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TUESDAY, 25 MARCH 2014

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The House met at 14:15

The Speaker took the Chair and read the prayer.

ANNOUNCEMENTS, TABLING AND COMMITTEE REPORTS - see p

The SPEAKER: You may be seated. Order. Before we proceed the House will be suspended for a few minutes to take an official photograph.

An OFFICIAL OF THE HOUSE : To all the people in the public gallery, those of you that took pictures with your flash on in the House, flash photography is not allowed and no video recording. Thank you.

The SPEAKER: Thank you, hon members. Please take your seats. Please can you close the door. Thank you, just close the door. Hon members we now proceed to Interpellations as printed on the question paper. We will start with the first one, I recognise the hon Minister Botha.

**INTERPELLATIONS:***Attitudes of medical staff towards patients***1. Mr M Skwatsha asked the Minister of Health:**

What is his department doing to address attitudes of medical staff towards patients?

The MINISTER OF HEALTH: Mr Speaker, thank you very much. I see we have not got water yet. With regards to the Interpellation by the hon member Mr Skwatsha, he asks what my department is doing to address attitudes of medical staff towards patients.

The MINISTER OF HEALTH: The first project that we embarked upon was to reinforce a patient-centred approach among our staff. That message is now fully embedded and reverberated by all staff. The R2,7 billion investment over the past five years in new infrastructure, as well as the modern equipment has played a major role in improving staff attitudes. Pilots to improve work flow at hospital emergency centres have proved very successful. Staff have been part of the process to give input on interventions to improve this work flow. They have expressed their gratitude for being asked to participate and in so many words they now 'own' the interventions.

In view of the impact of stress caused by congestion at facilities, we have initiated serveral projects to reduce waiting times. They include alternative sites to collect chronic medication and contracts with pharmacies to provide family planning and

vaccination services. The implementation of the SMS call centre has also had a major impact because complaints receive a reference number within minutes. This immediate attention to the problem area has brought immediate relief to staff resulting in an improved attitude towards patients.

The SPEAKER: Hon member Mr Skwatsha, over to you.

Mr M SKWATSHA: Thank you hon Minister Botha for your response. It is in the spirit of trying to get the best out of the Health Department in our province. As you might recall, since 2009 we have witnessed far too many cases of staff speaking down to patients, giving patients the wrong medication and sometimes turning patients away when in need. Listening to you there seems to have been a pro-active stance on your part and on your department to undo such attitudes and behaviour. It would be important then hon Minister that one gets worried that in spite of the pro-active interventions that you are laying we still learn of four month old babies turned away from Groote Schuur Hospital.

I think like I do, you definitely have been concerned by reading such things in the press. Also, maybe if in a few sentences, the hon Minister Botha can explain whether there has been anything done in relation to the Public Protector's findings vis-à-vis the Gugulethu Day hospital and later on the Paarl health facilities. You see this was in relation to a visit to the Polar Park Clinic in Paarl and Paarl Hospital by the Public Protector. She particularly said that in this Legislature that we must be looking at the level of government in this regard and such interventions. The matter was raised sharply and it is in this regard that I would like to know. Very many people in our

institutions complain about the discourteousness, the rudeness ...

The SPEAKER: Order, hon member Mr Skwatsha. Please finish your sentence.

Mr M SKWATSHA: ... of staff and I am asking about this issue regarding the Public Protector in light of you having made your commitment in that regard. Thank you.

The SPEAKER: Thank you hon member Mr Skwatsha. Hon Minister Botha, over to you.

The MINISTER OF HEALTH: Mr Speaker, thank you very much. We have also embarked upon a change management programme and we have piloted this at 39 of our facilities. The programme was launched in 2013 and it is called the C2AIR2, The Care Competency Accountability Integrity Responsiveness and Respect Club. The C2AIR2 Club Challenge will focus on living the departmental values. It is a unique and innovative change initiative to create satisfied patients through healthy caring and committed employees who provide a quality healthcare service. A total number of 39 facilities, as I have mentioned, are taking part in this pilot.

The purpose of this programme, Mr Speaker, is: to innovate a way of changing organisational behaviour and culture within the organisation, to building change fitness and problem solving capabilities, to giving staff enough support in their everyday dealings with patients to recognising and rewarding committed employees for going the extra mile when they treat patients, improving staff morale and enabling them to have fun and to be happy in their work place, focusing on our team work and

shared vision and values of the department; to shift mind-sets and to put patients at this faction really at the forefront and to assist the department in achieving the Healthcare 2030 ambitions and goals.

Now this is a very broad strategy of what this programme is trying to achieve and I really think it is a first in the Department of Health that we have embarked on this process to really improve the outcome of our interaction with patients. Mr Speaker, we also embarked on a staff satisfaction survey which was done in 2011 and 2013 and a total number of 9 794 employees participated in this programme in 2013 and it represented a 32% response from the staff.

The SPEAKER: Order, Minister, please finish.

The MINISTER OF HEALTH: It was as a result of this outcome that we could design the programme that we are now embarking on.

The SPEAKER: Hon member Ms Marais, over to you.

Ms A J DU TOIT MARAIS: Thank you, Mr Speaker. We are aware of the challenges facing the public healthcare sector and of these I would like to mention a few which may add to medical staff's attitude: the size and shape of the service platform and the related service pressures impact on the number and skilled mix of staff required to deliver this service; the large service delivery work load creates a stressful working environment that can negatively affect the quality of staff performance and contribute to low morale and high levels of absenteeism; the competitive private health sector in

terms of salary and wages.

Mr Speaker, this does not justify negative attitudes of medical staff towards patients but allows us to comprehend the different conditions under which they have to work. However we find that even under these conditions there is medical staff that do their best to improve the patients' experience within the public healthcare sector. I think it is important to mention them here as well. They include amongst others: Anne-Marie Syfers from the paediatric unit at the George Hospital who received the Henrietta Stockdale Award. Students who have attained a post-graduate diploma in nursing and who have displayed a high standard of academic work, clinical ability, professional behaviour, social responsibility, commitment and leadership are eligible for the awards. She specialised in child nursing; The second is Mossel Bay Hospital which was awarded the prestigious Mother and Baby Friendly Hospital Initiative Accreditation. This international accreditation has been awarded to six of the seven maternity units in the Eden District. To achieve this accreditation is no minor task. It takes team effort, patience and the willingness to improve the health of babies born at our facilities to achieve this status. I wholeheartedly congratulate the Minister and his department on their efforts, to not only to redress patients' experiences through focusing on their staff and building more infrastructure but in the way they hold themselves accountable and epitomise transparency. I thank you.

The SPEAKER: Hon member Mr Skwatsha.

Mr M SKWATSHA: Ja.

The SPEAKER: Over to you.

†UMnu M SKWATSHA: Enkosi kwakhona Somlomo. Yiloo nto ...Le nto ithethwa lilungu elibekileyo uMarais yiyo kanye le yenza ukuba sixhalabe.

\*Mr M SKWATSHA: Thank you again, Mr Speaker. That is ... What the hon member Ms Marais says is exactly what makes us concerned ...

†Because ...

†kuhlahlo mali ...

\*the budget

†... in the budget and the APP my observation is that the ratio of medical officers per patients seem to be remaining consistently low. Part of the problem is and it is true, this thing is not only about patients one has to appreciate the position that the staff find themselves in; the pressures that come with the territory and which result in the attitudes, sometimes an [Inaudible.] Now, I hear the hon Minister Botha but in order to alleviate that particular problem would it not be proper that with respect to medical officers, there was some elevation in relation to what they are being given. Also understaffing a place like Khayelitsha Hospital where 11 doctors have been dismissed and ...

An HON MEMBER: Where?

Mr M SKWATSHA: ... what is the hon Minister Botha doing to address the understaffing at the hospital where 11 doctors have been dismissed. [Interjection.] ...

The PREMIER: What?

Mr M SKWATSHA: The 11 doctors that were dismissed were low income doctors and they received extra funding from the hospital. The doctor's contracts were terminated because of insufficient funds. Now part of the frustration is really a matter that I have acknowledged, the department is pro-active in dealing with it but it is a process that has to be constantly monitored. If I may make a request from the Hon Minister Botha that the situation is closely monitored to make sure that both the patients and the staffing are looked at. It creates ...

The SPEAKER: Order, hon Member Mr Skwatsha.

Mr M SKWATSHA: ... as the hon Minister Botha says it creates a situation where the staff are happy. As I sit down I want to go to Nqolo Mbulu, a former patient who was pregnant at the time. She says " I will never forget that night. It was on December 10 last year when I came to this hospital arriving at 7.30 pm and ...

The SPEAKER: Thank you, hon member Mr Skwatsha. Thank you very much.

Mr M SKWATSHA: ... only receiving help at midnight.

The SPEAKER: Thank you. Thank you, hon member Mr Skwatsha.

Mr M SKWATSHA: The receptionist gave me a hard time ... [Interjections.]

The SPEAKER: Hon member Mr Skwatsha, take your seat. Take your seat.



Mr M SKWATSHA: ... asking me [Inaudible.] questions. [Interjections.]

The SPEAKER: Take your seat. Take your seat, hon member Mr Skwatsha.  
[Interjections.]

An HON MEMBER: Hey!

Mr M SKWATSHA: Sorry who is the Speaker here? Are you the Speaker?

The SPEAKER: Take your seat hon member Mr Skwatsha. Your time has expired.

Mr M SKWATSHA: We are conducting ... [Interjections.]

The SPEAKER: Take your seat. Thank you very much. Hon Minister Botha, over to you. [Interjections.] Thank you, hon Minister Botha, over to you.

The MINISTER OF HEALTH: I will get that quote later from you hon member Mr Skwatsha. Mr Speaker, thank you to hon members Ms Marais and Mr Skwatsha for their contributions to this interpellation. The hon member Mr Skwatsha mentioned that staff are speaking down to patients, they are given the wrong medication and then he specifically spoke about the Public Protector and the baby that was turned away so I have got to rush through this quickly.

An HON MEMBER: And the doctors.

The MINISTER OF HEALTH: And the doctors. I will have to address, ja. Wrong medication; I would like to know about that. It very rarely happens as there are very strict regulations in the dispensing of medication and although we had transition problems from the service providers, from the one to the other, I can say that we have an extremely low percentage - like less than 1% of wrong medication or any medication problems today.

The baby that was turned away; I am on record saying that it should not have happened ...

An HON MEMBER: Ja.

The MINISTER OF HEALTH: It should not have happened. We had an enquiry about it and there was disciplinary action and I can share that with hon member Mr Skwatsha afterwards but we have taken action. I have apologised to the family and the disciplinary had a positive outcome on the whole issue.

The Public Protector in Gugulethu and Paarl; the Public Protector complimented me personally for going there immediately after her visits. I cannot share with you all the improvements that we have done, but we have addressed every single issue that she had regarding Gugulethu and Paarl. Gugulethu remains a challenge. It is in a very high crime area. They even steal the paint while we paint this place. They hold them at gunpoint and steal the paint. So, it is a very difficult area to work in but we have

done everything that we can and could do there.

Then I want to just quickly refer to the 11 doctors. I am seriously ... [Interjection.] I am very astonished by this information because I certainly would have known about this, but I think what happened here is that we have converted the agency posts to permanent posts at Khayelitsha Hospital. I know that is what happened on a large scale there so I think this might perhaps be what you refer to hon member Mr Skwatsha . So it was actually the creation of jobs and there were definitely no doctors terminated. Let me just tell you hon member Mr Skwatsha that hospital is 131% occupied. I have said in the past that when the hospital reaches 80% it is actually full. It is 131% occupied but the outcomes of that hospital are amazing. It is unreal ...

The SPEAKER: Order, please finish hon Minister Botha.

The MINISTER OF HEALTH: ... what they achieve. I just want to say Mr Speaker, in my last sentence; certainly we have problems with staff attitudes but I must commend the thousands and thousands of staff members who go the extra mile every day.

The SPEAKER: Thank you, hon Minister Botha. Hon members we now proceed to the second interpellation. I recognise the hon Minister Botha.

*Lack of resources at healthcare facilities*

**2. Mr M Skwatsha asked the Minister of Health:**

What is being done to address the lack of resources at healthcare facilities?

The MINISTER OF HEALTH: Thank you, Mr Speaker. Do you not recognise anyone else? [Interjection.] [Laughter.] What is being done to address the lack of resources at healthcare facilities? The department has invested an unprecedented R2,7 billion in infrastructure over the last five years of which new infrastructure includes: 7 clinics and community day centres, 7 EMS stations, 5 forensic pathology laboratories and 2 district hospitals across the province. In addition, many sites have been upgraded and renovated. The modernisation of infrastructure and the provision of world class facilities has played a significant role in improving the work environment for staff and improving the quality of care for patients.

The department has similarly prioritised the purchase of medical equipment over the last five years. This has not only improved the quality of care for patients but also allows health professionals to maintain and improve their clinical ability while maintaining patient treatment at the highest levels. Some of the major new equipment that has been purchased includes : CT scanners installed in regional and some at the large district hospitals, that is: Paarl, Worcester, George, Somerset West and Mitchells Plain, MRI scanners replaced at Tygerberg and Red Cross Hospitals, a PET scanner at Tygerberg Hospital which is the most advanced scanner currently available, a Linear accelerator at Groote Schuur Hospital which is really essential for the treatment of

cancer patients.

During the 2014/15 financial year the department will allocate another R723 million towards the construction of new facilities and the upgrading and maintenance of existing facilities. Some of the projects that will be completed during this period are: the New Symphony Way Community Day Centre in Delft, a community day centre in Hermanus, a new Du Noon community centre, the temporary emergency centre at Heideveld Community Day Centre, a new Rawsonville clinic, new Robertson and Heidelberg ambulance stations, new emergency centres at Karl Bremmer and Knysna Hospitals, a new psychiatric observation unit at Mitchells Plain Hospital, upgrading and additions to the emergency centre at Tygerberg Hospital, the reconstruction of the G F Jooste hospital, revitalisation of Valkenberg Hospital, forensic pathology unit in Knysna and a forensic pathology unit in Salt River. Thank you, Mr Speaker.

The SPEAKER: Hon member Mr Skwatsha, over to you.

Mr M SKWATSHA: The annual performance plan of the department indicates a gradual decline in the number of beds at hospitals in the province. With the R2,7 billion indicated by the hon Minister Botha what more do you think hon Minister we need to do to provide decent services to our people? Is the department looking into acknowledging the fact that people visit these hospitals very early in the mornings? We are approaching the winter season now. The elderly will arrive around 4/ 5 am at these hospitals. Is the department looking at facilities that will ensure that they are covered during the rainy season and during days of extreme cold whilst they are waiting for the hospital to open at 7 am and so forth.

Thank you.

The SPEAKER: Hon member Ms Marias, over to you.

Ms A J DU TOIT MARAIS: Thank you, Mr Speaker. A step in the right direction is the department's concerted efforts made with infrastructure in order to improve wellness and decrease the burden of disease in the province. On 11 March 2014 the Western Cape Minister of Health, Theuns Botha, launched the Wellness Centre Project at Mitchells Plain Hospital. The project is the result of a partnership agreement between Western Cape Government Health and private sector service providers amongst which are: the Independent Pharmacy Association, emerging market health care, Eyethu Clinic, Metropolitan Health, Pick 'n Pay, Dischem and Clicks. The private partners will provide screening for a user fee while Western Cape Government Health will provide the HIV testing kits on the understanding that a minimum of 10% of the operating hours be made available for free services. The Chronic Dispensary Unit started as part of the implementation of Healthcare 2010 in order to address the need to provide quality care in the face of increasing patient numbers, lack of qualified pharmacy personnel and achieving legislative compliance. The lack of qualified pharmacy personnel is a serious concern as this scarce skill is characterised by only 346 phamacists out of over 2 000 registered applicants. The Western Cape is the only province with a CDU and it is a system other provinces have shown interest in adopting. I thank you.

The SPEAKER: Minister Botha, over to you.

The MINISTER OF HEALTH: Mr Speaker, thank you very much. The contracts with pharmacies which were just mentioned by the hon member Ms Marias, has the potential - currently we have more than 100 of them going but they have the full potential of over 400 new, let us call them, facilities for the Department of Health in the Western Cape because that is actually what it is. So we will in one go with this transaction add 400 facilities. We have also done a lot in involving and including private GP practices now as alternative sites for primary healthcare services. We are still busy with that programme, or that process. The strengthening and expansion of home-based carers is also something that we have taken to new heights. We now have currently 4 million people visited at their homes throughout the province which is very significant and it means that patients are treated and cared for outside of the primary healthcare facilities. That brings a big relief to the facilities themselves and it means that staff can better attend to those patients that are at the facilities. In addition, we have also introduced alternative sites for chronic patients to collect their medication and by doing so we are busy decongesting the facilities because more than 30% of our patients at some facilities, especially in the informal settlements are - the normal percentage is about 30% but at some facilities it is as high as 70% of the patients that are there to collect chronic medication. So, it just makes sense to invest money into this programme to service these people at an alternative site of their convenience and by doing so we are decongesting numbers in our facilities.

In rural areas we have strengthened the mobile units for patients on farms. We have expanded on that. We have also introduced health posts on farms in the agricultural sector, in collaboration with organised agriculture, which is working very well and it is bringing big relief to the patient loads at facilities in those areas. We are partnering

with the private sector and that is generating additional funding for immediate care as well as adding resources that cannot be funded by government alone. I have mentioned in my budget speech that our private partnerships have brought R500 million to this department over the past year or two. Very very significant. The solution is actually not more money, Mr Speaker ...

The SPEAKER: Order. Hon Minister Botha, please finish.

The MINISTER OF HEALTH: The solution is not more money. The solution is in improving our systems and stretching the health Rand.

The SPEAKER: Thank you. Hon member Mr Skwatsha, over to you.

Mr M SKWATSHA: Thank you once again, hon Minister Botha. Is it true that [Interjection.] the department's expenditure per patient is said to decrease? Would this not be contrary to the spirit of your intentions to do more? Some of the things raised in the budget speech about the conditions in the Mitchells Plain Hospital of issues like landlines for phones etc. Are we looking at readdressing this situation? Lastly, can the hon Minister Botha tell us what his response is to the staff of Mfuleni Community Health Centre who sent a petition complaining that patients are forced to use uni-sex toilets to provide urine samples and that frequent power cuts forced them to work by candle light?

An HON MEMBER: That is rubbish.



The MINISTER OF HEALTH: Mr Speaker, thank you very much. I can indeed reply to all those questions. Let me start with the last, first; the Mfuleni Centre. I visited it the day after I received the petition. I took everyone in the department that needed to be present with me. It was only a few weeks ago but we will start on construction of a new facility very close to that one, on land that we obtained from the City of Cape Town. So, the good news is their petition led, or is going to lead a new facility. There have been numerous problems there. Firstly, it was a City of Cape facility. The electrical distribution in the facility was totally inadequate to deal with the facility and so were the toilets. This facility grew out of its boundaries with patient load and we are addressing that immediately as I have mentioned.

There are problems in Mitchells Plain Hospital with regard to the signal strength within the building. It is an unforeseen consequence of the construction. We are at great cost busy improving that and to put up antennas right through that building to strengthen the signal and it will be done or completed very soon.

The question regarding the average expenditure per patient in the department is certainly not declining unless there is going to be a massive inflow of patients into the province which will then push the average down. It is not foreseen that it will be reduced and our budget and additional allocation for that speaks to that issue.

There is no reduction of beds. Indeed there are actually 140 beds, I speak under correction, more than what we had a year ago. However, just remember that we also decommissioned G F Jooste and despite that we have 140 beds more. With G F Jooste and with the hospital that we are planning in Somerset West, the Helderberg area, we

will have 600 beds eventually, more in the Metro than we had before. So we are planning for more beds not less. It requires a very holistic approach to ensure that the service is provided over a geographical area so you cannot actually refer to only one hospital at a time.

The SPEAKER: Hon Minister Botha, please finish.

The MINISTER OF HEALTH: I just want to say this, Mr Speaker, no patients are waiting at hospitals except in emergency centres. They are waiting at primary healthcare facilities and we are improving all the facilities where they are waiting, either through new construction or through cooperation with local government.

The SPEAKER: Hon Minister Botha, thank you very much. Hon members we now move to the next interpellation, the third interpellation. I see the hon Minister Winde.

*Electricity load shedding: economy, effect on*

**3. Mr E J von Brandis asked the Minister of Finance, Economic Development and Tourism:**

What effect does the electricity load shedding have on the economy?

The MINISTER OF FINANCE, ECONOMIC DEVELOPMENT AND TOURISM:  
Thank you very much, Mr Speaker and thank you to hon Member Mr von Brandis for the question. The question; what affect does the electricity load shedding have on our economy?

Mr Speaker, power outages represent a significant cost to the South African economy and by implication the Western Cape economy too, especially in our labour intensive industries. If we look back at the 2008 black-out, costs to the national economy were estimated at around about R200 million per day and in total those black-outs cost nearly half a trillion rand to the South African economy.

Mr Speaker, on an anecdotal level businesses have expressed their concern at the losses that they have already faced as a result of the surprise black-outs earlier this month and indications are that Eskom's power generation capacity remains under severe strain and that we may face large scale crisis and sustained power cuts during this winter of 2014.

Each outage adds clear costs to the economy and they include some of the following: of course outage costs - they cause breaks in manufacturing operations which result in the increased costs of that specific product, let alone the decrease in our competitiveness in that space. According to research group, Global Continuity, power outages are the second leading cause of business interruption in South Africa at the moment and accounting for about 14% of cases of business interruption. Outages cause disturbances in everyday logistics, like for example non functioning traffic lights which cause massive traffic congestion, disrupt the economy as well as just everybody's everyday lives.

Outages cause loss in productivity. The impact on public transport causes millions of people to arrive late at work etc. The threat of outages as winter approaches means

that many businesses have to rely on generator sets and that is also definitely not cost effective when you have got to generate your own power separately to that that should be supplied to you. Businesses also have to put in place effective business continuity management programmes in order to avoid financial and legal repercussions that may relate to power outages for example missed delivery dead-lines or spoiled products.

Large electricity users at the moment are being asked to cut their usage and of course that also has a direct effect on their own bottom line and their own productivity, specifically with regard to growth of our economy and exports. Uncertainty about power supply in the longer term impacts on decisions by foreign and local investors on reinvesting into our economy and you know it really does not send the right message.

I really think about the SMME's, emerging companies just starting out. You can think what kind of impact that has on someone who has really just started their small business, just got it going and then to have these kind of extra costs and trying to make ends meet. You have just heard the hon member Mr Skwatsha, in the previous interpellation, talking about power outages and the kind of effect that it has on our health services. So, across the board it has major major effects on our economy, on our business, on our ability to grow our economy and our jobs.

The SPEAKER: Thank you, hon member Mr von Brandis over to you.

Mr E J VON BRANDIS: Mr Speaker, the rot in South Africa's public enterprises clearly has no bounds. South African Airways, Eskom, Sanral, the list just goes on.

The Cape Chamber of Commerce in a press release stated the only good thing about the new round of rolling black-outs is that it has made the public aware of the extent of Eskom's calamity. The economy is not interested in a good story of electrification. It is interested in knowing that it has the energy it needs to function. The World Bank in their 'Doing Business' report ranked South Africa 150 out of 189 territories when it comes to supplying electricity. Let me add, Mr Speaker, that we are the 30<sup>th</sup> biggest economy in the world but we rank 150. Businesses that lack capital to invest in alternative power generation are left with huge losses as we saw in 2008. Some simply fell apart. Uncertainty of possible black-outs alone is enough to stall businesses and stifle investment.

