing our best to ensure that we up the economy. The issue of jobs, I guess that the department is doing its level best. The case in point is the interventions that the Minister has made in ensuring that jobs are created. The work that that our competition authorities are doing with the help of our Minister is very clear that we are ensuring that we are creating jobs that are needed by our economy. We thank you. [Applause.]

Motion agreed to (Economic Freedom Fighters dissenting).

Report accordingly adopted.

**CONSIDERATION OF BUDGETARY REVIEW AND RECOMMENDATION REPORT OF
PORTFOLIO COMMITTEE ON ARTS AND CULTURE**

There was no debate.

Mr B A RADEBE moved: That the Report be adopted.

Declarations of vote:

Dr G A GROOTBOOM: Hon Chair, the report indicates that the bare financial basics were not adhered to as required by legislation. The DA has to acknowledge that the implementation of Generally Recognised Accounting Practice, Grap, 103 within entities presents a real threat in obtaining an unqualified audit opinion. To assist entities, the Department of Arts and Culture has tended a submission to the Auditor-General to defer the expression of audit opinion on compliance with Grap 103. This was done to allow the entities to phase in Grap 103 using their limited resources due to budget constraints.

Secondly, the department has obtained an unqualified audit opinion with findings and has managed not to incur over expenditure but has increased its irregular, fruitless and

wasteful expenditure by R1,7 million to R3,7 million. And this is of no special note. The continued disregard for the Public Finance Management Act, PFMA, and the supply chain management, regulations is disconcerting and needs investigation. This is unacceptable and is in breach of legislation.

It is clear that the entities receive no or very little help from the department. Even though an expenditure of 98% looks good but on a scale of meeting its set targets, it does not balance. Additionally, the disclaimer that the two entities receive is indicative of poor leadership Department of Arts and Culture has provided. Furthermore, the report does not indicate how intervention will be done to reverse the situation at these entities. The DA supports this report on proviso it includes the DA's recommendations that were forwarded to empower the entities and entrench competent financial management. Thank you.

[Applause.]

Mr Z R XALISA: Chair,

... isizwe sidiniwe sisabhongo sesele. [... the nation is tired of this distasteful situation.]

The EFF rejects the Portfolio Committee on Arts and Culture's Budgetary Review and Recommendation Report, BRRR. The department is meant to unleash the potential of the art, culture and heritage sectors to contribute to job creation and economic growth and development through the Mzansi Golden Economy Strategy, MGE. Rather, the department has been embroiled in one scandal after another. They have entities that have been problematic for years and the department has no plan of bringing these entities to order. The Pan South African Language Board, PanSALB, has for many years been an exceptional example of how not to manage a state entity. The nepotism, the firing of executives by the board and the corruption makes for a chilling observation. But the department has done nothing to sort out that entity as it has done very little to exorcise the demon of corruption at the SA Heritage Resources Agency, SAHRA. We are not surprised that this is the case because this department is led by Minister Nathi Mthethwa, one of the praise singers of 'makhandakhanda' and the Guptas. It was under Nathi Mthethwa that police killed 34 black mineworkers in Marikana. It was Nathi Mthethwa ... [Interjections.] ... who ran like a headless chicken mobilising and praising 'makhandakhanda.'

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, please sit, there is a point of order.

Mr B A RADEBE: House Chair, I am rising on Rule 82: We must refer to the members in a respectable way. Thank you.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, we talk of mister or honourable; please refrain from using names that are not known. Continue.

Mr Z R XALISA: Chair, it was Nathi Mthethwa who ran around like a headless chicken ... [Interjections.]

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

Mr Z R XALISA: Mr Nathi Mthethwa ... [Interjections.]

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

Mr Z R XALISA: ... who ran around like a headless chicken mobilising and praising 'makhandakhanda' Zuma who has now flouted our Constitution.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member! Hon member, can we get clarity. Who you are referring to when you talk of 'makhandakhanda' Zuma?

Mr Z R XALISA: The President.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, will you please withdraw? We do not have any member who is the President of this country in that name. Will you please withdraw? We do not have any member in that name. Hon member, please withdraw.

Mr Z R XALISA: I withdraw.

The HOUSE CHAIRPERSON (Ms M G Boroto): Thank you very much.

Mr Z R XALISA: So we can not trust Mr Nathi Mthethwa to be an agent of goodness. [Time expired.]

Mr J A ESTERHUIZEN: Chair, the IFP supports this report. The Accelerated and Shared Growth Initiative of South Africa, Asgisa, has identified our creative industry as one of the identified drivers of sustainable economic opportunities and livelihoods for local communities while expanding business opportunities for Small, Medium and Micro Enterprises, SMMEs. Therefore it is of great concern that the Auditor-General has found irregularities relating to the leadership, financial and performance management of this department. Deficiencies in

internal control resulted in inadequate processes and monitoring controls which should ensure that reliable performance and financial information is produced yet, of course, is not the case.

That then means that the law and regulations have not been complied with at all times. Although the department received a financially unqualified audit, there is a concern about a number of institutions that received a qualified audit which fall under the arts and culture portfolio. Going forward, industries which have creativity as their key ingredient such as advertising and architecture must be included in the definition of creative industry in South Africa, under the protection of this department. To broaden the base of arts and culture to embrace the culture of all in this country, this department requires not only the financial assistance through this budget process but also very importantly, the skills and management to prevent irregular, fruitless and wasteful expenditure. I thank you.

[Applause.]

Prof N M KHUBISA: House Chairperson, culture, art and creativity are the cement that binds together not only hearts and souls but also entire societies and nations. The importance of arts and culture however extend even further. Cultural and creative

industries are increasingly being viewed as potential contributors to economic growth and job creation. The first cultural and creative industries mapping study in South Africa was done in 2014. Though not yet publicly available, it showed that the industries have created between 162 809 and 192 410 jobs - about 1,08% to 1,2% of employment in the country - and that they contribute almost 3% to the gross domestic product, GDP.

In light of the potential economic benefit of culture and creative industries, it is disappointing to see that the Department of Arts and Culture has only achieved 67% of the key performance indicator goals yet 98,3% of its budget. These figures tell us that South Africa is not getting value for money in the department. In addition to underperforming, the department is also lacking in adequate financial management controls. The Auditor-General gave the department an unqualified audit opinion and more importantly flagged procurement and contract management as an area of concern. The department has, in the previous year, flouted Treasury regulations which open doors for fraud, nepotism and corruption to flourish. The NFP calls on the Minister and senior management of the department to ensure that sound financial management in accordance with

principles of transparent and accountable governance are observed. To conclude, we support this BRRR report. Thank you.

Mnu J L MAHLANGU: Sihlalo, kokuthoma ngifisa ukuthokoza labo abasekele umbiko lo. Umlingani wethu oqeda ukukhuluma la, uveze ukuthi umsebenzi womNyango lo kukwenza isiqiniseko sokuthi umphakathi woke weSewula Afrika ubambane. Lento isikhulumi sehlangano ye-EFF esiyitjhoko asiyenzi thina eKomidini leya. Lokhu ukukhulunyiswa kukuthi bona njengehlangano abakhambeli imihlangano, abalaleli begodu abafundi . Kileya iKomidi sibambene ngombana sikholelwa ukuthi ngomsebenzi esiwenzako kumele sitjengise amaSewula Afrika woke ukuthi kumele atjhing kuphi ... [Iinthikaziso.] *(Translation of isiNdebele paragraph follows.)*

[Hon J L MAHLANGU: Chairperson, firstly I wish to thank all those who have supported this report. Our fellow colleague who have just spoken here now, mentioned that the work of this Department is to ensure that the whole community of South Africa is united. Something that the speaker of the EFF party said we don't do in this Committee. In that Committee we are united because we believe that with the work that we do we need to show all South Africans that which direction should they go to ...

[Interjections.]]

Ms M O MOKAUSE: House Chair, I am rising on a point of order:

[Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Honourable member, under which rule are you rising ... [Interjections.]

Ms M O MOKAUSE: I rising on a point of order, stop playing tricks. [Interjections.]

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

Ms M O MOKAUSE: The hon member on the podium is casting aspersion on members of the EFF.

