

---

THURSDAY, 31 JULY 2014

---

The House met at 14:15

The Speaker took the Chair and read the prayer.

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS - see p

Mr M N PAULSEN: Mr Deputy Speaker, may I propose that we observe a minute of silence in solidarity with the people of Palestine [Interjection.]

The DEPUTY SPEAKER: Order! Order!

Mr M N PAULSEN: ...who have endured another month of Ramadan ... [Interjection.]

The DEPUTY SPEAKER: Order!

Mr M N PAULSEN: ...while being subjected to the brutality of the Zionist regime [Interjection.]

The DEPUTY SPEAKER: Order hon member! Order! Hon member, I have not given you the floor yet, please. We will now proceed with the Order Paper, interpellations and questions, the first one. I see the first interpellation is hon member Mr Dyantyi to

Minister Bredell. I see the hon Minister Bredell.

Mr M N PAULSEN: Mr Deputy Speaker, may I have a moment to put forward a motion, not noted?

The DEPUTY SPEAKER: Order! Hon member Mr Paulsen, you cannot simply get the floor, and sit and speak, while even sitting down. That is not a point of order. A point of order relates to the proceedings of the House. I have given the Minister Bredell the opportunity to start the proceedings with replying to the interpellation.

## **INTERPELLATIONS:**

### *Effective oversight: Municipalities*

#### **1. Mr Q R Dyantyi asked the Minister of Local Government, Environmental Affairs and Development Planning:**

Whether, in relation to effective oversight, municipalities are supported to take good governance decisions and implement them; and under what circumstances are various councils' decisions not supported, adhered to and respected by the Minister?

Die MINISTER VAN PLAASLIKE REGERING, OMGEWINGSAKE EN ONTWIKKELINGSBEPLANNING: Baie dankie, agbare mnr die Adjunkspeaker. Aan die agb lid mnr Dyantyi, baie dankie vir die interpellasie.

Artikel 155(6) van die Grondwet maak voorsiening dat die Provinsiale Regering deur wetgewing of ander maatreëls voorsiening moet maak vir die monitering en ondersteuning van Plaaslike Regering in elke provinsie, ook in hierdie een, en deur die ontwikkeling van plaaslike regeringskapasiteit te bevorder munisipaliteite in staat te stel om hul funksies uit te voer en hul eie sake te bestuur met die klem op “om hulle eie sake te bestuur.”

Die bestuur van hul eie sake sluit in die oorsig verantwoordelikheid. Dit is partykeer hier, agb lid mnr Dyantyi, waar ons dit verkeerd kry. Dit is in die eerste plek die verantwoordelikheid van die Munisipale Raad om die aksies, die interaksies van die Uitvoerende Komitee sowel as die administrasie te monitor en aandrang op korrektiewe optrede, dus jou eerste stop van oorsig gebeur binne die munisipale opset self.

As 'n Provinsiale Regering ondersteun ons raadslede om hul oorsigrol na te kom en ingeligte besluite te neem. Die lys hieronder toon aan die ondersteuning wat verskaf is en dit is nie volledig nie. Net van die items waarmee ons besig is in ons munisipaliteite, van die ondersteuning wat ons aan hulle gee is items soos die volgende:

Die opleiding ten opsigte van ordereëls met spesifieke klem op pligte en verantwoordelikhede en die handhawing van die orde in rade;

Die ondersteuning van die funksionering van die Munisipale Openbare Rekeningskomitee oor oorsig en bevordering. Hierdie ondersteuning was verskaf in

samewerking met die voorgestaande komitee, SKOOR, as lede van die Vereniging van Openbare Rekeninge Komitees.

Ons gee ook ondersteuning in die volgende, met etiekbestuur ten opsigte van besluitneming; die voorsiening van regs- en regeringsadvies soos en wanneer nodig. Daar is baie ander agbare mnr die Adjunkspeaker soos die MIC program, die skoon audit, opleiding van raadslede, die opleiding of die handleiding van eiendomsbelasting wat ons opgestel het, want eiendomsbelasting is 'n baie problematiese stuk wetgewing maar dis 'n wetgewing wat op prosedure moet fokus en baie keer kan ons munisipaliteite in die moeilikheid kom as hulle daardie prosedure nie reg handhaaf nie, so ons het 'n hele 'step-to-step', 'n stap-vir-stap handleiding wat spreek tot die munisipale eiendomsbelastingwetgewing, so die ondersteuningsrol van die provinsie was benadruk in die onlangse Wes-Kaapse wetgewing oor monitering en ondersteuning van munisipaliteite, Wet 20(4) van 2014. Ek dink dit is iets nuuts in die nuwe sisteem. Dis iets wat ons verlede jaar aangeneem het.

Raadsbesluite word nie deur my ondersteun wanneer ek deur my departement geadviseer word nie. Ons help munisipaliteite en ons adviseer munisipaliteite om binne 'n wetgewende raamwerk te opereer.

Ek hoop agbare agb die Speaker dat ons kan nou kyk na raadsbesluite wat oor die afgelope tyd geneem is, maar ek dink ek gaan daarby volstaan. Ek hoop ek interpreteer die interpellasie van die agbare lid ... [Tussenwerpsel.]

Die ADJUNKSPEAKER: Dankie Minister Bredell, u tyd is verstreke. Agb lid

mnr Dyantyi.

†UMnu Q R DYANTYI: Sekela Somlomo, ndiyabulela ngeli thuba. Mandibulele nam phaya kuMphathiswa ngengcaciso yakhe kulo mbuzo. Hon MEC Mr Bredell, I have asked very specific questions. Uyaqhuba uxela ngomgaqo-siseko endiwaziyo . Into endifuna ukuyitsho kuwe kukuba ukuba ooMasipala bayaxhaswa nguMphathiswa obekekileyo njengokuba uMphathiswa egqiba kusixelela ....

\*Mr Q R DYANTYI: Mr Deputy Speaker, thank you for this opportunity. Let me thank the MEC for his explanation to this question. Hon MEC Mr Bredell, I have asked very specific questions – you continue to explain the Constitution which I know. What I want to say to you is ...

†If municipalities are supported by the hon MEC as he has just said to us now, he mentioned all sorts of things, MIC and all of that. Why did the MEC not support the Eden District Municipality when out of a thorough forensic and a transparent disciplinary hearing process the municipality acted on issues of corruption? The MEC did not support it and if you are going to quote the Constitution and put forward the independence of the municipality, the municipality has taken a decision and this MEC has chosen to ignore that. Exactly when are you going to bring that matter to finality because there has been a very thorough and a very clear process?

I just want to put it to you, MEC, that you are applying two sets of rules in driving municipalities in this province and these are all [Inaudible.] and lies. You have effectively discouraged good governance in the Eden District Municipality by refusing to adhere to a proper council decision, simply because it does not suit the “blue

party”. It is clear that you prioritise party political interest above issues of good governance.

The Auditor-General in his remarks says that the position of the CFO is considered a contributing factor to the improved audit outcomes as an example. I would want to ask the MEC with those municipalities that have got repeat findings because that is where clearly the issues of vacancies have not been attended to, what is he doing as part of his support for issues of good governance, all sorts of issues that he has quoted from here about the Constitution. The Constitution is not playing an oversight role on its own. It is only a guide and I would want the MEC, when he responds, to be able to put forward exactly what is he doing to ensure that, because ‘vir my, dit lyk asof ten spyte van die feit dat die LUR is daar’, municipalities do good on their own, not because there is an MEC.

'n AGBARE LID: Mooi!

Mnr Q R DYANTYI: I thank you.

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

†UMnu M MNQASELA: Enkosi Sekela Somlomo. Ndifuna ukuthi ndiqhwabela izandla uMphathiswa ngomsebenzi omhle kangaka ukuncedisa ooMasipala ngoba ukuba uyaqaphela, ngoyena Masipala lo Rhulumente le nkqubo kuthiwa yiIDP Indaba nalapho siqale ukubonisa ukuba ooMasipapa singabaqeqesha njani sibancedise. Saphuma ke sathi kwikomiti nayizolo uyazi makhe sibancedise ooMasipala ukubheka

phambili singayiyeki nje le nto kwisigaba sokuqala, kangangokuba iSigaba 2 sale nkqubo siza kuqala kwakhona ngoFebhuwari kunyaka ozayo.

Ngoku kuthetha ukuba umosha nje ixesha uMhleleli yaye andiqondi ukuba iya kusinceda loo nto yokuba sijikeleze oku kukaqoqothwane apha ePalamente. Ngoba apha iDA iphumelele urhulumente, masinikwe ithuba silawule ngoba abavoti baseNtshona Koloni bayazi ukuba bavotele bani. Andifuni ukuba sibe siyicikoza le nto sizama ukuyenza ibe namasolotya athile asithethelelayo, hamba uye kulwa ulonyulo uphumelele, hayi ukuza kuzilwa apha. Aziphunyeelelwa apha, ziphunyeelelwa phaya, ngoko ndifuna ukuthi ke ekugqibeleni kukhutshwe iziphumo nguMphicothi zincwadi Jikelele izolo, kooMasipala abangama 29 kweli phondo abaqwalalselweyo basebenze kakuhle kakhulu. Ama 29 kweli phondo yaye mnye ongaqhubanga kakuhle.

\*Mr M MNQASELA: Thank you, Mr Deputy Speaker. I want to say I applaud the MEC for a job well done by assisting municipalities because if one looks, this is the government with the IDP Indaba programme where we have shown how we can coach and assist municipalities. We went out and said to the committee, you know even yesterday, let us assist the municipalities moving forward and not just leave this in the first phase, in so much that Phase 2 of this programme will start again in February next year.

It means you are just wasting time, Sir and I do not think that it is going to assist us to make circles like beetles here in Parliament. Because here the DA has won the government, let us be given the chance to govern because the voters of the Western Cape know who they have voted for. I do not want us to be eloquent about this trying

to make it have certain clauses in our favour, go and fight the elections and win, not to fight them here. They are not won here, they are won there. So I want to say in conclusion the Auditor General has released results yesterday and 29 municipalities in this province have done very well and only one did not do well.

†One that has not done as well as others is Kannaland, your municipality. Now you must go and preach there. In fact in Eden you are not going to win even in 2016. So we are here, we are on track. Do not worry about the Western Cape. Worry about other provinces, because the President in fact is launching an investigation; there are all sorts of municipalities. Go to Eastern Cape and you look at O R Tambo. It is a problem. Go to Mpumalanga [Interjections.]

The DEPUTY SPEAKER: Order!

Mr M MNQASELA: You will see the problem. [Interjections.]

The DEPUTY SPEAKER: Order! [Interjections.]

Mr M MNQASELA: So this is the province [Interjections.]

The DEPUTY SPEAKER: Order! Hon member your time has expired.

Mr M MNQASELA: This is a province in good hands. Thank you very much. [Interjections.]



The DEPUTY SPEAKER: Hon member Mr Dyantyi.

Mr Q R DYANTYI: Hon Mr Deputy Speaker, I will help the member later on about some of the very mixed figures he is putting forward. I am going to help later on, so watch this space.

For now I want to be able to speak to the MEC. We have only one MEC in this province responsible for all municipalities; all 30 municipalities that are in this province, whether it is governed by ICOSA, whether it is governed by [inaudible - Blue Bobbin Dolls] or anything. We have got one MEC here and he must earn his stripes for doing that good job.

I want to come back to the MEC and I am hoping that he is taking good notes in order for him to respond and give proper direction about how he is going to do a better job than what he is doing currently.

You have Cederberg; you have Kannaland; just two municipalities amongst others that are struggling to get support for electricity and there are these rising bills. You have an MEC that has not, that could not proactively anticipate that, because these are weak, poor municipalities. They are struggling on their own, as if we do not have a leader in this province to deal with them, for them to be supported. That is one area that I would want the MEC to respond to on those issues.

You have a year long-standing stalemate. There is no hope of it being improved in Oudtshoorn. Dan praat julle van 'n regering wat goeie dinge doen. Niks gebeur daar

nie.

The last time when we were here we spoke about the issue of Swellendam. Out of the blue the MEC - hy het gou 'n briefie geskryf omdat ons daardie dag 'n State of the Province Address - so we were going to debate that.

The DEPUTY SPEAKER: Order! Hon member Mr Dyantyi, your time has expired now.

Mr Q R DYANTYI: Mine expires quickly! [Laughter] [Interjections.]

The DEPUTY SPEAKER: Hon member Mr Max. [Laughter]

'n AGBARE LID: Ja.

Mr L H MAX: Mr Deputy Speaker, it seems like I must assist my colleague hon member Mr Dyantyi. This is the best MEC ever in the Western Cape in Local Government. [Interjections.] [Applause.]

Let me tell you, in the Western Cape; in the Western Cape [Interjections.] In the Western Cape 99% of the people, 99% have got access to water. 93.4% have got access to electricity. [Interjections.] 91% have access to sanitary; 91% got access to refuge removals. Now that is not, hon member Mr Dyantyi, do not be confused, those are not the symbols of Hlaudi Motsoeneng's matric certificate. Those are the results of the Western Cape service delivery. [Interjections.]