Economist Dawie Roodt has estimated that our economy is 13% or R3,66 billion smaller than it should be had Eskom done their job properly. But a true cost of the damage that Eskom and the National Government has inflicted on our country's economy remains beyond measure. The new Medupi and Kusile Power Plants will not save South Africa either. The problem lies squarely with the ANC led National Government who should have acted when the forecasts of an electrical strain were made in the early 1990's. Eskom's window of opportunity has long ago closed.

The SPEAKER: Thank you. Hon Minister Winde, over to you.

The MINISTER OF FINANCE, ECONOMIC DEVELOPMENT AND TOURISM:  
Thank you very much, Mr Speaker. I want to thank the hon member Mr von Brandis for that input. I absolutely agree with him. If you take what happened in the history of this world when cheap energy became available, what happened across the planet

was that we started to create jobs and growth and bring many many people across the world out of poverty.

His point about Eskom, SAA and Sanral; if we do not run these organisations properly we actually are putting our people back into poverty. We are really putting huge pressure on our people. Of course, it is also about the brand of our country and the hon member Mr von Brandis spoke about our rating globally because of our energy crisis. What it does, it destroys the brand of this country. As I said earlier in my first input, it creates a barrier to investment, it creates a damage to our brand and not only what it says to international investors coming into our country but what it also says to South Africans within their own country. It blocks them from reinvesting. That is why we see R750 odd billion sitting in cash reserves in corporates, in businesses within our own country and they do not have the confidence to reinvest and they are investing in other countries. This crisis that is sitting on the horizon is really something that is putting our whole nation into huge jeopardy.

Mr M G E WILEY: This crisis that is sitting in our government.

The SPEAKER: Hon member Ms Beerwinkel, over to you.

Ms C F BEERWINKEL: Thank you, Mr Speaker. Load shedding refers to the deliberate shutdown of electric power in part or parts of a power distribution system, generally to prevent the failure of the entire system when the demand strains the capacity of the system.

An HON MEMBER: Good sense.

Ms CF BEERWINKEL: This is essentially why Eskom has applied load-shedding nationally.

Mr M G E WILEY: Are you now a spokesperson for [Inaudible.]

Ms C F BEERWINKEL: Mr Speaker, the load-shedding that we have experienced in the Western Cape and Cape Town in particular is yet to have an adverse effect on this economy. [Interjections.] Eskom has had in place for ...

The MINISTER OF TRANSPORT AND PUBLIC WORKS: Let us have more load shedding!

Ms C F BEERWINKEL: Eskom has had in place plans to minimise the adverse effects of load-shedding. For example during the 2006 load-shedding crisis, Eskom had put in place two more generators besides the Goodwood generator that carried the full load. These can be found in Mossel Bay ... [Interjections.]

The SPEAKER: Order, hon members. Order.

Ms CF BEERWINKEL: ... and Atlantis.

The SPEAKER: Order.

Ms C F BEERWINKEL: Mr Speaker, the DA leader (at the time, Mayor Helen Zille) promised to restart the Athlone generators so as to mitigate possible future load-shedding [Interjections.] but under the DA watch the Athlone plant was demolished. [Interjection.]

The MINISTER OF TRANSPORT AND PUBLIC WORKS: We demand more load shedding!

Ms C F BEERWINKEL: So, we do not understand the issue about load-shedding in the Western Cape [Interjections.] and Cape Town in particular. The recent load-shedding that we experienced [Interjections.] lasted only two to three days. It mainly occurred in residential areas and not in the CBD's [Interjections.] and hospital zones. Whilst most DA speakers here have been lambasting national, the people of the Western Cape need to be informed that Eskom in this province has a back-up system in Steenbras with three dams and two turbines. Eskom also has a long-term plan in place, part of which is to roll-out more generators elsewhere. Nuclear generators are also planned with some currently under construction. [Interjections.]

The SPEAKER: Order. Order, hon members.

Mr E J VON BRANDIS: Mr Speaker, what is of concern is that provinces have little to no room to mitigate the economic costs of either load-shedding or total black-outs. As previously stated, some businesses have been unable to make the necessary capital investments to secure alternative power in the event of loss. This leaves our economy wide open.



When Koeberg went down in 2006, preceding the black-outs of 2008, Eskom's skirted with the truth and did so again this month. Even the National Energy Regulator had to step in after the latest round of load-shedding and said enough is enough to Eskom [Interjections.]. In response to the crisis of 2008 it was NERSA that had to change the required number of coal stock days because of Eskom's incompetency.

NERSA later increased coal stock days from 21 to 40 and later to 50 days. This debunks the wet/cold spin. If Eskom had abided by NERSA's requirements they would have had enough coal to survive a few days of wet weather. [Interjections.] What this has resulted in is our very own parastatal sabotaging the economy of South Africa. Mr Speaker, South Africa's national electricity grid is insecure and this poses a problem for a development of our regional economy. As we try and promote small and medium enterprises in South Africa to reduce unemployment, poverty and inequality, we do so under the constant threat of energy insecurity. If this country is to start fighting in its own economic weight class it will take not just getting Eskom running at 100% but politically to hold those accountable and not to dish out bonuses. Our national and regional economy's growth depends on it, Mr Speaker. The ANC must start to see the light. I thank you. [Interjections.]

The SPEAKER: Order, order hon members. Hon Minister Winde, over to you.

The MINISTER OF FINANCE, ECONOMIC DEVELOPMENT AND TOURISM: Thank you very much, Mr Speaker. I think that last point was very pertinent, that it must start to see the light and the problem is that there is no light. [Interjection.]

I was quite shocked by the statement of the hon member Ms Beerwinkel to say that load-shedding has yet to have an effect on our economy. It has a massive effect on our economy. We are still suffering from the effect of the first rounds of load-shedding in 2008, the nearly half a trillion Rand lost to our economy. It has a massive effect. It has an effect on our brand and it keeps our people poor.

An HON MEMBER: Correct.

The MINISTER OF FINANCE, ECONOMIC DEVELOPMENT AND TOURISM: The hon member Ms Beerwinkel spoke about the gas turbines, [Interjections.] Is she aware that at the moment those gas turbines which were put in at the crisis time - they were peaking plants - are running almost at mid-load at the moment? R780 million worth of diesel a week is going in to producing electricity at nearly R9,00 a kilowat hour [Interjection.] R9,00 a kilowat hour! If you want to talk about non-competitive, that is really non-competitive but what are we doing about it in this province? We have got a very strong direction on the green economy, really trying to encourage ... If you drive around this province you will see how our unit, our Green Cape, are really trying to facilitate the roll-out as quickly as possible of our wind turbines and our solar energy.

We have also produced a really good gas to energy document which we have taken to natioinal to say we really need to look at using liquid natural gas off our coast line. I spoke about the R9,00 kilowat hour diesel in our gas turbines at Ankerlig and in Mossel Bay at Gourikwa. If we can put gas into those turbines it brings it down to R1,00 a kilowat hour and then they can be medium load.

Maybe one other point; she spoke about load-shedding. They cannot even get load-shedding right because they give the wrong times as to when places are going to go down. Predictability, when you have got load-shedding, is key. You cannot tell businesses that we are going to go down at 4 o'clock and then knock them off at 2 o'clock because they lose all those production facilities, they lose the staff time that I spoke about. It makes us anti-competitive and what it really does is make us the laughing stock of Africa.

An HON MEMBER: Yes.

The MINISTER OF FINANCE, ECONOMIC DEVELOPMENT AND TOURISM: Quite frankly, while we in this province are trying to become the best run regional government in the world, the ANC are trying to become the worst run government in the world. [Interjections.] Quite frankly, I believe their internal saying should be [Interjections.] 'the ANC are really working really hard at keeping the people of this country poor'. [Interjections.]

The SPEAKER: Order, hon Minister Winde.

The MINISTER OF FINANCE, ECONOMIC DEVELOPMENT AND TOURISM: ... They really are working hard at that ...

The SPEAKER: Order.

The MINISTER OF FINANCE, ECONOMIC DEVELOPMENT AND TOURISM: ...

by every single action that ... [Interjections.]

The SPEAKER: Order, hon Minister Winde.

The MINISTER OF FINANCE, ECONOMIC DEVELOPMENT AND TOURISM: ... they are busy with across the board. Thank you. [Interjections.]

The SPEAKER: Thank you. Order, hon members. [Interjections.] Order, hon members. That is the end of the interpellations. We will now deal with questions as printed on the question paper. The first question is to the Premier.

## **QUESTIONS FOR ORAL REPLY**

### *Provincial Government of the Western Cape, policy on race*

#### **1. Ms V Hani asked the Premier:**

What is the policy of the Provincial Government of the Western Cape on race that all those representing the government should adhere to?

The PREMIER: Thank you, Mr Speaker. The reply is as follows:

1. The position of the Western Cape Government, is that the State and by association it's employees may not unfairly discriminate directly or indirectly against anyone, on one or more grounds including race, gender, sex, pregnancy, marital status, ethic or social origin, colour, sexual orientation, age, disability,

religion, conscience believe, culture, language and birth. Thank you.

The SPEAKER: Any follow up or supplementary questions? We then [Interjections.] proceed to the next question. Oh ...

The MINISTER OF TRANSPORT AND PUBLIC WORKS: Here we go again!

An HON MEMBERS: Woah, woah!

The SPEAKER: Hon member Ms Hani.

Ms V HANI: What is the problem?

The SPEAKER: Is it a follow-up?

Ms V HANI: Yes. [Interjections.]

An HON MEMBER: Yes, hon Speaker.

The SPEAKER: Okay.

Ms V HANI: Hon Premier, what I am interested in; the policy of this government, for the demographic of this province, does it address that? Does it address and redress the ills of apartheid era in terms of ...

The SPEAKER: Thank you.

Ms V HANI: ... employment equity?

The SPEAKER: Thank you, hon member Ms Hani.

An HON MEMBER: I like your blue dress. [Laughter.]

The MINISTER OF TRANSPORT AND PUBLIC WORKS: Where does the ANC stand?

An HON MEMBER: Very nice blue dress you have got on. [Interjections.]

The SPEAKER: Order hon members, order. [Interjections.]

The PREMIER: Mr Speaker, I am not sure that I entirely understood the question but let me answer the question I thought I understood. This province believes in redressing the inequities of the past and we are very committed to achieving diversity but we are totally opposed to Verwoerdian racial engineering ...

An HON MEMBER: Hear, hear!

The PREMIER: ... and we are in particular ...

Mr M SKWATSHA: Verwoerdian?

The PREMIER: ... Verwoerdian. We are in particular deeply opposed, deeply opposed to the regulations [Interjections.] that have been issued under the Employment Equity Act. [Interjections.]

The SPEAKER: Order, hon members. Order, hon member Mr Skwatsha. Hon member Mr Skwatsha, order.

The MINISTER OF TRANSPORT AND PUBLIC WORKS: Throw him out!  
[Interjections.][Laughter.]

The PREMIER: Those regulations ... [Interjections.]

The SPEAKER: Hon members, order.

The PREMIER: Those regulations, Mr Speaker, require us to apply national demographics to every single enterprise in this province which employs 150 or more people and requires that national demographics must be applied at the top three levels of that enterprise. Applied to this province, Mr Speaker, it would mean that for the next 15 years we would not be able to appoint or promote a single coloured person into the top three levels of appointment in this government.

An HON MEMBER: Why?

The PREMIER: Because your regulations impose that. That is why. [Interjections.]

Ms L BROWN: Our draft regulations. Why didn't you say it is draft?

The SPEAKER: Order.

The PREMIER: ... and we know ... [Interjection.]

Mr M G E WILEY: [Inaudible.] the courage of your convictions [Interjections.]

The PREMIER: ... and we will oppose those draft regulations ... [Interjections.] and we have indeed sought a legal opinion on them. [Interjections.] I can assure you, Mr Speaker, that those draft regulations bring back apartheid in its clearest form [Interjections.] because counting percentages of the population in terms of race and applying it rigidly to your life chances is what apartheid was about. We are about to return that to this province and we in this party, that is currently the government, will resist it and oppose it in every way we can because we believe that people who are hard working and committed need to have an opportunity to rise to the top irrespective of what their colour may be. That in fact is what the Constitution envisages and we stand by the Constitution, Mr Speaker.

The MINISTER OF SOCIAL DEVELOPMENT: Hear-hear! Social engineering.

The SPEAKER: Order, order, order. Is it a follow-up question?

Ms L BROWN: A follow-up question, just as a matter of interest. How many coloured



HOD's would the Premier have in her government presently?

The PREMIER: In the top three levels of our government ...

Ms L BROWN: HODs.

The PREMIER: I do not do those racial head counts except that I know that in the top three levels of [Interjections.] government because I had to do this calculation [Interjection.] [Laughter.] Mr Speaker ...

The SPEAKER: Order, order. Hon member Mr Skwatsha, order.

The PREMIER: I do not do racial head counts but ...

The SPEAKER: Order. The Premier allowed .. The Premier will answer the question.

The PREMIER: ... but at the top three levels of government - I found that statistic because that is to what the regulations apply, the top three levels, that goes right through the professional staff - we have sixty in managerial positions, we have 65% of people who would be classified as previously disadvantaged and a very significant percentage of those are coloured people. If we have to have national demographics we would have to freeze all appointments of coloured people and we would not be able to promote them to the top three levels. The bottom line is this; no matter how hard an individual would work, no matter how committed they would be, no matter how much they would study to improve their qualifications, no matter what kind of

effort they put into the work of this province, they would not be able to get a promotion because of the colour of their skin. That is dooming somebody because of their demography and that was apartheid and we are not going to reapply apartheid in this province, Mr Speaker. [Interjections.]

The SPEAKER: As a last chance hon member Ms Brown. Last chance.

Ms L BROWN: So, is it just chance, Madam Premier, that your Cabinet then ends up being all male and largely white because you are not doing head counts?

HON MEMBERS : Yes!

The PREMIER: The top positions in this government ...

The SPEAKER: Hon member Mr Skwatsha, order.

†Uza kuphuma ngaphandle.

\*You will be put outside.

The PREMIER: The top positions in the government in this Parliament, which includes the Speaker, are 50/50 and I can assure you that we do not deploy people - we allow people to choose where they want to go in government and we are increasingly, becoming diverse at every level, you will see that in all of our premier candidates - at least we say who our premier candidates are so that people know who they are voting for - and you see it in all of our other candidates. So, Mr Speaker ...

Mr M OZINSKY: Who is your presidential candidate? [Interjections.]

The SPEAKER: Order, hon members.

The PREMIER: Mr Speaker we do not believe that demography is destiny.  
[Interjections.] We believe that all South Africans ...

The SPEAKER: Order. Hon member Mr Ozinsky, order.

The PREMIER: ... are equal before the law and it is a matter of fact and record that  
the DA is the most diverse party that South Africa has ever had.

Mr H P GEYER: Hear-hear! [Interjections.]

The SPEAKER: It was the last chance hon member Ms Brown.

Ms L BROWN: Thank you very much, Mr Speaker. [Interjections.]

The SPEAKER: It was the last chance for you. Hon member Ms Hani will then take  
the last chance. It was the last chance for you hon member Ms Brown. Hon member  
Ms Hani, over to you.

An HON MEMBER: She is not taking it.

The SPEAKER: You will not take it? You will not take it hon member Ms Hani?

Okay, hon member Ms Brown.

Ms L BROWN: Thank you very much, Mr Speaker [Interjections.] I really would like to ask the Premier why then in the HODs were there so many coloured women and coloured people removed when she came into power?

An HON MEMBER: Who are those?

The PREMIER: Let me say, Mr Speaker, it had ... [Interjections.]

The SPEAKER: Hon members, order! [Interjections.] Hon members, order!  
[Interjections.]

The PREMIER: Mr Speaker, as the hon Leader of the Opposition knows very well, it had absolutely nothing to do with their gender or their colour. What it had to with was the fact that the hon Leader of the Opposition, while she was Premier for a short while, commissioned an investigation into the behaviour of top officials under the Premiership of the hon Rasool ... [Interjection.]

An HON MEMBER: Correct!

The PREMIER: ... and what that investigation found out ... [Interjections.] What the investigation found out was that certain top officials had allegedly very seriously abused their office to interfere in the political process because of the internal conflicts within the ANC caucus [Interjections.] and between the ANC and the DA. So under

duress from ANC politicians, officials had become involved in playing politics and misappropriating funds for that purpose. That is what the commission found, that the hon member Lynne Brown established and that we inherited.

Ms L BROWN: Not misappropriation of funds.

The PREMIER: They used funds for purposes that they were not intended for and they went ahead with an illegal commission on which millions were spent and it was found to be a political hit squad in a court of law. So, that is massive misappropriation of funds. In fact a court of law found that and it is not my opinion. A court of law found it. So, we did what we have to do and instituted disciplinary proceedings against the two women and before they could appear before the disciplinary proceedings they effectively conceded guilt because they resigned and went to other places. That is the truth and of course the minute they resigned here, having run away from disciplinary proceedings, they were immediately redeployed by the ANC to top positions elsewhere in the State. That is the disgrace, Mr Speaker.

Ms L BROWN: And Swarts? He also ... [Interjections.]

The SPEAKER: Thank you hon ... [Interjections.] Order, hon member Ms Brown order.

Mr M G E WILEY: You must take your medicine.

The SPEAKER: Hon member Mr Wiley. Order, hon members. What is it?

Mr M SKWATSHA: It is a follow-up question.

The SPEAKER: No. We are finished with the follow-up questions hon member Mr Skwatsha. It was the last chance. Can we then proceed hon members to ... Is it a point of order? [Interjections.] [Laughter.]

Mr M SKWATSHA: It is a point of order. Is it in order that the hon Madikizela wears a hat in the House? [Interjections.] [Laughter.]

The SPEAKER: That is not a point of order hon member Mr Skwatsha. Thank you very much. Can we then [Interjections.] hon members ... Order. Order, hon members. [Interjections.] We now proceed to the second question, hon Minister Plato over to you.

*Minister of Community Safety: relation of person, to*

**2. Ms D Gopie asked the Minister of Community Safety:**

- (1) What is or was his relation to a certain person whose name has been furnished to the Minister's department for the purpose of his reply,
- (2) whether he visited this person at home at any stage; if so, what are the relevant details?

The MINISTER OF COMMUNITY SAFETY: The MINISTER OF COMMUNITY SAFETY: Mr Speaker, thank you very much and also to the hon member Ms Gopie

for the question. The reply is as follows:

2. (1) I have no relationship and have had no relationship with the person mentioned.
- (2) I have not visited the person at his house.

Thank you very much, Mr Speaker.

The SPEAKER: Any follow-up question? None? [Interjections.] Next question. Hon Minister Grant, over to you.

*Schools in the province: with 250 or less learners*

**3. Ms M Tingwe asked the Minister of Education:**

How many schools are there in the province that has 250 or less learners?

The MINISTER OF EDUCATION: Thank you, Mr Speaker. The answer is 295.  
[Interjections.]

The SPEAKER: Order. Order, hon members. Hon member Ms Tingwe, follow up?

Ms M TINGWE: In which areas are those schools and can you provide the list of those schools please? [Interjections.]

The SPEAKER: Hon Minister Grant?

The MINISTER OF EDUCATION: I will gladly respond to that in writing.

[Interjections.] They largely in the rural areas.

The SPEAKER: Next question please, hon members. Minister van Rensburg, over to you. Question number 4.

*Land reform: expedition of and registration of claims*

**4. Ms E Prins asked the Minister of Agriculture:**

Whether he supports the national government's objective to (a) expedite land reform and (b) the renewed process to allow more people to register their claims for land; if not, why not; if so, what are the relevant details?

Die MINISTER VAN LANDBOU: Dankie mnr die Speaker. Die vraag is of ek die Nasionale Regering se mikpunt ondersteun om grondhervorming te bespoedig. Die antwoord is soos volg:

4. Mnr die Speaker, ek ondersteun dit nie net nie. Ek help dit aan en ek help dit suksesvol aan.

'n AGBARE LID: Die enigste provinsie.

'n AGBARE LID: Ja.



Die MINISTER VAN LANDBOU: En dis eintlik jammer dat ons na 20 jaar voor 'n verkiesing dit wil bespoedig. Dit moes al amper afgehandel gewees het.

'n AGBARE LID: Korrek.

Die PREMIER: Ja.

Die MINISTER VAN LANDBOU: Die tweede deel van die vraag is of ek die hernieuwe proses van grondeise, om dit te open, te ondersteun. My antwoord is ja, maar u moet mooi luister. Slegs wanneer aan sekere voorwaardes vir die herstel van eiendomsbesit volledig in plek is, en die voorwaardes is dit: daar moet 'n intensiewe nasionale kommunikasieproses wees sodat elkeen weet wat 'n wettige reg het, wat om te doen. Daar moet 'n vensterperiode wees vir die indiening van die eise vir 'n tydperk van ses maande. Daar moet 'n duidelike sperdatum wees vir die verifikasieproses onderworpe aan oorsig en ouditering deur 'n gepaste gekwalifiseerde onafhanklike liggaam. Die nominasie en die verkiesing van die grondeise kommissaris moet deur 'n veelparty Komitee van die Parlement behartig word en deur elke Huis van die Parlement goedgekeur word. Beide eisers en grondeienaars moet geregtig wees op staatsbefondste regshulp indien dit vereis word, en ons moet verseker dat die nodige begroting beskikbaar sal wees voordat die venster oopgemaak word en dan moet ons 'n ses jaar sperdatum daar stel vir die voltooiing van die finale beoordeling. Dankie mnr die Speaker.

'n AGBARE LID: Hoor-hoor!

Me E PRINS: Dankie mnr die Speaker en vir die Minister wat dit volledig geantwoord het, maar u party het teen dit gestem.

The SPEAKER: Question, die vraag asseblief.

Me E PRINS: Ondersteun u die rede dat - ondersteun u die feit dat u party teen die grondhervormingsplan om dit tydig te open om mense geleenthede te gee, dat hulle teen dit gestem het?

The SPEAKER: What is the question hon member Ms Prins?

Me E PRINS: Dis die 'question' wat ek vra, dink u nie [Tussenwerpsels.]

'n AGBARE LID: Sy het gevra.

Me E PRINS: Ek het gevra.

Die MINISTER VAN LANDBOU: Mnr die Speaker ek het haar volledig geantwoord.

The SPEAKER: Thank you. Any follow-up again? [Interjection.]

Mr M SKWATSHA: No. That is not an answer.

The SPEAKER: Any follow-up? [Interjections.] Order, hon members. The next question now. Hon Minister Bredell, over to you. Question number 5.

*Permits to kill predatory animals*

**5. Ms B G Mbalo asked the Minister of Local Government, Environmental Affairs and Development Planning:**

Whether he, his department or any state agency such as CapeNature has directly or indirectly issued any further permits to kill predatory animals to farmers in the Western Cape; if so, how many (a) times and (b) such permits were issued during his term of office?

The MINISTER OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING: Thank you, Mr Speaker. The reply is as follows:

5. Permits to control predatory animals are issued by CapeNature and not my department. Between 2011 and 17 March 2014 CapeNature has issued the following number of permits for damage causing animals. In 2011; 544, in 2012; 93, in 2013; 96 and in 2014; 13. Thank you.