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

Ms M O MOKAUSE: If we do not agree with you ... [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): I am asking you, under which rule are you rising?

Ms M O MOKAUSE: If we do not agree with you ... [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, please ...

[Interjections.]

Ms M O MOKAUSE: You are not going to come here and play tricks.

[Interjections.]

Mr N S MATIASE: House Chair ... [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): I have been saying this to everybody. So, I am not selective. I have been asking this question to everybody. Under which rule? Hon Matiase?

Mr N S MATIASE: House Chair, I rise on a point of order, and please ... [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Under which rule?

[Interjections.]

Mr N S MATIASE: ... do not ask, under which rule.

[Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): I am going to ask you because I am trying to follow the rules so that this House does not degenerate. I will ask this question to anyone who stands

up. Unless you tell me upfront, I will always ask, under which rule.

Mr N S MATIASE: House Chair?

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

Mr N S MATIASE: House Chair, rules are a point of reference.

The HOUSE CHAIRPERSON (Ms M G Boroto): You are not raising a point of order there. [Interjections.]

Mr N S MATIASE: I am rising on a point of order.

The HOUSE CHAIRPERSON (Ms M G Boroto): Please sit down.

An HON MEMBER: Hon Chairperson.

The HOUSE CHAIRPERSON (Ms M G Boroto): Please sit.

Mr N S MATIASE: I am rising ... [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): If you can just assist me so that I can be able to refer in order to respond correctly according to the rules of this House. That is what I want to do. Thank you.

Mr N S MATIASE: Madam Chair.

An HON MEMBER: Hon Chairperson.

The HOUSE CHAIRPERSON (Ms M G Boroto): Please continue.

Mr N S MATIASE: Madam Chair.

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

Mr N S MATIASE: I rise on a point of order under Rule 92. Can you now listen to me?

The HOUSE CHAIRPERSON (Ms M G Boroto): I am listening.

Mr N S MATIASE: It is your duty to know what is contained in those rules. [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): No, no.

Mr N S MATIASE: It is not our business but your business.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, what is your point of order? You said, Rule 92? Yes, what is your point of order?

Mr N S MATIASE: It must be on record that to know these rules is your business and not our business. Now let me proceed.

The HOUSE CHAIRPERSON (Ms M G Boroto): I am not going to listen to that, hon member. Please continue with your point of order, do not teach me how to do my work. [Interjections.]

Mr N S MATIASE: I rise ... [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): I have Rule 92 here and I am waiting for you. So, do not lecture me but continue with your point of order. Thank you.

Mr N S MATIASE: Madam Chair, with due respect, I rise on a point of order: [Interjection.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Thank you. Rule 92, yes.

Mr N S MATIASE: Rule 92.

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

Mr N S MATIASE: The hon member here casts aspersions on the EFF by saying we are not reading, we do not attend committee meetings. [Interjection.] If he has to make such a frivolous accusation then he will have to provide evidence. We attend all meetings and we read better than they do in the ANC.

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

Mr N S MATIASE: Better than himself.

The HOUSE CHAIRPERSON (Ms M G Boroto): Thank you very much.

Mr N S MATIASE: So, he must withdraw his utterances ...

[Inaudible.] [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, thank you very much. You are aware that we are not in that committee therefore that is a point of debate. Thank you very much. Continue, hon member.

Mnu J L MAHLANGU: Sihlalo, emHlanganweni we-ANC weNarha wama-53 kuneenqundo ezathathwako. Hlangana nokhunye, kwaqundwa ukuthi kuvikelwe begodu kuthuthukiswe labo ebasebenza ngezobukghwari.

Esikujabulelako kukuthi isiqundo esithethwe yiHlangano yezokuRhatjha yeSewula Afrika, i-SABC, ngokubambisana noNgqongqotjhe neSekela lakhe, zizokwenza ukuthi labo abasezikweni lezobukghwari babone ikusasa elincono lapho izinga lokuhlongakala kwabo banganalitho lizakwehla. Esikufisako kukuthi lokhu kungagcini ngabavumi kwaphela kodwana kudluliselwe nakwabanye abenza imisebenzi yobukghwari.

Umlingani wami la ukhulume nge-Grap 103. Siyikomidi sifisa kwangathi ingabuyekezwa i-Grap 103 ngoba imiraro ezoyiletha, khulukhulu kilo umNyango, izoba minengi. Ngitjho ukuthi nanje ezinye zeenhlango ebezisebenza kuhle zibuyele emuva ngonobangela wayo i-Grap 103. Sicabanga ukuthi akhange sicabangisise kuhle lokha nasiyenzako begodu ayikho nemali yokuyiphumelelisa. Nje-ke i-Grap 103 yinto efuze bona khesiyibuyekeze. Ngala amezwi ngithanda ukuthokoza labo abawamukeleko umbiko lo, bengitjho nokuthi nathi njengoKhongolose siyawusekela. (*Translation of isiNdebele paragraphs follows*)

[Hon J L MAHLANGU: Chairperson, in the 53th ANC National Conference there are resolutions that were taken. Among other things, it was resolved, that there we should protect and develop those who work with art. What make us happy is that the

decision that was taken by the South African Broadcasting Corporation, SABC, together with the Minister and his Deputy, it will make those who work within the art industry to have a better future, where the rate of them dying poor will decrease. What we are wishing is that this must not end only with musicians but it must also being passed to others who work with art.

My colleague here spoke about Grap-103. As the committee we wish that Grap 103 can be reviewed because the problems that it will bring, mostly in this Department, will be many. I am saying this because even now some of the organisations that worked well have now gone back because of this Grap 103. We think that we need to think carefully when we implement it and there is no money of making it to succeed. Therefore, Grap 103 is something that needs to be reviewed. With those words I would like to thank those who have accepted this report, and I am saying even us as ANC we accept this report.]

Motion agreed to (Economic Freedom Fighters dissenting).

Report accordingly adopted.

**CONSIDERATION OF BUDGETARY REVIEW AND RECOMMENDATION REPORT OF
PORTFOLIO COMMITTEE ON TOURISM**

There was no debate.

Mr B A RADEBE moved: That the Report be adopted.

Declarations of vote:

Mr J VOS: Madam Chair, the DA supports the Budgetary Review and Recommendation Report because it provides direction and detail in terms of what is required for tourism to work. Allow me to highlight the two areas of concern, however.

The first issue deals with the affordability of domestic tourism. Let's face it. Travel for South Africans is just too expensive. Regardless of the many campaigns to make tourism seem attractive, not enough is being done to deal with the actual entrance into the many tourist attractions. The solution would be for the implementation of free and discounted access into government-owned resorts, parks and museums for South African citizens on specific days of the year.

Together with this is also the issue of the approximately 700 municipal holiday resorts that are either underutilised or vandalised. This begs the question: Why has the department not made any progress into the conversion of the underused

properties into budget resorts as per the 2013 study? Simply introducing the aforementioned could go a long way towards entrenching a travel culture in South Africa.

The second issue is, of course, the failure of this government to deal with the visa regulations fiasco. Altogether, this has caused a loss of R7,5 billion to our economy, not even to mention the brand damage. To make matters worse, my research shows that, within an 18-day period last month, more than 800 passengers missed their connecting flights as a result of capacity constraints at O R Tambo International Airport because only 40% of the immigration desks are operational. This is totally unacceptable. These desks should be made operational without any further delay, as the festive season is approaching.

In closing, these visa regulations should be scrapped altogether. The solution is straightforward: Scrap the unabridged birth certificate requirement and implement electronic visas, which will streamline tourist facilitation into our country and make tourism work in our country. Thank you, Madam Chair. [Applause.]

Mr T RAWULA: House Chair, the EFF rejects the Budgetary Review and Recommendation Report of the Portfolio Committee on Tourism.

This department was unwilling and unable to tell Minister Gigaba that his experimentation with immigrant regulations would spell disaster for the industry, leading to a downgrade in tourism. In 2015, South Africa was ranked 37th in the world in terms of international tourist arrivals, down from the previous ranking of 34th in 2014. This shows that this department failed to protect the industry from Gigaba's ill-considered attempts.

Secondly, it is said that South Africa has approximately 10 000 accommodation establishments, of which only 50% are graded.