Yes, so I just want to say, honourable, you talk about Oudtshoorn. Oudtshoorn is a hijacked municipality, by you! [Interjections.]

The DEPUTY SPEAKER: Order! Hon member Mr Max, your one minute has expired unfortunately. [Interjections.] [Laughter] Order! Order!

Hon member Mr Dyantyi, hon member Mr Dyantyi [Interjections.] Order! Order! Hon member Mr Dyantyi, you have another bite at the cherry, two minutes.

Mr Q R DYANTYI: ...opstaan. Ek moet vir ons iets sê asseblief. The best MEC in this province must be seen if in these 30 municipalities you have people on the ground who can connect with these municipalities. For as long as you do not have that you can never have a best MEC.

Die LUR wat ons het is orals, is besig met party-aangeleenthede, niks te doen met regering. So I would want him to come back. He has been sitting there listening. I am just - I thought that he would by now stop all the other things, so you give us a sense of what you are exactly doing.

We met with your department yesterday and it became very clear in the meeting with that department that they do lack leadership and this MEC is amongst other things that I am going to come back to, even the issues of the ward committees and those kinds of things, but I think the final point I want to make is that we have a long way to go in this province to have municipalities that are well governed without comparing

municipality this with that municipality. I am talking about the Western Cape here. You are charged to run the Western Cape. You have got the votes from the people of the Western Cape, so please stand up and tell us what are you doing with all of the questions that I have posed to you?

The DEPUTY SPEAKER: Thank you. Hon Minister Bredell to respond.

The MINISTER OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING: Thank you Mr Deputy Speaker. Most of the issues were not questions. It was a lot of political rhetoric, but let us start off with the Constitution. The Constitution is not a guide, definitely not. The Constitution is the supreme law of this country and we need to adhere to it and we have got a very young Constitution, so in a lot of the instances we built our legal system around judgment that we received now.

Secondly, and actually now it is clear why you asked me this question, it is all about what has actually happened in the Eden District Municipality. Now Mr Deputy Speaker let me [Interjection.] give me my chance. Two minutes are very quick. Let me answer you.

I have stated from day one that I will not make judgements on people's lives on a political mandate from any political party; not the ANC; not the Democratic Alliance, nobody else. We have a very fair system. If I disagree I will tell the council that and that is what we do. If we disagree and if there is a problem; I have also done it in Hessequa. I have also done it in Cape Agulhas. I have done it in a couple of other

cases as well, but as long as the ANC gets the advantage of my judgement then it is fine and everybody keeps quiet. When the DA's councillors get it, then you are not so happy any more. It is a fair system and I will defend my system anytime, anywhere in any court. I will also adhere to the judgment of that court case at the end of the day.

Pertaining to our municipalities, Mr Deputy Speaker, our municipalities in the Western Cape are on a complete different level than the rest of the country. I have been proud of our municipalities. They work day and night to service the people of this country, of this province, but what we need to also acknowledge, and the municipalities will acknowledge this, is that we have actually only touched the tip of the iceberg. We understand poverty within this province. We understand the huge challenges with poverty, but I want to ask, the honourable [Interjections.]

I want to ask the hon member Mr Dyantyi to not pull my professional staff into a political debate. I think it is below the belt. We have inherited a system, when he was the ex-minister, a complete collapsed system that we had to rebuild, whether we wanted [Interjections.]

The DEPUTY SPEAKER: Order!

The MINISTER OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING: ...which we had to rebuild. We are on our path and I am still proud that I am ... [Interjection.]

The DEPUTY SPEAKER: Hon Minister Bredell, your time has expired. That disposes

of the first interpellation. We move to interpellation 2, hon member Ms Maseko to hon Minister Plato. I see the Minister, Minister Plato.

Debate concluded.

*Listed drug lords/distributors: dealing with continuous offenders*

**2. Ms L M Maseko asked the Minister of Community Safety:**

What are relevant details in dealing with the listed drug lords or drug distributors who are continuous offenders in rural areas of the Western Cape?

The MINISTER OF COMMUNITY SAFETY: Mr Deputy Speaker, thank you very much. The operational approach of SAPS Western Cape for dealing with the trade of drugs is based on intelligence gathering, prevention, investigation and community mobilisation. Repeat offenders or suspects with previous records are taken into account by the courts.

Mr Deputy Speaker, drug-related crimes of which TIK and alcohol abuse are contributing components have skyrocketed in the Western Cape. The latest crime statistics shows how drug-related crimes in the province jumped from 19 940 in the 2003/2004 financial year to 82 062 in the 2012/2013 financial year. The Western Cape Province, Mr Deputy Speaker, has contributed more than a third of the drug-related crimes in the country since 2003/2004. Departmental data shows that although the distribution of drug-related crimes are still more urban, 69%, than rural, 31%, the

police stations with the highest increase in drug-related crimes over the last two years as well as the last five years fall outside of the metro. And Mr Deputy Speaker, let me just mention some of the towns which are very problematic. The top ten stations with highest increase in drug-related crimes for the 2011/2012 to the 2012/2013 financial year with percentage increase of crimes are as follows:

Stanford	95%
Citrusdal	91%
Elands Bay	83%
St Helena Bay	63%
McGregor	50%
Genadendal	39%
Redelinghuys	39%
Lutzville	36%
Bonnievale	36%
Eendekuil	36%

And Mr Deputy Speaker, let me say also, the top contributors to drug-related crimes of rural stations, that is now rural police stations between 2011/2012 to 2012/2013, are Worcester, Knysna, Malmesbury, Cloetesville, Ceres, George, Oudtshoorn, Prince Alfred Hamlet, Wellington, Tulbagh and Conville. So Mr Deputy Speaker, we do pay a lot of attention to these towns with reaching out programmes with community mobilisation and so forth and where we can we do support SAPS all the way. Thank you.

The DEPUTY SPEAKER: Thank you, hon member Ms Maseko.

Ms L M MASEKO: Thank you, Mr Deputy Speaker. You know the issue of drugs is a huge problem in the whole country, but what the problem is in the town of Citrusdal, is that one specific person has been arrested again and again and again and he has been involved directly or indirectly in drug-trafficking since 2011. He has been arrested on 15 different occasions for the possession of TIK, Mandrax, stolen goods and dealing in liquor.

What I am trying to find out from the Minister is, is there not any relationship between the National Prosecuting Authority and the police and when will the criminal justice system remove this person from our vulnerable communities and incarcerate him so that no more harm can be done by him? How is it possible that one individual can continue to evade the criminal prosecution processes to this extent? Arrest after arrest has taken place and yet there is not any follow-up or final outcome for these cases. Surely this cannot be an isolated incident.

If the police in our rural areas like Citrusdal are failing our communities how are we going to win the fight against drugs in the big cities or in our metros? The residents of our towns and townships are ravaged by gang-related crimes along with drug and alcohol abuse. We need to ensure that police officers are properly trained and that they are measured by how many criminals they arrest; not by how many meetings they attend.

The issue of drug trafficking and drug abuse, crime, gangsterism and associated



activities lie closer to prostitution, and poaching have taken centre stage in small towns of our provinces, and until we work with the communities - I believe that the community policing is one of the things that needs to be active in our committees so that all the information, the intelligence is there. I think now the problem has extended to the young kids, that they want to be involved because the problem is within the families. They are destroying the families. We have a number of kids in the rural areas who are born deformed because young mothers are using TIK, young mothers are abusing alcohol and there is not any social activity that they can keep themselves busy with, besides using drugs or going to the shebeens.

Another problem is that if you go to the rural areas, you will find that there are a lot of places where they are selling alcohol and they are not licensed. That means there is no control over those areas. There is no way that you can know what is being sold there; how many litres are there that can be consumed and what I am saying [Interjection.]

The DEPUTY SPEAKER: Order! Hon member Ms Maseko, your time has expired unfortunately. You can have another chance later on.

Ms L M MASEKO: Oh, okay, alright.

The DEPUTY SPEAKER: Hon member Ms Wenger.

Ms L M MASEKO: Thank you, Mr Deputy Speaker.

Ms M M WENGER: Thank you, Mr Deputy Speaker. The problem of repeat offender

drug dealers can and will never be resolved until we have this matter placed on the top of the agenda of all role players in the criminal justice system. Drug-related crime is considered to be a crime category that is heavily dependent on police action. This means that these types of cases mainly occur when police actively detect drug-related crimes, whether that be during roadblocks or seizure operations. It also means that the crimes will decrease if there is an increase in police activity.

Considering the staggering amounts of cases opened in the Western Cape and which statistics burgeon year after year as the Minister mentioned, arrests effected can only be meaningful if they are followed with convictions in court. We see success when the National Prosecuting Authority and prosecutors work with police detectives. What we need therefore is the re-establishment of specialised units for drugs in partnership with the NPA.

The PREMIER: Hear-hear!

Ms M M WENGER: Specialised policing units have proven to be an effective strategy because they have dedicated teams working solely on drug crimes. They comprise of teams of specialists with skills and expertise that are needed to investigate, detect, arrest and ensure successful convictions. They have detectives who have the full knowledge of complex legislation and they are adaptable to changing environments and *modus operandi* and they have the capacity to build up intelligence. Despite the fact that the Provincial Government in the Western Cape has determined this type of unit as a policing need and priority for the Western Cape, which was sent to the Police Minister, we continue to wait for the criminal justice system to effect a

real and meaningful response to stop drugs from ruining our communities. Without these units we will simply see arrest after arrest, repeat offender after repeat offender with no real consequences. Thank you.

The DEPUTY SPEAKER: Thank you hon member Ms Wenger, your time has also just expired. Die agb lid Me Lekker.

Ms P Z LEKKER: †Enkosi Sekela Somlomo. \*Thank you, Mr Deputy Speaker. It is interesting to see the sweetheart question posed to the House or precisely to the MEC, just to be able to make a statement to the House; when he, as the member of the Executive, has ample time to make statements to the House, without exhausting time on questions.

One can only wonder why the DA in its bedroom decided just to deal with the drug traders in the rural areas and not to give us the full picture of the whole Western Cape Province and why only deal with distant areas? What does the MEC or the DA want to hide from us [Interjections.] by not giving us the information of the metro where the majority of drugs are sold - people are killed by these substances and the resulting drug activities - as well as where the bulk of supply originates from.

Now it will be proper that we would get exactly what it is, because this is where the drugs are emanating from. The fact that the majority of cases are in the outside areas of the metro means nothing. We must get exactly what it is that is being hidden, so it will be proper therefore that we precisely look at this issue. We must not get sweetheart questions posed here just for the sake of posing them. Thank you.

[Interjections.]

Mr R LENTIT: [Inaudible.]

Ms P Z LEKKER: You must listen.

The DEPUTY SPEAKER: Thank you. [Interjection.] Die agb lid me Marais, agb lid me Marais.

Ms P Z LEKKER: Learn to listen!

Ms A J DU TOIT MARAIS: Thank you, Mr Deputy Speaker. Gangsterism with drug lords as the instigator has taken on proportional effects on rural communities. There are signs at school that some of the learners have progressed to more senior gangs and this is also of great concern to all educators. Many young girls are forced into prostitution by drug lords who sometimes drag them from their homes in full view of their helpless families. Getting out of these gangs and away from these lords is then almost impossible as they fear their families will be killed. Communities in gang-ridden areas feel that they must be taught to arm themselves and take a stand against the drug lords who traumatise them daily. The gangsters then would have the tables turned on them.

I commend the Western Cape Department of Community Safety for the Policing Needs and Priorities Initiative in their efforts to direct their services based on the particular needs of the communities. I thank you.

The DEPUTY SPEAKER: Thank you. Hon member Ms Maseko.

Ms L M MASEKO: Thank you, Mr Deputy Speaker. I think the hon member did not read the Question Paper. That was an interpellation directly for the rural areas.  
[Interjections.]

An HON MEMBER: Yes, yes [Inaudible.]

Ms L M MASEKO: The Premier said, you know, if we can listen to the Premier, it is always one of the issues that she is [Interjections.] Mr Deputy Speaker, can I be protected?

The DEPUTY SPEAKER: Yes, you are protected. Please continue.

Ms L M MASEKO: You know, we should ask ourselves why did the National Government scrap the drug unit and the gang unit? [Interjections.]

The DEPUTY SPEAKER: Order! [Interjections.]

Ms L M MASEKO: These units were having real success and they were shut down. They will not tell us why. That leaves only one conclusion. They were shut down because one of the cronies, who did not want their activities effectively to be investigated, was afraid that something will connect the dots to come back to him, but the DA has tried to fight the drugs in the Western Cape and they are winning. They

are winning the fight.

Hon member, even if you can commend that they are trying to fight, that is exactly what is happening. That is why you are comfortable in the Western Cape and you can walk the walk you are walking even during the night where you are living.