The SPEAKER: Any follow-up question? None. Question number 6 , hon Minister Carlisle over to you.

*Group Five contracts*

**6. Mr Z C Stali asked the Minister of Transport and Public Works:**

- (a) What is the total value of work awarded to Group Five by his administration during his term of office, (b) how many contracts in total had been awarded and (c) how many projects are covered by these?

The MINISTER OF TRANSPORT AND PUBLIC WORKS: Thank you Mr Speaker.

The reply is as follows:

6. The answer is R210,131,565.34. Seven contracts were awarded and seven projects were covered by these. For the interest of the hon member Mr Stali, let me say that with that R82 million was for the Rosewood and Tygersig Primary schools which have been built in the Metropole North. R24 million was for the emergency centre hub at G F Jooste, Klipfontein and the balance was for the Tower Block at 7 and 11 Wale Street here.

The SPEAKER: Follow-up please, hon member Mr Stali.

†UMnu Z C STALI: Ingaba uMnumzana unako ukucacisela (Uphazamiseko.)

\*Mr Z C STALI: Can the gentleman explain ... [Interjection.]

†UNKzs M TINGWE: Qhubeka Stali, tyhini. Bayalahleka aba bantu bakho,

\*Ms M TINGWE: Continue Stali. These people of yours are missing it.

†UMnu Z C STALI: Ingaba unako ukucacisela le Ndlu Mhlekezi ukuba xa bekunikezelwa iGroup Five elinye ithuba lokuqhuba neTower Block zeziphi ezinye iinkampani ezazifake izicelo nazo? Ingaba kulandelwe inkqubo eyiyo na ukuba kuchongwe yena uGroup Five?

\*Mr Z C STALI: Is the gentleman able to explain to us ... [Interjection.] Can you explain to this House, Sir, that when Group Five was given another chance to continue with Tower Block which other companies had applied? Was due process followed in appointing Group Five?

An HON MEMBER: You want their vote.

The MINISTER OF TRANSPORT AND PUBLIC WORKS: Ja. let me say that the bulk of the work here of course is as I said around the Tower Block and that particular tender was issued by the ANC under Premier Lynne Brown.

Ms L BROWN: I issued that.

The MINISTER OF TRANSPORT AND PUBLIC WORKS: So, you might want to put a question to her in that regard but let me say that all of the tenders ... [Interjection.] all of the tenders since the DA came into power are done correctly. That reflects in the audit reports which the Auditor-General does on us. I cannot tell you who all the competing tenders were but all of these were competitive tenders.

†UMnu Z C STALI: Bendingabuzi ukuba ngubani na owayekhuphe ithenda,

mhlawumbi awuwuvanga umbuzo wam. Umbuzo wam ubusithi njengokuba kuqhutyekwa kubhekwa phambili, kulandelwa iinkqubo ezizizo na ukuba kuphindaphindwe uGroup Five emana esakha apha kwiphondo?

\*Mr Z C STALI: I was not asking who issued the tender. Maybe you did not hear my question. My question was, as you go on, is due process being followed in repeatedly appointing Group Five to build in the province?

The MINISTER OF TRANSPORT AND PUBLIC WORKS: I can only say that the hon member Mr Stali must have a very miniscule knowledge what goes on in public works. [Interjections.] We have during this period - over R19 billion of tenders were issued. This adds up to 2%, 1%, something like that.

The SPEAKER: Thank you. Question number 7. Hon Minister Fritz, over to you.

*Policy on drug use and legalisation of banned substances*

**7. Ms N P Magwaza asked the Minister of Social Development:**

What is his department's policy on the (a) use of drugs and (b) legalisation of the use of any banned substances?

The MINISTER OF SOCIAL DEVELOPMENT: Thank you, Mr Speaker. The reply is as follows:

7. I must admit that I grappled with understanding this question and I just want to read it for the House; it asks "What is his department's policy on the (a) use of

drugs ...” Now Aspirin, Disprin, all of those [Interjections.] ...

The SPEAKER: Order. Order, hon members.

The MINISTER OF SOCIAL DEVELOPMENT: I respectfully submit that the hon member Ms Magwaza perhaps meant the ‘misuse’ of drugs. In that regard, I would answer that the government recognises the extent to which substance abuse poses a challenge to communities especially the youth. We are this year committing R87 million to the reduction of drug and alcohol related harm across the province.

To offer more treatment opportunities we have increased the number of drug rehabilitation facilities from 8 in 2008 to 28 in 2014; nine of which are residential ones. So that is the first part of the question.

The second part is the legalisation of the use of any banned substance. You ask what is my policy on this? If you are referring to the new legislation on the draft bill that has just opened for comment, then we are still busy with formulating the position on that because the comment just opened recently. Thank you.

The SPEAKER: Any follow-up questions? Then we move to the next question, that is question number 8. Hon Minister Madikizela, over to you.

### *Housing opportunities*

#### **8. Mr K E Magaxa asked the Minister of Human Settlements:**

How many housing opportunities (serviced sites) were built upon to add a top

structure during his term of office?

The MINISTER OF HUMAN SETTLEMENTS: Thank you, Mr Speaker. The reply is as follows:

4. A total of 47 105 sites were serviced between 2009 and 2014. Thank you.

The SPEAKER: Follow-up?

Mr K E MAGAXA: And houses? [Interjections.]

Mr H P GEYER: That is a new question.

The MINISTER OF HUMAN SETTLEMENTS: The question is referring to sites only.

Mr H P GEYER: Ja, it is a new question.

The MINISTER OF HUMAN SETTLEMENTS: If you want me to answer on houses then I think you must put the question again.

Mr M G E WILEY: Yes. Remember, size does not count.

The SPEAKER: Thank you. [Interjections.] Can we then move to the next question, hon members. Question number 9. Hon Minister Carlisle, over to you.



*Western Cape Provincial Government vehicle*

**9. Mr K E Magaxa asked the Minister of Transport and Public Works:**

Whether a Western Cape Provincial Government vehicle with the registration number GCF982 G was parked in Pietermaritzburg on 23 February 2014 at 15:40; if so, (a) why, (b) who gave approval for this and (c) who was using the vehicle?

The MINISTER OF TRANSPORT AND PUBLIC WORKS: Thank you, Mr Speaker and thank you to the hon member Mr Magaxa. The reply is as follows:

9. Yes, the car was parked there in Pietermaritzburg at that time and the answer to (a) why the vehicle was utilised on official duty, who gave approval for this? Well, the user of the vehicle is the National Department of Rural Development and Land Reform. [Interjections.] [Laughter.] [Applause.] If I can just say to the hon member Mr Magaxa, if he attended the committee meetings he would know that we make vehicles available to a very wide swath of national government departments so the person who gave approval would be then in the National Department of Rural Development and Land Reform.

The PREMIER: For a Western Cape car to be in Pietermaritzburg.

The MINISTER OF TRANSPORT AND PUBLIC WORKS: And (c) who was using the vehicle? - the Surveyor Services of the Department of Rural Development and Land Reform who are based in Mowbray in Cape Town. [Interjections.]

An HON MEMBER: Woah!

The MINISTER OF HEALTH: Now, what now? [Interjections.]

The SPEAKER: Order. Order. Any follow-up questions, follow-up? No follow-up hon members? [Interjections.]

Mr M SKWATSHA: Chair can I ask what excites the Premier so much over the question?

The SPEAKER: Follow-up, hon member Mr Skwatsha. That is not a follow-up question. [Interjections.] [Laughter.] Hon Minister Carlisle, do you ...

The MINISTER OF TRANSPORT AND PUBLIC WORKS: I am not sure I can answer that but can I take a guess and say it is the discomfort of the hon member Mr Magaxa at his own ignorance. [Laughter.] [Interjections.]

The SPEAKER: Thank you, hon members. [Interjections.] Can we then proceed to the next question, that is question number 10. Hon Minister Botha, over to you.

*Health practitioners: Vacant funded positions*

**10. Mr M Skwatsha asked the Minister of Health:**

(a) How many vacant funded positions are there for health practitioners at the latest specified date for which information is available and (b) what is being done to fill these posts?

The MINISTER OF HEALTH: Thank you, Mr Speaker. The reply is as follows:

10. The vacant posts are 3,83%.

The SPEAKER: And the last question? That is question number 11. Hon Minister Winde, over to you.

*Western Cape municipalities: Auditor-General findings*

**11. Mr P Uys asked the Minister of Finance, Economic Development and Tourism:**

What is done to assist half of the Western Cape's municipalities who still get findings of unauthorised, irregular, fruitless or wasteful expenditure from the Auditor General?

The MINISTER OF FINANCE, ECONOMIC DEVELOPMENT AND TOURISM:  
Thank you very much, Mr Speaker. The reply is as follows:

11. The Western Cape Government has taken a more pro-active approach than ever in assisting our municipalities across the board to achieve good financial governance. According to the latest report from the Auditor-General, the province's municipalities received their best audit outcomes ever. In partnership with local government we managed to secure 28 unqualified financial audits of which 11 were completely clean. This report card demonstrates steady and sustained improvements over the past five years in contrast to the ANC's last year of governance in the Western Cape, not one municipality achieved a clean audit. In 2008/9 five municipalities received adverse and disclaimed findings.

Mr Speaker, the improved results can be attributed to devising tailored support plans in partnership with our municipalities to ensure that rate payer's money is better spent. During September 2013 the provincial top management team met with senior officials of municipalities as part of the MGRO process. The aim was to identify governance challenges and to forge single-minded action plans to address these challenges. Subsequent to these engagements, municipalities provided Provincial Treasury and the Department of Local Government with their completed governance action plans. The Provincial Treasury and the Department of Local Government engaged with each municipality between 17 February and 11 March on the following:

Firstly, progress achieved by each municipality with the implementation of their respective MGAPs as at 31 January 2014; each municipality's, 2012/13 audit outcome and how to address challenges in the audit and management report.

Emanating from the abovementioned engagements, support plans were adopted in each municipality. These support plans include the following: best practice policy template for the municipality; standard operating procedure manuals to minimise the risk of recurring findings; capacitation of municipalities through on-site and consolidated off-site supply chain management training; Provincial Treasury to continue providing support through a help desk to eliminate the reoccurrence; municipal supply data base is vetted against provincial human resource data base and the municipalities human resource data base to be verified against provincial supplier and human resource data base against all municipal supply data bases; and then lastly, municipal audit action plan to be monitored monthly. The municipalities with major findings will be given priority in terms of this customised support.

The SPEAKER: Any follow-up questions? Thank you, hon Minister Winde. That is the end of the questions. We now proceed to questions to the Premier without notice. I recognise the hon member Ms van Zyl.

#### **QUESTIONS TO THE PREMIER WITHOUT NOTICE:**

Ms J A VAN ZYL: Dankie mnr die Speaker. Agb Premier, ook as vorige LUR van Onderwys in die Wes-Kaap, kan u bevestig dat die Skolewet 84 van 1996 en die Wes-Kaapse Skolewet tot op die letter uitgevoer is met betrekking tot Klousules 5 en 42 van die onderskeie wette, te wete enige skuldigbevindings en gepaardgaande straf aan ouers wat nie toesien dat hul kinders tussen die ouderdomme van sewe en 15 jaar verpligte skoolopvoeding bywoon nie?

Die PREMIER: Dis 'n belangrike vraag mnr die Speaker en dit is 'n baie netelige saak wanneer kinders nie op skool is nie en daar behoort te wees. Ek weet nie van 'n spesifieke geval nie, en ek is seker die agb lid me Van Zyl het 'n spesifieke geval in gedagte, so sy kan dit onmiddellik na Minister Grant deurgee en hy sal onmiddellik aandag daaraan skenk, maar mnr die Speaker ouers moet ook verantwoordelikheid neem.

'n AGBARE LID: Ja.

Die PREMIER: Ons moet 'n geval kry waar ons ouers van nalatigheid aankla oor die feit dat met hulle wete hulle kinders uit die skool bly, maar hierdie is 'n probleem wat geen regering op sy eie kan oplos nie. Dit is absoluut noodsaaklik dat elke ouer besef dat hy of sy kind in die skool moet wees, dat daar skoolplig is en dat hulle die wet breek as hulle dit nie doen nie, en in gevalle waarvan ons te wete kom moet ons definitief teen die ouers optree, maar dit is ook 'n baie komplekse saak want as 'n ouer nou weggeneem word van die kind af oor die feit dat hy nie sy plig nakom nie, dan is daar ook geen verdere persone dikwels om daardie plig na te kom. So dit is 'n baie, baie ernstige saak en ek doen 'n beroep op elke ouer om die plig van ouerskap na te kom.

Die SPEAKER: Enige opvolgvraag, agb lid me Van Zyl?

Me J A VAN ZYL: Dankie mnr die Speaker. Agb Premier, sou u dus saamstem dat die Departement van Onderwys skuldig is aan die nie-nakoming van hierdie belangrike

bepaling in die twee wette en sodoende was hierdie aksie van die departement bydraend tot die hoë 'drop-out rate' in hierdie provinsie van leerders?

Die PREMIER: Die 'drop-out rate' is iets heeltemal anders as kinders wat nie skoolplig nakom nie. Die 'drop-out rate' gebeur meestal aan die einde van Standaard 9, waar die wet voorsiening maak dat kinders uit die skool kan gaan en ons groot probleem is om hulle in die skool te hou tot hulle 'n Graad 12, die senior sertifikaat, gekry het. Dit is ons groot uitdaging. So die grootste uitvalsyfer is eintlik na Graad 9, en dit is waar kinders uit die skool uitval en ons doen alles in ons vermoë, alles om daardie uitvalsyfer te beperk en ons het groot sukses behaal en derduisende meer kinders het verlede jaar die senior sertifikaat geskryf as wat voorheen die geval was onder 'n vorige administrasie.

Die SPEAKER: Die laaste kans agb lid me Van Zyl.

Me J A VAN ZYL: Dankie mnr die Adjunkspeaker. Mnr die Speaker sou die Premier dan sê dat in die lig dat die Onderwysdepartement nie hierdie bepaling nagekom het nie, daar meer kinders gered kon geword het van die straat af, indien strenger optrede teen ouers gevolg sou geword het?

Die PREMIER: Ek stem glad nie saam dat die departement nie sy plig nagekom het nie, maar as daar enige spesifieke geval is waarvan die agb lid me Van Zyl weet, sal sy nie haar plig nakom nie, as sy dit nie vir ons oordra nie, sodat ons stappe kan doen.

The SPEAKER: Thank you, hon members. We now proceed to the next question to

the Premier without notice. Hon member Mr Skwatsha. [Interjections.]

Mr M SKWATSHA: Thank you. Baie dankie, Speaker. Agbare Speaker. [Laughter.]

Hon Premier do you still hold the view that you played no role in the appointment of Mr Richardson as HOD as he told this House? [Interjections.]

The SPEAKER: Hon Premier.

The PREMIER: In fact I have to sign all the appointments of HODs so I do not know quite what ... [Interjections.] I did not nominate him but I signed the papers when he was nominated.

The SPEAKER: Order. No follow-up hon member Mr Skwatsha?

Mr M SKWATSHA: So you now say, contrary to what you said, that you played a role in the appointment of Mr Richardson.[Interjections.].

An HON MEMBER: Yes. [Interjections.]

The SPEAKER: Question, hon member Mr Skwatsha?

Mr M SKWATSHA: That is the question. [Interjections.]

The SPEAKER: Take your seat. [Interjections.]



The PREMIER: It happens regularly, Mr Speaker, that people come before me for signature to appointments in top positions that I do not personally know and that I did not play any role in interviewing or recruiting or anything like that. Now that is the role that I am referring. If I get a paper in front of me and then check it and make sure that the person has the necessary qualifications and experience and I sign it, that is a formal role and I read the documents and I know what I am doing when I am signing it but I did not have any role in specifically recruiting the person or interviewing him or determining that he was the person for the job. [Interjections.]

The SPEAKER: Last chance hon member Mr Skwatsha. Order, hon members. Order. Last chance.

Mr M SKWATSHA: Playing a role is playing a role, now ... [Interjections.]

The SPEAKER: Question hon member Mr Skwatsha. [Interjections.]

Mr M SKWATSHA: You now agree therefore that when you said you did not play a role you were misleading the House [Interjections.] because you say today ...

The SPEAKER: No, no, no. Hon member Mr Skwatsha, no, no. Can you pose the question without making [Interjections.] any statement to the ...

Mr M SKWATSHA: I am not making a statement.

The SPEAKER: No, pose your question hon member Mr Skwatsha. [Interjection.]

Mr M SKWATSHA: Maybe you are not listening?

The SPEAKER: Hon member Mr Skwatsha, pose the question or ...

Mr M SKWATSHA: I am posing the question.

The SPEAKER: If you do not use your time to pose your question I will move to another member.

Mr M SKWATSHA: I am saying that do you ... Once a sentence starts with 'do you' that is a question. [Interjections.]

The SPEAKER: What is your question?

Mr M SKWATSHA: My question is, do you now ... [Interjections.] I can say it in Xhosa.

Mr H P GEYER: Do you now [Inaudible.] a question.

The SPEAKER: Hon member Mr Skwatsha.

Mr M SKWATSHA: Do you now agree hon Premier that you misled this House when you said you played no role ...

An HON MEMBER: Yes.

Mr M SKWATSHA: ... in the appointment of Mr Richardson and [Interjections.] today you say you played a role. [Interjections.] That is a question. [Interjections.]

The SPEAKER: Thank you. Thank you. Take your seat hon member Mr Skwatsha. Thank you, Sir. Take your seat, hon member Mr Skwatsha.[Interjections.]

Mr M SKWATSHA: Simple ...

The PREMIER: Everybody in this House knows that when people are nominated for appointments to top positions, that comes to the Cabinet ...

An HON MEMBER: Your cabinet.

The SPEAKER: Order, order.

The PREMIER: ... where we look at ...

The SPEAKER: Order. Hon member Mr Skwatsha. Can you take your seat please, hon Premier. Can you stand up and repeat what you are saying “that the stupid Speaker”?

Mr M SKWATSHA: Do you ...

The SPEAKER: Hon member Mr Skwatsha you said when I was finished “stupid Speaker”.

Mr M SKWATSHA: When?

The SPEAKER: “A stupid Speaker” [Interjections.] and this is totally not allowed in this House. [Interjections.] Can you withdraw that?

Mr M SKWATSHA: Yes, I did say that.

The SPEAKER: Can you withdraw that?

Mr M SKWATSHA: I did say that.

The SPEAKER: Can you withdraw that Hon Member Mr Skwatsha?

Mr M SKWATSHA: I am not referring ...

The SPEAKER: Can you withdraw that?

Mr M SKWATSHA: I withdraw.

The SPEAKER: Thank you. [Interjections.] Continue hon Premier. [Interjections.]

The PREMIER: Mr Speaker, the hon member Mr Skwatsha knows exactly how

appointments are made [Interjections.] as do almost all members of this House. [Interjections.] Senior appointments come to the Cabinet and after we have looked at them and determined that there is no visible and apparent reason why the person should not be appointed, I then sign the document. That happens in every single case but there is often a lot of head-hunting that goes on in trying to find the right people, there is obviously a long interviewing process, there is obviously a follow-up of referees and competency testing.

Mr M SKWATSHA: On a point of order.

The SPEAKER: What is the point of order hon member Mr Skwatsha?

Mr M SKWATSHA: Hon Minister Botha ... He has now stopped what he was doing, Hon Minister Botha. [Interjections.]

The SPEAKER: Take your seat, hon member Mr Skwatsha. [Interjections.] [Laughter.] Take your seat. Thank you. Hon Premier, over to you.

The PREMIER: Mr Speaker, it is quite clear that I had no role in recruiting Mr Richardson, in finding Mr Richardson, asking him to apply for the post, in interviewing him. I had no role at all in that. And my answer was in the context of the argument of cadre deployment. I did not in any way organise for anybody to be deployed anywhere and that was the point I was making. Mr Speaker, there is no question that I did not mislead this House in the context of the way the question was posed and the accusations that were made against me of deploying cadres. I deployed

no cadres anywhere. I had no role in recruiting, finding, interviewing anything. I signed the final paper after the appointments had been done by other people. So, Mr Speaker, the bottom line is this; the only politician this year who has misled the House is one that got up in the National Parliament and said that he had taken out a bond to pay Nkandla and that no state money had been used on the private facilities. [Interjections.] That is misleading parliament. [Interjections.]

The SPEAKER: Thank you, hon Premier. Order. Order hon member Mr Skwatsha. You had your chance. It was a last chance for you hon member Mr Skwatsha. Hon member Mr Wiley, over to you.

Mr M G E WILEY: Thank you, Mr Speaker. Given that the continuous threats made by Andile Lili and Loyiso Nkohlá against the Western Cape Government and its citizens, has the Premier taken or will she take any action in this matter? [Interjection.] [Laughter.]

The SPEAKER: Order. Order, hon members.

The PREMIER: Mr Speaker, I do not know if parliamentary privilege extends beyond the members of this House but if I was the person in the gallery I would sue the hon member Mr Skwatsha for defamation. [Interjections.] So ... [Interjections.]

The SPEAKER: Order, hon members. [Interjections.]

The PREMIER: Mr Speaker ...

The SPEAKER: Order, hon members. [Interjections.]

The PREMIER: ... this whole episode ... [Interjections.]

The SPEAKER: Order. Order, hon members.

The PREMIER: Mr Speaker, this whole episode has shown once again how divided the ANC is, one half of the ANC kicks Mr Lili and Mr Nkohlhla out of the party, the other one reinstates them and this happens all the time in the ANC. [Interjections.] One side kicks them out, the other side reinstates them. Mr Speaker, [Interjections.] they have reinstated them for two main reasons; the one is that they were terrified that Lili and Nkohlhla would head up the EFF's efforts in the Western Cape [Interjections.] and the other was that they were terrified that in tomorrow's march no-one would want to come and march unless Seskona, Andile Lili and Loyiso Nkohlhla allowed people to come because they would have been blocked otherwise. So, Mr Speaker, we find the ANC ditching its own internal rules to reinstate people for party political reasons and it is literally a farce but it is not going to help the ANC in this election ...

The MINISTER OF HEALTH: No.

The PREMIER: ... because what the vast majority of voters see is the ANC condoning people throwing faeces around, destroying vendors, stalls and stealing their wares. That is the kind of behaviour the ANC condones; causing mayhem and violence in the city, blocking highways, making people late for work, using violence. That is the kind

of behaviour the ANC condones and Lili and Nkohla have not made any pretence that they are going to make this city ungovernable by whatever means they need to use. In their defence, in their appeal, the point that they made was they were implementing ANC policy, so why was the ANC getting rid of them? That is what they said and in fact the disciplinary hearing must have agreed that they were implementing ANC policy. That is why they were reinstated.

The MINISTER OF HEALTH: Correct.

The PREMIER: So, clearly the un-governability campaign, clearly the blocking of highways, clearly the burning of tyres at major intersections, clearly the looting of people's stalls and stealing their wares, that is clearly ANC policy in their quest to make this province un-governable ...

Ms L BROWN: You have a right to your opinion Madam. [Interjections.]

The PREMIER: ... and that is clearly what the ANC is doing.

Mr H P GEYER: It is the truth.