Mr B A RADEBE: Chairperson, I rise on a point of order: In terms of Rule 82, the members of this House must be referred to respectfully. Thank you.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, you have said "Gigaba". Could you please use the correct manner of addressing our members, which is "Mr" or "Minister" or "the hon Gigaba".

Mr T RAWULA: Mhlekazi [Mr] Gigaba. What we are not told is who owns these establishments. Who benefits from tourism the most? Were this to be told, it would be clear to everyone that the industry has not transformed at all, and that the department has no plan, no vision to bring more black people into the industry.

The ill-fated attempts of township tourism seek to normalise the townships as places of residence for black people, but the townships remain flea-ridden, rat-infested labour concentration camps where people should not be living.

Until this country comes up with a vision of strategies to benefit the large group of our people, we, as the EFF, cannot support it. All these issues point to the problem of chronic underfunding of the tourism industry in this country. We need the department to champion efforts to have more funding directed towards this industry for the potential it has to bring economic opportunities to marginalised, black people. As things stand, we reject this report. Thank you.

Mr J A ESTERHUIZEN: Chair, I read this declaration on the report on behalf of my colleague, the hon Inkosi R N Cebekhulu. This department has functioned well, according to the Auditor-General's report. It received an unqualified audit. One negative area does remain, however, in respect of certain fruitless and wasteful expenditure that was incurred on late cancellations or no-shows on flight amendments with regard to travel bookings by the departmental staff.

This department has the massive task of marketing South Africa as a safe and beautiful country where tourists can enjoy its

beaches, game reserves and friendly people. The tourism industry creates labour-intensive jobs and is a major contributor to our economy. The sector contributes to the creation of sustainable employment opportunities.

Looking at the huge task the department has of making sure that South Africa is well placed in the world market as a tourism destination, one would support that it deserves a greater allocation in the budget process. South Africa is not only competing with other countries in this region, as well as the world, it also has challenges promoting domestic tourism, which has not reached its full potential. South Africans need to be encouraged to visit places in their own provinces and other provinces. It remains a concern that SA Tourism still struggles to achieve its target.

There are a great many challenges. These can only be met by a competent department which is financially rewarded through this budget process. I thank you.

Prof N M KHUBISA: House Chairperson, hon members, tourism is an important sector in the South African economy landscape. Statistics from Statistics SA show that tourism outperforms trade, agriculture and manufacturing in job creation. It

consistently accounts for 3% of the national economic growth and is an available source of foreign income. While there is definite room for improvement, the NFP believes that the Department of Tourism is, on average, doing well in executing its mandate to create a climate conducive to tourism in South Africa.

The report by the Portfolio Committee on Tourism tabled here today shows that the department has spent 99% of its budget and achieved an encouraging 87% of its key service delivery indicator performance target. We do, however, note with concern that the disproportionately low success rate of 25% in Programme 3, responsible for international tourism, is not done well.

There has been a remarkable increase in the number of international tourists visiting South Africa since the ill-conceived visa restrictions were relaxed last year. It would be a shame if the department didn't put more energy into nursing this valuable sector of the tourism industry back to full recovery.

Finally, the NFP concurs with the observations and recommendations contained in the report and urges the department

to act upon these with haste and due diligence. The NFP supports the Budgetary Review and Recommendation Report. Thank you.

Ms S T XEGO: Hon House Chair, Ministers and Deputy Ministers, hon Members of Parliament, South Africans, the ANC fully supports the Budgetary Review and Recommendation Report and acknowledges the support expressed by other parties in this House.

As the ANC, we note, welcome and appreciate the clean audit performance of both the department and SA Tourism. This is good governance in practice. The other achievements noted are the 100% spending by SA Tourism and the 99,1% spending by the department, which is also appreciated.

The reflection of a 14% increase in tourist arrivals is encouraging, despite the difficult global economic climate and foreign currency exposure the department and SA Tourism are exposed to. Tourism contributed 9,4% to the country's GDP in 2015-16 and the tourism industry, 10% of total employment.

The committee was concerned that both the department and SA Tourism failed to meet all targets. After the engagement,

however, we are fully confident that they will improve in setting out their targets to be smarter than before.

It is against this background that the committee recommends a reviewed funding model for Tourism by National Treasury to enable this sector to contribute more. I thank you, Chairperson.

Motion agreed to (Economic Freedom Fighters dissenting).

Report accordingly adopted.

Mr M WATERS: Chairperson, may I address you on a point of order in terms of Rule 62?

The HOUSE CHAIRPERSON (Ms M G Boroto): Rule 62 - thank you.

Continue.

Mr M WATERS: Chairperson, we bring it to your attention once more that we only have four Ministers - and thank you for being here, Ministers, but only four Ministers - out of 35 in the National Assembly to respond to Members' Statements, once more.

That is about 11% of the actual Cabinet here doing the business of the people. We implore you to stress upon the National

Assembly Rules Committee to relook at putting members' business at the top of the programme as First Order of Business and not at the bottom of the programme. We believe that we would have more Ministers here if we dealt with members' business first and foremost, where it should be. Thank you very much.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Waters, thank you for that. It is noted, but be reminded that we have forums in this Parliament where such issues can be raised. [Interjections.] Do we have any member of the ANC ... [Interjections.]

Mr N S MATIASE: House Chair, may I also rise on a point of order? When I said that you should familiarise yourself with Rules and their numbers, it was precisely under these circumstances. [Interjections.] Hon Waters rose on Rule 62, which addresses a completely different matter. Because of ignorance of these Rules, you did not even reprimand him. Please familiarise yourself on these Rules. Thank you. [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, if you had listened to what I said, you wouldn't even have risen. Thank you very much. If you listen to my response, you wouldn't even rise. Thank you. Before we continue, I also want to say that, yes, we have four ...

Mr T RAWULA: Chairperson, on a point of order: You are holding this House in contempt. You are holding this House ... you are not withdrawing the point you have just raised.

The HOUSE CHAIRPERSON (Ms M G Boroto): Please sit down. Please sit down.

Mr T RAWULA: We have just corrected you that Rule 62 doesn't ...

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

Mr T RAWULA: ... and you have allowed it. You must withdraw that!

The HOUSE CHAIRPERSON (Ms M G Boroto): What is it with you today? Please sit down. [Interjections.]

Mr T RAWULA: You have made a mistake!

The HOUSE CHAIRPERSON (Ms M G Boroto): Please sit down. I am trying to be very patient. Please sit down. [Interjections.] Hon members, please take into consideration that, in Parliament, we have different forums where matters can be raised. Besides, we

have, yes, four Ministers in the House, but we also have Deputy Ministers who have a right to respond. However, I am on a different issue now. Does any member of the ANC wish to make a statement?

AWARDING OF TENDERS TO CONTRACTORS BY RAND WATER

(Member's Statement)

Mr M JOHNSON (ANC): House Chair, it is with great concern that we note the increased use of implementing agents to undertake mega water projects in South Africa.

Implementing agents such as water boards do have the requisite skills and capabilities to work on feasibility studies to determine infrastructure development in South Africa. However, of concern and a case in point is the awarding of tenders to contractors by implementing agents that do not necessarily meet the criteria to undertake such huge projects. The situation of water boards awarding tenders to contractors of huge amounts was recently evidenced in Rand Water's awarding of tenders to a company that is battling to complete critical work.

This issue was highlighted by *City Press* on 30 October 2016. The article notes that one of South Africa's biggest water

utilities, Rand Water, awarded R1,1 billion in tenders to a company whose name is withheld to complete critical work, which to date, is still incomplete. The investigation by *City Press* found that between March 2011 and June 2015, Rand Water awarded at least four mega water projects to the little-known company. One of the critical impacts of specific project delays would likely be increased and significantly escalated costs, which could contribute to increased water tariffs for water users.

The portfolio committee has noted the huge amounts of money spent on water infrastructure projects in South Africa and will, on 23 November 2016, call on Rand Water to provide detailed submissions, specifically on the awarding of tenders to contractors. Thank you. [Time expired.]

ESKOM IMPLICATED IN PUBLIC PROTECTOR'S STATE CAPTURE REPORT

(Member's Statement)

Mrs N W A MAZZONE (DA): House Chairperson, yesterday South Africa had the opportunity to scrutinise the Public Protector's report into state capture.