The police must be able to stop the mayhem in our towns and townships that are growing. In order for that to happen the bureaucracy and intimidation by gang leaders to the police need to be limited. A national police preventative strategy needs to be put into place. We need police on the streets fighting crime, catching gangsters and throwing the dealers into prison.

The DEPUTY SPEAKER: Order!

Ms L M MASEKO: And that will be the only thing that can help. Thank you, Mr Deputy Speaker.

The DEPUTY SPEAKER: Thank you hon member Ms Maseko, your time has expired. Thank you. Hon Minister Plato to respond.

The MINISTER OF COMMUNITY SAFETY: Mr Deputy Speaker, thank you very much. To the hon member Ms Lekker, yes, we can provide you with that information at a later sitting.

I also want to say that the drug trade in the rural areas is becoming a problem. I think

you will pick it up, so we must not close our eyes for what is happening currently in the rural areas. We must do everything at our disposal to prevent the rural drug problem getting out of hand. We also detect in those areas already, Mr Deputy Speaker, that drugs are getting sold at schools and that children get drawn into the drug trade and into the gangsterism trade and those are not good signs from the rural areas.

I further want to say that is why we reach out to many of the communities through our 25 Policing Needs and Priority meetings into all the policing precincts across the Western Cape Province. Part of the outreaching is to deal with this problem and to speak to the communities about the problem.

Yes, I want to agree, repeat offenders are a problem. They get bail. They have got three, four, five cases against them and then again with another incident they walk out of court with a slap on the wrist and at the end of the day that is an issue we will have to address with the NPA. The public do not like it and I think that is one of the contributing factors why those people go and continue doing what they are doing. It is a problem. I want to say to hon member Ms Maseko I would like that information about the drug dealer in Citrusdal or - I think it is Citrusdal? Yes, but also I want to agree with hon member Ms Wenger, I want to reiterate my previous call to the National Commissioner of Police, to the National Minister of Police and also to General Lamoer, the Provincial Police Commissioner, and we will repeat that call - reinstate the Specialised Drug Unit and reinstate the Specialised Gang Unit. Thank you, Mr Deputy Speaker.

The DEPUTY SPEAKER: Thank you, Minister Plato. Your time has expired. That brings to an end interpellation 2. Interpellation 3 has been withdrawn.

Debate concluded.

The DEPUTY SPEAKER: We continue with questions. The first question, hon member Mr Dyantyi to Minister Bredell. I see the Minister.

## QUESTIONS FOR ORAL REPLY

### *Ward committees: Municipalities*

#### **1. Mr Q R Dyantyi asked the Minister of Local Government, Environmental Affairs and Development Planning:**

- (1) How many ward committees (a) have been established, (b) are functioning and (c) in which municipalities;
- (2) how long has this situation been prevailing; and
- (3) what has the Minister done to change the situation?

Die MINISTER VAN PLAASLIKE REGERING, OMGEWINGSKE EN ONTWIKKELINGSBEPLANNING: Mnr die Adjunkspeaker, baie dankie. Dankie aan die agb lid mnr Dyantyi vir die vraag. Die antwoord is soos volg:



Die eerste gedeelte van die vraag: my Departement van Plaaslike Regering het in terme van sy oorsig en moniteringsfunksie munisipaliteite versoek om kwartaalliks verslag te doen oor die funksionaliteit van hulle wykskomitees. Die onderstaande inligting weerspieël die status van die wykskomitees vir die tydperk 1 April 2014 tot 30 Junie 2014.

Daar is tans 386 wykskomitees gestig uit 'n totaal van 387, so daar is een wykskomitee wat nie gestig is nie en dit is in die Munisipaliteit van Stellenbosch, Wyk 9, weens die gebrek aan belangstelling van die die gemeenskap se kant.

Slegs 18 plaaslike munisipaliteite en die metro het tot dusver hul kwartaalverslae voorgelê vir die tydperk 1 April 2014 tot 30 Junie 2014. Dit beloop 310 wyke waarvan 272 wyke funksioneel is. Die uitstaande ses munisipaliteite se wykskomitees beloop 77 wyke en die Departement van Plaaslike Regering is tans besig om dit op te volg met daardie munisipaliteite.

Met die toestemming van die agb lid mnr Dyantyi, gaan ek oorgaan na die vraag, na sy tweede en derde gedeelte. Die ander een is 'n tabel. Ek sal die tabel vir hom inhandig. Ons kan praat oor die tabel, mnr die Adjunkspeaker. Die tabel gaan maar nou net oor die uiteensetting van elke munisipaliteit, hoeveel wyke, hoeveel is funksioneel en nie funksioneel nie.

Die tweede gedeelte van die vraag, die funksionaliteit van die wykskomitees wissel op 'n kwartaallikse grondslag en dit kan toegeskryf word aan 'n gebrek aan kworums op

die wykskomitees, raadslede wat nie vergaderings belê nie; politieke onstabiliteit in die munisipaliteite speel 'n groot rol. Tussenverkiesings speel 'n groot rol en dan ook die bedanking van wykskomitees. Dit is maar die groter redes hoekom ons in sekere wyke sukkel om die komitees aan die gang te kry.

Die derde gedeelte van die vraag, met betrekking tot die munisipaliteite wat deurlopend verslag gedoen het dat hul wykskomitees nie funksioneel is nie, my departement het ingegryp en ondersteuning en advies aan daardie munisipaliteite gaan gee. Ons kan nie vir hulle voorskryf nie. Ons het 'n model ontwerp wat ons aan hulle probeer verkoop, riglyne waarvolgens jy wykskomitees moet bestuur sodat jy werklik die kommunikasiekanaal van grondvlak af dwarsdeur trek en regkry.

Daarby het my departement ook verskeie voorleggings gelever oor die belangrike rol wat wykskomitees speel in 'n deelnemende demokrasie, en dit is kritiek dat ons dit verstaan. Ons kommunikasie forums op provinsiale vlak, op distriksvlak, SALGA se speakersforum, het ons almal gaan toespreek en hulle inkoop probeer kry.

As ons kyk na die munisipaliteite wat werklik 'n probleem is, en ek wil aanhaal uit my interpellasie, want die agbare lid het eintlik die deur oopgemaak toe hy Cederberg, Oudtshoorn en Kannaland genoem het, wat ek nou nooit sou gedoen het as ek in sy posisie was nie, maar as u Oudtshoorn neem, hy het 13 wykskomitees maar nie een is funksioneel nie. So kan ons aangaan, so jou problematiese munisipaliteite trek deur op alle vlakke, so mnr die Adjunkspeaker, baie dankie.

Die ADJUNKSPEAKER: Dankie. Is there a follow-up, hon member Mr Dyantyi?

Mr Q R DYANTYI: Hon MEC, are you aware that the numbers, the information, the report that you have just tabled now, we threw it out of the window yesterday in the Standing Committee, because it is thumb-suck. Are you aware?

The DEPUTY SPEAKER: Hon Minister Bredell.

Die MINISTER VAN PLAASLIKE REGERING, OMGEWINGSAKE EN ONTWIKKELINGSBEPLANNING: Mnr die Adjunkspeaker, ek het nog nie terugvoer van my departement gekry nie.

The DEPUTY SPEAKER: The second question? [Interjections.]

Mr Q R DYANTYI: Does your department have capacity to ensure proper functioning ward committees and do you agree with me that what you have just presented here does not correlate with active citizenry on the ground? Do you? That is one question. That is a long [Interjection.]

The DEPUTY SPEAKER: Hon Minister Bredell, to respond.

Die MINISTER VAN PLAASLIKE REGERING, OMGEWINGSAKE EN ONTWIKKELINGSBEPLANNING: Mnr die Adjunkspeaker, nee, ek stem nie saam nie. Ek het die vraag geantwoord en werklik, mnr die Adjunkspeaker, as lede 'n vraag het moet hulle dit vir ons stel. Ons het nie 'n verskuilde agenda hier nie. Hierdie departement is nie ondergekapasiteer nie en ons kan 'n groot debat daaroor hê. Ek gaan

doen aanbiedings by nasionale vergaderings; dan lag die ander provinsies as hulle Plaaslike Regering se begroting sien, maar hulle lag nie as hulle sien dat ons uitset drie keer is wat hulle uitset is nie. So ja, in die land het ons die kleinste begroting maar ek kan vir u sê dat hierdie departement doen baie goed en onthou weereens, ons moet die rol van die departement verstaan. Dit is oorsig en monitering. Ons kan nie 'n munisipaliteit opdrag gee wat hulle moet doen nie, en daar was rêrig toe ons in 2009 oorgeneem het nie 'n kwart van hierdie wykskomitees al gestig nie. Ons het 'n geweldige program deurloop met ons rade omdat ons glo aan die deelnemende demokrasie en ons glo as jy daardie kommunikasiekanaal regkry praat raadslede met hulle mense, en dit is waar die model ontwikkel is en of die Staande Komitee dit van die tafel gegooi het of nie is eintlik op hierdie stadium irrelevant, want ek sal graag die redes wil hê hoekom, want dit help nie ons gooi die baba met die badwater uit nie.

As die Staande Komitee - en ek respekteer die oorsigrol - ongelukkig is, moet hulle vir my sê hoe kan ons dit beter doen. Dit is waaroor dit gaan. So ons moet hande vat om die kommunikasiekanaal van ons gemeenskap af deur te trek tot binne-in ons rade. Dit is die doel van die wykskomitee. Daar is verskillende stelsels. Jy kan sê dat 'n wyksraadslid moet eenkeer 'n kwartaal met sy wyksmense vergader. Ons weet dit gebeur nie orals nie. [Tussenwerpsel.]

Die wykskomitee se model is werklik ontwerp om by ons mense uit te kom. Een van die leemtes waarmee ons gesukkel het, en ek dink waarmee ons vandag nog baie werk te doen het, is dat die lede op die komitee nog nie terugvoering vir hulle 'clusters' gaan gee nie. So they do not go and report back to the cluster they represent on the committee. En dit is tans nog 'n skaafplek waaraan ons werk, maar ons is geensins

ondergekapasiteer nie. Ek dank u.

The DEPUTY SPEAKER: Thank you. Is there another one? I will allow you one more, hon member Mr Dyantyi, for the fourth one.

Mr Q R DYANTYI: Hon MEC, do you think it is fair that for the 368 ward committees that you have just mentioned, that you can only have five people who must do training, who must monitor them, for the whole province? Is that fair? That is your capacity. I am just asking that question. Dis 'n kort een daardie.

Die MINISTER VAN PLAASLIKE REGERING, OMGEWINGSAKE EN ONTWIKKELINGSBEPLANNING: Mnr die Adjunkspeaker, as ons ons Broadband program gaan in werking stel en ons gaan al ons tegnologie inspan dan kan een persoon hierdie hele land oplei. Ons is in 'n vinniggroeiende wêreld, met tegnologie kan ons met mekaar praat. Wat ek vir die agb lid mnr Dyantyi wil sê, ons sit nie elke dag met elke munisipaliteit nie. Ons kry ons munisipaliteite bymekaar. Ons is die enigste provinsie wat ons distriksforums maak werk so as jy na 'n distriksforum toe gaan praat jy met die distrikmunisipaliteite, jy het hulle burgemeesters, die speakers daar, en jy lei per distrik op. So ons het vyf distrikte, so dan doen jy jou opleiding daar, en ons is nie die eienaar of die baas van plaaslike regering nie. Ons het 'n moniterings- en 'n oorsigrol so ons deel modelle met hulle. Ons deel Best Practices met hulle en ons kry selfs vir die munisipaliteite om aanbiedings te doen sodat hulle by mekaar kan leer, en dit is ons funksie en daarom dink ek hierdie departement - natuurlik in 'n ideale wêreld kan jy sê hy moet verdubbel of hy moet verdriedubbel, maar jy moet alles koppel aan die begroting, mnr die Adjunkspeaker, en jy moet

faktore teen mekaar opweeg, so as ek vyf meer mense wil hê dan moet ek vir Minister Schäfer sê sy het vyf minder mense om aan onderwys aandag te gee. Waar lê die belange? So ons moet maar - daar is geen ekstra poel van geld nie. Daar is net wat ons het en ons doen die beste met wat ons het. Dankie mnr die Adjunkspeaker.

Die ADJUNKSPEAKER: Dankie, agb lid mnr Max [uitgespreek Maks] het u 'n opvolgvraag?

Mnr L H MAX: Max, mnr die Adjunkspeaker.

The DEPUTY SPEAKER: Hon member Mr Max, that is. [Laughter]

Mnr L H MAX: Wees verseker, Minister Bredell, niks is by die parlementêre portfolio komitee uitgegooi nie. Ek wil graag net vir u vra, gegewe die feit dat die wet voorsiening nie 'n verpligting plaas op 'n munisipaliteit om wykskomitees in te stel nie. Dit sê "it may", voorsien u [Tussenwerpsels.]

The DEPUTY SPEAKER: Order!

Mnr L H MAX: Sien u dit as 'n hindernis in 'n gemeenskapsdeelname indien die munisipaliteit nie dit nakom nie en is daar enige poging van u kant af, u departement, om die situasie te hanteer? [Tussenwerpsels.]