The PREMIER: Now, I have spoken to Commissioner Arno Lamoer today and I said to him that I trust that the police will be able to ensure law and order tomorrow. We support peaceful protest and we support anybody's right to protest peacefully but if people break the law and jeopardise other people's rights, the law will take its course, as far as we have any say, which is very little because we only have oversight powers



as I have said time and again. But believe me, on the basis of the pioneering court case that we won when I was the Mayor of the City of Cape Town, if there is any disruption and if anybody loses any material goods and pray God not anybody's life or anybody's limb we will hold the ANC directly responsible for their actions tomorrow.

An HON MEMBER: Mooi!

The SPEAKER: Hon member Mr Wiley, over to you.

Mr M G E WILEY: Hon Premier, now that the ANC has re-embraced these two economic saboteurs and should there be any damage done to the City, would you hold the ANC jointly and severally responsible for their actions? [Interjections.]

The PREMIER: Well, absolutely we will. We will make sure that the ANC pays and we are going to be absolutely sure that the letter of the law is applied. Quite frankly, if we identify any of the people who have been responsible for blocking highways etc. we will seek a class action suit. I have told Commissioner Lamoer that it is completely unacceptable that people are allowed to block public thoroughfares and impede and undermine other people's rights. [Interjections.]

This city does more than any other to service people who are poor. We have done more than any other, not by our own reckoning but by the national government's reckoning and we will continue to do a lot. This City grew 46% demographically in just over 10 years - in about 13 years - 46%. The implications of that are that if we want to put everybody in a house we have to build today as many houses as have ever

been built in the past since the first people occupied caves as houses in the Southern Cape. That is how many houses we have got to build here. That is the size of the challenge that we face.

Mr Speaker, we are doing our best to roll out services to everybody, to improve education for everybody and to fulfil our mandate and the best way to impoverish the people of this province and make sure that no-one has their rights fulfilled is to make this province ungovernable and to chase out all the investors and to chase away all the jobs. Then you will see poverty at a scale that you have never seen it before. People come to this province, Mr Speaker, they come to this province because there are more opportunities, less unemployment than anywhere else in South Africa.

Ms L BROWN: Who comes here?

The PREMIER: It is quite clear that Andile Lili and Loyiso Nkohla, having come here to make use of the better service delivery that is offered, are determined to destroy that option for everybody else. Thank you.

The SPEAKER: Hon member Mr Wiley last chance.

Mr M G E WILEY: Thank you, hon Premier for those answers. Given the close association between these two individuals involved and the ANC and their previous performance of illegality in this province which caused so much damage, do you think that should it be repeated, there would be grounds for asking for the disqualification of the ANC ...

The SPEAKER: Question please, hon member Mr Wiley.

Mr M G E WILEY: ... as a political participant ...

Ms L BROWN: Yes. Question!

Mr M G E WILEY ... in the general election?

The PREMIER: Yes. I think that is a very very important point that the hon member Mr Wiley has just raised because one of the penalties of the Electoral Court can impose is to disbar a party from participating in the election. That is certainly one of the penalties the electoral court can impose and Mr Speaker, if a party tacitly sanctions violent, seditious behaviour ... because to make a province ungovernable [Interjections.] when there is a duly elected government, is sedition. That is what it is. I cannot think of any more serious crime than a party who pretends to be participating in a democracy but at the same time makes the result of the democracy ungovernable. It would be a very very appropriate penalty to petition the Electoral Court to disbar the ANC from participating in the election if they combine that strategy with ungovernability. As Andile Lili and Loyiso Nkohlhla have said, they were only implementing the policy of the ANC, Mr Speaker. So, we must assume that seeing that the disciplinary committee agreed that they were only implementing the policies of the ANC, that the ANC must endorse ungovernability.

An HON MEMBER: Nou ja.

An HON MEMBER: Ja. [Interjections.]

The SPEAKER: Thank you. Hon member Ms Brown.

Ms L BROWN: Thank you very much, Mr Speaker. I thought I almost lost my time. [Interjections.] Do you regard your government as clean, transparent and accountable, that adheres to a constitution with regard to legislatures having oversight into any part of government especially where we spend money?

The PREMIER: It is obvious where this question is leading, Mr Speaker, and clearly in terms of the mandate given to Scopa and what Scopa has to do, of course we support it and of course we expect government to be able to be held to account through those instruments.

The SPEAKER: Hon member Ms Brown?

Ms L BROWN: Why then Madam Premier, after this province and the City having invested almost R1 billion of taxpayers' money into the Convention Centre since its inception, would your MECs not subject the Convention Centre or stroke CTICC to a Scopa interrogation after it was placed on the Scopa agenda by the Scopa Chair who has to be independent?

The MINISTER OF TRANSPORT AND PUBLIC WORKS: Mr Lukey was going to [Inaudible.] [Interjections.]

The PREMIER: Let us look at what was placed on the agenda and then determine what the response was. This was a private issue by a private individual who undertook work off his own bat and at his own volition and then later claimed payment for it. He had never been commissioned by anybody and that is common cause. No-one had asked him to do it, he did it off his own bat and then claimed payment and the CTICC said 'Mr Lukey, we cannot pay you'. He has been everywhere trying to exact payment and then he came to Scopa. Now an individual that says that he is owed money by any entity has certainly the right to claim it, Mr Speaker, but he must claim it through the proper process of a court case. He cannot come to Scopa which has a very, very clear brief and I will read it out in this House, if this House wants to hear it, but its brief does not cover settling disputes between people who claim they are owed money and that entity. That has got absolutely ...

The MINISTER OF HEALTH: Correct.

An HON MEMBER: It is not an arbitration council.

The PREMIER: ... nothing to do ...

An HON MEMBER: It is not an arbitration [Inaudible.]

The PREMIER: ...with Scopa. This is not a court of law and it is not an arbitration council. Scopa deals with and I will tell you this; the committee on public accounts must examine the financial statements of all executive organs of the province and

other provincial organs of state, any audit reports issued on those statements, any reports issued by the Auditor General on the affairs of any provincial organ of state and any other financial statements or reports referred to the Committee by the House.

It may report on any of those financial statements or reports to the House, it may initiate any investigation in its area of competence and it must perform any other functions assigned to it by legislation, the rules or resolutions of the House. So that is what it is. Now firstly the CTICC is not an organ of state and thus does not fall within the rules, but that is quite an incidental matter. The critical thing is that Mr Lukey has a personal claim, that he cannot verify with even the tiniest shred of paper and he cannot and is not entitled as a person, as a citizen, as a person who runs a company to come to Scopa to demand that an entity pays him. That is not part of government. This is quite an extraordinary precedent and if we were to enable that precedent anybody who owed anybody else money would come and demand that Scopa hear their case. That is complete confusion and should never happen.

The SPEAKER: Hon member Ms Brown, last chance.

Ms L BROWN: Thank you very much, hon Premier. Can I assume that the DA government has something to hide in relation to this?

An HON MEMBER: Ag come on!

Ms L BROWN: Because in essence the Scopa ...

An HON MEMBER: [Inaudible.] question already asked.

Ms L BROWN: ... issue becomes an attack ... I am asking a question. You do not know how to understand it I'm afraid.

Mr M G E WILEY: You have asked it already.

The SPEAKER: Order.

Ms L BROWN: Can I assume that the DA government has something to hide?

An HON MEMBER: Oh please!

Ms L BROWN: Because the attack is on an individual on this matter.

The SPEAKER: Order, hon member Ms Brown.

Ms L BROWN: The Premier does not know what ...

The SPEAKER: Hon member Ms Brown.

Mr M G E WILEY: That is not the question, Mr Speaker.

The SPEAKER: Hon member Ms Brown.

Ms L BROWN: Scopa was going to discuss. [Interjections.] He was exactly a ...  
[Interjections.]

Mr M G E WILEY: You know the rules.

Mr H P GEYER: Tell us what we are hiding.

The PREMIER: Mr Speaker, the attack was not on an individual. In fact the individual was abused ...

The SPEAKER: Order, order!

The PREMIER: ... by a political party [Interjections.] ...

The SPEAKER: Order, order!

The PREMIER: ... to try and set a precedent that is completely out of order and beyond the rules. Now, I have been filled in on the background and what I know is this; that Mr Lukey has been assisted previously by the ACDP and has brought his matter before several institutions in this province, all of which have informed him that he cannot claim compensation for work that he undertook of his own volition without a contract with the parties concerned.

Mr M G E WILEY: Including the Public Protector.



The PREMIER: During a meeting with the Chief Whip and the Chairperson of Scopa, they were told that the case of Mr Lukey was addressed on two previous programmes of Scopa which was not the case. [Interjections.]

An HON MEMBER: That is right. It was a lie.

The PREMIER: That was not the case. If there was anyone that was misled it was the Chief Whip and the Deputy Chief Whip. So, Mr Speaker, the bottom line is this; it would be untenable and unsustainable if anybody, without any proof whatsoever, [Interjections.] when they have failed before the Public Protector and failed before a variety of other forums, could simply come and present their case to Scopa. We would never be doing anything else than mediating issues that we have no locus standi to mediate. It would set an untenable precedent and both the honourable leader of the ACDP in this House, with his big caucus, and the hon leader of the opposition know precisely what the facts are. [Interjections.]

The SPEAKER: Thank you, hon Premier. The last person is now hon ...

That was the last follow-up question. It was the last chance Hon member Mr Haskin. Hon member Ms Marais, over to you.

Ms AJ DU TOIT MARAIS: Thank you, Mr Speaker. I want to ask Madam Premier whether the Western Cape Government has taken any steps with regard to the racist employment equity regulations recently gazetted by the National Minister of Labour? [Interjections.]

The SPEAKER: Hon Premier?

The PREMIER: Yes, absolutely, Mr Speaker. We have taken steps. We have asked for a senior council opinion and I have very little personal doubt that those regulations are unconstitutional. But let me say this; in this government there will always be a link between commitment, effort, hard work and outcome and we will not allow demography to be destiny as it was under apartheid.

An HON MEMBER: Dankie.

The SPEAKER: Any follow-up hon member Ms Marais? Thank you very much. Hon members we will now deal with member's statements. We will start with the Democratic Alliance. Hon member Mr Figlan.

### **STATEMENTS BY MEMBERS**

Mr A M FIGLAN: Thank you, Mr Speaker. The Western Cape story remains a good one to tell. It is not just a fairy tale, it is the truth. [Interjections.] Not just the truth because the DA says so ...

The SPEAKER: Order, hon members, order.

Mr A M FIGLAN: ... but because the ...

The SPEAKER: Order hon members.

Mr A M FIGLAN: ... President of South Africa's office says so. The Western Cape holds a 10 out of 10 report card and was declared the best run province in the country. The Western Cape kept its promise to provide a better life for all especially through the provision of effective service delivery, clean governance and excellent education and health service.

When the DA came into office in 2009 we implemented [Interjection.] – I was at National Parliament – we implemented an immediate turnaround strategy after the previous government's failure in 2009 to produce a single clean audit. The first year of the Democratic Alliance governance saw to it that seven departments received clean audits. I think you must listen and then you learn. Western Cape departments were the top three in the country and have stayed there for the past five years.

It takes five years to lay the foundation for good governance and ten years after that to implement policies that would be of benefit to the citizens of the province in the long term. It is clear from the past five years administration that the DA has the political will and effective management skills to enact the change needed to regain our country position as the respected leader in Africa and the world. I thank you.

HON MEMBERS: Hear, hear.

An HON MEMBER: Mooi.

The SPEAKER: ANC.

Ms N P MAGWAZA: Almost every day a child is killed or a youngster brutally raped. Many do not even reach the age of ten. Just this past week the three year old, Tatum Prins, was buried in Bishop Lavis after she got caught up in the crossfire of a drug war. We also mourn the death of the brave nine year old, Elihle Hlanjwa, of Delft, who lost her two month fight for life after being raped and then set alight. Babies are dumped at alarming rates across the Western Cape.

The DA government made many promises and created expectations. It said it will give money to reduce these crimes. It held various talk shops on the topics, both in the city and the province. People live in fear, they sleep in terror as shots ring out through the night. This is the real story of the Western Cape. This is the Cape where the DA reigns ...

Mr H P GEYER: Where is the South African Police Services?

Ms N P MAGWAZA: ... and we still wait for the many solutions it promised. It is a story of where the DA vilifies our police to undermine and weaken it. This is done to score cheap political points. The DA feeds us empty promises. People are fed up with the DA and its hot air talking. They want real stuff. Not blue t-shirts. People must vote against the DA to remove it from this government [Interjections.] and province on May the seventh. [Interjections.]

The MINISTER OF TRANSPORT AND PUBLIC WORKS: Bring back Rasool!

The SPEAKER: DA, over to you. [Interjections.]

Mr H P GEYER: Mr Speaker, Mr Marius Fransman, the ANC leader of the Western Cape and Mr Pierre Uys failed to appear before Scopa on 17 March. Now they will be summonsed. Mr Speaker, this follows the release in January of the Auditor- General's report on the use of consultants dating back to 2003. The report identifies massive irregularities, gross mismanagement of public funds and scandalous governance in the ANC administration over that period.

Messrs Fransman and Uys were the key role players as Ministers in the Provincial Cabinet. Messrs Fransman and Uys have had so much to say about the DA government but have repeatedly failed to account for their period in office. They have declined invitations to publicly debate the consultant issue. Now they fail to appear before Scopa.

During the current DA administration all six areas of concern relating to systematic failure, raised by the AG have been addressed and qualified audits during the ANC administration are now clean. [Interjections.] Die onwilligheid om verantwoording te doen vir hul optrede is klassieke ANC gedrag.

Die MINISTER VAN GESONDHEID: Presies.

Mr H P GEYER: Die DA het, ten spyte van die gemors wat ons geërf het by ANC, die uitdaging aangepak en daarin geslaag om die Wes-Kaap in 'n vlagskip vir Suid-Afrika te omskep. En dit is nie, dis nie wat die DA wat so se nie, dit is the nasionale ANC regering wat so sê, Mnr die Speaker.

Ons suksesse kom as oorwinnings oor die ANC se vermorsing van fondse, oordadige spandering op Ibizo's en kontroversiële besluite, wat gelei het tot die vermorsing van miljoene rande in hofsake. [Interjections.]

Die MINISTER VAN GESONDHEID: Hoor, hoor.

Mr H P GEYER: Die DA se fokus is om seker to maak dat elke sent wat spandeer word, waarde sal bydrae, tot die lewens van mense in die Wes-Kaap.

The DA will confront Messrs Franman and Uys when they appear before Scopa 23 April. They must be held responsible for the millions spent during [Interjections.] their time in office ... [Interjections.]

The SPEAKER: Order, hon members.

Mr H P GEYER: ... which showed no results. Ek dank u. [Interjections.]

The SPEAKER: Order. Cope, over to you.

†UMnu M NCEDANA: Enkosi Somlomo. Kule minyaka mihlanu siyiphetheyo abantu basePhillipi, baphaya kuN2 naseKhayelitsha bathe bathathela intlungu yabo ngokuba bamane beqhankqalaza bebonakalisa ukuba buhlungu ngenxa yokungafumani iinkonzo ezingundoqo. Ezi nkonzo zifanele ukuba bayazinikwa ngurhulumente waseNtshona kolini khangе bazifumane ukuza kuthi ga ngoku. Le nto iyinto nokuba ngaba ungathi

bubuvu Nkulumbuso, yinyani.

\*Mr M NCEDANA: Thank you, Mr Speaker. In these five years the people of Phillipi, at N2 and in Khayelitsha have shown their grief by protesting and demonstrating how troubled they are that they are not getting essential services. These services that they are supposed to be given have not been delivered to date. This is an issue hon Premier, even if you can call it nonsense.

†UNksz M TINGWE: Yinyani nangoku.

\*Ms M TINGWE: Of course it is true.

†UMnu M NCEDANA: Iyinto efanele ukuba urhulumente ayithathele ingqalelo ohlukane nokuhambisa iinkonzo ngokuba aba bantu bahlala kule ndawo bazizityebi kangakanani, njengokuba sibonile. Kukhe kuthathwe iinkonzo zisiwe ebantwini abahluphekileyo, basuswe ekubeni kuchithwe ngaphezu kwama R400 ezigidi kwinkqubo ebizwa ngokuba yipotya potya, kufakelwe iziseko ngurhulumente khona ukuze abantu bafumane ...

\*Mr M NCEDANA: It is something that the government should pay attention to and stop delivering services in accordance with how rich the people of that particular place are, as we have seen. Let services be taken to the poor people, and stop spending over R400 million on a program called porta potty. Let the government install infrastructure so that the people can have ...

† ... what is called a better life and dignity.

The SPEAKER: ANC. ANC, hon member Mr Skwatsha. [Interjections.]

Mr M SKWATSHA: The saying that a leopard never changes its spots is very true, especially about the Democratic Alliance.

Mr H P GEYER: No ways.

An HON MEMBER: The ANC, yes.

Mr M SKWATSHA: The mostly white male cabinet of the Western Cape [Interjections.] stand to be replaced by much the same. [Interjections.] That is, if the DA comes back into government as many supporters now abandon that party of the hon Helen Zille.

Mr M G E WILEY: That is an admission of defeat already.

The MINISTER OF HEALTH: You wish.

Mr M SKWATSHA: This prediction is because the DA's list for the legislature [Interjections.] is again mostly pale and male for the first fifteen positions, where one assumes the MEC and other leaders will be found. What is even more interesting is the fact that so many Afrikaans people's names do not really appear prominently on that list.

The MINISTER: Not really. [Interjections.]



The MINISTER OF TRANSPORT AND PUBLIC WORKS: They have all gone to the ANC.

Mr M SKWATSHA: Many were ditched or are too low to make it back.

Ms M TINGWE: Listen, listen.

Mr M SKWATSHA: How does the DA see the work of parliament continuing if they are purging all former Chairpersons ...

An HON MEMBER: Where are all the women ... [Inaudible.]

Mr M SKWATSHA: ... and all former NNP members.

Ms M TINGWE: They are gone.

Mr M SKWATSHA: Is that an admission that they were never fit for purpose and that they were merely used or is this part of the purge of Afrikaans people which Lindiwe Mazibuko alluded to in an interview with Donald Presley? [Interjections.] Or is it true that the DA says it is good riddance that so many Afrikaans people have left and even joined the Freedom [Inaudible.], Front?

An HON MEMBER: Freedom Fault. [Laughter.] [Interjection.]

Mr M SKWATSHA: It is not just Afrikaans speaking or old National Party ...

[Interjections.] ...

The SPEAKER: Order.

\*UMnu Z C STALI: Ingaba isemgaqweni into yokuba sithi sithetha sibe siboniswa iincwadi apha eNdlwini?

\*Mr Z C STALI: Is it in order that while we speak we are being shown books in this House?

†USOMLOMO: Yeyiphi loo ncwadi Mhlekezi?

\*The SPEAKER: What book is that, Sir?

†The SPEAKER: Order. [Interjections.] Order. Order, hon members. Order.

† USOMLOMO: Qhubekeka.

\*The SPEAKER: Continue.

Mr M SKWATSHA: It is not just Afrikaans speaking or old National Party people that now run away in numbers from what the DA has become ...

An HON MEMBER: [Inaudible.] liberal.

Mr M SKWATSHA: ... under the Zille regime. No, we also see coloured voters staying away like in the Strandfontein by-election where more than 15 000 DA voters did not vote ...

Mr M OZINSKY: How many votes did you get?

The MINISTER OF TRANSPORT AND PUBLIC WORKS : 50 000! [Interjections.]

Ms M TINGWE: He sees the list ... [Inaudible.]

Mr M SKWATSHA: ... DA again. Even the MEC Plato's brother-in-law Freddie Kearns has now left his position as a ward councillor and defected to the Patriotic Alliance. More will follow and jump.

Ms M TINGWE: Yes. Amandla! [Interjections.]

The SPEAKER: Order.

Ms M TINGWE: We feel for you.

The SPEAKER: Hon member Ms Tingwe. DA, over to you. [Interjections.]

An HON MEMBER: It is ID.

The SPEAKER: ID is that ID? [Interjections.] No man.

An HON MEMBER: It is ID.[Interjections.] [Laughter.]

The SPEAKER: Hon members, DA first before ID.

An HON MEMBER: Oooh, sorry my dear. [Interjections.]

The SPEAKER: Order. [Interjections.]

Ms J L HARTNICK: Mr Speaker, on 21 March 2014 we celebrated Human Rights Day and this day was made all the more significant by the fact that we commemorate 20 years of democracy this year as well. Today I reflect on how we, as a democratic nation have progressed over the past 20 years ...

Ms M TINGWE: Yes.

Ms J L HARTNICK: ... considering the Bill of Rights and not neglecting to acknowledge the challenges we as country face. Mr Speaker, from a once draconian system of government, under apartheid, South Africa has moved to a state of equality before the law. Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures are in place to protect and advance persons or categories of persons, disadvantaged by unfair discrimination.

Yet, we are still faced with issues of homophobia, increasingly high numbers of murder, robbery, rape and other crimes which violate the right to life, human dignity, freedom and security of the person, freedom of religion, to name a few.

Today I call on all my colleagues in this House, not only in your capacity as legislators and politicians but as South Africans to be reminiscent of the struggle for this equality prescribed in our rights, which is often taken for granted and at times not pervasively enforced. I encourage you to promote this equality each and every day in every situation you may find yourself. I request that we band together in a united effort to protect the Bill of Rights and the Constitution as a whole, because the moment human rights are infringed upon, the struggle for them becomes in vain and that should never be the case. Mr Speaker, the struggle for equality continues and it is only through co-operation that we can uphold, protect and promote human rights as enshrined in our Constitution ...

The SPEAKER: Order, please finish hon member Ms Hartnick.

Ms J L HARTNICK: ... for all South Africans, so that we all live lives we can value.

[Interjections.]

The SPEAKER: ID over to you. [Interjections.]

Mr R B LENTIT: Mr Speaker, I want to use this opportunity to pay tribute to a freedom fighter, a politician and a principled leader who has been fighting for the poor for most of her life. On 26 March 2003, when Patricia de Lille announced the formation of the Independent Democrats I can remember she said “I believe the Constitution of South Africa is the highest authority in this country. It must be upheld not only in its entirety, but also in the spirit. In order to achieve this, we must deepen our democracy”.

Tomorrow, Mr Speaker, 26 March, eleven years later, these words that I have learned from a great leader remain my view, politically and personally. Her vision for our country is still the same and that none of her principles have changed in the years since I have known her.

Mr Speaker, the direction the ID followed on 21 of March 2010 was to join forces with the Democratic Alliance to build an alternative to the ANC. These values together with the DA will build that alternative. When we turn off the lights on 7 May this year, it will be done with dignity. We have played our part and we have run the race but this is not the end because the values of the ID will live on in the bigger political vehicle of the DA. I am immensely proud of the impact that the ID has had on the political landscape. Long live the values of the ID. I thank you. [Applause.] [Interjections.]

The SPEAKER: Order hon members. [Interjections.] Order. [Interjections.] Order hon members. Hon member Ms Tingwe. The DA over to you. [Interjections.]

Ms C LABUSCHAGNE: Mr Speaker, the school monitoring survey conducted in 2011 by the Department of Basic Education was released in October 2013. This survey was conducted in some 2 000 schools nationally with the study designed to ensure universal representation of the population. Of the 15 indicators the survey used to measure performance, the Western Cape outperformed the country in ten of them.