To say that the findings into Eskom and, more especially, into Eskom's chief executive officer, Brian Molefe, are damning is

the understatement of the year. Amongst others, the report found that between the period of 2 August 2015 and 22 March 2016, Brian Molefe called Ajay Gupta a total of 44 times. The report also found that Eskom's board was improperly appointed and that Eskom's awarding of the coal contract to Tegeta was irregular.

To this end, I will be laying criminal charges in accordance with the Public Finance Management Act and the Prevention and Combating of Corrupt Activities Act against all involved in the implicated deals. It is quite simple: Minister Lynne Brown must resign. Brian Molefe must be fired. The entire Eskom board must be fired. All of this should be done with immediate effect.

[Interjections.]

Brian Molefe today burst into tears during a press briefing regarding Eskom's interim results. [Interjections.]

Unfortunately for Mr Molefe, his tears come too late. South Africa must always come first, so, Mr Molefe, you can cry me a river - not on our watch. [Applause.]

**INVOLVEMENT OF PRESIDENT ZUMA AND GUPTA FAMILY IN RUSSIAN
NUCLEAR DEAL**

(Member's Statement)

Ms M O MOKAUSE (EFF): Chairperson, the EFF has in the past said that Zuma has sold South Africa to Russia for a nuclear energy deal. [Interjections.] Whether the country can afford it or not, it will happen.

Mr S M RALEGOMA: Chairperson, on a point of order ...

The HOUSE CHAIRPERSON (Ms M G Boroto): Ntate Ralegoma, on which point do you rise? On which point are you rising? On which Rule?

Mr S M RALEGOMA: Rule 92 ... Rule 82 ... [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Eight two?

Mr S M RALEGOMA: Yes!

The HOUSE CHAIRPERSON (Ms M G Boroto): Alright. Please continue.

Mr S M RALEGOMA: The EFF continually does not name members correctly. [Interjections.] Could you please deal with that? Otherwise, as the ANC, we will lay a formal charge against the EFF.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, you made your point. Hon members, I am not sure whether I have to read

Rule 82. If I do this, hon members, it is about referring to a member in respectful terms. I am not going to read the subsection, but, hon member, you just referred to the hon President as "Zuma". Please use the correct way of referring to any member of this House.

Ms M O MOKAUSE (EFF): House Chair, I am a member of the EFF that does not recognise Zuma as the President of this country.

[Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, in this House ...

Ms M O MOKAUSE (EFF): For the purposes of this sitting ... wait! For the purpose of the sitting ...

The HOUSE CHAIRPERSON (Ms M G Boroto): No, no!

Ms M O MOKAUSE (EFF): ... it is "Mr Zuma".

The HOUSE CHAIRPERSON (Ms M G Boroto): Thank you very much for saying that.

Ms M O MOKAUSE (EFF): The Gupta-led mafia faction of the ANC, including the Minister of Public Enterprises and Eskom board,

handpicked and appointed by Atul Gupta, Duduzane Zuma, and the Minister, will do everything in their power to ensure that procurement of the nuclear goes through.

Mr B A RADEBE: Chairperson, I rise on Rule 85. The member is impugning the dignity of the Minister by saying she is part of the mafia. [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Did they say that? Did you say that, hon member? Did you say that?

Ms M O MOKAUSE (EFF): House Chair, I said ANC mafia. We all know that the Minister is appointed by Atul - the Guptas. We all know. All of you on that ...

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, please!

Ms M O MOKAUSE (EFF): ... are Gupta handpicked.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, when you say "ANC mafia", are you referring to any member of this House?

[Interjections.]

Ms M O MOKAUSE (EFF): I am referring to the ANC. Now, if I may continue ...

The HOUSE CHAIRPERSON (Ms M G Boroto): Alright, continue. We will check that.

Ms M O MOKAUSE (EFF): Despite overwhelming evidence that South Africa cannot afford the procurement of a nuclear deal – the Minister of Finance and National Treasury can testify to this, as they have told the Fees Commission that the country cannot afford R1 billion for free, quality and decolonised higher education.

We know now, from the Public Protector's report, the modus operandi of the Guptas: parent companies in India disguised in a web of directorship in South African companies. Immediately after you announced the R1 trillion nuclear deal, the Guptas finalised the purchase of Shiva Uranium through a fraudulent Industrial Development Corporation loan. We now know the reason behind the decision to move the procurement of the nuclear deal to Eskom. We have seen the evidence.

The chief executive officer of Eskom, Mr Brian Molefe, has done everything in his power to enrich the Guptas. Now, today, he cries on national television. [Time expired.]

NATIONAL SMALL, MEDIUM AND MICRO ENTERPRISES AND CO-OPERATIVES**POLICY COLLOQUIUM**

(Member's Statement)

Mr X MABASA (ANC): Chairperson, national small, medium and micro enterprises, SMMEs, and co-operatives held policy colloquium from 27 to 28 October 2016. The Department of Small Business Development led by Minister Zulu and the Small Business Development Institute led by the chief executive officer, CEO, Qubeka, hosted a successful third annual colloquium on Thursday and Friday last week at the Esselen Park School in Ekurhuleni.

The ANC notes and appreciate the progress made by the Small Business Development Institute, SBDI, in advancing and supporting SMMEs and co-operatives in their quest to narrow the economic gap between the rich and the poor, and the gap between the white-owned businesses and black-owned businesses, by arming SMMEs and co-operatives to capably compete with their peers internationally.

The colloquium agreed that it is an anomaly to have about 20% white people running the economy of the country to the exclusion of the majority of black South Africans - Africans, coloureds and Indians. The colloquium was a perfect opportunity to remind

all of us of the crucial role that businesses and co-operatives play in economic development and social cohesion.

In conclusion, economic development ... [Time expired.]

[Applause.]

SEVERE DROUGHT RAVAGE PARTS OF SOUTH AFRICA

(Member's Statement)

Mr M HLENGWA (IFP): Hon Chairperson, South Africa continues to be affected by severe drought that saw 2015 being recorded as the driest year in South Africa since records began in 1904. The severe drought has ravaged most parts of South Africa and it has impacted on farmers with the loss of livestock and staple maize thus pushing up food prices. This has promoted water restrictions by various municipalities throughout the country and then as it should we are trading on tough times now. The situation is affecting us all and is more likely to reach crisis level.

Although the situation has eased up a little, it has however been reported that despite recent rainfall water systems remain under strain. In Umgeni in Durban and Nelson Mandela Metro it shows no immediate signs of abating. It is important that people

do not go back to their normal, yet wasteful habit thinking that recent rainfalls are enough to recover the damage. The prediction has been and it could take up to five years to recover the water that has been lost, even if the country experiences normal rainfall. The municipalities are then forced to implement water rationing since the current demand outweighs the available water supply. There needs to be an urgent infrastructure maintenance intervention in as far as making sure that water containment facilities and catchment areas are better prepared to store rain water and to prevent it from being contaminated.

It was reported that only 8% of the rainfall water is captured in dams with most of it being lost to evaporation, transpiration and [Time expired.] ground water. Too much water is being lost to this. I thank you.

JUDGMENT OF JUDGE NKOLA MOTATA

(Member's Statement)

Dr C P MULDER (FF Plus): Hon Chairperson, this week we found out that the hon Judge Nkola Motata was put on special leave in January 2007. He is still on special leave with full pay - it is now nine years later. The judge was put on special leave nine

years ago because he was found guilty of drunken driving. Judge Motata was found guilty in the Johannesburg High Court in 2009, that is seven years ago. He was the sentenced to R20 000 or 12 months imprisonment.

Now, it appears that the legal processes against Judge Motata is still not been finalised and that it was extended in the past nine years for various legal actions based on technicalities by the suspended judge. Allegedly, Judge Motata's special leave is not subject to him paying back any portion of the salary that he has been earning or not really earning because he did not work. He received the salary in the last nine years. The fact is that the judge received R14 million in the last nine years, courtesy of the taxpayers. Surely, it could never been the intention of government to allow such a situation. What is government going to do to bring justice to this situation? Thank you.