The DEPUTY SPEAKER: Order! Thank you Minister Bredell.

Die MINISTER VAN PLAASLIKE REGERING, OMGEWINGSAKE EN ONTWIKKELINGSBEPLANNING: Dankie. Dit is eintlik 'n debat wat ons kan hê hieroor. Dit is baie interessant wat die agb lid mnr Max vra. Ek dink ons moet dit maar eerlik vir mekaar sê, ons praat soms te min met ons mense, met ons gemeenskappe, en ons is publieke verteenwoordigers so ons verteenwoordig hulle, en jy kan hulle nie verteenwoordig as jy nie met hulle praat nie, so publieke deelname lê in die hart daarvan. En wanneer ons kyk na ons munisipaliteite is daar verskillende maniere om met jou publiek interaksie te hê en dit is maar een manier of een gereedskapstuk, maar vir my as Minister is dit 'n ongelooflike belangrike stuk gereedskap want ek dink ons kan omtrent ons hele publieke deelnameproses hierdeur kanaliseer as ons munisipaliteite dit regkry en reg verstaan.

Ek is bekommerd dat ons ons soms op 'n provinsiale en 'n nasionale vlak bevind en ons kom na vore met 'n stelsel en dan wil ons dit afdwing op elke munisipaliteit, so as munisipaliteite kommunikasiesisteme in plek het met hulle gemeenskap is ek tevrede. As hulle oorsigmeganismes in plek is soos die interne ouditkomitees oor hulle finansies, is ek tevrede, maar dis tog belangrik om hulle MPATs in plek te kry. Dis maar net 'n gesamentlike bestuur. Ons debatteer dit baie op daardie vlak, agb lid mnr Max, dankie vir die vraag en ek is baie dankbaar dat die meeste van ons munisipaliteite inkoop. [Tussenwerpsels.]

'n AGBARE LID: Dis reg ja.

The DEPUTY SPEAKER: Thank you. We move on to question - that is the end of your supplementary questions unfortunately. We move on to question number 2. Hon

member Mr Dyantyi again to ask Minister Bredell, Minister.

*Electricity price increases*

**2. Mr Q R Dyantyi asked the Minister of Local Government, Environmental Affairs and Development Planning:**

- (1) What is the motivation for the huge electricity price increases in each municipality;
- (2) Whether there is a plan by each municipality to address the reasons that gave rise to the increase; and
- (3) what monitoring and intervention strategies does the Minister have in place to address these challenges?

Die MINISTER VAN PLAASLIKE REGERING, OMGEWINGSKE EN ONTWIKKELINGSBEPLANNING: Weereens, mnr die Adjunkspeaker, baie dankie aan die agb lid mnr Dyantyi vir die vraag. Dit is nie net ek wat besig was nie. Hy was ook besig, so sy PDMS sal goed lyk. [Tussenwerpsels.] Die antwoord is soos volg:

Mnr die Adjunkspeaker, die munisipaliteit ... [Tussenwerpsels.]

'n AGBARE LID: [Onhoorbaar.]



Die MINISTER VAN PLAASLIKE REGERING, OMGEWINGSAKE EN ONTWIKKELINGSBEPLANNING: Ek is op pad.

'n AGBARE LID: Moenie orig wees nie.

Die MINISTER VAN PLAASLIKE REGERING, OMGEWINGSAKE EN ONTWIKKELINGSBEPLANNING: Die munisipaliteite koop grootmaat elektrisiteit van Eskom teen 'n sekere prys en dan verkoop hulle die elektrisiteit natuurlik weer aan die verbruiker. Die Nasionale Energie Reguleerder van Suid-Afrika het regulatoriese beperkings oor die mate van hoe die tariewe verhoog moet word, beperk. Die huidige jaar was dit 7.39% op vasgestel.

Historiese subsidiëring van elektrisiteitspryse wat Eskom tariewe laag gehou het, het gelei tot 'n gebrek aan die befondsing vir die ontwikkeling van nuwe elektrisiteit kapasiteit in ons munisipaliteite. Sedert 2008 tot 2009 is daar 'n neiging om tariewe meer in lyn te bring met die werklike kostes en ons moet onthou daar word nuwe kragstasies gebou. Daar word nuwe kraglyne aangelê wat massiewe uitgawes is en iewers moet dit nou verhaal word. Die resultaat is 'n beduidende tariefverhoging wat nie net die verbruiker raak nie, maar ook die munisipaliteite.

Die meeste van die Wes-Kaap of 24 munisipaliteite van die Wes-Kaap het hulle tariewe binne die perk gehou. Daar is net twee munisipaliteite in die Wes-Kaap wat hul perk oorskry het, naamlik Cederberg, 12.11% en Witzenberg met 8%.

Die redes vir die verhoging is soos volg: Cederberg, om die Eskom

grootmaataankoopkoste te dek, daar is 'n dispuut van tyd en skaal wat hulle besig is om uit te sorteer en ons hoop ons kry dit reg. Ek het ook môre met Eskom 'n vergadering om oor drie probleme met hulle te praat betreffende die betaling van munisipaliteite.

Die tweede gedeelte van die vraag, mnr die Adjunkspeaker, die munisipaliteit moet moeilike besluite neem rakende kompeterende doelwitte rondom byvoorbeeld gratis elektrisiteit aan verbruikers en tariewe bekostigbaar hou. So dis 'n moeilike skaal om in te beweeg, want die oomblik as jy buite verhouding gaan dan raak net meer mense nie-betalers op daardie skaal - u verstaan dit - dan val hy weg.

Die derde gedeelte, die Departement van Plaaslike Regering onderneem tans die inwerkingstelling van 'n elektrisiteitmeesterplan, veral in kapasiteit B-munisipaliteite in die provinsie. Hierdie planne is onkonvensioneel in die sin dat dit 'n groen ekonomiese agenda bevorder; verskillende opsies van verskaffers insluit; energie-doeltreffend is en onder andere die bestuur van aanvraag sal hanteer, so mnr die Adjunkspeaker, ons is besig met 'n proses in samewerking met Tesourie en ander departemente sodat ons kostes beperk en koste-effektiewe munisipaliteite kan verseker. Dankie.

Die ADJUNKSPEAKER: Dankie. Is there a follow-up question, hon member Mr Dyantyi?

Mnr Q R DYANTYI: Agb LUR, how are these increases going to help the plight of the already debt overburdened communities in these municipalities in your

judgement?

The DEPUTY SPEAKER: Minister Bredell.

Die MINISTER VAN PLAASLIKE REGERING, OMGEWINGSAKE EN ONTWIKKELINGSBEPLANNING: Wel, mnr die Adjunkspeaker, ja, dit sal 'n baie goeie vraag wees vir Eskom. [Tussenwerpsels.]

Mnr Q R DYANTYI: Nee, ons is te 'blame', ons is te 'blame' [Tussenwerpsel.]

Die MINISTER VAN PLAASLIKE REGERING, OMGEWINGSAKE EN ONTWIKKELINGSBEPLANNING: Die kort en die lank is dat indien jy - if you have well managed municipalities, going back to [Interjection.]

An HON MEMBER: We do not have.

The MINISTER OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING: No we have got that, you see, and we need to acknowledge that, because municipalities are always in the firing line. [Interjection.]

I am going there. Eleven municipalities got clean audits. It is a fantastic result. [Interjections.] Eighteen got unqualified audit. It is a fantastic result, so 29 out of 30 is a fantastic result. [Interjection.] Okay, so where I am getting to, Mr Deputy Speaker, is that as long as the municipalities spend the money on the items they are supposed to do, I will be comfortable that the people will get the service that they

deserve. Dit gaan oor water. Dit gaan oor riolering. Dit gaan oor belasting en elektrisiteit; nie net elektrisiteit nie. Dankie.

The DEPUTY SPEAKER: Thank you. Is there a second follow-up from your side?

Mnr Q R DYANTYI: Asseblief tog.

The DEPUTY SPEAKER: The third one will be hon member Mr Masizole Mnqasela.

Mr Q R DYANTYI: MEC, are you satisfied with the plans from these municipalities and how often are these going to be monitored by your department, the ones that we are talking about?

The DEPUTY SPEAKER: Minister Bredell, to respond.

The MINISTER OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING: In the question there is no mention of specific municipalities. I have mentioned two that is out of the spec. Obviously we monitor them. Obviously we talk to them. Obviously we have set up the meeting with Eskom for tomorrow. That is not because we have the sitting today. It is because the diary has allowed me, for tomorrow, so we will discuss this. We will discuss the non-payment of municipalities to Eskom. Again I cannot tell the municipalities what they must do. I facilitate a conversation, a meeting between the two and one of the problems we have, we facilitate meetings; we come to an agreement of payment and so forth and then the municipalities do not adhere to that. Then we start again. So Eskom is also at the stage

where they are a bit fed-up with some of our municipalities and we as a department will support them; support Eskom in recovering the debt and we will sit down and help the municipalities and work out a plan. If they accept our plan it will be great, if they accept us to be a facilitator, and hopefully we can get your buy-in there, because this has got nothing to do with politics. It has to do with good management at the end of the day. Thank you, Mr Deputy Speaker.

The DEPUTY SPEAKER: Hon member Mr Mnqasela.

Mr M MNQASELA: Mr Deputy Speaker, I would like to know from the Minister if / how are we going to deal with this? How is he going to deal with the fact that these municipalities obviously owe this R26 million jointly, and to find hon member Mr Dyantyi asking this question, I thought that he was also going to ask: tell us how is he going to assist with the ANC and because they are in partnership, owing such money to government, but I want to ask the Minister how long will it take for him to help us get rid of this problem; especially in these areas? I mean here you have got [Interjections.]

The DEPUTY SPEAKER: Order! Order hon member!

Mr M MNQASELA: In the West Coast in Citrusdal [Interjection.]

The DEPUTY SPEAKER: Order! Order!

Mr M MNQASELA: Clanwilliam [Interjection.]

The DEPUTY SPEAKER: Order! Hon member Mr Mnqasela, your question must be concise to the Minister, not a speech, so put your question. [Interjections.] The Minister will respond now. [Interjections.]

Mr M MNQASELA: I will do it now.

The DEPUTY SPEAKER: You have done it already.

Mr M MNQASELA: Oh thank you.

The DEPUTY SPEAKER: The Minister will respond.

The MINISTER OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING: Thank you Mr Deputy Speaker, yes. Mr Deputy Speaker, to the hon Chair of the Standing Committee, I cannot tell the municipality what they must do - again, so it is a facilitating role. We will meet again with Eskom tomorrow for the third time this year, to try to see if we can work out a plan because in a case like Citrusdal there is a big problem between the tip of the scale of the tariff, the increase in scale. They are in a debate with Eskom and we would love to play a role to facilitate, but I am going to ask the members of the ANC to really take our hand, take it up with the council and tell them to sit down with us, because otherwise we cannot help them. If they refuse, if they write badly worded letters to Eskom, that will not solve the problem. We will need to dig into the problem and solve it once and for all.

In Kannaland's case there is also a dispute and we will facilitate this and if my information is right there is a problem in a third municipality that I will address tomorrow with Eskom, but it is always for us to try and see how we can find a solution to the problems. Remember the municipalities, they sit with clients they must serve that they expect to pay so I think it is just right for the municipalities to adhere to the same conditions and to pay their responsibilities to other entities. Thank you.

The DEPUTY SPEAKER: Thank you. That disposes of that question. Question number 3, I believe, will stand over.

[Question number 3 by Ms B A Schäfer to the Minister of Agriculture, Economic Development and Tourism to stand over.]

The DEPUTY SPEAKER: Question number 4, hon member Mr Magaxa to ask Minister Grant. Minister Grant, you may proceed.

*Pedestrians: reckless crossing of national roads*

**4. Mr L H Max asked the Minister of Transport and Public Works:**

Whether his Department has any strategy in place to prevent pedestrians recklessly crossing national roads in the Province, specifically the N7; if not, why not; if so, what are the relevant details?

The MINISTER OF TRANSPORT AND PUBLIC WORKS: Mr Deputy Speaker, my answer to the question is that my department is the road authority for the section from the N1 north on the N7 near Cape Town up to the Melkbosstrand interchange from where SANRAL has jurisdiction. This section is a regulated freeway on which pedestrians are not allowed in terms of the National Road Traffic Regulations. Pedestrians have to cross freeways via bridges or subways.

Recent developments next to the N7 east of Dunoon created a pedestrian desire line across the freeway that resulted in a traffic safety problem which has been addressed as follows:

1. Firstly road signage has been improved, but will be increased to warn motorists about the presence of pedestrians.
2. Secondly we are going to expand street lighting to make pedestrians more visible at night.
3. Thirdly the pedestrian desire to cross the N7 freeway at this specific location will not disappear, and will increase with more development to the east of Dunoon.