While the study was conducted in 2011, what can be deduced from the survey is that

the progress that was made under the current term within the department was already showing positive signs after two years. Imagine what more can be accomplished in the next five years.

Mr Speaker, I would like to highlight some of the DA's education policies. It talks about quality education, teacher excellence, rewarding performance and creating conducive and safe learning environments. At national level education is a top priority and South Africa spends almost 20% of the national budget on education, yet year after year we see the same problems and the same failings either reappearing or getting worse. South Africa needs to rethink its approach to education. This won't come about under an ANC administration.

I spoke about the holistic approach the Western Cape Education Department is taking to improve education outcomes and I am confident that as this matures, so will its results.

Mr Speaker, I want to advocate that our approach, while imperfect, has shown progress. It is getting this province to where we need to and should be.

Mr Speaker, Vincent van Gogh said: "Great things are not done by impulse, but by a series of small things brought together." By building on small successes I believe we will arrive at the great things Van Gogh speaks of. Thank you.

The SPEAKER: The ANC.

Mr K E MAGAXA: Thank you, Mr Speaker. “Sanitation” is not just a nice word to be used by governments. To the poor it embodies dignity; the very dignity the DA has robbed the poor of. They were robbed of dignity when they had to put their lives on the line to go out to open toilets in Makhaza. They put their lives on the line to have those pathetic plastic buckets in their homes called porta-potty. Many still have no sanitation at all. [Interjection.]

An HON MEMBER: What did you do with that?

Mr K E MAGAXA: It is beyond comprehension why this DA Government ignores those people’s plea for dignity. [Interjection.] Instead they have inferior services. They have to contend with many hazards and wastes on a daily basis. Solid refuse is left between dwellings where rats reign. By withholding engineering solutions to get wastewater and standing water away from dwellings, like in Khayelitsha Site C, this government robs people of their dignity. They have to live in squalor because this government does not want to put in pumps to take that water out, like they do in leafy suburbs like Durbanville.

The World Health Organisation says inadequate sanitation is a major cause of disease. We know this as many people die of preventable disease like diarrhoea. If unattended this government robs people of their very lives. They must get rid of the DA to survive and have their rights and sanitation attended to and taken seriously, as it has done under the ANC-led government. Thank you Mr Speaker.

An HON MEMBER: And Nkandla.



An HON MEMBER: Uh-uh. [Interjections.]

Die ADJUNKSPEAKER: Order, ACDP.

Mr G C R HASKIN: Mr Speaker, the CTICC debacle remains of great concern to the ACDP. We support the principle and the need for the expansion, however we insist that it should proceed above board.

I wish to clarify the following inaccuracies that are being bandied about by various members of this House.

The Speaker agrees with me in writing, that I alone as Scopa Chair determine the agenda and that not even he can determine whether an item should or should not be on the agenda. [Interjection.]

The PREMIER: In terms of the rules! In terms of the rules!

Mr G C R HASKIN: It is legally within Scopa's area of competence that this item should appear before Scopa in terms of Rule 98 and in terms of Rule 105, which requires the relevant Ministers to account for the implementation of the PFMA and the Convento Act.

The Convento Act, Section 6, confirms it is subject to the PFMA; not the MFMA, for all funds appropriated by the Western Cape Provincial Parliament.

Section 8 confirms that the CTICC report should be tabled in this Parliament for accountability and oversight and why it is not happening is beyond me.

I approached Mr Lukey to present to Scopa. Mr Lukey did not approach me. [Interjection.]. His allegations of irregularities only expand on the findings of repeated AG's reports, the Public Protector's findings and the City's Forensic Services Department. [Interjections.] I asked Mr Lukey to provide further information of these, from his professional expertise. His 30-page presentation makes no mention of monies owed to him contrary... [Interjections.]

An HON MEMBER: It does, it specifically [Inaudible.]

Mr G C R HASKIN: ... contrary to what the Premier has asserted today. In 2013, the City's Forensic Services Department ... [Interjections.]

The SPEAKER: Order. Order.

Mr G C R HASKIN: ... found that the awarding of a R700 million contract ... [Interjection.]

The SPEAKER: Order. Honourable member, order.

Ms L BROWN: That depends [Inaudible.]

The SPEAKER: Take your seat please.

Ms M TINGWE: The truth hurts!

The MINISTER OF TRANSPORT AND PUBLIC WORKS: Mr Speaker, on a point of order, the hon Chair of Scopa, in that capacity, actually presented us with a document where this man Lukey asked for money [Interjections.].

The SPEAKER: Order hon Minister Carlisle. Order.

Ms L BROWN: The Scopa Chair has freedom of speech.

The SPEAKER: Order. I do not think that is a point of order.

Mr G C R HASKIN: Thank you, Mr Speaker. In 2013 the City's Forensic Services Department found that the awarding of a R700 million architectural tender for the expansion was irregular and recommended that the Board cancels the contract. This government, the City and the CTICC is proceeding regardless of that recommendation, in fact ignoring it.

The FSD report has not been made public despite the Public Protector's instruction to do so but copies have been sent to the MEC, and we want to know what the MEC has done about it.

The SPEAKER: Order, hon member Mr Haskin.

Mr G C R HASKIN: The CTICC ...

The SPEAKER: Order, hon member Mr Haskin. Order!

Mr G C R HASKIN: ... should halt this ...

The SPEAKER: Order, hon member Mr Haskin!

Mr G C R HASKIN: ... expansion until the matter has been dealt with by Scopa.  
Thank you.

Ms M TINGWE: Amandla ACDP!

An HON MEMBER: Hear, hear! [Interjection.]

Ms L BROWN: There is no point getting involved in that. [Interjections.]

The MINISTER OF TRANSPORT AND PUBLIC WORKS: [Inaudible.]

The SPEAKER: Order! Hon members, DA, over to you.

The MINISTER OF TRANSPORT AND PUBLIC WORKS: Disgraceful, disgraceful!

Mr M G E WILEY: Mr Speaker, on 23 April members Fransman and Uys will appear

in the middle of this floor here and raise their right-hand and say: "I promise to tell the truth, the whole truth, so help me God." [Interjections.]

Ms M TINGWE: Oh! [Interjections.]

Ms L BROWN: We hear you!

The SPEAKER: Order! Hon member Ms Tingwe, hon Mbalo, this is the House please, I can't [Interjections.] Hon member! Order! I can't hear the hon member Mr Wiley. [Interjection.]

An HON MEMBER: She said nothing [Inaudible.]

The SPEAKER: Hon member, I cannot hear hon member Mr Wiley.

An HON MEMBER: She said nothing!

The MINISTER OF TRANSPORT AND PUBLIC WORKS: Rubbish man!

An HON MEMBER: You do not have to [Inaudible.]

The SPEAKER: Honourable! Continue hon member Mr Wiley.

Mr M G E WILEY: It would be good for the hon member for the ACDP to bear in mind that when he says things in this House as well, he should do so under oath.

During this term of office, this has been very insightful, alarming even to have been a member of this House. At times one got the feeling we were divorced from the reality that it is South Africa. On the one hand and despite exceptional performances by this administration to deliver good and stable governance, one had to listen to the Opposition accuse this House - this side of the House - of everything bad, including murder.

Their attempts to portray our budgets as being anti-poor and supporting the rich were not only proven wrong, but when improvements to the lives of the poor were borne out by independent reports, the ANC decries them as being false. Witness yesterday's criticism of its own MPAT presidential report. The ANC has always been quick to say the DA is building its own conclave in the Western Cape, but it is they who routinely target the province, the ramming through of laws without due process or consultation that will see hundreds of thousands of coloured folk lose their jobs, simply because they are coloured.

The centralised civil service which will see employees sent to every corner of this country without their permission; just yesterday hon member Mr Magaxa in a stunning piece of selective memory accused the Premier of racism, when she raised the implications that this new Act will have on the residents of the Western Cape, it is as if this province and its concerns and its population don't exist in the eyes of the ANC.

[Interjections.]

An HON MEMBER: Exactly, it does not.

Mr M G E WILEY: The failure of ANC executive members to take responsibility for their actions or that of their departments is making South Africa a laughing stock in the eyes of the world. President Zuma and a host of his Ministers do not think - know a thing about his own home being turned into a massive taxpayer funded building project.

The SPEAKER: Order! Please finish hon member Mr Wiley, your sentence.

Mr M G E WILEY: Nathi Mthethwa wanting nothing to do with these police disgraces like Marikana, and now Fransman and member Uys playing dumb about the buildings they approved. [Interjections.]

The SPEAKER: Thank you honourable.

Mr M G E WILEY: It is spent on consultants; when they were MECs. [Interjections.]

The SPEAKER: Thank you hon member Mr Wiley. [Interjections.] That is the end of the statements by the members. We now ...[Interjection.]

Ms M TINGWE: We also want to finish.

The SPEAKER: Order! We now move to notices of motion. Are there any motion where notice is given; a motion with notice? No. Then we proceed to motions without notice. Hon member Mr Geyer.

## MOTIONS WITHOUT NOTICE

Mr H P GEYER: Mr Speaker, I move without notice:

That the House congratulates and thank the Public Protector Advocate Thuli Madonsela for the honourable way she has been carrying out her constitutionally mandated responsibility. The Public Protector has remained honest and principled in all her investigations and most notably the Nkandla report. She must be commended along with her office for performing this most difficult and important task in our democracy without fear, favour or prejudice.

Ms L BROWN: On a point of order, Chair.

The SPEAKER: Order!

Ms L BROWN: That is a statement.

The SPEAKER: Thank you hon Ms Brown.

Ms L BROWN: That the Deputy Chief Whip does not know.

The SPEAKER: Are there any objection to the motion? No objection? [Interjections.]

Order! Order hon members! Are there any objection? No objection.

Agreed to.



The SPEAKER: Hon member Mr Von Brandis.

Mr E J VON BRANDIS: Mr Speaker, I move without notice:

That this House congratulates Cape Town International Airport who was once again rated as Africa's top performing airport for the fourth year in a row. The airport was recognised during the Airports Council International's Airport Service Quality Awards. The Airports Council International is the Global Trade Association of the world's airports. Cape Town took the top spot, ahead of Durban, Mauritius, Cairo and Johannesburg. They are a great advert for our destination. These achievements are due to the efforts of the Cape Town International Airport team and they must be commended for their commitment to service delivery and excellence.

Ms M TINGWE: Thanks to the ANC. [Interjections.]

An HON MEMBER: Amandla! The ANC.

The SPEAKER: Are there any objection to the motion being moved without notice?

No objection?

Agreed to.

The SPEAKER: Do we have, hon member Mr Visser.

Mnr J J VISSER: Dankie, mnr die Speaker.

The SPEAKER: Please rise so that I can see you. I cannot see you.

Mr J J VISSER: Mnr die Speaker, ek stel sonder kennisgewing voor:

Dat die Huis die Minister van Plaaslike Regering gelukwens met die soveelste hofaanzoek wat hy teen 'n ongedissiplineerde ANC-raad gewen het; Kannaland, wat dit kwalik kan bekostig om hofsake te beveg. Dankie.

The SPEAKER: Are there any objection to the motion being moved without notice? Is it an objection? If there is an objection the motion will be printed on the Order Paper. Hon member Mr Skwatsha, over to you.

Mr M SKWATSHA: Mr Speaker, I move without notice:

That the House extends its condolences to the family, friends and comrades of an ANC anti-apartheid stalwart, a rooted community leader, one of the first people to join Umkhonto We Sizwe in Mamre in 1960; a person who joined the South African Communist Party, someone who belonged to a rare species in the struggle against apartheid; a leader, a formidable leader, an organiser; someone who fought the apartheid regime and who was arrested in 1977, jailed for ten years on Robben Island; before that in the 60's he was also arrested...

The SPEAKER: Order! Hon member Mr Skwatsha.

Mr M SKWATSHA: ...he was also arrested; won an appeal after spending a spell on Robben Island...

The SPEAKER: Hon member Mr Skwatsha! Can you finish please?

Mr M SKWATSHA: No, we have been taught by you how statements...

The SPEAKER: Honourable can you finish please?

Mr M SKWATSHA: Because I had the short, but you were allowing others.

The SPEAKER: Yes, finish.

Mr M SKWATSHA: Nelson Qumbela came from the rural areas of the Eastern Cape, arrived in the Western Cape in 1954.

The SPEAKER: Thank you honourable, thank you hon member Mr Skwatsha.

Mr M SKWATSHA: Joined as a Chief Whip here.

The SPEAKER: Thank you hon member Mr Skwatsha. Thank you. Take your seat. Are there any objections to the motion being moved without notice? Objection to the motion itself? No?

Agreed to.

The SPEAKER: Hon member Ms Mbalo.

Ms B G MBALO: Enkosi somlomo. Mr Speaker, I move without notice:

That the House extends its condolences to the family and friends of the nine-year-old Elihle Hlanjwa who died a few days ago after having been raped and brutally set alight in Delft. Thank you.

The SPEAKER: Are there any objections to the motion being moved without notice?

No objection?

Agreed to.

The SPEAKER: Hon member Ms Witbooi, over to you.

Ms J WITBOOI: Mr Speaker, I move without notice:

That the House extends its condolences to the family, friends and comrades of ANC's former West Coast Regional Treasurer, former councillor and activist Cornelius Tiger Owies, who passed away earlier this month.

The SPEAKER: Any objection to the motion being moved without notice? Objection

to the motion itself? No?

Agreed to.

The SPEAKER: Hon member Mr Lentit. Over to you.

Mr R LENTIT: Mr Speaker, I move without notice:

That this House congratulates Marlin Parker of R Lab and the Western Cape Government Youth Café as one of the two South Africans awarded Young Leadership Awards by the World Economic Forum for excellence and innovation.

The SPEAKER: Are there any objection to the motion being moved without notice?

Objection to the motion itself? No.

Agreed to.

The SPEAKER: Hon Gopie.

Ms D GOPIE: Mr Speaker, I move without notice:

That the House extends its condolences to the family and friends of the three-year-old Tatum Prins who was shot and killed whilst standing in the doorstep of her home in Bishop Lavis.

The SPEAKER: Are there any objection to the motion being moved without notice?

Objections to the motion itself? No.

Agreed to.

The SPEAKER: Hon member Ms Witbooi.

Ms J WITBOOI: Mr Speaker, I move without notice:

That the House extends its condolences to the family and friends of eighteen-year-old Garth Meyer who was shot and killed on a Beacon Valley soccer field.

The SPEAKER: Any objection to the motion being moved without notice? Objection to the motion itself? No.

Agreed to.

The SPEAKER: Hon member Ms Beerwinkel.

Ms C F BEERWINKEL: Mr Speaker, I move without notice:

That the House commends the national Minister of Trade and Industry, Dr Rob Davies, for launching the Itukise Programme, which means to empower, at the Cape Peninsula University of Technology that saw 1 200 students being given

internships.

The SPEAKER: Are there any objection to the motion being moved without notice?

Objection to the motion itself? No.

Agreed to.

The SPEAKER: Hon member Mr Magaxa, over to you.

Mr K E MAGAXA: Mr Speaker, I move without notice:

That the House notes with concern...

The SPEAKER: Order hon members!

Mr K E MAGAXA: Mr Speaker, I move without notice:

That the House notes with concern that the number of Western Cape families living in shacks increased over the last five years.

The SPEAKER: Are there any objection to the motion being moved without notice?

Objection to the motion itself? No.

Agreed to.

The SPEAKER: Hon member Ms Magwaza over to you.

Ms N P MAGWAZA: Mr Speaker, I move without notice:

That the House notes with grave concern that the City of Cape Town distributed expired food packages to the three victims, to the fire victims of Agste Laan in Valhalla Park this past weekend, after having failed to provide them with water and electricity.

Me M TINGWE: Jo! Sies! [Tussenwerpsels.]

The SPEAKER: Are there any objection to the motion being moved without notice? Objection to the motion itself? No. Is it an objection? If there is an objection then the motion will be printed in the Order Paper.

An HON MEMBER: The Minister of Health [Inaudible.]

The SPEAKER: Hon member Mr Visser, over to you.

Mnr J J VISSER: Mnr die Speaker, ek stel sonder kennisgewing voor:

Dat die Huis kennis neem en ook gelukwensing oordra aan die agb lid mnr Mark Wiley wat nou die dag by die Nasionale Lewensreddingskampioenskappe twee goue-, twee silwer- en een bronsmedalje gewen het. Op sy ouderdom is dit 'n prestasie. Dankie.



An HON MEMBER: Well done!

The SPEAKER: Any objection to the motion being moved without notice? Is it an objection? Hon Uys is it an objection? No objection? No objection.

Die MINISTER VAN MENSLIKE NEDERSETTINGS: Dis jaloesie!

The SPEAKER: Agreed to. Objection? Then if there is an objection it will be printed in the Order Paper. [Interjections.] Hon members, order!

The SPEAKER: Thank you very much. That is the end of the motions without notice. The Deputy then will take over.

Ms M TINGWE: We miss you hon member Mr Majola.

The DEPUTY SPEAKER: Order! Order! The Secretary will read the first order.

## **ORDERS OF THE DAY**

1. Consideration of Votes and Schedules – *Western Cape Appropriation Bill* [B 3 – 2014] (Minister of Finance, Economic Development and Tourism).

An HON MEMBER: Unanimously!

The DEPUTY SPEAKER: As we consider the votes, parties will be entitled to make declarations of votes of three minutes each on each of the votes, if they so wish. I put Vote 1, Premier, the ANC, hon member of the Opposition, Ms Brown?

Ms L BROWN: I would like to do a declaration for the whole budget.

The DEPUTY SPEAKER: That is fine. That is acceptable.

Ms L BROWN: The ANC cannot support the budget for 2014, whereas we are very grateful for the higher than usual budget of R 45.5 Billion made up of equitable share and conditional grants, including the additional amount for in-migration into the province. The 70% the DA purports to be spending on the poor [Interjection.]

The PREMIER: 76%

Ms L BROWN: Are policy imperatives [Interjection.]

The PREMIER: Not at all.

Ms L BROWN: Negotiated at national level.

The PREMIER: Not at all.

Ms L BROWN: Essentially on education and health, you can spend it nowhere else. Conditional grants, you can spend nowhere else. There remains a 30% [Interjection.]

The PREMIER: 76% [Inaudible.] willingly.

Ms L BROWN: That the DA - so, 76% [Interjection.]

An HON MEMBER: Re-subsidised [Interjection.]

Ms L BROWN: 24% - Chair, Mr Deputy Speaker, I can't speak over the Premier's head.

The DEPUTY SPEAKER: I will watch carefully, but please continue.

Ms L BROWN: There remains a 24%, if I use the Premier's 76%, that the DA Government must be held liable for and that 24% should be spent on the poor in this province, not in the leafy suburbs [Interjection.]

'n AGBARE LID: Ons het dit al gehoor.

Ms L BROWN: On the Convention Centre, on the Foreshore, in Sea Point or just in terms of transport.

The PREMIER: Or there should not be jobs.

Ms L BROWN: MyCiti that stops at Table View and not in Atlantis or runs through Walmer Estate and does not go to Mitchells Plain or Khayelitsha, where by the way

the majority of people live. As long as the DA spins that they fund the poor. [Interjection.] They continue to fight the poor in this province when they fight in-migration or they give the old potty-potty to our people [Interjection.]

The MINISTER OF HUMAN SETTLEMENTS: Nobody fights the poor.

Ms L BROWN: As long as they fail our children in many instances in this province it fails the many frail on health issues and does not deal enough with the increasing socio-economic problems in the Western Cape, where the Western Cape remains the rape, TB and foetal-alcohol syndrome capital of the world. The ANC will vote against budget 2014.

The DEPUTY SPEAKER: Thank you, COPE. Nothing? ID.

An HON MEMBER: No, nothing to say. [Interjections.]

The SPEAKER: Thank you, ACDP.

Mr G C R HASKIN: Mr Deputy Speaker, can I make a declaration for all of the votes?

The DEPUTY SPEAKER: You are welcome.

Mr G C R HASKIN: The ACDP supports all of the votes except Vote 10 and Vote 12, because the two MECs are refusing to account for the public monies that are being appropriated to the CTICC.

The MINISTER OF TRANSPORT AND PUBLIC WORKS: Surprise! No, we are refusing to [Interjection.]

Mr G C R HASKIN: Otherwise we support all the other votes, thank you.

The MINISTER OF TRANSPORT AND PUBLIC WORKS: To support all nonsense.

The DEPUTY SPEAKER: Thank you. Order! I put Vote 1, any objections? Agreed to, except for the ANC dissenting.

I put Vote 2, Provincial Parliament, any declarations? None? The ANC objecting.

I put Vote 3, Provincial Treasury, any declarations? No objections? Agreed to. Objecting? You are objecting to this one as well? The ANC objecting.

I put Vote 4, Community Safety, any declarations? The ANC will be dissenting against this one, on this one.

I put Vote 5, Education, objection from the ANC will be recorded.

I put Vote 6, Health, no declarations? The ANC's objection will be recorded.

I put Vote 7, Social Development? Similarly the objection of the ANC will be recorded.

I put Vote 8, Human Settlements, the objection of the ANC will be recorded.

I put Vote 9, Environmental Affairs and Development Planning, similarly the objection of the ANC will be recorded.

I put Vote 10, Transport and Public Works, is that the one, Mr Haskin? The ANC's and the ACDP's objections will be recorded.

I put Vote 11, Agriculture; no objection, except for the ANC. It will be recorded.

I put Vote 12, Economic Development and Tourism, that is the other one of the ACDP, plus the ANC will be recorded as objections.

An HON MEMBER: You are voting against jobs!

Ms L BROWN: Which you don't create!

The DEPUTY SPEAKER: Order! Order!

An HON MEMBER: You are voting against jobs!

Ms L BROWN: Which you don't create [Interjection.]

The DEPUTY SPEAKER: Order! I put Vote 13, Cultural Affairs and Sports, no

objection except for the ANC. Agreed to.

I put Vote 14, Local Government; there is no declaration of vote on Vote 14? Hon member Mr Visser?

Mnr J J VISSER: Ja dankie agb mnr die Adjunkspeaker, ek wil net sê dat enige iemand wat teen hierdie begrotingspos stem moet sy kop laat lees. Wat hierdie departement regkry met hierdie bietjie geld wat hulle kry en die paar mense wat hulle tot hulle beskikking het is tien keer meer as departemente in ander provinsies wat baie meer geld tot hulle beskikking het, so ek verstaan nie heeltemal hoekom die ANC teen hierdie begrotingspos wil stem nie, maar as hulle wil snaaks wees kan hulle maar wees. Ek dink hierdie is 'n baie goeie begroting vir hierdie begrotingspos. Dankie.

Die ADJUNKSPEAKER: Dankie. Die begrotingspos goedgekeur. ANC teenstem. That completes the decision on the votes. I now put the schedule, no objections? Agreed to. Objecting? The ANC objecting.

I put clauses 1 to 10 of the Bill? No objections? Agreed to. Similarly, the ANC, objection recorded.

I put the short title, objection of the ANC recorded. Not objected? The short title is agreed to.

The Secretary will then read the second Order of the Day.

The SPEAKER: The Secretary will read the second Order of the Day.

2. Finalisation of the *Western Cape Appropriation Bill* [B 3 – 2014] (Minister of Finance, Economic Development and Tourism).