LEAKED EXAM PAPER IN LIMPOPO

(Member's Statement)

Ms J V BASSON (ANC): Hon House Chairperson, the ANC is of the view that education is meant to promote good citizenship as well as preparing our people for the needs of a modern economy and a democratic society. It is therefore disappointed by the leak of

Grade 12 mathematics examination paper in the Mopani District at Giyani, Limpopo.

The ANC therefore views the leakage as a serious breach of security and a serious offence, as the same thing happened last year, when the life sciences exam paper was leaked in Limpopo. If this kind of behaviour is left unattended, it will have a serious ramification and a potential to compromise the quality of education.

The ANC supports the steps taken by the Department of Basic Education of quarantining the district in order to establish the patterns and the extent of the challenge, as well as reporting the matter to the law enforcement agencies. I thank you.

**PUBLIC PROTECTOR'S INVESTIGATION INTO ALLEGED IMPROPER AND
UNETHICAL CONDUCT BY PRESIDENT AND OTHER STATE FUNCTIONARIES
CONCLUDES THAT THERE IS EVIDENCE OF CORRUPTION**

(Member's Statement)

Mr W M MADISHA (Cope): Chair, the Public Protector's investigation into the alleged improper and unethical conduct by the President and other state functionaries relating to alleged improper relationships, and the involvement of the Gupta family

in the removal and appointment of Ministers and directors of state-owned enterprises resulting in the improper and possibly corrupt award of state contracts and benefits to the Gupta family businesses has, as many South Africans have suspected, concluded that there is evidence of corruption. The findings of the report are an indictment against the President, the ANC caucus in Parliament and the ANC.

Firstly, the President and the Guptas stand at the apex of this corrupt relationship. Secondly, the President was derelict at best in not investigating the allegations that have resulted in the Public Protector's findings at the best time that the matters arose. Thirdly ... [Time expired.]

**HAWKS PRETORIA SERIOUS CORRUPTION UNIT ARRESTS CHINESE NATIONAL
FOR ATTEMPTED BRIBERY OF HOME AFFAIRS OFFICIAL**

(Member's Statement)

Ms D D RAPHUTI (ANC): The ANC welcomes the arrest of the 48-year-old Chinese national for attempting to bribe the Department of Home Affairs official who refused bribery and remained principled and loyal in his duty. The suspect allegedly approached the Department of Home Affairs official and offered

him R3 000 provided the official checked, processed and authorised the passport of his brother.

The officer alerted the Pretoria Serious Corruption Unit of the Hawks and an operation was conducted swiftly. The man was nabbed in the act of offering the bribe and subsequently the investigation led the Hawks to the OR Tambo International Airport. His 36-year-old brother was already boarding the flight but was caught with the fraudulent passport and many other illegal items to the value of R6 million.

The government and the Department of Home Affairs are intensifying the fight against corruption. The Department of Home Affairs is cleaning the rot and getting rid of officials who continue to engage in corrupt activities within the department. We call upon all the employees to follow the example of the dedicated official and reject all forms of bribery. Thank you. [Time expired.] [Applause.]

APPOINTMENT OF ARTHUR FRASER AS DIRECTOR-GENERAL OF STATE

SECURITY AGENCY RAISES ALARM

(Member's Statement)

Mr M WATERS (DA): The DA wishes to place on record its alarm at the recent appointment of Arthur Fraser as the Director-General of the State Security Agency, SSA. Fraser left the SSA under a dark cloud in late 2015 only for the company founded with fellow SSA washed out Mandla Manzini to enjoy remarkable success providing security services to a host of state entities.

We believe Fraser's appointment is highly inappropriate considering the allegations levelled against him during his previous stint with the SSA. The timing of his appointment is similarly questionable considering that the post of Inspector-General of Intelligence has been vacant since March 2015. With no Inspector-General to turn to, we are forced to appeal to Parliament to have Fraser's appointment reviewed and hopefully reversed.

Chair, we ask the Minister of State Security, David Mahlobo to appear before this House and explain why Fraser has been appointed to this critical position. Our intelligence agencies are not a law unto themselves and we cannot allow them to operate with zero oversight and complete impunity. I thank you.

**EFF THANKS SUPPORTERS AND LEADERSHIP FOR RESPONSE TO CALL FOR
DAY OF ACTION IN PRETORIA**

(Member's Statement)

Mr N PAULSEN (EFF): Chairperson, the EFF would like to take this opportunity to thank all supporters and the leadership of EFF from branch to Parliament who responded to the call for a day of action in Pretoria. People will remember two things: firstly, the EFF led them in court to get the State of Capture report; and secondly, the EFF led thousands of disciplined fighters through the streets to defend our state; demand fee-free quality education; and call for Mr Zuma and Shaun Abrahams to step down.

We do not take lightly the efforts and sacrifices that our people make everyday in defence of our country despite being oppressed and excluded from economic participation. We are not going to lose sight of what is important, which is the expropriation of land; nationalisation of mines and banks; building state and government capacity; free quality education; massive and protected industrial development; massive development for the African economy; and an open, accountable and corrupt-free state.

However, the EFF has warned as early as 2013 that South Africa is under the management of the Guptas and the democratically-

elected President has outsourced the powers bestowed on him by the Constitution of the Republic of SA to these mafias from India. The EFF told this Parliament and the country that the Guptas were appointing Ministers to Cabinet positions. They appointed Fikile Mbalula, Malusi Gigaba, Lynn Brown, Des van Rooyen ... [Interjections.] Did I miss your name? [Time expired.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, again Rule 82. You mentioned more than three names without respect. Thank you. You mentioned Ministers' names without the required respect.

Mr N PAULSEN: Chairperson, I said Ministers and then I mentioned their names. I think I forgot his name but he is not a Minister. He is taking offence that I didn't mention his name.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, I think we all understand how we use the language.

Mr N PAULSEN: But I used it correctly.

The HOUSE CHAIRPERSON (Ms M G Boroto): Yes, you said that correctly but when you went to the names you did not put any title.

Mr N PAULSEN: No.

The HOUSE CHAIRPERSON (Ms M G Boroto): You did not do it in a respectful manner. Just accept and please sit down. Thank you.

Ms M O MOKAUSE: House Chair, may I address you? House Chairperson, you keep on insisting that Ministers and President must be respected. However, if you want to be respected, you must earn that respect. Ministers of the ANC cannot be respected.

The HOUSE CHAIRPERSON (Ms M G Boroto): Okay, thank you. That is not a point of order.

**VOORUITSIG PRIMARY SCHOOL OFFICIALLY OPENED IN DARLING WESTERN
CAPE PROVINCE**

(Member's Statement)

Mr D L KHOSA (ANC): House Chair, today the Deputy Minister of Basic Education has officially opened another state of the art school named Vooruitsig Primary School in Darling in the Western Cape province at the cost of R66,368 million. The school has the following facilities: 38 classrooms, multipurpose centre, science laboratory, resource centre, nutrition centre, admin

block, ablution block, sports facilities, Grade R facilities and school fence.

This is the 21st school to be opened in the Western Cape. The ANC-led government has delivered schools in Atlantis, Dunoon, and Kensington to mention just a few. Through the Accelerated Schools Infrastructure Delivery Initiative, Asidi, programme the government continues to change lives and restore the dignity of thousands of South Africans across the country. As a result of these positive changes the education experience will never be the same for the teachers and the learners. We are saying, as ANC, progress is power. I thank you.

**DEPARTMENT OF BASIC EDUCATION CRITICISED FOR DEFENDING ASIDI'S
UNDERPERFORMANCE**

(Member's Statement)

Mr L M NTSHAYISA (AIC): Hon Chairperson, the Department of Basic Education should not defend the failure or the underperformance of the so called Accelerated Schools Infrastructure Delivery Initiative, that is, Asidi. This is an untenable situation. It must accept the challenge and bring solutions. The four schools that Asidi is failing to deliver should not be snapped as if they are not supposed to be part of this project. Some of the

reasons given by the department for not completing the building of schools as mentioned by the department are, poor performance by contractor and community disruptions. But these are never thoroughly monitored and investigated by the Department of Basic Education.