There is an existing agricultural underpass very close to the point where pedestrians cross the freeway that could be upgraded to a pedestrian subway. We are engaging with the City of Cape Town to integrate this into their development plan. Once this facility is in place, physical barriers will be considered to discourage pedestrians from



crossing the freeway as they currently do.

The DEPUTY SPEAKER: Thank you. No follow-up questions? Then we proceed. The next question is question number 5 will stand over.

[Question number 5 by Ms B A Schäfer to the Minister of Agriculture, Economic Development and Tourism to stand over.]

The DEPUTY SPEAKER: The next question is question number 6, hon member Mr Hinana to ask Minister Bredell. I see the Minister.

*Intervention mechanisms: underperforming Municipalities*

**6. Mr N Hinana asked the Minister of Local Government, Environmental Affairs and Development Planning:**

What intervention mechanisms are employed to remedy the situations of the municipalities in the Western Cape who did not perform as well as expected?

Die MINISTER VAN PLAASLIKE REGERING, OMGEWINGSAKE EN ONTWIKKELINGSBEPLANNING: Dankie mnr die Adjunkspeaker. Dankie aan die agbare lid mnr Hinana vir die vraag. Die antwoord is soos volg:

Die Departement van Plaaslike Regering het verskeie meganismes of instrumente en stelsels om swak en nie-presterende munisipaliteite wat dien as 'n vroeë

waarskuwingstelsel op te spoor. Hierdie instrumente bepaal toepaslike ondersteuningsplanne wat ontwikkel word om die nakoming en prestasie van munisipaliteite te verbeter. Die volgende word gebruik om ons munisipaliteite te monitor en te ondersteun.

Ons het 'n streeks-moniteringsgroep, RMT. Die RMT monitor die nakoming en prestasie van munisipaliteite op 'n kwartaallikse basis. Onderpresterende munisipaliteite word ondersteun deur gereelde besoeke en sodoende die prestasiegaping te hanteer. Dit word gedoen deur voorafbepaalde kriteria, nakoming van die wetgewing, die prestasie teenoor diensleweringteikens en -bevindings en aanbevelings wat ons dan na die volle raad toe neem.

Plaaslike regering: die omkeerstrategie vir ons munisipaliteite, in die RMT proses word munisipaliteite wat onderpresteer geïdentifiseer en word ondersteun deur die LGTS span. Daarbenewens is deelnemende diagnostiese assessering onderneem om areas wat verbetering nodig het te identifiseer en dis waarop hierdie span dan nou fokus.

Munisipale steun-inisiatiewe: die munisipaliteite word ondersteun met die implementering van spesifieke projekte op 'n mededingende befondsingsbasis, medebefondsingsbasis, met ander woorde die munisipaliteit dra by en ons dra by en ons help mekaar.

Gedeelde dienste: die Departement van Plaaslike Regering het 'n gedeelde diensmodel in die provinsie ingestel om munisipaliteite te ondersteun om verhoogde doeltreffende

verbeterde dienslewering en die vermindering van die koste te verseker. Die model het getoon waar kostebesparing bewerkstellig kan word, dienste verbeter en kollektiewe voordeel verkry word deur middel van gesamentlike aktiwiteite. Ek kan aan die agb lid mnr Dyantyi ook sê, as hy dit kan onthou, dit was iets wat munisipaliteite nooit reggekry het nie, hulle het nooit gedeelde dienste - shared services never could come to grips with it. Ons het 'n paar baie goeie voorbeelde wat ons nou selfs op nasionale vlak bespreek en uitruil en ek dink ons distrikte kan 'n groot rol speel in gedeelde dienste. Daar is 'n kostevoordeel en 'n diensleweringsvoordeel vir almal.

Munisipale regeringsoorsig en uitkyk: die MGRO-proses is ingestel om munisipaliteite of munisipale nakoming en prestasie te moniteer. Munisipaliteite word gegradeer op 'n basis van finansiële vermoë model en die proses is om munisipaliteite aktief te help om hul vlak van bestuur te verbeter en gevolglik oudituitkomst te verbeter.

Die ander een wat ons gebruik is die gespesifiseerde ondersteuningsdienste: die Departement van Plaaslike Regering gryp slegs in by munisipaliteite as 'n laaste uitweg indien alle ander aksies en meganismes misluk het. Die aard en die erns van die nie-prestasie deur die munisipaliteite sal bepaal watter soort ingryping in die omstandighede toepaslik is, so dit is waarmee ons tans besig is. Baie dankie, mnr die Adjunkspeaker.

Die ADJUNKSPEAKER: Dankie Minister. Agbare lid mnr Hinana, no question, further question? Do you want to ask a follow-up question?

†Mr N E HINANA: Yes, Mr Deputy Speaker. †Ndicela nifake imikhala le ukw enzela ukuba size kuvana, Mphathiswa ndifuna ukwazi ukuba njengokuba kukhona ooMasipala abangasebenzi kakuhle de sibe sifumana ingxelo ephuma kuMphicothi zincwadi Jikelele izolo, ingaba zonke ezi zinto uzibalileyo apha ziyangenelela ekuncedeni indlela ooMasipala abasebenza ngayo? Ziyaphumelela kuba kaloku ukuba ngaba ooMasipala kukhona indlela abajongwa ngayo, abasebenza ngayo ngekota ...

†Mr N E HINANA: Yes, Mr Deputy Speaker. \*Please put on your steering ropes so we can understand each other. MEC, I want to know whether, as there are Municipalities that are not doing well up until we got the Auditor General's report yesterday, is everything you have mentioned here an intervention in assisting the Municipalities in the way they work succeeding? Because if there is a certain way to monitor Municipalities quarterly ...

The DEPUTY SPEAKER: Order! Order! Hon member Mr Hinana, the same to you; ask your question. Do not make a speech now. You have got to ask the Minister a short question now.

†UMnu N E HINANA: Mphathiswa, ndibuza ukuba zonke iinzame ozenzileyo zokungenelela kooMasipala ukuba uncede ingaba ziyaphumelela na kude kube ngoku? Kuba izolo sifumana ingxelo ethi bakhona ooMasipala abangasebenziyo yaye ayiqali kwenzeka loo nto.

\*Mr N E HINANA: MEC, I am asking whether all the interventions you have tried to use to assist municipalities are succeeding thus far? Because yesterday we got a report that there are municipalities that are not performing and that is not the first time this has happened.

The DEPUTY SPEAKER: Thank you. Minister Bredell.

The MINISTER OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING: Mr Deputy Speaker, yes. Thank you for the follow-up question. Firstly, we again need to acknowledge that every house in this province has got clean water, got sanitation, got refuse removal, got electricity, but that is just the tip of the iceberg so in 90% of the cases most of our people do get good service, so but again, it is the tip of the iceberg. The challenges are huge. Poverty is huge. So our municipalities realise that. We work with various sectors, the Auditor-General report. The Auditor-General does not put systems in place but we work with the report. We take the report and discuss and debate it with municipalities.

We have also asked the Auditor-General to look at the system where we can get the management reports earlier so that we can work with the municipalities and rectify the problems within the municipalities, but there is also the Article 47 report. Now what we try to do is not to come up with the report when it is two years old, but when it is a much shorter timeframe, so we are busy working with that. I also do a snapshot on municipalities so quite often we will come up with a snapshot on municipalities, overarching within the municipalities within all their systems, focusing on service delivery.

Currently we have most of the municipalities on board, most of them work with us and the results speak for themselves. That is why we have nearly 100% of MIC year on year. It is not - those things do not just happen. There is a process. We take hands and we work together. We have the MM Forum. We have the CFO Forum. We have the

Engineers Forum. We pull the experts together. They work together. They share information and they build capacity within. Thank you.

The DEPUTY SPEAKER: Thank you, have you got further questions, hon member Mr Max?

Mr L H MAX: Hon Minister Bredell, it recently came to my attention that in Kannaland the caravan park was sold. So I want to know whether you are aware of that deal, secondly who took the decision, thirdly [Interjection.]

The DEPUTY SPEAKER: Order! Hon member Mr Max, does your question relate to this question?

Mr L H MAX: Yes, service delivery, service delivery of municipalities. [Interjections.]

The DEPUTY SPEAKER: Order! Order! Order! [Interjections.] Order! Order! Let the Chair decide on that one. It sounds a little bit wide from the point of the Chair. If you can limit it to the specific one you can have another bite, otherwise [Interjection.]

Mr L H MAX: Another bite. With regard to what was said about service delivery and support. Now we have reached or we achieved 29 good reports of municipalities yesterday. [Interjections.] What is the reason, Minister Bredell, that Kannaland can never come on board? Is it that you are not assisting them? Are they not listening?

The DEPUTY SPEAKER: Thank you, Minister, hon Minister Bredell. [Interjections.]

The MINISTER OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING: Mr Deputy Speaker, five years ago, 2009, we had no clean audits. So we put the system in place. Today, five years later, we have 11 clean audits, 18 unqualified audits and one adverse. [Interjections.]

Now what we need to do now, obviously we did the work. We must get the 18 also clean, okay, within the 18 there will be lower [Inaudible.] so there will be municipalities who are nearly there. We need to get them there. So that is the system in itself.

Obviously Kannaland is also another system that we need to work with and we will support and help them wherever possible, but they need to work with us. [Interjections.] Okay.

An HON MEMBER: Ooh!

The MINISTER OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING: But what is very important for the Standing Committee to understand and for every member to understand, there is a system through which we need to try and keep the 11 clean audits clean, because to get your audit results clean you need to put in a huge effort, to keep them clean [Interjections.]

To keep them clean you need to put in even a bigger effort, so yes, but we work with

all 30 municipalities.

The DEPUTY SPEAKER: Thank you Minister Bredell. Is that a follow-up question?

Hon member Mr Paulsen.

Mr M N PAULSEN: Thank you Mr Deputy Speaker. I just want to ask the hon Minister Bredell, when he says that all the homes have running water and access to electricity, is he including the makeshift homes in informal settlements, and the MEC of Public Works mentioned Dunoon. There is a family in Dunoon or rather there are 19 families in Dunoon who make use of the same toilets.

The DEPUTY SPEAKER: Thank you ... [interjection.]

Mr M N PAULSEN: So is he including the 234 informal settlements in the Western Cape when he says all have access to running water, sanitation and electricity?

The DEPUTY SPEAKER: Hon Minister Bredell.

The MINISTER OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING: Let me redefine it for the member, hon Mr Deputy Speaker, according to Census - not according to me, according to Census over 90% of the population of this province have access to services. [Interjections.] If they look at [Interjections.]

The DEPUTY SPEAKER: Order! Order! Hon member Mr Dyantyi, order!



Die MINISTER VAN PLAASLIKE REGERING, OMGEWINGSAKE EN ONTWIKKELINGSBEPLANNING: Ek het ook die geneigdheid om te veel te praat as ek skaam is oor my eie prestasies toe ek Minister was. [Tussenwerpsels.]

Mr Deputy Speaker, and that access - and I am the first to admit that, that is why I say that is important, our municipalities realise this - we have only touched the tip of the iceberg. That is according to the Constitution. In other words if you have got water 200 metres from your house, you get a tick. If you have five families sharing a toilet, you get a tick, but that is not the standards that I think anyone in this House, especially the Democratic Alliance, wants to give to its people. We need to lift the system now. We need to lift our systems and get our people on board. We need a toilet in each house. We need a tap in each house. That is what we are working towards. [Interjections.]

But currently over 90% of the people in the Western Cape has got access to proper services. [Interjections.]

The DEPUTY SPEAKER: Thank you. Order! We proceed to question number 7. Hon member Mr Lentit to ask again Minister Bredell, question.

*Land use planning: Municipalities*

**7. Mr R B Lentit asked the Minister of Local Government, Environmental Affairs and Development Planning:**

What is the progress regarding policy and legislation of the Land use planning of municipalities?

Die MINISTER VAN PLAASLIKE REGERING, OMGEWINGSAKE EN ONTWIKKELINGSBEPLANNING: Ek moet sê, my prestasie gaan nie 'n 'tick' kry vandag nie. Agb mnr die Adjunkspeaker, en die agb lid mnr Lentit, baie dankie. Die antwoord is soos volg:

In Maart 2013 het die Departement van Omgewingsake 'n Wes-Kaapse strategie vir bestuur van grondgebruiksbeplanning geskep. Dit sal bereik word deur middel van samewerking tussen die munisipaliteite in die Wes-Kaap, die Nasionale Departement van Landelike Ontwikkeling en Grondhervorming, SALGA, en die Provinsiale Departement van Plaaslike Regering. Die doel van die strategie is om die oorgang van die ou orde grondgebruiksbeplanning, soos die Wes-Kaapse Ordonnansie op Grondgebruiksbeplanning, Ordonnansie 15 van 1985, en 'n verskeidenheid ander relevante Grondgebruiksbeplanningswette na die nuwe wetlike bedeling vir grondgebruiksbeplanning in die Wes-Kaap te bestuur.