The DEPUTY SPEAKER: There is no Speaker's list. Are there any objections to the Bill being finalised? There is an objection. The ANC's objection will be recorded. The Secretary will read the Bill.

*Western Cape Appropriation Bill* [B 3 - 2014]

The DEPUTY SPEAKER: The Bill will be sent to the Premier for assent. The Secretary will read the third Order.

3. Finalisation of the *Western Cape Land Use Planning Bill* [B 1 B – 2014] (Minister of Local Government, Environmental Affairs and Development Planning).

The DEPUTY SPEAKER: We have a Speaker's list. Who is the first speaker there on the table? Minister Bredell.

The MINISTER OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING: Mr Speaker, thank you for affording me the opportunity to speak about the Western Cape Land Use Planning Bill.



South Africa's legal framework that pertains to land use planning is complicated and has undergone significant changes from the old order pre-1994 system, to the system which has been installed with the Constitution of South Africa in 1996. Key judgments by the Supreme Court of Appeals and the High Court have played a significant role in clarifying the roles and responsibilities of the province and municipal spheres of government in terms of land use planning.

As gevolg van die bogenoemde veranderinge en die toenemende uitklaring van die werksaamhede van verskillende sferes van regering in grondgebruiksbeplanning het die Wes-Kaapse Regering, Omgewingsake en Ontwikkelingsbeplanning onderneem om 'n grondgebruikswetsontwerp vir die Wes-Kaap op te stel. Die grondwetlike verdeling van magte was egter 'n uitdaging en professor Jaap de Visser van die Universiteit van die Wes-Kaap, 'n grondwetkenner, is in 2010 aangestel om die departement by te staan.

Na 'n openbare deelnameproses waartydens ander belanghebbendes, soos die georganiseerde plaaslike regering rolspelers in die beplanningsbedryf en die nasionale Departement van Landelike Ontwikkeling en Grondgebruiksbeplanning geken is, is die konsep Wes-Kaap Wetsontwerp op Grondgebruiksbeplanning, 2014 afgehandel en die bekendstelling daarvan in die provinsiale parlement is deur die kabinet goedgekeur op 11 Desember 2013.

Mr Speaker I am going to highlight the nine objectives and briefly explain it to the House today.

Objective 1: Consolidated legislation in the province pertaining to the provincial planning, the regional planning and development, urban and rural development regulations, support and monitoring of municipal planning and regulations of public places and municipal roads arising from sub-divisions. Important in this reform is the Spatial Planning and Land Use Management Act 2013, Act 16 of 2013, Spluma, which was assented to on 2 August 2013.

Furthermore the revised planning system seeks to strengthen sustainable forward planning for the province with the view of simplifying the administration of planning and related processes. In addition the Bill makes provision for provincial government to regulate support and monitor municipal land use planning activities.

Doelwit 2, mnr die Speaker, maak voorsiening vir provinsiale ruimtelike ontwikkelingsraamwerke. Die Wetsontwerp maak voorsiening vir die daarstelling van 'n loodskomitee om hierdie ruimtelike ontwikkelingsraamwerk op te stel en te hersien.

Mr Speaker, Objective 3 provides for minimum standards for and efficient co-ordination of spatial development frameworks. Essentially this Bill positions municipalities to adopt a municipal spatial development framework in accordance with the Municipal Systems Act, Act 32 of 2000, MSA, but it adds to the content of the MSDF and allows for comments by the department.

Doelwit 4 maak voorsiening vir minimum norme en standaarde vir doeltreffende munisipale ontwikkeling. Die Wetsontwerp maak voorsiening vir die ontwikkelingsbestuur wat 'n wyse reguleer waarop munisipale soneringskemas en

soneringskema-verordeninge opgestel en goedgekeur word. Daar moet egter op gelet word dat die Wetsontwerp raamwerkwetgewing is wat daarvoor voorsiening maak dat munisipaliteite hulle eie munisipale grondgebruik beplanningsverordeninge ontwikkel wat munisipale grondgebruik aangeleenthede soos hoe om 'n munisipale grondgebruik aansoek te ontvang, te oorweeg en oor te besluit, te reguleer.

Objective 5 regulates provincial development management. In instances where land use applications have a distinct provincial and regional dimension both the municipal and the provincial decision will be required. The Bill provides for appeal mechanisms to the Minister.

Doelwit 6 reguleer die effek van grondontwikkelings op landbou. Die Wetsontwerp maak voorsiening vir die hoof van die Departement van Omgewingsake en Ontwikkelingsbeplanning om oor grondontwikkelingsaansoeke wat 'n uitwerking op landbougrond het, te besluit, na oorleg met die departementshoof van Landbou. Die Minister moet na oorleg met die Minister van Landbou op 'n appèl besluit ten opsigte van die hoof van die departement se grondontwikkelingsbesluit.

Objective 7 provides for land use planning principles. The Bill is underpinned by five land use planning principles which seek to ensure that land use planning results in spatial justice, spatial sustainability, efficiency, good administration and spatial resilience.

Doelwit 8, die herroeping van sekere oud-bedelingswette. Die Wetsontwerp word genoodsaak deur die behoeftes van wetshervorming ten opsigte van

grondgebruiksbeplanning wat steeds deur wetgewing gereguleer word wat die Grondwet voorafgaan.

Objective 9 provides for matters incidental thereto. As mentioned previously in this House our vision is changing from forward planning to implementation; continuing on the overall theme of implementation we have an action plan for the implementation of the new Bill. A planning change management strategy steering committee has been established to guide the strategy and to oversee the efforts of a number of work groups, each responsible for a number of tasks to facilitate the implementation of the new planning regime during the course of 2014 and beyond.

Mr Speaker, municipal planning regulations: although it is acknowledged that planning at a municipal level is to be managed by municipal by-laws the department realises that virtually no municipality will have the required by-laws ready before April 2014.

Model zoning-schemes by-laws: the by-law requires municipalities to prepare integration zoning scheme by-law and as with the municipal planning by-law the department is assisting municipalities with a model zoning scheme by-law which can be used as a basis for their own.

Lupa regulations: the Bill itself identifies a number of aspects that require further clarification in provincial regulations or guidelines. These include timeframes within which the PSDF and MSDF must be compiled.

Minimum standards for application fees: additional principles, if required, instances when Western Cape Government can comment on appeals; minimum standards for capital contributions.

Internal department restructuring: a team is responsible for the assessment of the effect of the new legislation on the internal structures of the department with the anticipated drastic change in functions of the Western Cape Government and the department, in particular the current structure and allocations of responsibilities within the department will be revised.

Internal departmental training: staff members of the department will inherit new functions, particularly in aspects such as monitoring and support of municipalities to enable officials to assist municipalities. They themselves will require training.

Municipal readiness programme: Municipal readiness should be seen in the context of the requirements of the Constitution, Spluma as well as the Bill. As such it should be noted that the Bill does not envisage the delegations of powers and functions to municipalities but rather the devolution. This places significant responsibility on local government.

The department recognises this and it is known that various municipalities are currently not adequately capacitated for this. Matters of important consideration for local municipalities include firstly providing for capacity in terms of registered town planners to deal with additional workload and responsibilities.

Secondly, funding provisions should be made in municipal budgets for compilation of SDF; integrated zoning schemes: funding for the function of town plan tribunals and court cases in which the department was previously the first respondent, which will now be the local municipality.

Adaption of municipal decision-making structures to provide for town planning tribunals and delegations to town planning officials as well as structures for handling of appeals.

Fourthly, the department will role out a programme to ensure that municipalities are in the position to implement the new legislation and generally to fulfil their municipal planning mandates.

The programme will include the following: training in new legislation regulations; providing assistance with setting up relevant structures; planning tribunals; planning departments, etcetera, making staff available to assist municipalities with transition phase; making available as regulations to Lupa, which local municipalities can adopt as required by-law as well as modelling integrated zoning schemes. Included in this will be roadshows to explain the content and functioning of the regulations, the by-law as well as roadshows capacitating building in ensuring that the function and the responsibility are understood and being able, and capable to be implemented by our municipalities.

Mr Speaker, I present to you the Land Use Planning Bill.

Mr M C WALTERS: Hear-hear.

Die ADJUNKSPEAKER: Dankie Minister Bredell. Hon member Mr Walters.

Mr M C WALTERS: I thank you Mr Speaker. I must thank the Minister for his detailed treatment of the objective of the Bill and the principles underpinning what the Bill must do; the wide range of strategic areas which have been described by the Minister and they will certainly promote development in the Western Cape.

This Bill and its deployment will further promote the aim to make the Western Cape the best-governed regional area in the world, from regional to local government level; it will certainly serve to cement the co-operative relationship between the department and local governments. I think this has been demonstrated very aptly over the last five years.

In the implementation of the Bill the slogan of *Better Together* will find clear vindication and create the environment that all members of the population of the Western Cape deserve, free of pollution, dirt and in an environment conducive to health and happiness.

The Land Use Planning Bill fulfils a long-felt need in the Western Cape. The planning in the Western Cape having been guided by the obsolete Land Use Planning Ordinance of 1985, an almost antediluvian relict of the previous provincial dispensation. Problems of interpretation, definition and deployment were constantly arising at municipal planning level. Not only was the ordinance virtually obsolete but a whole

plethora of existing legislation related to planning also had to be complied with. Some of these pieces of legislation were even more removed from the present and the ordinance, for instance Removal of Restrictions Act, Act 84 of 1967 is among those to be repealed 47 years after its promulgation.

The further 23 pieces of legislation affecting land use planning in the province will be repealed, mostly in their entirety or in relevant clauses. The debate on the replacement of the ordinance with a modern up to date piece of planning legislation formally opened in 1998, with the identification of the need for consolidation of the existing legislation. Subsequent to this the legislation followed a chequered course. Under the ANC and the former Minister of Local Government, the hon member Mr Pierre Uys, it advanced to a certain point only to be placed on hold.

With the advent of a more positive and results orientated DA Government in 2009, new emphasis was given to the rectification of the process. Several delays were caused by the need for wide consultation with municipalities, other stakeholders and Salga and by the need to ensure compatibility of the proposed provincial Bill with a contemporaneous development of national planning legislation in the form of Splum and later promulgation of the Spatial Planning and Land Use Management Act.

Wide-ranging public consultation and interaction with municipalities and other stakeholders followed. Relevant amendments were negotiated and a proposed final version was submitted to the Standing Committee on 5 March 2014 for consideration.

The Standing Committee undertook public participation meetings after wide



advertisement, in Moorreesburg, Cape Town and Mossel Bay. The range of participants including Salga, the City of Cape Town and others, to discuss proposed amendments. These proposed amendments were considered and forwarded to the Department for commentary. Departmental comments and recommendations were considered by the Committee on 18 March during the informal consideration of the Bill. Accepted amendments were integrated into the Bill and the formal consideration of the Bill was concluded on 20 March 2014.

The Committee then proceeded with the submission of the Bill to Parliament for approval and here I would like to mention Mr Deputy Speaker, the dedication of the department's team over a long period of time, both planners and legal advisors in moving this Bill forward over the past five years. They must be commended in the highest terms. Parliament's legal staff and support staff were also extremely dedicated to the completion of the process. It is perhaps appropriate that the submission of this Bill coincides with the retirement of Mr Chris Rabie, leader of the team. His expertise will be sorely missed by all in the Western Cape. I recommend the acceptance and ratification of the Bill. Thank you.

The DEPUTY SPEAKER: Thank you, the hon member Mr Haskin.

Mr G C R HASKIN: Thank you Mr Deputy Speaker. Since a declaration or position is required on this Bill and we do not serve on the Committee, the ACDP is not in a position to express support for or against this Bill and I would like that recorded please. Thank you.

The DEPUTY SPEAKER: Thank you. The hon member Ms Mbalo.

†UNksz B G MBALO: Enkosi Somlomo. Ndiyangqinelana noSihlalo xa esithi lo mthetho uyilwayo kudala usiza, lo mthetho kudala usiza. Kulithuba siwulindle njengekomiti, kulo lonke eli xesha njengokuba uzokufika namhlanje ngalo mhla sihamba ngawo. Siyavumelana singuANC nenjongo yale nto. Ilungu elibekekileyo uMagaxa apha izolo, ndiyacinga ukuba nelungu elibekekileyo uSkwatsha ngenye imini, bayithethile into eyenziwa ngurhulumente wocalucalulo ngokuthi acwangcise ngokwahlula abantu ngokweentlanga zabo. Into engasicaceliyo kulo mgaqo, ndiyamva uMphathiswa uyayicacisa imeko yoomasipala bethu. Uyacacisa ukuba oomasipala abanayo imali, oomasipala abanazo izakhono ezifunekayo eziphathelene nalo mba. Kodwa isebe alide lize kuthi nento ephathekayo yokuba lo mthetho uyilwayo uza kwenziwa njani na ngoomasipala. Akukho nto ibhaliweyo ecacisa ukuba oomasipala baza kuyithatha phi le mali yokumilisela lo mthetho uyilwayo. Uyazithetha ke ezi zinto zokuba emva koku kuza kulandela imiqathango nayo yonke loo nto. Asinabungqina baloo nto yaye asinasiqinisekiso sokuba yonke loo nto iza kuhamba ngolo hlobo. Ngaloo mazwi ke Somlomo thina singuAfrican National Congress asiwuxhasi lo mthetho uyilwayo. Enkosi.

\*Ms B G MBALO: Thank you, Mr Speaker. I agree with the Chair that this legislation has long been coming, this legislation has long been coming. We have been waiting for it for a while as the committee and it only comes today, on the day we are leaving. We agree as the ANC with purpose hereof. The hon member Mr Magaxa here yesterday, and I think also the hon member Mr Skwatsha the other day, did mention what the apartheid government did when it planned in terms of racial segregation.

What is not clear to us about this legislation; I hear the Minister explaining the situation of our municipalities. He explains that municipalities do not have the money, they do not have the required skills in this regard. But the department does not come to us with something tangible on how this proposed legislation will be carried out by the municipalities. There is nothing written that explains where the municipalities will get the money to implement the proposed legislation. He goes on to say after that regulations will follow and all that. We have no proof of that and we have no assurance that all will happen that way. With those words, Mr Speaker, we as the African National Congress do not support the proposed legislation. Thank you.

[Interjection.]

Ms M TINGWE: Amandla!

The DEPUTY SPEAKER: Thank you. The hon Minister Bredell.

The MINISTER OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING: Yes, thank you Mr Speaker. Mr Speaker this is a very proud day for myself and for my department. This is a piece of legislation that government has really tried to get through Parliament since 1998 and today we are getting this right. I need to thank people like Chris Rabie and it is very difficult when you point out specific people, because it is a team effort, but Chris Rabie, Kobus Munroe, Chriselle Kriel, Theo Rebel and Bardine Hall has really put in a huge effort to put us in a position to adopt this Bill today.

Hulle het uitgegaan na munisipaliteite toe en ek moet ook ons munisipaliteite dankie

sê mnr die Speaker, vir hulle samewerking, want van dag een af was daar baie kontroversie oor hierdie wetgewing en ek het nie vandag opgestaan en gesê ek bring die ideale stuk wetgewing na die Huis toe nie, maar ons bring 'n stuk wetgewing na die Huis toe wat beplanning gaan vergemaklik, en wat gehoor gee - en die ANC moet tog luister na wat ek het dit redelik volledig probeer verduidelik het, mnr die Speaker - wat gehoor gee aan wetlike uitsprake deur die Grondwethof, die Hooggeregshof ensovoorts. Ons is deur die howe gedwing in 'n rigting en of die munisipaliteite tans die geld het, is nie die vraag nie. Die vraag is moet ons gehoor gee aan die howe? Nou moet ons die munisipaliteite ondersteun en daarom het ons 'n span hier saamgestel mnr die Speaker, om nie net die verordeninge te skryf nie, en onthou, ek mag nie 'n verordening namens die munisipaliteit skryf nie. Ons skryf 'n modelraamwerk en die munisipaliteite kan dan aanvaar of hulle dit wil gebruik, al dan nie. Ons het 'n span kundige mense en ek het ook genoem dat ons die departement intern herstruktureer om die munisipaliteite te ondersteun sodat ons, indien in hierdie kort periode van oorgang daar probleme is, wel geregistreerde stadsbeplanners beskikbaar het om munisipaliteite te gaan ondersteun. Dis totaal anders as wat gebeur het met Spluma waaroor tot vandag toe nog totaal en al vraagtekens hang. Daar was geen plan van nasionaal om dit goed te keur nie, so ek is baie trots om hierdie wetgewing na die Huis te bring en ek vra daarmee dat die Huis die Western Cape Land Use Planning Bill goedkeur. Ek dank u, mnr die Speaker.

'n AGBARE LID: Ons sal so maak.

The DEPUTY SPEAKER: Thank you Minister Bredell. That concludes the debate on this Bill. Are there any objections to the Bill being finalised? There is an objection. I

therefore put the question: those in favour will say “aye”.

HON MEMBERS: Aye.

The DEPUTY SPEAKER: Those against “no”.

HON MEMBERS: No.

The DEPUTY SPEAKER: I think the ayes have it, and so they have. The objections of the ANC will be recorded. [Interjections.]

An HON MEMBER: Are you objecting to the Bill again?

The DEPUTY SPEAKER: The Secretary will read the Bill.

Ms L BROWN: Just like you; you never [Inaudible.]

*Western Cape Land Use Planning Bill [B 1 B - 2014]*

The DEPUTY SPEAKER: The Bill will be sent to the Premier for assent.  
[Interjections.]

Ms L BROWN: [Inaudible.] who do you vote for?

An HON MEMBER: Oh, come-on man.

The DEPUTY SPEAKER: The Secretary will read the fourth Order of the Day.

Ms L BROWN: Anything that transforms [Inaudible.]

4. Consideration of Report of the Standing Committee on Human Settlements on the *Rental Housing Amendment Bill* [B 56D – 2013] (NCOP), dated 19 March 2014 (See Announcements, Tablings and Committee Reports, No 20, dated 20 March 2014, p 38) (Ratification of final mandate).

The DEPUTY SPEAKER: Order! Order! When the House could not sit during the past few days the legislature received the report of the Standing Committee on Human Settlements on the *Rental Housing Amendment Bill* [B 56D – 2013] conferring authority on the Western Cape delegation in the NCOP, not to support the Bill. This mandate was sent to the NCOP. We have a speaker's list on this topic and I see the first speaker, hon member Mr Magaxa.

Mr K E MAGAXA: Thank you Mr Speaker. A major component of the ANC's transformation agenda has been to assist the historical disadvantaged to wit access to adequate housing as a basic right.

An HON MEMBER: Yes, amandla!

An HON MEMBER: Yes, but you voted against that.

Mr K E MAGAXA: It is important that those who are able to pay at least some amount of rental, especially historically disadvantaged [Interjections.]

An HON MEMBER: You voted against that.

Mr K E MAGAXA: ...are not exploited by the land laws. Ours is to defend and protect the unfit against the fittest.

An HON MEMBER: Yes.

Mr K E MAGAXA: It is in this context that the national Minister of Human Settlements proposed the Rental Housing Amendment Bill to the National Assembly. This Bill amends the Rental Housing Act of 1999. It was adopted in the National Assembly without any opposition from any party, including the DA. Certain definitions are amended such as a change from “housing” to “human settlement”. The clauses relating to the rights and obligations of landlords and tenants have been amended and restructured. The landlord will now be required to reduce all lease agreement to writing. Each province will have to establish a rental housing tribunal. Local municipalities will establish a rental housing information office.

The Minister’s powers to make regulations have been broadened to norms and standards including the terms and conditions of lease agreements. These norms and standards include the calculation method for rental escalations and minimum deposit, which may be set per geographical area. An appeal mechanism is also put in place.

Mr Speaker, these progressive amendments will ensure greater equality in the relationship between landlords and tenants. Those vulnerable tenants who previously had far more limited rights and recourse and often little or no money to take on landlords who treated them unfairly, will now be empowered in this Bill. It is precisely the eradication of this apartheid-based phenomenon that the Western Cape should be supporting. Unfortunately by refusing to support the Bill, the DA in this Western Cape provincial legislature seems to be yearning for the pre-1994 dispensation of landless tenants with little or no rights and set no security of tenure. This is of course aligned with the DA's anti-transformation agenda.

The PREMIER: Ugh!

Mr K E MAGAXA: †Khanitshintsheni madoda. \*You men must change.

By claiming that the Bill contradicts Section 9.4 of the Municipal Systems Act, the DA members of the Standing Committee have clearly misunderstood the South African Constitution. The Municipal Systems Act as well as the Rental Housing Amendment Bill contain no assignment of any national function to municipalities. This is also no assignment of the legislative function or power in the Bill. Their argument is very weak, without substance, but also empty. The DA in the Committee was clearly clutching at straws. Previously municipalities could establish rental housing information offices but were not obliged to. It is also ridiculous that the Standing Committee found the Bill's provision for the mandatory establishment of rental housing information offices to be problematic on the basis of lack of resources.



The National Department of Human Settlements, as it explained in that Committee, has clearly indicated that it will bear the cost of training the official who will staff the rental housing information offices and that they will provide certain resources.

The MINISTER OF HUMAN SETTLEMENTS: The operational office.

Mr K E MAGAXA: There will also be no need to employ additional staff to fulfil this.

The MINISTER OF HUMAN SETTLEMENTS: The operational cost [inaudible]

Mr K E MAGAXA: The DA in this Standing Committee also dismisses the Bill due to what they view as a lack of adequate public participation in the Western Cape Legislature. [Interjections.]

An HON MEMBER: [inaudible] that is true.

Mr K E MAGAXA: In the legislative process, due to the short period wherein the Western Cape will be specifically adversely affected. [Interjections.]

The MINISTER OF HUMAN SETTLEMENTS: Some of the ANC members agreed with us.

Mr K E MAGAXA: This too makes no sense. The DA wishes to prevent the swift functioning of the tribunal in serving as many people as possible.

An HON MEMBER: You know which Bill we are talking about?

Mr K E MAGAXA: The Bill requires the compulsory establishment of the rental housing tribunals. This has already been established in the Western Cape and we have no additional prejudicial impact on the Western Cape in particular. The amendments also provide for an increased number of tribunal members, as well as the functioning of the tribunal as two committees. This means that there will be more tribunal members who can now convene two meetings at the same time in different areas of the province. This will aid the functioning of the tribunal to hear more matters and provide more access to a greater number of people in the shorter period of time.

Mr Speaker, the clauses are not disadvantageous or prejudicial to the Western Cape at all. In fact the Western Cape tribunal would be better placed by adoption of this Bill, to assist more people with their disputes. These are often the poorer sections of our communities who have been neglected; the DA-led Government and MEC Madikizela in particular; this confirmed the DA's anti-poor agenda in this province.  
[Interjections.]

The second reading of the Bill was on 25 February 2014. The Select Committee in the NCOP met on 4 March 2014. It is hard to understand how the province can now say that there was insufficient time to conduct public hearings. It seems the provincial legislature is ill-equipped to conduct public participation as it is being led by the party that has no experience in our culture of democratic processes and has no footprint in our communities.

An HON MEMBER: Says the parties.

Mr K E MAGAXA: It should also be noted, Mr Speaker, that the National Assembly's Portfolio Committee which includes two DA members, the hon Simon Magalapa and Patricia Duncan also conducted extensive public hearings while contributing the amendment made to this piece of legislature. It seems as if we are two DAs within one.