It is more than five years now since the start of the Asidi projects. So it has gone too far; it must have done something great for the South Africans. Again the issue of rationalisation measures seems to have been overstretched. It has become an endless exercise, and as a result teaching and learning at schools is being disturbed, the learners are suffering and teachers cannot perform. So this should be attended urgently and immediately. Thank you very much, hon Chairperson.

**CO-OPERATIVE FINANCIAL INSTITUTION FOR RURAL WOMEN IN ARTS AND
CULTURE LAUNCHED IN DURBAN**

(Member's Statement)

Mr A F MADELLA (ANC): Chairperson, the Department of Rural Development and Land Reform launched the first co-operative financial institution for rural women in arts and culture in Durban. The Mzansi Rural Arts and Craft Cultural Financial Institution Co-operative is to serve as a banking platform for

rural crafters who are members of co-operative that have been established in KwaZulu-Natal, Eastern Cape, Limpopo and Mpumalanga.

These institutions allow women access to a national payment system that is fully automated, with acute and prudent report. It will also allow members who transact at the point of sale to engage with other co-operative financial institution across the country. The Department of Rural Development and Land Reform is trying its best to ensure that women in rural communities enjoy the benefits and survive delivery and empowerment.

The ANC delivers in each and every corner of South Africa.
Siyaqhuba! [Moving forward!]

DA CONDEMNS MINISTER SPORTS FOR FAILING TO HONOUR HIS COMMITMENT

(Member's Statement)

Mr M S MALATSI (DA): Chairperson, the DA condemns Minister Mbalula for failing to honour his commitment of monetary incentives to the top three local finishers in the 2016 Comrades' Marathon. It is now five months after the Minister's announcement yet he still hasn't paid the athletes their

deserved incentives. Such was the Minister's insatiable desire to hijack the publicity of the athletes that three of them had to be rushed from Durban to Johannesburg to join him in studio for *Morning Live* a day after the race.

The fact that Minister Mbalula hasn't paid the athletes demonstrate without any shadow of doubt once again that the announcement was a case of his typical rush blood to the head without consideration of how he will deliver the promise. This is simply because it is not for the first time that he has failed to do this. He still hasn't paid incentives for medallist for the Olympic and Paralympics despite promising to do so. The Minister's spokes person's claims that he couldn't have known how many medals would be won at the Olympics is absolute rubbish because, both the SA Sports Confederation and Olympic Committee, SASCOC and his department had agreed on a total of 10 medals long in advance before the Olympics and this should have been budgeted for.

It is now clear that the self-declared 'Father Christmas' of sports in South Africa is nothing but an attention seeking grand master of empty promises.

ANC WELCOMES DOUBLE LIFE SENTENCE FOR A POLICE MURDERER

(Member's Statement)

Ms M P CHEU (ANC): Chair, the ANC welcomes Thohoyandou High Court's double life sentencing of Mbonani Mashawane who was found guilty for the murder of Constable Stanley Mokonyane and the rape of the 18 year-old in 2015. His coaccused, Norman Mondalamo was also sentenced to life imprisonment for the same rape plus 15 years for robbery under aggravated circumstances. They were both found guilty for the murder of Constable Mokonyane of the Modimolle Public Order Policing Unit who was deployed to Giyane during the demarcation protest and was off duty when he was killed.

He was attacked and stabbed in Thohoyandou in February 2015. The ANC applauds the National Prosecuting Authority for these harsh sentences which will send a strong warning to the police killers. I thank you, Chair.

THE OPENING OF VOORUITSIG PRIMARY SCHOOL IN THE WESTERN CAPE

(Minister's Response)

The DEPUTY MINISTER OF BASIC EDUCATION: Hon Chairperson, last week I indicated that the ruling party was going to deliver in the Western Cape, and indeed today, we were able to go to Vooriutsig Primary School to deliver to the Darling community. It doesn't stop there, some 30 kilometres from there, not very long ago, we were able to deliver two more state-of-the-art schools. The beneficiaries of this state-of-the-art institutions are blacks, coloureds and Africans and historically poor communities.

We also share with you the fact that we have now reached 170 state-of-the-art schools, which we have delivered. There are problems in the Eastern Cape, and indeed Eastern Cape has already received 107 state-of-the-art schools in terms of the Accelerated School Infrastructure Delivery Initiative, Asidi, Programme.

With regard to the issue of the paper leakage, we want to draw your attention to the fact that we certainly endorse the view that it is a matter that we can't take lightly. The Minister and the MEC for education will be releasing a statement tomorrow.

The police, the hawks, Umalusi and the department have been hard at work to determine the nature, scope, and depth of the problem

itself, and I can assure this hon House that prior to the commencement of the examination, a dedicated task team from the national department had been to Limpopo to ensure that it enhances the security. An error or failure of this nature erodes credibility of the institution and we will do what ever is necessary.

I take to heart what the hon member has said with regard to his concerns about the schools and rationalisations, and at a later stage we will perhaps address the House on how far we have progressed. Thank you very much, hon Chair.

Mr H P CHAUKE: Point of order, Chair. I just want to bring to your attention, that ... [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): No, hon member, on which Rule ... [Interjections.]

Mr H P CHAUKE: No, just allow me to speak. I am talking on the decorum of the House.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, the decorum of the House also has Rules

Mr H P CHAUKE: I am talking of the decorum of the House. I am bringing to your attention the decorum of the House.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon members! Please seat. Let me address you this way. Hon members, according to Rule 92, somebody said to me, hon Mokause said to me: May I address you? I allowed her. That member didn't say a point of order. Let me just read the Rule: You have to commence by quoting the exact Rule or a standing order or at least a principle. So, you can rise again.

Mr H P CHAUKE: I am standing on Rule 92 on a point of order to bring to your attention the principle on the decorum of the House.

The HOUSE CHAIRPERSON (Ms M G Boroto): Thank you. That is what I wanted you to do. Thank you. You may continue.

Mr H P CHAUKE: The issue that I was going to raise was the behaviour of MPs who are conversing standing in the House while the House is in session. That is the point I was going to raise.

The HOUSE CHAIRPERSON (Ms M G Boroto): Okay. I didn't see that. Thank you.

MEMBER'S BEHAVIOUR IN THE NATIONAL ASSEMBLY

(Minister's Response)

The MINISTER OF RURAL DEVELOPMENT AND LAND REFORM: Hon Chair, I want to comment on the ANC mafia. You know, I was privileged when I was a Speaker to train the first parliamentarians of the post-civil-war in Liberia. I spent seven days there.

On the last day, I was driven to the airport by the some guy. He asked me and a Ghanaian parliamentarian a question: How do you find the parliamentarians there? We said they are fine. He said, amongst them are the people who killed people here and ate their liver. He said they killed my father. We were shocked. We said, but how do you feel as a family? He says, we have forgiven them because of the future of our children.

Now, when we sit in this House, the manner in which we deal with one another reminds me that. We take democracy for granted too much. You know, militancy is admirable, but anarchy is deplorable. As members of this House, let us try to address ourselves in a manner that our children and grandchildren would like us when they see us out there, but if they would want to be

like us in the manner in which we behave here, we will have anarchy out there, and there will be no future. It doesn't matter how much we differ, but mutual respect ... [Time expired.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Minister. Your time has expired. Thank you very much.

The MINISTER OF RURAL DEVELOPMENT AND LAND REFORM: Thank you.

Mr T RAWULA: Order Chair. Can raise a point of order? Chair, I am rising on Rule 63. I think the Minister is doing injustice to this House. We were expecting a response on substantive issues we have raised here in this House, but to come here and give a lecture about a mafia ... [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Thank you very much.

Mr T RAWULA: ... Surely, we are not doing justice in this House.

The HOUSE CHAIRPERSON (Ms M G Boroto): That is noted.

Mr T RAWULA: We even raised a matter on issues that relate to agriculture, he can't even say anything on that. He comes and

talks about mafia, we know who the mafia are, and it is the Guptas and gangs. Thank you.

The HOUSE CHAIRPERSON (Ms M G Boroto): Thank you very much. Hon member, I think you have made your point, and I believe that you have a Chief Whip who can also raise it in another forum. Thank you very much.