Die nuwe bedeling sal bestuur word ingevolge die Wet op Ruimtelike Beplanning, Grondgebruiksbestuur, 2013, Wet 16 van 2013 soos ons dit almal ken, SPLUMA, die Wes-Kaapse Wet op Grondgebruiksbeplanning, 2014, die Wet 3 van 2014, LUPA, asook die Munisipale Verordening op Grondgebruiksbestuur wat deur elke munisipaliteit in die provinsie opgestel en goedgekeur moet word. Die Wes-Kaapse strategie vir die bestuur van grondgebruiksverantwoordelikhede bestaan uit vyf

werksgroepe en met toestemming van die lid gaan ek net vinnig die vyf werkgroepe noem, maar ek gaan nie die doel van hulle almal nou uitspel nie, want dan gaan ek u die heeldag besig hou.

Werkgroep 1 kyk na standaard verordeninge op munisipale beplanning; Werkgroep 2, standaard konsepverordeninge vir soneringskemas. Dan het ons 'n Werkgroep 3, grondgebruiksbeplanningregulasies; en interne herstrukturering en opleiding vir Werkgroep 4, en Werkgroep 5 is munisipale gereedheid en ek kan sommer net dink dat die Premier sal nou al vir my sê met al hierdie ingewikkelde stelsels, dis geen wonder 'n mens sukkel om iets goedgekeur te kry nie. [Tussenwerpsels.] Maar dit wys vir ons [Tussenwerpsels.] Dit wys vir ons in watter komplekse stelsel ons werk. Verder aan die agb lid Mnr Lentit, bo en behalwe die bogenoemde is die Departement ook in die proses om munisipaliteite te ondersteun by wyse van die beboude omgewingsbestuur of ons noem dit in kort die Best BPSP program, om die nodige ruimtelike ontwikkelingsraamwerk vir menslike nedersettings en beplanning in plek te kry. Dit word gedoen om toe te sien dat munisipale beplanningsbeleid in lyn en op datum is en op die huidige grondgebruiksbehoefte van die onderskeie munisipaliteite reageer.

Tot op hede het my departement 'n uitstekende werksverhouding met al ons munisipaliteite in die Wes-Kaap opgebou wat die Wes-Kaap Regering en die munisipaliteite in die Wes-Kaap op 'n baie goeie grondslag plaas ten opsigte van grondgebruiksbeplanning en die periode wat voorlê. Baie dankie.

Die ADJUNKSPEAKER: Agb lid Mnr Lentit vir 'n opvolgvraag?

Mr R B LENTIT: Thank you very much, Mr Deputy Speaker. I would like to ask the Minister Bredell, is the Minister aware that SPLUMA Regulations, which were advertised and gazetted for comment on the 1<sup>st</sup> of June this year, and which the ending date is advertised as the 2<sup>nd</sup> of September for comment, but the implementation of it is on the 1<sup>st</sup> of September. Thank you.

The DEPUTY SPEAKER: Minister Bredell ... [Interjection.]

Mr R B LENTIT: You must read...

Die MINISTER VAN PLAASLIKE REGERING, OMGEWINGSAKE EN ONTWIKKELINGSBEPLANNING: Agb mnr die Adjunkspeaker, ja, ek is. Ek is bewus daarvan. Ek is baie bekommerd daaroor. Ek het verskeie briewe geskryf aan ons nasionale kollegas en nasionale Ministers. Onthou dit is Minister Nkwinti wat hiervoor verantwoordelik is. Ek het ook aan Minister Gordhan geskryf om te help; tweevoudig. Ek is bekommerd dat ons nie ons eie publieke deelnameprosesse respekteer nie, want dit stuur baie keer 'n boodskap uit as enige regeringsfeer iets adverteer maar die implementeringsdatum is voor die datum verstryk van publieke kommentaar. Dit is 'n bekommernis.

Dis 'n bekommernis dat SPLUMA in werking gestel word sonder dat die regulasies in orde is vir ons munisipaliteite. Dit kan beplanning in 'n provinsie tot stilstand ruk. U kan dink as die beplanning in hierdie provinsie tot stilstand moet kom. Dit sal chaos veroorsaak. So as munisipaliteit of as Plaaslike Regering, dit is hoekom ons die vyf

werkgroepe het. Elkeen van hulle het 'n doel. Elkeen van hulle het 'n baie ingewikkelde program. Ons het al vyf werksessies met elke munisipaliteit gehad om hulle beplanners gereed te kry.

Onthou, binne SPLUMA is daar nog vir die tribunaal voorsiening gemaak. Ons weet nog nie presies wat die ekstra kostes is wat dit gaan toevoeg tot die beplanningsektor nie, so hier lê geweldig baie werk. LUPA is so geskryf dat dit gehoor gee aan SPLUMA, maar daar is geluide dat SALGA, dat daar van die metro's is wat SPLUMA se grondwetlikheid bevraagteken. As dit die geval sou wees kan LUPA op sy eie bene staan. Ek dink ons moet groot genoeg wees om nie elke keer na die howe te hardloop nie, maar dat ons hier sê, kom ons vat hande. Kom ons maak dit werk. Dit is in belang van die land, wat ek die lede kan verseker dat ons stelsel en sisteem is só dat ek dink 80% van ons munisipaliteite sal nie probleme ondervind nie. Ons sal ook 'n spesiale taakspan hê wat die kleineres wat nie kan gehoor gee nie, dadelik kan bystaan met hulle beplanning. Ek is baie bekommerd oor van ons ander provinsies. Dankie mnr die Adjunkspeaker.

The DEPUTY SPEAKER: Thank you Minister Bredell. The hon member Mr Mnqasela for a short concise question.

Mr M MNQASELA: Yes, thank you. Thank you, Mr Deputy Speaker, for helping me there. My question is very, very specific. In terms of municipalities where there is no capacity and the implementation of SPLUMA comes into force and the tribunals that must be established in those municipalities, what is it that is in place or not in this province to try and assist in those areas? Does the Minister see any intervention that

can work in the implementation of the SPLUMA?

The DEPUTY SPEAKER: Thank you, hon Minister Bredell.

The MINISTER OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING: Thank you. Thank you hon member Mr Mnqasela, for the question. Yes, luckily we are in the Western Cape. I think we have our house in order. We have draft by-laws, draft regulations. We cannot prescribe it to a municipality, but we can tell the municipalities: “If you do not have anything here is a draft, you can implement it. You can just cut-and-paste it.” And they will then do it because they will need to have a bylaw within the municipality. So yes, what we will also have, we will have a task team, a special team, that we will send out to municipalities to help them to assist them, to work with the planning departments, otherwise there will be problems but we have got it in place. Thank you.

The DEPUTY SPEAKER: Thank you Minister Bredell. We move on to question number 8. Again hon member Mr Lentit to Minister Bredell, Minister Bredell.

*Weather related disasters: affected areas*

**8. Mr R B Lentit asked the Minister of Local Government and Environmental Affairs and Development Planning:**

Whether the Minister can provide information on weather related disasters on the most affected areas in the Western Cape?

Die MINISTER VAN PLAASLIKE REGERING, OMGEWINGSAKE EN ONTWIKKELINGSBEPLANNING: Baie dankie mnr die Adjunkspeaker, en baie dankie aan die agb lid vir die vraag. Die antwoord is soos volg:

Gedurende die afgelope dekade 2003 tot 2013 het die Wes-Kaapse Rampbestuur tien rampe verklaar, waarvan nege weerverwante rampe was, insluitend die vloede, hael, droogtes. Benewens die verklaarde rampe is 'n bykomende vyf groot insidente aangeteken.

Die gebiede wat in bogenoemde tydperk die meeste deur vloede geraak is, is die Munisipaliteit van Eden, die Kaapse Wynland en Overberg, terwyl die Weskus Distriksmunisipaliteit een groot vloedvoorval gehad het. Benewens bogenoemde vloedrampe is droogtes gedurende dieselfde tydperk in munisipaliteite soos Eden en Sentraal-Karoo verklaar.

Gedurende die afgelope jaar 2013/2014 is twee vloedvoorvalle verklaar, naamlik die oorstromings van November 2013 waardeur die munisipaliteite van Eden, die Kaapse Wynland, Sentraal-Karoo, Overberg en die Stad Kaapstad geraak is. Weens die skade wat deur die provinsie gelei was is 'n provinsiale ramp verklaar en die totale koste en die verlies van die provinsie sowel as die munisipale infrastruktuur was bykans R440 miljoen.

'n Vloedvoorval het gedurende Januarie 2014 voorgekom en weereens is die Munisipaliteit van Eden, Sentraal-Karoo, Overberg daardeur geraak. Weens die

omvang van skade en verliese wat die provinsiale Departement sowel as plaaslike munisipaliteite gelei het, is dit ook as 'n ramp verklaar.

Afgesien van bogenoemde verklaarde rampe ervaar die provinsie kleiner weervoorsalle deur die jaar, reën, wat toereikend deur plaaslike munisipale behartig word.

Gedurende die afgelope twee maande het gereelde oorstromings in die gebied van die Kaapse Metropool voorgekom wat die informele nedersettings geraak het. Dit het daartoe gelei dat inwoners ongerieflike toestande ervaar en waartydens die Stad maatskaplike verligting in die vorm van komberse en maaltye verleen het. Plaaslike munisipaliteite soos Breedevallei, Stellenbosch, Witzenberg het ook geringe oorstromings ervaar, waartydens die munisipale gemeenskappe met tydelike skuiling, sandsakke en maatskaplike verligting bygestaan is.

Die Wes-Kaap Rampbestuur Sentrum versprei vroeë waarskuwings wat van die Suid-Afrikaanse Weerdienste ontvang word, onder alle belanghebbendes soos hoofde van Rampbestuursentrums, die Departement van Landbou, Maatskaplike Dienste en Waterwese. Op hierdie wyse kan alle belanghebbendes op 'n gereedheidsgrondslag wees ingeval groter of kleiner voorsalle voorkom. Dankie.

Die ADJUNKSPEAKER: Dankie. Geen opvolgvrage nie? Who has the question, I will see the hon member Mr Dyantyi first.

Mr Q R DYANTYI: MEC, when you are saying that Eden is the most affected, are you



basing that on insurance claims financially, whereas the City of Cape Town in this season has been having a lot of floods; communities have been displaced; there are human needs in the City of Cape Town; the last weekend about 30 000 were displaced. Are you basing your assessment on the [Inaudible.] in the Eden, based only on insurance claims and not quantifying what has happened in the City of Cape Town?

The DEPUTY SPEAKER: Minister Bredell.

The MINISTER OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING: Thank you. To an extent the hon member Mr Dyantyi is correct. We base it on claims. We base it. We normally will do an assessment after a disaster. We will submit that assessment to the Cabinet. The Cabinet will declare if they are in agreement and they will then send it to the national Department and then if they are in agreement, then that is the process. But, yes, obviously in the City, if there is an incidence, 75% / 80% of the people live in the City; but it is really important that we do also acknowledge the good work of the people within the sector. I think currently they are doing brilliant work in the Disaster Management Sector. Obviously if we have better budgets we will also be able to do even more. Thank you.

The DEPUTY SPEAKER: Thank you. Hon member Mr Paulsen.

Mr M N PAULSEN: Thank you, Mr Deputy Speaker. Mr Deputy Speaker, when people live in homes that are plagued by floods and are susceptible during rainy weather and warm summer weather, that are destroyed by fires, then these are not weather disasters. These are political disasters. It is a government responsibility

[Interjection.]

The DEPUTY SPEAKER: Hon member Mr Paulsen, put your question [Interjection.]

Mr M N PAULSEN: That all is the question.

The DEPUTY SPEAKER: Order!

Mr M N PAULSEN: Is there a plan in place to [Interjections.]

The DEPUTY SPEAKER: Order! Order! [Laughter]

Mr M N PAULSEN: I am going to pose the question again [Interjection.]

The DEPUTY SPEAKER: Order! Hon member Mr Paulsen, I take it your [Interjection.] Order! I take it the latter part of your question will relate to the weather related disasters. Put that question. Put your question.

Mr M N PAULSEN: Are there plans in place to provide formal housing / informal housing?

The DEPUTY SPEAKER: Thank you, the Minister will respond to that. Minister Bredell, if you can, Minister Bredell.

The MINISTER OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND

DEVELOPMENT PLANNING: Mr Deputy Speaker, yes, there are plans, but then you must realise it is one thing to talk about the need. It is another thing to talk about the resources, the natural resources as well as the finance to follow that. It is correct that in a lot of the instances people live in areas where we should actually never build houses. It is in the low-lying areas. It is below flood lines and so forth, and that has to do with planning that we are busy with, an overarching provincial strategic plan. We will look into a spatial development plan and we will look into all of these kinds of matters. Thank you.

The DEPUTY SPEAKER: Hon member Mr Mnqasela, I saw your hand and then last hon member Mr Max and then your time is expired. That will be full reply.

Mr M MNQASELA: Thank you, Mr Deputy Speaker. [Interjection.] You are not the Speaker, do not do that. You must wait for another place, yes. Chairperson, I just want to ask the Minister, in terms of big disasters, especially the big ones, the major ones, do we have the kind of cooperation from the South African National Defence Force that your Department may call on for from time to time? Are they cooperating and perhaps if they are not, what are the challenges there, you know, in terms of getting them to work with the department?