An HON MEMBER: Two ANC's.

Mr K E MAGAXA: Mr Speaker, the DA's opposition to this Bill in this House clearly exposes the DA for the unprincipled, inconsistent and disjointed party that they are. Not only did the DA as a whole support this amendment in the National Assembly, but their members in the Portfolio Committee co-operated with the ANC and other political parties in contributing to this amendment made to the Bill. The DA has proven yet again to the people of the Western Cape, especially the poor, that it is hell-bent on protecting minority apartheid privilege.

An HON MEMBER: Ag, come-on!

Mr K E MAGAXA: It is riddled with contradiction. There is no current housing policy or acts as a [Inaudible.] opposition for the sake of being an opposition even where it is governing for the sake of the poor marginalised members of our community; for the sake of promoting equality and fairness; for the sake of progress and transformation. I would like Mr Speaker, to appeal to this House to consider the Rental Housing

Amendment Bill rationally and support the Bill and be progressive for a change.  
Thank you.

An HON MEMBER: Amandla!

The DEPUTY SPEAKER: Order!. The hon member Mr Haskin.

Mr G C R HASKIN: Thank you Mr Deputy Speaker. Likewise from the previous item, since the ACDP does not serve on this committee I just wish to record that we cannot express a vote for or against the item. Thank you.

The DEPUTY SPEAKER: Thank you. The hon member Mr Figlan.

Mr A M FIGLAN: Thank you Mr Speaker.

†Okokuqala ndiza kucela lungu elibekekileyo uMagaxa. Xa ucela umtshato ubokuthumela abantu baye kulobola.

\*First of all I would like to make a request to the hon member Mr Magaxa. When you are proposing marriage you must send people to pay lobola for you.

The Standing Committee on Human Settlements in the Western Cape has decided to vote against the proposed Rental Housing Amendment Bill.

An HON MEMBER: Why? [Interjections.]

†UNksz TINGWE: Awutsho manyhani.

\*Ms M TINGWE: You cannot be serious.

An HON MEMBER: Who wrote the speech?

†UMnu A M FIGLAN: Ndiqinisekile.

\*Mr A M FIGLAN: I am sure.

Mr A M FIGLAN: Section 76 legislation that has been introduced by National Government to this Parliament through the National Council of Provinces, the main function of this proposed Bill is to settle dispute between tenants and landlords in the rental housing sector and make recommendation to relevant stakeholders.

The Standing Committee on Human Settlement has dealt with this proposed Bill and have obtained legal opinion regarding the implication of the Bill. The Western Cape Provincial Parliament has also held a prescribed public hearing to ensure meaningful public participation and oversight.

The MINISTER OF HUMAN SETTLEMENTS: †Baxelege Zizi. \*Tell them Zizi.

†UMnu A M FIGLAN: Eyona ngxaki ke ndicinga ukuba iphinde yandiswa le ntahonxaxheba yoluntu kwezinye iindawo.

\*Mr A M FIGLAN: The problem is that I think public participation has again been extended in some places.

Mr A M FIGLAN: The time constraints prevented additional public participation. Regrettably however, we have to concede that the time period allowed to tend to the legislation is too short.

†Ukuba ke ilungu elibekekileyo uMagaxa ukhona, ndicinga ukuba uvavanyo lwasesidlangalaleni esilubambileyo lunye. Kodwa ndifuna ukufunda ngoku iCandelo 9 ...

\*If the hon member Mr Magaxa is present, I think we have held one public hearing. But I now want to read Section 9 ....

Section 9(4) of the Local Government Municipal System Act 2000, read with Section 9 as a whole, provide, and I paraphrase:

“That a Minister initiating national legislation that assigned a function to a municipality must request the financial and fiscal commission to make an assessment of the financial implication of legislation before the legislation is introduced into parliament.”

To the extent that this legislative requirement has not been satisfied the Rental Housing Amendment Bill, [B 56 B - 2013] notably Clause 14, is invalid. The Constitutional Court judgment in *Doctors for Life International, the Speaker of the National Assembly and Others*, CCT12/05, the judgment is well-known and requires the reasonable provision for public involvement in the legislative process of provincial legislature being made.

The Rental Housing Amendment Bill [B 56 B - 2013] was made available by the

NCOP for provincial mandate to finalise in a very short period. The Rental Housing Amendment Bill [B 56 B - 2013] creates a multitude of rights and obligations operative in the private and public spheres. It is not possible to give effect to the principles stated in the judgment to facilitate public involvement in such an unreasonable short period. The Standing Committee on Human Settlements in the Western Cape rejects the Rental Tribunal Amendment Bill.

There are also other critical concerns that will require changes to the Rental Housing Amendment Bill. The appeal process is taken away from Minister MECs and given to the appeal tribunal. The tribunal will be composed of up to seven members who are suitably qualified and trained. The appeal tribunal will be comprised of adjudicators appointed by the Minister. The establishment of a municipal rental housing information office, lease to be in writing, norms and standards should include terms and condition of the leases; safety, health and hygiene. Basic living conditions include access to basic services; size; overcrowded; affordability. Members of the tribunal must be broadly representative in terms of gender, race, disability and language. The pro forma lease form must be available in all eleven official languages. I thank you Mr Chair.

The DEPUTY SPEAKER: Thank you hon members. That concludes the debate on this Order. Are there any objections to the ratification of the confirmative authority on the Western Cape delegation in the NCOP not to support this Bill? There is an objection. I therefore put the question: those in favour will say “aye”.

HON MEMBERS: Aye.

The DEPUTY SPEAKER: Those against “no”.

HON MEMBERS: No.

The DEPUTY SPEAKER: I think the ayes have it, and so they have. The objections will be recorded. The Secretary will read the fifth Order of the Day. [Interjections.] Order! Order! [Interjections.] Order! Hon member Ms Tingwe.

5. Consideration of Report of the Standing Committee on Agriculture and Environmental Planning on the *National Environmental Management Laws Third Amendment Bill* [B 26B – 2013] (NCOP), dated 20 March 2014 (See Announcements, Tablings and Committee Reports, No 21, dated 20 March 2014, p 71) (Ratification of final mandate).

The DEPUTY SPEAKER: When the House could not sit during the past few days the legislature received the report of the Standing Committee on Agriculture and Environment Planning on the *National Environmental Management Laws Third Amendment Bill* [B 26B – 2013] conferring authority on the Western Cape delegation in the NCOP, not to support the Bill. This mandate was sent to the NCOP. I will now afford parties an opportunity to make short declarations of vote, if they so wish. I see the ANC first. The ANC, hon member Ms Mbalo.

†UNksz B G MBALO: Enkosi Somlomo. Ngelinye ixesha kuye kuthi kuba siyimibutho eyahlukeneyo, ufumanisa ukuba ukuba ngaba into isuka kuzwelonke



akufunekanga ixhaswe. Ndikhwankqisekile xa ndifumanisa ukuba le komiti ayiwuxhasi lo mthetho uyilwayo apha. Akukho sizathu siphathekayo. Ungeva ngezinye iimini besithi ayikhange yenziwe intathonxaxheba yoluntu, kodwa thina bantu bahleli kule Ndlu asizange sayibona, siyahamba namhlanje. Ayenziwa ngulo mbutho ulawulayo ukweliya cala. Asikwazi ke mhlali ngaphambili ukumiswa. Thina singuANC sinoxanduva lokulawula. Siyaqhuba asizukuma. Thina singuANC siwuxhasa lo mthetho uyilwayo, yaye laa mbutho uphetheyo apha eNtshona Koloni ugqibelisayo ngomhla wesixhenxe kuMeyi mawukhe uvumele utshintsho. Enkosi Somlomo.

\*Ms B G MBALO: Thank you, Mr Speaker. Sometimes because we are different parties, one finds that if something comes from national it should not be supported. I was surprised to find that this committee does not support the bill here. There is no clear reason. Sometimes you hear them claiming there was no public participation, but we the people sitting in this House have never seen it. It is never done by the ruling party on that side. We cannot therefore, Mr Speaker, be stopped. We as the ANC have a responsibility to govern. We will continue. We will not stop. We as the ANC support this bill, and that ruling party here in the Western Cape that is outgoing on the seventh of May must allow transformation. Thank you, Mr Speaker.

Ms M TINGWE: Yes.

†UMnu M SKWATSHA: Sisaqhuba.

\*Mr M SKWATSHA: We continue.

†UMnu A M FIGLAN: Siyabuela, siyabuela.

\*Mr A M FIGLAN: Thank you, thank you.

Ms M TINGWE: Yes, change. Amandla.

An HON MEMBER: No change!

An HON MEMBER: You wish!

The DEPUTY SPEAKER: Thank you. [Interjections.] Order! I do not see COPE here.

The ID. The ID, do you want the opportunity? Not? The ACDP?

Mr G C R HASKIN: Mr Deputy Speaker, for all the - can I make a request? For all the matters on the Order Paper that follow, except for number 10, may I have it recorded please that because we do not serve on the Standing Committee we are not able to express support for or against the final mandate and we would like that recorded please. Thank you.

The DEPUTY SPEAKER: Thank you. We note that. The DA, hon member Mr Walters.

Mr M C WALTERS: Mr Deputy Speaker, we presented certain proposed amendments to the NCOP. The first one is the declaration that the Minister of Mineral Resources should be responsible for the environmental authorisation, which I think was unacceptable and we said that to the Minister, and we took out “responsible for”; the Minister of Mineral Resources must be identified as the competent authority in terms

of Subsection 1 where the listed or specified activity is directly related to.

Now in the Bill they say the appeal authority would be the Minister of Environmental Affairs. I think that is unacceptable. When it is about an environmental issue the Minister of Environmental Affairs should be the person taking the decision. There were then a number of other aspects with regard to criteria to be taken into account by competent authorities when considering applications and we had amendments there. It was clear that a state department consulted in terms of Subsection 2 must submit comment within - and they had 30 days; we saw that as also untenable and suggested 40 days, in which the Minister responsible for Mineral Resources or the MEC or environmental assessment practitioner must request state departments in writing to submit comment; and then in the appeals aspect we also had amendments, which were not included, and we came to the conclusion that not including those amendments substantially weakened the Bill in terms of the possible environmental impacts of mining. We concur that the Ministers must work more closely [Interjection.]

An HON MEMBER: They must work closely.

Mr M C WALTERS: But the transfer of environmental authorisation to the Minister, the Mineral Resources Minister is incompatible with the role of the Minister of Environmental Affairs. So our recommendation was not to support the Bill.

The DEPUTY SPEAKER: Thank you hon member Mr Walters.

Ms M TINGWE: Why professor man, why?

The DEPUTY SPEAKER: Are there any objections to the ratification of the confirmative authority on the Western Cape delegation in the NCOP not to support the Bill? There is an objection. I put the question: those in favour of the report, in other words not to support the Bill, will say “aye”.

HON MEMBERS: Aye.

The DEPUTY SPEAKER: Those against “no”.

HON MEMBERS: No.

The DEPUTY SPEAKER: I think the ayes have it, and so they have. The objection of the ANC will be recorded. The Secretary will read the sixth Order of the Day.

6. Consideration of Report of the Standing Committee on Agriculture and Environmental Planning on the *National Environmental Management: Waste Management Amendment Bill* [B 32B – 2013] (NCOP), dated 19 March 2014 (See Announcements, Tablings and Committee Reports, No 21, dated 20 March 2014, p 71) (Ratification of final mandate).

The DEPUTY SPEAKER: Order! When the House could not sit during the past few days the legislature received the report of the Standing Committee on Agriculture and Environmental Planning on the *National Environmental Management: Waste Management Amendment Bill* [B 32B – 2013] conferring authority on the Western

Cape delegation in the NCOP, not to support this Bill. This mandate was then sent to the NCOP. I will now afford parties a short opportunity for declarations, if they so wish. The ANC, hon member Ms Mbalo.

†UNksz B G MBALO: Enkosi mhlali ngaphambili. Nalapha ndizeka mzekweni. SinguANC siyawuxhasa lo mthetho uyilwayo akukho sizathu. Ikomiti izithumele izinto ibibonisa yaphendulwa, yaxelelwa isizathu sokuba izinto zihambe ngohlobo ebebebona ngalo. Masiyamkele le nto bethuba. Siyawuxhasa thina singuANC.

\*Ms B G MBALO: Thank you Chairperson. Here also I reiterate. We as the ANC support this bill. There is no reason. The committee has sent its submissions and views and was answered, was told the reason why things will happen the way they deemed fit. Let us accept this, people. We as the ANC support the bill.

The DEPUTY SPEAKER: Thank you. Cope is not here. The ID, no comment? The ACDP's comments we note. The DA, no comment from the DA? Fine, hon member Mr Walters.

Mr M C WALTERS: No, it is a pity that ANC members often are not there when things are discussed, but [Interjections.]

Ms M TINGWE: Ah, we know that thing of the...

Mr M C WALTERS: We had certain problems and we, while acknowledging the need for amendment of the Bill, we cannot support the Bill in its present form as it is clear that insufficient public participation on the substantially altered Bill ... [Interjection.]

They had public participation and then long after that a substantially altered Bill was presented and did not go through the necessary public participation to complete the process. The constitutionality of this Bill was also fundamentally revised. It did not get the necessary public participation and it impacts on the powers of local government, which is responsible ultimately for waste management, and it is submitted that the provisions in the later version of the Bill, which did not go to proper public participation, directly impacts on the functions and powers of municipalities, and in those circumstances this draft legislation will have to be subjected to comment or input by municipalities and other stakeholders. This Bill may fall short of satisfying this constitutional provision.

There remain problems with the reference to the definitions of waste. The proposed pricing strategy is a new concept and requires far more consultation between spheres of government to establish whether it is the best approach to raise requisite funds. There is also a lack of clarity on the composition and functions of the proposed bureau and its overlapping with other bodies and monitoring of compliance. Further consultation is also necessary there.

Then there is also further clarity in terms of Schedule 3 that is needed and I am abbreviating our comments, but in view of the above and other deficiencies the province cannot support the Bill in its present form. Our recommendation was that it should be referred back to the National Assembly for further consultation and revision, and we remain with our final mandate which then was not to support the Bill in its present form.

The DEPUTY SPEAKER: Thank you. Are there any objections to the ratification of the confirmative authority on the Western Cape delegation in the NCOP not to support this Bill? There is an objection. I therefore put the question: those in favour of the report, in other words not to support the Bill, will say “aye”.

HON MEMBERS: Aye.

The DEPUTY SPEAKER: Those against “no”.

HON MEMBERS: No.

The DEPUTY SPEAKER: I think the ayes have it, and so they have. It will be recorded. The Secretary will read the seventh Order of the Day.

7. Consideration of Report of the Standing Committee on Agriculture and Environmental Planning on the *Restitution of Land Rights Amendment Bill* [B 35B – 2013] (NCOP), dated 20 March 2014 (See Announcements, Tablings and Committee Reports, No 21, dated 20 March 2014, p 71) (Ratification of final mandate).

The DEPUTY SPEAKER: Order! When the House could not sit during the past few days the legislature received the report of the Standing Committee on Agriculture and Environmental Planning on the *Restitution of Land Rights Amendment Bill* [B 35B - 2013] conferring authority on the Western Cape delegation in the NCOP, not to support this Bill. This mandate was then sent to the NCOP. I will now again afford

parties a short opportunity for declarations if they wish to take it up. I see the ANC, hon member Ms Mbalo.

†UNksz B G MBALO: Akukho nto yothusayo xa ngaba lo mbutho ulawulayo apha eNtshona Koloni ungahambisani nalo mthetho uyilwayo. Sinembali apha yento yokuba abantu bahluthelwa imihlaba yabo. Ndiyayazi into yokuba uninzi kweliya cala, xa kuthethwa ngemihlaba luchaphazeleka ngqo. Sinoxanduva thina singuANC, yaye sabathembisa abantu ukuba baza kulawula, kwaye sabathembisa ukuba imihlaba yabo iza kubuyiselwa. Isebe likaMphathiswa uGugile Nkwinti lenza umsebenzi oncomekayo kakhulu. Lo mgaqo-siseko uhamba ngqo kwizigqibo esazithathayo singuANC. Laa madoda akweliya cala, ukuba ngaba ayachaphazeleka makayisele le ndebe nokuba iyakrakra. Ayizukuma, iyaqhuba mhlali ngaphambili, enkosi. Siyawuxhasa singuANC lo mthetho uyilwayo.

\*Ms B G MBALO: There is nothing shocking when the ruling party in the Western Cape does not support the bill. We have a history of people whose land was taken from them. I am aware that most on that side, when we talk about land are directly involved. We have a mandate as the ANC, and we promised the people that they will govern, and we promised them that their land will be returned. The department of Minister Gugile Nkwinti is doing a very commendable job. This constitution talks to the resolutions we took as the ANC. The men on that side, if they are implicated they must swallow the bitter pill. This is not going to stop. It will continue Chairperson. Thank you. We as the ANC support this bill.

An HON MEMBER: Amandla!



The DEPUTY SPEAKER: Thank you. COPE is not here. The ID, nothing. The ACDP, we have noted the ACDP's view.

An HON MEMBER: If you do not read. [Interjection.]

The DEPUTY SPEAKER: The DA. Hon member Mr Walters.

The MINISTER OF TRANSPORT AND PUBLIC WORKS: Nkandla belongs to the [Inaudible.]

Mr M C WALTERS: Mr Deputy Speaker, I think we all acknowledge the need for restitution of land to people who were unrightfully deprived of those land rights. It is however a fact that this Bill is ill-conceived. Acknowledging that the restitution of land rights for those who for various reasons missed the 1998 cut-off date for the filling of post-1913 claims, the following concerns were raised by the Committee. [Interjections.]

The tabling of the Bill is premature and as constituted has little chance of success. It is imperative that the claims lodged before 1998 be completely finalised without outstanding problems. Of the 80 000 claims more than 20 000 are incomplete with 8 000 still awaiting attention. To date R 22 billion has been spent with only R 8.2 million budgeted for the next three years, while R 12 billion is needed to complete the process. The completion of existing claims would take up to 12 years.

Dis net die bestaande eise. The Department of Rural Development and Land Reform

estimates that it will cost - and listen to this please, ANC - between R 129 billion and R 179 billion to settle the expected 379 000 new claims within 15 years. Under these circumstances the expectations of applicants and their dependents will be raised - and I think this is an election trick - with little prospect of early resolution by a total number in excess of one million people. Judging by progress with pre-1998 applications - and these are not my figures, these are figures from very knowledgeable organisations - the envisaged process would take 129 to 177 years to complete. Litigation could [Interjection.]

The MINISTER OF TRANSPORT AND PUBLIC WORKS: But Zuma will still be here.

Mr M C WALTERS: Litigation could increase costs and duration. Mr Deputy Speaker, the track record of the Department of Rural Development and Land Reform in addressing pre-1998 applications is abysmally dismal and it clearly has neither the capacity nor the access to the funding that is required. The underlying strategy as presented is fraught with inconsistencies and should be re-examined with inputs from the competent academics and legal entities who oppose it in its present form. Public participation was inadequate as this version of the Bill differs substantially from those versions exposed in earlier rounds of consultation.

The Western Cape can only support this Bill if the following amendments are incorporated: the Western Cape does not believe that any individual or community with a rightful claim to land or equitable redress should be excluded simply because they were not informed of their rights. It is therefore of critical importance that

communities and individuals are fully informed of their rights in respect of the lodging of claims and the process of how to lodge a claim correctly.

We thus propose that an intensive six month communication campaign be rolled out across the country through national and regional media and provincial and regional workshops, before the window to lodge claims is reopened, and this would be after the handling of the existing claims. Unless a proper communications programme is implemented the claims progress will indubitably fail. Once the communication has been completed ...

The DEPUTY SPEAKER: Hon member your time has almost expired. Just finish off.

Mr M C WALTERS: Okay I will finish off, but there is still a number there, there were very concrete amendments that would make this process successful if they were accepted and implemented so I will say that we recognise that the pace of redistribution should be significantly increased, and therefore propose that a six year deadline be imposed from the date that the lodgement process closes for the adjudication process to be completed.

The DEPUTY SPEAKER: Thank you hon member Mr Walters. Your time has now expired.

Mr M C WALTERS: Thank you and our final word was just that we do not support the Bill.

The DEPUTY SPEAKER: Thank you. It is noted. Are there any objections to the ratification of the confirmative authority on the Western Cape delegation in the NCOP not to support this Bill? There is an objection. I therefore put the question again: those in favour of the report, in other words not to support the Bill, will say “aye”.

HON MEMBERS: Aye.

The DEPUTY SPEAKER: Those against “no”.

HON MEMBERS: No.

The DEPUTY SPEAKER: I say the ayes have it, and so they have. The objections of the ANC will be recorded.

The DEPUTY SPEAKER: The Secretary will read the eighth Order of the Day.

8. Consideration of Report of the Standing Committee on Finance and Economic Development on the *National Credit Amendment Bill* [B 47B – 2013] (NCOP), dated 24 March 2014, (See Announcements, Tablings and Committee Reports, No 23, dated 25 March 2014, p 107) (Ratification of final mandate).

The DEPUTY SPEAKER: Order! When the House could not sit during the past few days the legislature received the report of the Standing Committee on Finance and Economic Development on the *National Credit Amendment Bill* [B 47B – 2013] conferring authority on the Western Cape delegation in the NCOP to support the Bill.

This mandate was then sent to the NCOP. Are there any objections to the ratification of the confirmative authority on the Western Cape delegation in the NCOP to support this Bill? No objection? Agreed to.

The DEPUTY SPEAKER: The Secretary will read the ninth Order of the Day.

9. Consideration of Report of the Standing Committee on Finance and Economic Development on the *Infrastructure Development Bill* [B 49B – 2013] (NCOP), dated 24 March 2014, (See Announcements, Tablings and Committee Reports, No 23, dated 25 March 2014, p 107) (Ratification of final mandate).

The DEPUTY SPEAKER: Order! When the House could not sit during the past few days the legislature received the report of the Standing Committee on Finance and Economic Development on the *Infrastructure Development Bill* [B 49B – 2013] conferring authority on the Western Cape delegation in the NCOP, not to support the Bill. This mandate was then sent to the NCOP and I will afford parties again an opportunity for short declarations of vote on this Bill. I see the ANC, if they want to take it up. Hon member Ms Beerwinkel.

Ms C F BEERWINKEL: Thank you Mr Speaker. Mr Speaker, this Bill deals with special infrastructure projects where national has seen the need to enhance the infrastructure development. Mr Speaker, as the ANC we see this Bill as an initiative by national to increase the opportunity for much-needed infrastructure delivery which is meant to unlock employment opportunities and development across the country, so while the DA is always inferring that the basis of growth and the NDP is

infrastructure, we cannot make sense of some of the amendments that were forwarded.

Mr Speaker, while we agree that all development needs to be sustainable, the one objection in particular that makes no sense is the obsession with the Nema requirements while in clause 18 of the Bill it explicitly refers to the fact that all development applications have to follow the normal processes as set out in the Nema Act of 107 of 1998. [Interjection.]

Quite frankly Mr Speaker, some of the amendments are frivolous and in some cases superfluous because some of those very amendments and objections are already contained in other legislation, so we support the Bill.

The DEPUTY SPEAKER: Thank you, are there any further declarations? The ID and ACDP not. Then the DA.