Nk M S KHAWULA: Ngiyabonga Sihlalo, bakithi ake nihloniphe. Niyabona uNgqongqoshe lento ayishoyo iyiqiniso. [Ubuwelewele.] Awuzwe nje! Abafuni ukulalela Ngqongqoshe. Abafuni ukuhlonipha ngoba into ebulalayo bana lento yokwazi ukuthi umuntu uhlakaniphile akhohlwe ukuthi abantu abangemuva bathini.

USIHLALO WENDLU (Nk M G Boroto): Sikuzwile mama.

Nk M S KHAWULA: Manake, ngiqonde ukuthi Ngqongqoshe into okufanele uyenze ngaphambi kokuthi uyoshanela ngaphandle, ukuthi ushanele egcekeni lakho kuqala. (*Translation of isiZulu paragraphs follows.*)

[Ms M S KHAWULA: Thank you, chair, let's be respectful, people. What the Minister is saying is true. [Interjections.] Just listen to that! They don't want to listen, Minister. They don't

want to be respectful because they think they are clever and they forget to think about those that are at the back.

The HOUSE CHAIRPERSON (Ms M G Boroto): We head you, ma'am.

Ms MS KHAWULA: Hold on, what I mean Minister is that charity begins at home.]

The HOUSE CHAIRPERSON (Ms M G Boroto): That's not a point of order. I gave you the opportunity, and now you are wasting it.

THE NEED TO INVEST HEAVILY IN WATER INFRASTRUCTURE

(Minister's Response)

The MINISTER OF ECONOMIC DEVELOPMENT: House Chair, hon Hlengwa's point about the drought particularly the need to invest heavily in water infrastructure before our country faces a drought is well made, and I would like to support the view that he has put forward, and also the call that is made that we have to use water sparingly.

In KwaZulu-Natal, the investment at Spring Grove dam, which was completed in 2013, in the Umgeni Water system, will contribute

greatly for the next round. So, I think part of what we need to do is to boost investment in that capacity, and that brings me to hon Makoto's comments about the new Asidi school that was opened in the Western Cape. Despite of a much bigger programme of building schools, just in the last year if you take provincial schools and the Asidi schools, we built 149, and they are part of a much bigger infrastructure programme where we are investing now about R1 billion per working day.

Minister Gordhan, when he addressed this House through the Medium-Term Budget Policy Statement, indicated that over the next three years we will be expanding investment in infrastructure, and in fact, something like R900 billion will be invested in renewing our infrastructure.

Finally, hon Mabasa's comments about the Small Business Colloquium go to the heart of the efforts not only to promote small business development but also to develop partnerships with the private sector. We are doing things now in competition policy through using industrial funding and through other measures to try to boost the impact of small businesses on the economy. Thank you.

THE INTRODUCTION OF MOETAPELE FOR MEMBERS BENEFITS PROGRAMME

(Minister's Response)

The DEPUTY MINISTER OF HOME AFFAIRS: House chair, we welcome the statement pertaining to the actions of our official, and just to inform the House that one of the things that we have been striving towards is a changed organisational culture aligned to the values of our Constitution. We launched an internal programme called the Moetapele programme. Moetapele for member's benefits means leader, and this programme aims to ensure that our officials display the quality of leadership in everything that they do.

The apprehension and arrest of the foreign national while on their way out of the country is just one example of excellence displayed by Home Affairs officials. Everyday, we continue to receive complements about the performance and the improved service delivery by our department and our officials, and we assure members of this House that this is just a small beginning. Thank you very much.

Mr N S MATIASE: I rise on a point of order. Look, we must ...

[Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Is that a point of order?

Mr N S MATIASE: Yes, the EFF expresses its disapproval of the ministerial responses, but then, we are more disturbed by what hon Nkwinti said.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member?

Mr N S MATIASE: Other than responding to ... House Chair, can you please allow me?

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, can I say something? Can you please take your seat? I think your member raised that and I responded and I even advised on how it can be handled. Please, let's not repeat. Let's not do that, hon members, don't do that. If it's on the same issue, I am not going to allow it. Is it a new issue? I hope it is a point of order this time, and on which Rule, hon member?

Mr N S MATIASE: Chair?

The HOUSE CHAIRPERSON (Ms M G Boroto): On which Rule are you rising?

Mr N S MATIASE: You are suffocating me.

The HOUSE CHAIRPERSON (Ms M G Boroto): No, I am not. I am just doing my work trying to bring the decorum of the House back.

Mr N S MATIASE: You are depriving me of my right to speak freely.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, please.

Mr N S MATIASE: Okay, I rise on Rule 62.

The HOUSE CHAIRPERSON (Ms M G Boroto): On Rule 62? Rule is about the invitation of members.

The HOUSE CHAIRPERSON (Ms M G Boroto): No, hon member.

Mr N S MATIASE: Rule 63.

The HOUSE CHAIRPERSON (Ms M G Boroto): Rule 63 is a freedom of speech. There is nothing now that you are going to talk about on freedom of speech.

Mr N S MATIASE: Yes, that is exactly my point. You are depriving me of my right to speak. Can I proceed?

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, please sit down. What I am saying is that the member of your party raised that concern, and I even advised on how it can be dealt with and I am not going to allow you to continue on that point, please.

Ms M O MOKAUSE: House Chair, may I address you?

The HOUSE CHAIRPERSON (Ms M G Boroto): I am listening.

Ms M O MOKAUSE: It seems as if every time when you are chairing the House we as the EFF are deprived ... [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): That's not a point order

Ms M O MOKAUSE: ... of our rights in the House.

The HOUSE CHAIRPERSON (Ms M G Boroto): Just sit down. That is not a point of order. Hon members, before I call for ...
[Interjections.]

Mr M WATERS: Point of order. May I address you, Chair?

The HOUSE CHAIRPERSON (Ms M G Boroto): Is that a point of order?

Mr M WATERS: Rule 132, statements by members, which allows for six ministerial replies, and we have only had four. And given ... No, let me finish please. Given the fact that three members raised the issues of the State Capture Report, which in my view is a Constitutional crisis, you would think that one Minister or a Deputy Minister would have stood up and address that issue. I would request you with all due respect, to put it to the Ministers once more to see if any Minister would like to address the State Capture Report.

The HOUSE CHAIRPERSON (Ms M G Boroto): No, hon Walters, please sit. Four Ministers responded. As to what they responded to is not my duty as the Chair to force them to respond. I note your concern. You have raised this four responses concern before, and I said it can be addressed.

Hon members, before we continue to the next item ...

[Interjections.]

AN HON MEMBER: Hon House Chair, point of order!

The HOUSE CHAIRPERSON (Ms M G Boroto): ... which is the last item on the Order Paper ... [Interjections.]

AN HON MEMBER: Point of order, House Chair!

The HOUSE CHAIRPERSON (Ms M G Boroto): ... I want to make a ... I will recognise you, I am still talking. I want to make a plea and request all the Chief Whips of the parties of this House to come together and discuss this matter of frivolous points of orders. We know exactly what the Rules are saying, but we just want to degenerate this House. I am pleading with the Chief Whips to come together, talk, and inform your members. This doesn't augur with the public out there. It is as if we don't know what we are doing, and it is very difficult for us as House Chairs to bring order into this House, if this is how we are going to continue. Let us respect one another, let us respect the Rules of this House, and always maintain the decorum. Having said this, I just want to inform every member here, that I am not taking any point of order now. We continue to the last item which are notices of motion.

Mr N S MATIASE: Hon House Chair, I rise on Rule 92. Just as you expect of us to site Rules, which we seek to invoke, which Rule empowers you to make such a ruling?

The HOUSE CHAIRPERSON (Ms M G Boroto): I am a presiding officer. I am not ruling but I am speaking. Sit down. Continue hon member!

Mr N S MATIASE: Which powers do you have?

NOTICES OF MOTION

Ms D DLAMINI: House Chair, I hereby give notice that on the next sitting day of the House I shall move on behalf of the ANC:

That this House, debates the progressive realisation of the socioeconomic emancipation and empowerment of a young woman.

Ms L V JAMES: House Chairperson, I hereby give notice that on the next sitting day the House I shall move on behalf of the DA:

That the House debates the recently launched pilot project for extended hours at Johannesburg clinics, and how this can be rolled out to all parts of the county to transform access to healthcare for South Africans.