The DEPUTY SPEAKER: Thank you, hon Minister Bredell to respond.

The MINISTER OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING: Yes thank you, Mr Deputy Speaker. It is one of the sectors, I think that there is very good cooperation from local, right through to

national. It is a funny sector hon Mr Deputy Speaker, the fire-fighting service is very proud of their service and if there is not a disaster they will fight a lot with one another, but as soon as there is an incident it is like everything is just coming together; they work together. Obviously my biggest concern is resources; do we put enough money into getting them the right equipment. Do we realise the importance of giving them updated training and so forth and that is why my colleague Minister Dan Plato and I are going to invest in Wolwekloof as a training centre. That is the kind of thing that I am worried about, but the willpower is there and throughout the three sectors, throughout the three spheres of government; I think we have very good cooperation. Thank you.

The DEPUTY SPEAKER: The last question, hon member Mr Max.

Mr L H MAX: Minister Bredell, given the fact that in most instances disasters happen every year more or less in the same places, are there any precautionary or proactive measures which the disaster management put in place to alleviate, minimise or eliminate those disasters? Thank you.

The MINISTER OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING: Mr Deputy Speaker, yes, thank you. I wish we can eliminate them but I think it is one of those things where I think we need to be honest with one another. All our efforts are aimed to try and minimise. We have a process through which - but I think I will also suggest that you invite our Disaster Management Team to come and present to the Standing Committee, no problem with that - we employ an early weather [Inaudible.], or what we do is we will write to the

municipalities to tell them it is now time to clean your storm-water drains and get your roads clean and-and-and, we expect floods. It is in the rainy season. We work with them to try and get... and those kinds of things are very important, because otherwise there will be flooding.

We have a group that works with the communities to teach them about the dangers of fires. It is a programme that we are busy running. It is very difficult to measure the success of this programme, because currently there have been over 1 000 fires less than last year, but it is difficult to say what has contributed towards that.

I am confident that working together with our communities will impact on the disasters, that we do not often talk to; paraffin is a huge problem. I think two years ago there were something like 47 000 children who were hospitalised because of that. That is the kind of things we need to invest in, train people, show them the importance of how you store these kinds of things. So yes, we have the system in place to deal with these things. Thank you.

The DEPUTY SPEAKER: Thank you. That disposes of that question. We move on to question number 9, hon member Ms Maseko to Minister of Human Settlements, Minister Madikizela.

*Unoccupied houses in the metro*

**9. Ms L M Maseko asked the Minister of Human Settlements:**

Whether he or his Department is aware of built and unoccupied houses in the metro, some for more than two years; if not, why not; if so what are the responses to the communities involved?

The MINISTER OF HUMAN SETTLEMENTS: Thank you very much Mr Deputy Speaker, and thank you very much to the Chairperson. The reply is as follows:

There are 58 units in Mpetha Square in Nyanga. There are unoccupied units which were originally built as part of Page P Project called Masiphathisane, but were left unoccupied as a result of a dispute between backyarders and informal settlement dwellers over the allocation of the units.

In addition the services connections that were being provided by the City of Cape Town were not duly completed as the top structure contractor had built on incorrect erven that were not fully serviced.

A protracted process followed where the City had to finalise the service installations and negotiations had to be undertaken by them and my department with both the backyarders and informal settlement dwellers. The latter was successful with a fair allocation between backyarders and informal settlement dwellers being decided upon. The City completed the services installation at the start of this year and the PAP contractor commenced with the repair and completion of the units at Mpetha Square during May of this year. The City and my Department has agreed on the process of repairing the units and having it occupied immediately by the qualifying beneficiaries in order to avoid any possible vandalism of the units, post completion.

In terms of the second part of the question no houses were built in Transhex Klipvlakte area in Breede Valley in the last two years as the project is still only in planning stages. Thank you very much, Mr Deputy Speaker.

The DEPUTY SPEAKER: Thank you. Is there a follow-up question? Hon member Mr Magaxa.

Mr K E MAGAXA: Since there is damage already on those units that have not been occupied, how much damage is there?

The DEPUTY SPEAKER: Minister Madikizela.

The MINISTER OF HUMAN SETTLEMENTS: I am not sure whether the member is referring to monetary value of the damage? We are spending R2.4 million to fix those 58 houses, but it must also be noted, Mr Deputy Speaker, that most of this money will come from the accruals from the account administrator because when the project was put on ice the transfer has already been made to the account administrators and we agreed that we are going to use the accruals to repair the houses. So we are not going to really add a lot of additional money from the housing development grant.

The DEPUTY SPEAKER: Thank you. Hon member Mr Tyatyam.

†Mr S G TYATYAM: Thank you. † Mhlalingaphambili. Into endifuna ukuyibuza, andizungena kakhulu apha eMpetha Square ngoba into ongayiphenduliyo phaya

iyonanto ibambileyo phaya kukutshitshwa kwabafanele ukuxhamla phaya yiyo le nto yemayo laa nkqubo kodwa ingene kwalapha eNyanga kunezindlu ezakhiwayo phaya ziququzelelwa.

†Mr S G TYATYAM: Thank you. \*Chairperson, what I want to ask, I will not dwell much on Mpetha Square because what you do not respond to there - what is stalling the process there is the changing of people's beneficiaries there, and that is why that process stopped. But let me come to Nyanga. There are houses that were built there, coordinated by you in Freedom Square near Cala. Those houses have been built without infrastructure ...

The DEPUTY SPEAKER: Order! Similar to you, get to the question.

Mr S G TYATYAM: Yes, that is the ... [Interjection.]

The DEPUTY SPEAKER: That is the introduction. Now what is the question now?

Mr S G TYATYAM: You understand the Xhosa correctly, so. [Laughter] †Ewe, ndiza kuwo umbuzo wam Mphathiswa. Kutheni izindlu zakhiwa ngaphandle kweziseko apha ePhondweni? Kwaye ikakhulu ingaba uyakholiseka le nto kuthiwa izindlu zenziwa kufakwe i pota-pota kuzo? Zimane zisiziswa apha ezo Pota-pota njengokuba ningafaki ziseko?

Mr S G TYATYAM: You understand the Xhosa correctly, so. [Laughter]. †Yes, I am coming to my question, MEC. Why are houses being built without infrastructure here in the province? And are you satisfied with the fact that houses are built and supplied with porta potties? And these porta potties are being brought here because you do not



install infrastructure?

The DEPUTY SPEAKER: Thank you. Hon Minister Madikizela.

The MINISTER OF HUMAN SETTLEMENTS: Thank you very much, Mr Deputy Speaker, for the question. Let me address this question in two ways.

†Lo rhulumente weDA Mhlekezi ulwa nezinto ezenziwa yiANC, yiANC eyayisenza loo nto, hayi thina. Le ndima yokwakha izindlu kungekho ziseko yayisenziwa ngulo rhulumente weANC. Enyanisweni hayi, hayi hayi ... mamela uza kufunda. Enyanhisweni ukuqala kwale le projekthi iqale ngowama 2008 ...

\*This DA government Sir is battling with what the ANC did. The ANC did that, not us. The building of houses without infrastructure was done by this ANC government. In fact, no no, no ... listen and you will learn. In fact this project started in 2008 ...

†And then when we took over in 2009 that is when we realised and discovered that there is actually no infrastructure in Mpetha Square, in both projects by the way, Freedom Square and Mpetha Square, and that is why we then said let us put it on hold so that we can then put infrastructure first, and which is why there were these delays. We then put the infrastructure in both areas and that is why †yiyo le nto ngoku sizilungisa ezi zindlu ukuze \*that is why now we are repairing these houses so that ... when development has started with backyarders ... when development has started you can benefit ... so that so that people can get into proper houses with proper infrastructure. And the second part on your accusation that I changed the beneficiaries, I have been explaining this in this House, you know, several times.

This administration did not take into cognisance the history of these areas. You must remember that those places were earmarked for backyarders and expectations were raised that once a development †iqale \*started †backyarders would benefit. But then during the woes of Crossroads, you know, people ran away from those areas and they ended up settling there and then the backyarders were convinced that because those people settled there, against the wishes of the backyarders, let us allow these people to settle, because once the development †iqale \*started †you will benefit as you were promised. But when the development started the deed of sales were then issued to the recent occupants of those sites, without taking into cognisance the history.

Now that is why when the development started there was this fight between the backyarders who said we are entitled to these houses, because we were promised, so we had to fix that. That is why we then decided that the City must speed up two projects so that we can deal with this impasse and that is why we are now at the stage that we are in because there are two projects that are currently underway for backyarders in order to deal with that impasse, so that is the brief history around these problems.

The DEPUTY SPEAKER: Hon member Mr Paulsen.

Mr M N PAULSEN: Thank you, Mr Deputy Speaker. I am quite surprised that the Minister Madikizela does not mention Leo Mews where there are more than 120 unoccupied completed dwellings surrounded by people who live on the field in

makeshift towns. What is the plan to fill those dwellings at Leo Mews, Elsie's River, you can ask Minister Plato, he knows about it as well.

The DEPUTY SPEAKER: Thank you, Minister Madikizela.

The MINISTER OF HUMAN SETTLEMENTS: Mr Deputy Speaker, we address this issue again in this House, because the project that the member is referring to is the [Inaudible.] rental stock and in order for people to occupy those houses, there are criteria that must be followed. [Interjection.]

Mr M N PAULSEN: Let us be honest [Interjections.]

The MINISTER OF HUMAN SETTLEMENTS: There are criteria that must be followed and part of the problem is that some of the people from the area demonstrated and toyi-toyi'd because they were unhappy. The reason for that is because those people did not qualify in terms of the criteria that are used. [Interjections.]

An HON MEMBER: [Inaudible.] they qualify.

The MINISTER OF HUMAN SETTLEMENTS: That is why - I think through you Mr Deputy Speaker, I will teach the hon member the criteria that we use in order for people to qualify [Interjections.] So it is [Interjections.] Once you take over as government then you set out your own criteria. [Interjections.] Now we are using [Interjections.]

The DEPUTY SPEAKER: Order!

The MINISTER OF HUMAN SETTLEMENTS: We are using the national policy and everything that we do as the Department of Human Settlements is in line with the national policy Mr Deputy Speaker. If hon member Mr Paulsen wants to change the policy and the criteria they must first win the elections. Thank you.

'n AGBARE LID: Ja.

The DEPUTY SPEAKER: Thank you. Hon member Mr Magaxa, the last question, and then it is your four questions. [Interjections.] Order!

Mr K E MAGAXA: No Chair, I just [Interjections.]

The DEPUTY SPEAKER: Order!

Mr K E MAGAXA: I just want to ask a simple question to the honourable MEC. Now that he has acknowledged that there are these 58 houses that have been demolished by now, who should take responsibility now for all this damage, for all this spending of the taxpayers' money but not being utilised by the necessary beneficiaries?

The DEPUTY SPEAKER: Thank you, Minister Madikizela, your last reply.

The MINISTER OF HUMAN SETTLEMENTS: The subsequent action is a clear

indication that we are taking responsibility. I mean, I really do not understand this question. We have taken responsibility, even though it is a mess that was created by the former government of hon member Mr Magaxa. We have taken responsibility as this government, hence the steps that we have taken to deal with this matter. So the steps that we have taken are a clear indication that we are taking responsibility.

[Interjections.]

The DEPUTY SPEAKER: Thank you, we move on to question number 10. The four supplementary questions have been used up. Hon member Ms Wenger to ask Minister Plato, question number 10, the hon Minister Plato.

*South African Police Service: attempted hi-jacking, lack of response*

**10. Ms M M Wenger asked the Minister of Community Safety:**

With reference to the Cape Times on or around 4 July 2014, why did the South African Police Service not respond to the call for help from the Airport Control Centre after an attempted hi-jacking of an SAA pilot near the airport?

The MINISTER OF COMMUNITY SAFETY: Mr Deputy Speaker, thank you very much, also the member for the question. The reply is as follows:

I was informed by the South African Police Service about this issue. According to them on the 4<sup>th</sup> of July 2014 a complaint of an alleged carjacking in progress was received and despatched to a Flying Squad vehicle. When the members arrived on the

scene the complainant could not be found. Thank you Mr Deputy Speaker.

The DEPUTY SPEAKER: Thank you, hon member Ms Wenger.

Ms M M WENGER: Thank you, Mr Deputy Speaker. Could Minister Plato tell the House whether a case has been opened and, if so, whether any arrests have been made?

The MINISTER OF COMMUNITY SAFETY: Several cases were opened about alleged car hijackings on the N2 and according to the police some arrests were made and the cases are under investigation. I think ten plus days ago Mr Deputy Speaker, I had traffic police, provincial traffic as well as the South African Police Service, Kenny Africa's team in my office with Metro Police to discuss that stretch of the N2; the carjackings and things that are taking place there. The police and all the other agencies promised they will increase their visibility on that stretch. I checked myself this morning with Kenny Africa, according to him they are there and we will watch and check the progress of the increased visibility on that stretch. Thank you.