Mr E J VON BRANDIS: Mr Deputy Speaker, the way in which the Infrastructure Development Bill proposes to address the challenge of a lack of co-ordination and co-operation relating to infrastructure development is not supported. The Bill should focus on strengthening the existing institutional structures to improve on integration and co-ordination. It will be more appropriate for the Bill to assist all spheres of government to identify and address institutional frameworks that may impede effective planning for an implementation of the strategic integrated projects.

The following are further arguments against the Bill, Mr Speaker. The existing challenges related to co-operation integration is a human agency problem, not a lack

of institutional structures and frameworks. The normal IDP processes do cater for integrated planning processes [Interjection.]

Ms M TINGWE: Please my brother!

Mr E J VON BRANDIS: ...across all three spheres of government. The Bill should focus on the strengthening of existing institutional structures rather than creating additional institutional structures and frameworks.

Secondly the Bill fails to provide clarity on the process that informs the designation of the SIP. The planning of SIPs should take place within the IDP processes, with increased participation by provincial and national organs of state.

Thirdly Mr Deputy Speaker, the Bill does not make any reference to the need for sustainability of sustainable development. In light of the fact that the specific effort has been made in the Bill to refer to social and economic sustainability the refusal to also include the reference to environmental sustainability is a serious flaw. Mr Speaker, the DA does not support this Bill. Thank you.

The DEPUTY SPEAKER: Thank you. Are there any objections to the ratification of the confirmative authority on the Western Cape delegation in the NCOP not to support this Bill? There is an objection. I therefore put the question: those in favour of the report, in other words not to support the Bill, will say “aye”.

HON MEMBERS: Aye.

The DEPUTY SPEAKER: Those against “no”.

HON MEMBERS: No.

The DEPUTY SPEAKER: The ayes have it, and so they have. The Secretary will read the tenth Order of the Day.

10. Consideration of Report of the Rules Committee on the *Financial Management of Parliament Amendment Bill* [B1B–2014] (NCOP), dated 24 March 2014 (See Announcements, Tablings and Committee Reports, No 23, dated 25 March 2014, p 108) (Ratification of final mandate).

The DEPUTY SPEAKER: [Interjection.] Order! When the House could not sit during the past few days the legislature received the report of the Rules Committee on the *Financial Management of Parliament Amendment Bill* [B1B–2014] conferring authority on the Western Cape delegation in the NCOP, not to support the Bill. This mandate was then sent to the NCOP. I afford parties a short opportunity for declarations if they wish to take it up, the ANC hon member Mr Uys.

Mr P UYS: Thank you Mr Deputy Speaker. The Constitutional Court Mr Deputy Speaker, found that the Constitution does not authorise provincial legislature to pass their own financial management legislation; also that various provincial statutes purporting to deal with financial management of various provincial legislatures are unconstitutional and invalid.



Mr Deputy Speaker, the Speakers Forum decided that the financial management of provincial legislatures will be provided for in an amendment to the Financial Management of Parliament Act.

Mr Deputy Speaker, it is the same principle that we see in the PFMA that applies to national government and now also to provincial government. This legislation will now be applicable to Parliament and all provincial legislatures; the same principle, and therefore the ANC supports the Bill.

The DEPUTY SPEAKER: Thank you, the ACDP, do you want to take up this opportunity? Not? The DA, hon member Mr Geyer.

Mr H P GEYER: Mr Deputy Speaker, the Rules Committee has three substantive objections to the Bill.

1. The executive authority as defined in the act should include the options of having a representative body composed of representatives of political parties represented in Parliament as well as provided for previously in the principle act. This amendment Bill does not make provision for a representative body to act as executive authority.
2. Two, the Speaker of the National Assembly and the Chairperson of the NCOP may issue regulations affecting the WCPP which could infringe on its autonomy and the constitutional right of legislatures to determine their own

internal arrangements.

3. The executive authority should not be part of the committee of members that is tasked to oversee it. It would essentially mean that the executive authority will have oversight over itself. The principle act excludes the executive authority to be part of the oversight mechanism and the DA is in favour of retaining the status quo. We therefore do not support the Bill.

The DEPUTY SPEAKER: Thank you. Are there any objections to the ratification of the confirmative authority on the Western Cape delegation in the NCOP not to support the Bill? There is an objection. Therefore I will put the question: those in favour of the question, in other words not to support the Bill, will say “aye”.

HON MEMBERS: Aye.

The DEPUTY SPEAKER: Those against “no”.

HON MEMBERS: No.

The DEPUTY SPEAKER: The ayes have it, and so they have.

Me J WITBOOI: Ons raas miskien [Onduidelik.]

The DEPUTY SPEAKER: Before I read the next order can I just say to the hon member Ms Magwaza, hon member Ms Magwaza, order. Hon member Ms Magwaza

broke the line just now when she walked out, but I let it go because it is the last sitting day. No problem. The Secretary will read the eleventh Order of the Day.

11. Consideration of Report of the Budget Committee on the *Division of Revenue Bill* [B 5 – 2014] (NCOP), dated 24 March 2014, (See Announcements, Tablings and Committee Reports, No 23, dated 25 March 2014, p 108) (Ratification of final mandate).

The DEPUTY SPEAKER: Order! When the House could not sit during the past few days the legislature received the report of the Budget Committee on the *Division of Revenue Bill* [B 5 – 2014] conferring authority on the Western Cape delegation in the NCOP, to support this Bill. This mandate was then sent to the NCOP. Are there any objections to the ratification of the confirmative authority on the Western Cape delegation in the NCOP to support the Bill? No objections?

Agreed to.

The DEPUTY SPEAKER: The Secretary will read the twelfth Order of the Day.

12. Consideration of Report of the Standing Committee on Premier, Gender, Disabled and Youth on the *State Attorney Amendment Bill* [B 52B – 2013] (NCOP), dated 25 March 2014, (See Announcements, Tablings and Committee Reports, No 23, dated 25 March 2014, p 108) (Ratification of final mandate).

The DEPUTY SPEAKER: Order! When the House could not sit during the past few

days the legislature received the report of the Standing Committee on Premier, Gender, Disabled and Youth on the *State Attorney Amendment Bill* [B 52B – 2013] conferring authority on the Western Cape delegation in the NCOP, to support this Bill. This mandate was sent to the NCOP. Are there any objections to the ratification of the confirmative authority on the Western Cape's delegation in the NCOP to support the Bill? No objections?

Agreed to.

The DEPUTY SPEAKER: The Secretary will read the thirteenth Order of the Day.

13. Consideration of Report of the Standing Committee on Premier, Gender, Disabled and Youth on the *Women Empowerment and Gender Equality Bill* [B 50B – 2013] (NCOP), dated 25 March 2014, (See Announcements, Tablings and Committee Reports, No 23, dated 25 March 2014, p 108) (Ratification of final mandate).

The DEPUTY SPEAKER: Order! When the House could not sit during the past few days the legislature received a report of the Standing Committee on Premier, Gender, Disabled and Youth on the *Women Empowerment and Gender Equality Bill* [B 50B – 2013] conferring authority on the Western Cape delegation in the NCOP, not to support this Bill. This mandate was then sent to the NCOP. I will afford the parties the opportunity to make short declarations if they so wish, the ANC. Nobody? Oh, hon member Ms Hani, sorry.

Ms V HANI: The DA Government has never supported empowerment.

The PREMIER: Ugh!

Ms V HANI: And it is no surprise that they are voting against this Bill. They resist gender equity.

Ms M TINGWE: Yes!

Ms V HANI: They resist any transformative legislation because they want things to stay as they are [Interjection.]

The MINISTER OF TRANSPORT AND PUBLIC WORKS: You tell only the truth!  
[Interjections.]

The DEPUTY SPEAKER: Order!

The MINISTER OF TRANSPORT AND PUBLIC WORKS: You can throw us out.  
That is the truth from you [Interjection.]

The DEPUTY SPEAKER: Order! Please continue.

Ms V HANI: Yes, that is what is good about me. They want things to stay as they are.

The MINISTER OF TRANSPORT AND PUBLIC WORKS: That is true.

Ms V HANI: White, like hon Minister Carlisle, rich male [Interjections.]

The MINISTER OF TRANSPORT AND PUBLIC WORKS: You must talk; you must tell us [inaudible]

An HON MEMBER: You want to stay [Interjection.]

Ms V HANI: Just like the Premier's cabinet. It is all white, rich and male. [Interjection.]

Mr M SKWATSHA: Yes, all white!

The DEPUTY SPEAKER: Order! Order!

Ms V HANI: Unfortunately the ANC will not allow apartheid and gender imbalances to continue. We will not allow that. We will make it a point that [Interjections.]

The DEPUTY SPEAKER: Order! Order! Order! Minister Carlisle, Order! Minister Carlisle there is still a Speaker's dinner afterwards and I want you to attend, please. Please continue hon member Ms Hani.

Ms V HANI: I continue, let me - unfortunately the ANC will not allow apartheid and gender imbalances to continue in this country. We therefore support the WEGE Bill.

The DEPUTY SPEAKER: Thank you. [Interjection.] Nothing from COPE or the ACDP or the ID? The DA, hon member Ms Hartnick.

Die PREMIER: Hoor-hoor!

Ms J L HARTNICK: Mr Deputy Speaker, the Western Cape supports efforts to empower women and achieve gender equality.

An HON MEMBER: No support, well show it then [Interjection.]

Ms J L HARTNICK: But we cannot support this Bill for the following reasons: the 50% requirement contained in the Bill amounts to top-down manipulation to achieve the appearance of equality and does not address the root causes of inequality in South Africa. The discretion afforded to the Minister to designate bodies and to recommend which steps should be taken is still too wide.

'n AGBARE LID: Haai Jenny!

Ms J L HARTNICK: The Bill has no internal mechanism to appeal designation and prescribed steps which could lead to a flood of actions which our justice system cannot afford. The Bill does not adequately address the challenges faced by rural women. We also believe that the notice given for public submissions was not adequate and resulted in only a few submissions to the Committee. We recommend that the Department undertakes a comprehensive audit of existing legislation to identify gaps, to identify laws that are not being properly implemented and to make findings on what

is required to implement them sufficiently.

The DEPUTY SPEAKER: Thank you.

Ms J L HARTNICK: We do not support the Bill.

The DEPUTY SPEAKER: Are there any objections to the ratification of the confirmative authority on the Western Cape's delegation in the NCOP not to support the Bill? There is an objection. I therefore put the question: those in favour of the report, in other words not to support the Bill, will say "aye".

HON MEMBERS: Aye.

The DEPUTY SPEAKER: Those against "no".

HON MEMBERS: No.

The DEPUTY SPEAKER: The ayes have it, and so they have. The objections of the ANC will be recorded. The Secretary will read the fourteenth Order of the Day.

14. Consideration of Report of the Conduct Committee dated 24 March 2014 (See Announcements, Tablings and Committee Reports, No 22, dated 24 March 2014, p 72).

The DEPUTY SPEAKER: Order! I do not have a speaker's list. I therefore put the



question. Is there any objection to the code being adopted? No objection?

Agreed to.

The DEPUTY SPEAKER: That disposes of the Order Paper as printed, but let me just make an announcement. I have been informed by the Chairperson of the Standing Committee on Agriculture and Environmental Planning that due to insufficient time allowed by the NCOP to process the final mandate on the Mineral and Petroleum Resources Development Bill the Committee could not do so. The Committee in its negotiating mandate however provided extensive comment on why the Bill could not be considered and has proposed its withdrawal from the legislative programme. That disposes of that.

Then there is one outstanding issue before we come to final farewells, and this relates to a ruling which I gave at the end of last year relating to the use of the word “terrorist” in relation to members of the House and I have asked the hon Leader of the Opposition just to clarify and I will give her an opportunity to indicate whether she in fact referred to members of the House or not.

Ms L BROWN: In fact Mr Deputy Speaker, I think you adequately dealt with the matter in your ruling. Now just as it is used in the House, when members refer to the ANC as corrupt, it is then said it is referred to no-one in particular. I did not refer to anyone in particular as being a terrorist.

The DEPUTY SPEAKER: That is right. Thank you very much. That disposes of that

matter. We now reach the end of the Order Paper and I will allow parties' party leaders of whoever parties nominate to speak on behalf of parties and say a couple of farewell words while we are at the end of our session. I will see the ANC first.

Ms L BROWN: Mr Speaker and members. On behalf of the ANC, we have been here for 20 years, and for Alta Rossouw and I it has been 20 years of having been in this House. We have served in many, many various positions. In fact I think except for one or two positions I have almost held every single position in the province, so I am officially a veteran, but I do want to say after 20 years, thank you very much to the Speaker. In fact every Speaker and Deputy Speaker in our period, thank you very much for having maintained and managed this House.

The officials led by Mr Hindley, led by Mr Peter Williams and so forth, but the last set of officials, thank you very much and in that I would like to thank the people in the front bench. I would like to thank the back offices. I would like to thank the people in Hansard. I would like to thank the caterers. I would like to thank Charles and all of you who make it possible for us to drink water. [Inaudible.] I often ask you is there not something else that you can put in that glass and you say no, but thank you very much, because in essence you are the backbone of who we can become in this legislature, so thank you very, very much.

To members, now there are many of us, many members here who will not be coming back. You know there is a funny little saying: "Do not worry, when a door closes another one opens", but I do want to say, thank you very much to each member in this House. We are often only because of each other, very often the debate in this House is

probably the most robust in the whole country and it has been so since I have been here in 1994, up until now. But I think what we must not forget that the way we can enjoy the fruits of our democracy today has been a hard one. Those are victories we must learn to preserve, to maintain, to make sure that it never goes away, so we must protect those democracies or the democracy that we have brought about, because the same people who fought for that democracy now are sitting and having to make legislation, have oversight, deal with the pleasures of the democracy in essence. So I would like to say thank you very much on behalf of the ANC. There are members who are retiring. Do not let anything take you out of retirement. I almost thought I was joining you, retiring as well this year, but I am going to do so quite soon, and I think just all in all, well done to all of us. I am now just speaking to everybody as if we are members elected by our constituencies and well done to everyone. I do not think we have done too badly within this province. Sometimes I have left here, feeling, “ugh, do I really want to have that battle”, but I think it has made us stronger. There are 35 days left to the election. Well, as they say, may the best man win.

An HON MEMBER: Yes.

Ms L BROWN: Thank you very much, Mr Speaker.

The DEPUTY SPEAKER: Thank you. [Applause.] COPE. [Interjections.]

An HON MEMBER: Does the ANC get two chances?

Mr M NCEDANA: I think it is only proper... [Interjection.]

Mr H P GEYER: Unreal.

Mr M NCEDANA: ... to thank the Congress of the People and the people who voted us into these positions. We did the best we could under the circumstances to serve them. It has not been an easy five years, because we had to spend a couple of months learning how the legislature operates, which is different from a municipality. We did not have mentors like many of other parties here, so we had to struggle on our own, but we grappled and I think it is proper to thank the people of the Western Cape for the manner in which they continue to raise the issues they had when they were not happy with the government, when they were not happy with us as opposition. I think that that contribution is very important, in particular the fact that the legislature when it met, these deliberations, some people who have DSTVs have an opportunity to listen and see how we argue and so we get feedback through that process, and I think those feedbacks helped us a lot to grow.

The leadership of this government, it has not been easy but I have this thing that I believe in, that all political leaders want to do what is best for the people. Sometimes you do not achieve what you want to achieve in the manner in which you want to achieve. You do not attain the objectives as you set for yourself, but it does not mean you do not want to deliver those services. This is my belief that all leaders are driven by that vision and I think serving under the ANC as an opposition, the Democratic Alliance as a government, I learnt a lot. I learnt a lot from the opposition party members, the manner in which they raise questions. I learnt a lot. I remember the glasses the other day that were billed. There were many experiences in fact, which in

fact make each and every member to sharpen his thinking. You do not just come here without having thought through what you are going to say and in earnest I think the legislature has improved over this period of five years since I had come in.

I would like to take that opportunity, I am sure I am one of those members who may not be coming back, maybe coming back. [Laughter] But if it happens that I do not come back I trust those who will come back will take it from where we are and take it forward for the better of the people of the Western Cape in particular. I thank you. [Applause]

The DEPUTY SPEAKER: The ID.

Mr R LENTIT: Mr Deputy Speaker, on this final occasion of this fourth provincial Parliament, I am reminded of my oath of office when I became a member of this House. I said: “I, Rodney Lentit, swear that I will be faithful to the Republic of South Africa in the province of the Western Cape and will obey, respect and uphold the National Constitution, the Provincial Constitution and all other laws of the Republic and promise to perform my functions as a member of Provincial Parliament to the best of my ability.”

Mr Deputy Speaker, this is the oath that navigated me to perform my duties to better the lives of the people of the Western Cape. I have no interest in being here for the sake of being here, and that the only point of being here was to make a difference for the betterment of all the people of the Western Cape.

Mr Deputy Speaker, I wish to thank you, the Speaker, the Secretary and all the parliamentary staff for their unfailing professionalism. I agree with hon member Ms Brown, it is they who uphold this great institution to ensure that this is a platform for executive oversight. This parliament is a great institution. As members you choose what type of parliamentarian you wish to become, positive or negative, knowledgeable or otherwise. The Western Cape is a remarkable province and South Africa is a country of remarkable opportunity. To think that the son of a single mother from Elsies River could be elected to Parliament to represent the poor people of this province says everything about this extraordinary country, South Africa, and for these remarkable opportunities I will always be grateful. To the members of this House, this is not the last time we will see each other. I will see some of you in the streets of my constituency during the election campaign. I thank you. [Applause]

The DEPUTY SPEAKER: The ACDP.

Mr G C R HASKIN: Thank you Mr Deputy Speaker. I am not going to be saying farewell because I will be returning after the elections. [Laughter] Of course with a bigger ACDP caucus as well. I particularly want to recognise the retirement of hon member Ms Brown and hon member Ms Rossouw. I regard you as icons of this parliament and in fact hon member Ms Witbooi. Thank you. [Interjections.]

The MINISTER OF TRANSPORT AND PUBLIC WORKS: Hon member Ms Brown did you know about... [Inaudible.]

An HON MEMBER: Ms Brown is also coming back. [Interjection.] [Inaudible.]

Mr G C R HASKIN: Well, from Parliament, from here, from this institution.

An HON MEMBER: From here, from here.

An HON MEMBER: Minister Carlisle is also [Inaudible.]

Mr G C R HASKIN: All of those who are retiring and who are not going to be volition, let us sum it up like that, I regard you all as icons of Parliament and I have learnt a great deal from you, from your stature, your behaviour, the way in which you engage and I have certainly learnt to emulate that in many respects. I will never forget your contribution and I wish you well and God's blessings as you pursue that which you are going to pursue after the elections, wherever you are going to be. Thank you very much for the impact that you had on my life and my work as a parliamentarian.

To the staff, I concur with what hon member Ms Brown has said, with hon member Mr Lentit and COPE in terms of thanking the staff for the work, for their availability, for their professionalism and for the hard work. I particularly want to thank Mr Dustin Davids, the committee co-ordinator for Scopa. I have kept him on his toes and I think he has done exceptionally well under the circumstances.

Also it is to thank those who are outside of Parliament but who make Parliament's work better, such as the Auditor General's office and all those others who we engage with on a continuous basis. I want to thank them for their openness, their transparency and their willingness to make our life as parliamentarians easier and to make our work

impactful for the people of Cape Town and the Western Cape. Thank you very much, Mr Speaker. [Applause]

The DEPUTY SPEAKER: Thank you, the DA, Hon Premier.

The PREMIER: Thank you very much, Mr Deputy Speaker. I am sure we all found those words very moving, from all of our colleagues from all the parties represented here and Mr Deputy Speaker, it is sometimes difficult to remember and even to feel in the heat of debate how much we actually have in common and how much everyone who works in this parliament wants South Africa to succeed in a democracy and as a democracy and as a country with a great future for all her children, and I am sure that the vast majority of us are here try and advance that particular goal.

Certainly speaking for myself, the irony is that I have had a long journey in politics, but in many respects longer with some of the members of the honourable Opposition than with my own party and I have known them for many, many years in very complex and difficult circumstances and the people that I know well, I know are honourable people who are committed to the future of this country with a great depth and a great passion, as are the people on this side of the House.

One does not only have to serve here as politician, Mr Deputy Speaker. One serves here in a variety of capacities and everybody's job, whether it has been cleaning this Parliament and this House or ensuring that we have four water glasses or ensuring that the minutes are done or that the language is translated, or that the order is maintained or that we are adequately advised and serviced through the administration, they have



all got a crucial role to play and have chosen to be here because they also want to advance the course of democracy.

All of us I think would like to thank the people who have worked to support us in the work we do in this Parliament as I very particularly do for my personal office and for all my colleagues here in this House. I would like to echo what other colleagues have said about people who are voluntarily laying down the cudgels, as it were, and I want to pay a very special tribute to them. The Leader of the Opposition is a person who would be leaving this House and going to national Parliament, as I understand it. The hon member Alta Rossouw, who has been the Chief Whip of this House and has whipped us along; believe me, I have felt some of the sting of that, for the last five years thank you very much for your dedication. To the two Ministers who voluntarily will not be returning, I want to thank them very, very much for the colour and flair and solidity - and I will not tell you who I am referring to with each of those words - you have lent to this august House.

To all of the other people who will not be returning, whether they have chosen that path or not, let me wish you Godspeed and let us hope that the will of the people will be done in South Africa and in our very creative system of checks and balances which includes three spheres of government that can be governed by different political parties, because we believe that in a complex plural society it is good to have different centres of power and the division of powers and functions to ensure that not too much power is concentrated in too few hands. And so we are very committed to making our system of democracy work, of making co-operative governance work, of holding any government, wherever it is, to account through a parliament and through free and

independent institutions, that we have seen acting very vigorously in the past while, and so 20 years into democracy; well, we are just getting out of our adolescence and the next term will see us at 21 years and as I have learnt in the early 20s all people and I am sure institutions as well, develop a solidity and maturity and a depth that they cannot have as adolescents. So I would like to say to all of those who are coming back, let us stand on the shoulders of the giants who are leaving us now and try and build on their work. Thank you very much, Mr Deputy Speaker. [Applause].

The DEPUTY SPEAKER: Order! May I also on behalf of the Chair - that is the Speaker and Deputy Speaker - wish all members of the House well in their future endeavours, whether they will continue in this House, in a House at national Parliament or simply find themselves with lots of free time in their own houses after the elections. [Laughter]

May we also express our sincere gratitude towards the staff of our Parliament for their sterling work. We have a small dedicated professional and non-partisan staff complement, but they certainly punch above their weight.

The Speaker's task is not an easy one, and in our House with its vibrant and robust debates the Chair is often challenged to the extreme and we both learnt lessons in that process; whether our actions and rulings at all times lived up to the expectations of the House is for the House to judge, but let me assure you that both the Speaker and I regard the opportunity to have served in these capacities as a huge honour and we will certainly treasure these memories.

That then brings us to the end of this sitting day and in all probability to the end of this session. I say that because we remain members until midnight on 6 May and could therefore be called back for urgent business, but in the event that does not happen this sixth session of the fourth Parliament will now adjourn for the last time. Before we finally take leave, may I just remind members of the Speaker's function immediately hereafter in the dining room.

The House is adjourned. [Applause]

The House adjourned at 18:20