Mr N S MATIASE: House Chairperson, I hereby give notice that on the next sitting day the House I shall move on behalf of the EFF:

That this House -

- (1) notes the content of the Public Protector's report on state capture which shows clearly that since Mr Zuma became President, he has treated the state like his family's stall for self enrichment and
- (2) observes that he then handed it over to the Gupta family to further their aims of buying up the state; and
- (3) debates measures be put in place to sanction Members of Parliament and Cabinet Ministers who purposely lied to this House as Minister Brown, Minister Zwane-Gupta, and Minister Week-end Special did when we asked them their relations with the Guptas. [Interjections.]

The CHIEF WHIP OF THE MAJORITY PARTY: Chairperson, on a point of order, Rule No 85: No member may impute improper motive to any member and cast personal reflections on a member, the reflections were casted to the Minister Zwane and ...
[Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, I think I said something as I was speaking. Please, let us continue with the business of the day.

Mrs J V BASSON: House Chairperson, I hereby give notice that on the next sitting day the House I shall move on behalf of the ANC:

That this House debates the interventions to deal with loan sharks and other people who are cashing in on social grants at the expense of the beneficiaries.

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

That this House -

- (1) notes that there has been marked increase in a number of cases of bullying reported at South African schools and that bullying is having a devastating effect on the lives of our young people; and

- (2) debates the need for urgent and sustained interventions to be developed and urgently enforced by the national and provincial departments of education and social development so as to urgently respond to this crisis.

Prof N M KHUBISA: House Chairperson, I hereby give notice that on the next sitting day the House I shall move on behalf of the NFP:

That this House debates the role of Chapter 9 Institutions and the advancement of democracy, the constitutional rule, and the good governance, thank you.

Mr X MABASA: House Chairperson, I hereby give notice that on the next sitting day the House I shall move on behalf of the ANC:

That this House debates how critical it is for opposition parties to play positive and meaningful roles to contribute to fostering social cohesion and nation-building as a means of moving South Africa forward.

Ms C N MAJEKE: House Chairperson, I hereby give notice that on the next sitting day the House I shall move on behalf of the UDM:

That this House debates the impact of the mud schools in the teaching and learning environment and the productivity of the education system in the Easter Cape.

Me D VAN DER WALT: Huisvoorsitter, hiermee gee ek kennis dat ek by die volgende sitting van die Huis namens die DA sal voorstel dat dié Huis die belangrike rol wat burgerlike organisasies in ons land vervul om ons Grondwet en ons demokrasie te bevorder en te beskerm, te debateer. (*Translation of Afrikaans paragraph follows.*)

[MS D VAN DER WALT: House Chairperson, I hereby give notice that I will at the next sitting of the House make a proposal on behalf of the DA that this House debates the important role that is being fulfilled by civil organisations in our country in order to strengthen and protect our Constitution and our democracy.]

Nks N P SONTI: Sihlalo weNdlu ohloniphekileyo, ndenza isaziso sokuba, xa le Ndlu ihlala kwakhona, ndiza kwenza isiphakamiso egameni le-EFF:

Sokuba le Ndlu -

ixoxe ngomba oxhalabisa ukhuseleko, uzinzo noxolo ngenxa kaMongameli uZuma wokutyeshela uMgaqo-siseko ngenxa yokuxabisa usapho lakwaGupta.

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

[Ms N P SONTI: Hon Chairperson of the House, I give notice that, in the next sitting of this House, I will move on behalf of the EFF:

That the House debates the issue that concerns security, stability and peace that President Zuma has caused by violating the Constitution because he respects the Gupta family.

Thank you.]

Mrs J D KILIAN: House Chairperson, I hereby give notice that on the next sitting day the House I shall move on behalf of the ANC:

That this House debates the looting of shops by EFF yesterday at Tshwane.

Mr D H KHOSA: House Chairperson, I hereby give notice that on the next sitting day the House I shall move on behalf of the ANC:

That the House debates the progress in transformation of the ICT sector in order to ensure that all people participate in the sector.

Mr S M JAFTA: House Chairperson, I hereby give notice that on the next sitting day the House I shall move on behalf of the AIC:

That this House debates the proper capacity-building and other initiatives for the school governing bodies so as to enhance their role in schools governance.

Mr D GUMEDE: House Chairperson, I hereby give notice that on the next sitting day the House I shall move on behalf of the ANC:

That this House debates measures geared at curtailing the operations of the foreign-owned organised crime syndicates in South Africa and in the region.

Mr D J MAYNIER: House Chairperson, I hereby give notice that on the next sitting day the House I shall move on behalf of the DA:

That the House -

- (1) notes the tabling of the Public Protector Report No 6 of 2016-17 titled "State of Capture" investigation into alleged improper and unethical conduct by the President and other state functionaries relating to alleged improper relationships;
- (2) investigates the involvement of the Gupta family in the removal and appointment of Ministers and Directors of state-owned enterprises which results in improper and possibly corrupt award of state contracts and benefits to the Gupta family's businesses;
- (3) establishes an ad hoc committee to enquire into all observations raised in the report by the Public Protector;
- (4) places in place proposes measures, in view of the Assembly's oversight function, that could prevent similar incidents from occurring in future; and

- (5) decides that the committee should consist of 11 members:
ANC 6, DA 2, EFF 1 and other parties 2 ... [Time
expired.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Thank you very much. Your time has expired. [Interjections.]

Mr D W MACPHERSON: Chairperson, on a point of order, the hon member was proposing a motion that spelt out quite clearly the composition of the list. You need to hear what the hon member has to say to you. [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon, this is no time for that; we are now dealing with notices of motion, and there is time allocated to each party.

Mr D W MACPHERSON: But, Chair, how would that be read in the Hansard then: [Laughter.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Thank you very much, hon member. Continue, ANC. [Interjections.]

Ms P M CHUEU: House Chairperson, I hereby give notice that on the next sitting day the House I shall move on behalf of the ANC: That this House debates the provision of sanitation products for the dignity of women.

The House adjourned at 18:00.

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

ANNOUNCEMENTS

National Assembly

The Speaker

1. Introduction of Bills

(1) The Minister of Agriculture, Forestry and Fisheries

- (a) **National Veld and Forest Fire Amendment Bill** [B 22 - 2016] (National Assembly – proposed sec 75) [Explanatory summary of Bill and prior notice of its introduction published in *Government Gazette* No 40334 of 7 October 2016.]

Introduction and referral to the **Portfolio Committee on Agriculture, Forestry and Fisheries** of the National Assembly, as well as referral to the Joint Tagging Mechanism (JTM) for classification in terms of Joint Rule 160.

In terms of Joint Rule 154 written views on the classification of the Bill may be submitted to the JTM. The Bill may only be classified after the expiry of at least three parliamentary working days since introduction.

2. Membership of Committees

- (1) The following changes to Committee membership have been made by the Inkatha Freedom Party:

Portfolio Committee on Cooperative Governance and Traditional Affairs

Discharged: Hlengwa, Mr M

Appointed: Cebekhulu, Inkosi RN

Standing Committee on Finance

Discharged: Nkomo, Ms SJ

Appointed: Hlengwa, Mr M

TABLINGS

National Assembly and National Council of Provinces

1. The Minister of Environmental Affairs

- (a) General Notice No 585, published in Government Gazette No 40269, dated 12 September 2016: Inventory to the United Nations Framework Convention on Climate Change (UNFCCC): Draft Biennial Update Report-2 and Draft 5TGH National Greenhouse Gas Inventory Report for the Republic of South Africa: For public comment.

National Assembly

1. The Speaker

- (a) A letter dated 3 November 2016 was received from the Acting Minister of International Relations and Cooperation submitting to Parliament, in terms of section 231(2) of the Constitution of the Republic of South Africa, 1996, the following for Parliament's approval:

- (b) Instrument of Withdrawal from the Rome Statute of the International Criminal Court;
- (c) Explanatory Memorandum on the Instrument of Withdrawal; and
- (d) Declaratory Statement on the decision to withdraw from the Rome Statute of the International Criminal Court.

Referred to the **Portfolio Committee on Justice and Correctional Services** for consideration and report, and to the **Portfolio Committee on International Relations and Cooperation** for consideration.

UNREVISED HANSARD