The DEPUTY SPEAKER: Thank you. Hon member Mr Wiley.

Mr M G E WILEY: Thank you, Mr Deputy Speaker. Is the Minister Plato aware of the allegation that the 10111-number was not operating over that period?

The MINISTER OF COMMUNITY SAFETY: Mr Deputy Speaker, that is correct. I did address it at the previous meeting with the Provincial Commissioner. We did

receive similar complaints from various people. Thank you.

The DEPUTY SPEAKER: Hon member Mr Max, the third one?

Mr L H MAX: I just want to ask the Minister Plato whether the installation of surveillance cameras in that particular hotspot to monitor - because it is a very important port of entry, a very important access point to the airport - is under consideration?

The MINISTER OF COMMUNITY SAFETY: Definitely, Mr Deputy Speaker, that was part of the agenda items discussed at that specific meeting I referred to. We are awaiting such a report from the City of Cape Town. They indicated they will conduct such a research. Thank you.

The DEPUTY SPEAKER: Thank you. We proceed then to question number 11. Hon member Mr Uys to ask the Minister of Finance. Minister Meyer.

*Investigation into irregularities: Eden Municipality*

**\*11. Mr. P Uys asked the Minister of Finance:**

What does the process and investigation into the irregularities/the violation of the code of conduct for councillors by the mayoral councillor whose name was made available to the Department of the Minister for the purpose of his answer hereto cost the Eden Municipality, and how will the cost be recovered?

Die MINISTER VAN FINANSIES: Dankie mnr die Adjunkspeaker, en dankie vir die vraag aan agb lid, mnr Pierre Uys. Die antwoord is soos volg:

Volgens die inligting wat ontvang is, direk van die Eden Distrik Munisipaliteit, beloop die koste wat verband hou met die dissiplinêre proses en ondersoek na die ongerymdhede en die oortreding van die gedragskode vir raadslede deur die burgemeesters-raadslid wie se naam beskikbaar is, as volg: 'n ENS forensiese ondersoek: R490 000; oorlegpleging tussen inisieerder en forensiese ouditeurs: R205 000; regsadvies [Onhoorbaar.] en Genote R 17 316. Die totale koste is R713 330.08.

Die ADJUNKSPEAKER: Dankie.

Mnr P UYS: Ja, mnr die Adjunkspeaker, ek wil net die vraag vra, die tweede daarvan vra ek vir die LUR, en dit is in watter mate gaan hierdie koste wat byna 'n miljoen rand is verhaal word in die munisipaliteit?

Die ADJUNKSPEAKER: Minister Meyer?

Die MINISTER VAN FINANSIES: Agb mnr die Adjunkspeaker, hierdie koste is deur die Eden Distrik Munisipaliteit aangegaan en dit berus derhalwe by die betrokke munisipaliteit om te besluit oor die verhalings van die koste, al dan nie.

Die ADJUNKSPEAKER: Agb lid mnr Uys, tweede vraag.



Mnr P UYS: Dankie mnr die Adjunkspeaker, toe ENS as die forensiese maatskappy aangestel is, was daar 'n tenderproses om dan te kyk wat die koste is? Ons sien dis R490 000.

Die ADJUNKSPEAKER: Minister Meyer?

Die MINISTER VAN FINANSIES: Agb mnr die Adjunkspeaker, ek het nie daardie inligting nie. Ek is bereid om na die Huis terug te kom.

Die ADJUNKSPEAKER: Dankie. Ons gaan voort na die volgende vraag, vraag 12, agb lid mnr Uys weer aan Minister Meyer.

*Capital expenditure: City Of Cape Town*

**\*12. Mr P Uys asked the Minister of Finance:**

What is the capital expenditure of the City of Cape Town in comparison to the budget over the last three financial years?

Die MINISTER VAN FINANSIES: Agb mnr die Adjunkspeaker, dankie vir agb mnr Pierre Uys vir die vraag. Die antwoord is soos volg:

Wat is die kapitaalspandering van die Stad Kaapstad in vergelyking met die begroting oor die afgelope drie boekjare. Ek antwoord soos volg: soos per die jaarlikse

finansiële state van die Stad Kaapstad, was die kapitaalebegroting vir die laaste drie finansiële jare as volg:

Die finansiële jaar 2010/2011, en dit is finale begroting soos per die geouditeerde jaar finansiële state: R3.7 biljoen; 'n persentasie bestee van die finale begroting is 76.7% in daardie boekjaar.

In die daaropvolgende boekjaar 2011/2012, R4.5 biljoen begroot; persentasie bestee van die finale begroting is 92.8%. Dis derhalwe 'n styging van 76% na 92%, en in die daaropvolgende boekjaar, geouditeerde boekjaar 2012/2013, agb mnr die Adjunkspeaker, R6.2 biljoen, persentasie bestee van die finale begroting is 94.3% en dit is derhalwe agb mnr die Adjunkspeaker, jaar op jaar, 76%, 92%, 94% en ek is dus tevrede dat daar jaar tot jaar 'n groter persentasie besteding was in die kapitale begroting van die Stad Kaapstad, en ek wil net noem hierdie is geouditeerde state.

The DEPUTY SPEAKER: Thank you, hon member Mr Uys.

Mnr P UYS: Dankie agb mnr die Adjunkspeaker. Wat ek nagelaat het en ek wil vra is wat die syfer is vir 2013/2014 wat gesluit het op die 30ste Junie hierdie jaar?

Die ADJUNKSPEAKER: Minister Meyer.

Die MINISTER VAN FINANSIES: Dit is korrek, agb mnr die Adjunkspeaker, indien die agb lid verwys na die finansiële jaar waarna hy nou spesifiek verwys het, die oudit soos hy weet is nog aan die gang en is die persentasie besteding tans besig om te styg,

maar dit is nou voortydig aangesien die finale syfers nog bevestig moet word.

Die ADJUNKSPEAKER: Agb lid mnr Uys.

Mnr P UYS: Mnr die Adjunkspeaker, is dit dan nie so dat die burgemeester van die Stad Kaapstad bekendgemaak het dat daar 'n besteding van R5.6 miljard was en 'n onderspandering van 20% nie?

Die ADJUNKSPEAKER: Minister Meyer.

Die MINISTER VAN FINANSIES: Agb Mnr die Adjunkspeaker, ek verkies om op gesaghebbende inligting wat geouditeerde state is, na hierdie Huis terug te kom, sodra daardie state geouditeer is.

Die ADJUNKSPEAKER: U derde vraag, agb lid mnr Uys.

Mnr P UYS: Mnr die Adjunkspeaker, wil die LUR dan sê dat die inligting by 'n perskonferensie beskikbaar gemaak deur die burgemeester nie korrek en betroubaar is nie?

Die MINISTER VAN FINANSIES: Agb mnr die Adjunkspeaker, ek volstaan by my antwoord.

Die ADJUNKSPEAKER: Baie dankie. Agb lid mnr Uys, u laaste kans.

Mnr P UYS: As dit dan korrek is dat daar R1 miljard onderbestee is in kapitaalbegroting en dit is wat dit is, wat is u kommentaar daarop?

Die MINISTER VAN FINANSIES: Mnr die Adjunkspeaker, ek het geleer in hierdie Huis om op die feite te reageer en nie op bewerings van agb lid mnr Uys nie. [Tussenwerpsels.]

Die ADJUNKSPEAKER: Dankie, ons gaan - that disposes of this question. The last question that we will deal with is question number 13. Hon member Mr Paulsen to ask Minister Fritz, the Minister of Social Development. Minister Fritz.

*Youth Cafés: service delivery*

**13. Mr N Paulsen asked the Minister of Social Development:**

With reference to a document titled “Service delivery specifications for the contracting of a service provider for the roll-out of the Youth Cafés” on the Cape Gateway website, (a) what were the reasons for the late delivery, and (b) when will the first Youth Café in a predominantly African area be launched?

The MINISTER OF SOCIAL DEVELOPMENT: Thank you Mr Deputy Speaker, and thank you to hon member Mr Paulsen for the question. The reply is as follows:

According to the specifications the first youth café had to be launched during December 2013, however, it was operational in December and it was early December

2013, and launched on the 22<sup>nd</sup> of January 2014. A part of the delay was the huge challenge that we found around just procuring infrastructure and suitable infrastructure.

The second part of the question is very kind of “where in Africa”, you know we are in Africa, so I do not know why you ask what African area, but I want to make the point that the latest one that was launched in Vangate Mall was specifically launched in Vangate Mall so that people from Langa and youth from Langa have very easy access over the bridge, Bridgetown, Heideveld, Surrey Estate, and Manenberg. So you will notice that the proximity for most of those areas is very, very important and the next café will be launched in Nyanga Junction, Atlantis and George. So those will be the next roll-out of youth cafes and the locations of all our youth cafes ensure promotion of integration of the diverse population of the Western Cape, but I think one must really emphasise the notion of diversity.

The DEPUTY SPEAKER: Hon member Mr Paulsen, do you want to follow-up? There is a follow-up question opportunity.

Mr M N PAULSEN: Thank you very much, hon Mr Deputy Speaker. Thank you Minister Fritz. Minister Fritz, you speak about integration. I like it when you say when the DA refers to integration they speak about so-called Coloured and so-called African blacks being together as integration. Integration in the true sense, why do you not build it in Thornton or Pinelands so that people from [Interjection.]

The DEPUTY SPEAKER: Order! Ask your concise question please.

Mr M N PAULSEN: I am going to get there, but I just need to teach Minister Fritz  
[Interjection.]

The DEPUTY SPEAKER: No-no-no-no [Interjection.]

The MINISTER OF FINANCE : Mr Deputy Speaker [Interjection.]

The MINISTER OF SOCIAL DEVELOPMENT: You know sometimes [Interjection.]

The DEPUTY SPEAKER: Order! Hon member Mr Paulsen, just one second. Hon member Mr Paulsen, just take your seat. Is that a question or a point of order?

The MINISTER OF FINANCE : It is a point of order. The hon member Mr Paulsen must ask a question. He cannot come and lecture the hon Minister.

The DEPUTY SPEAKER: Yes, Minister Meyer, I was saying exactly the same thing. Hon member Mr Paulsen, please get to the point and ask your question.

Mr M N PAULSEN: Thank you, Mr Deputy Speaker. Why does it not happen then in Pinelands or Thornton and then communities from Bonteheuwel and Langa can go there and then that would be better for integration, would it not be or is integration always just going to be between coloured and African blacks?

The DEPUTY SPEAKER: Thank you hon member Mr Paulsen. Minister Fritz.

The MINISTER OF SOCIAL DEVELOPMENT: Thank you hon member Mr Paulsen, for the anthropological lesson. On race and diversity and class, [Inaudible.] and class, what I want to [Interjections.] Oh well, you do not sound like a Marxist. Let me, Mr Deputy Speaker, say that and that is a very, very, very good point you are making because one of the issues that we all the time are talking about when we debate, we tend to want to talk about the so-called disadvantaged communities, and we forget that part of proper integration, and integration is to actually get young people into all types of spaces. But the other point I want to make, hon member Mr Paulsen, one of the challenges with us finding accommodation in the township areas is precisely the issue that the only available infrastructure are government buildings; and we must move away from the notion that when people are poor, government buildings - the way they look like - “Ag kyk hoe vaak word ek nou...”

Let us give our guys the best, and let us give them state-of-the-art, and that is the notion and the idea of the youth cafes, a place to smell, feel and look right. [Laughter]

The DEPUTY SPEAKER: Thank you. That disposes of this question and also this brings us to the end of questions. Question number 14 stands over.

[Question number 14 by hon member Mr Paulsen to the Minister of Agriculture, Economic Development and Tourism to stand over.]

The DEPUTY SPEAKER: [Interjection.] Order! Order! We now proceed to questions to the Premier without notice in the sequence on the Order Paper. The honourable

Leader of the Opposition first, Mr Fransman.

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

Mr M L FRANSMAN: Thank you, hon Mr Deputy Speaker. Bearing in mind the recent very harsh attacks that we have seen on the people of Palestine and the brutality of military force, we would want to know from the honourable Madam Premier, do you actually agree that Israel is in fact an apartheid state?

The DEPUTY SPEAKER: Premier, before you respond can I just point out and you are free to respond if you want to, but the purpose of questions to the Premier is to ask the Premier questions related to her executive responsibility. Now I am not sure how this relates to the responsibility for Palestine and Israel but the Premier is free to respond to that.

The PREMIER: Thank you very much, Mr Deputy Speaker. That is indeed a point that I wanted to make. I mean this House has absolutely no jurisdiction over foreign affairs in any way whatsoever and I have written a full newsletter on the subject, in which I spelt out my position and my position is quite clear. The statements that have been made by President Zuma and the Department of Foreign Affairs we have supported.

The DEPUTY SPEAKER: Thank you. We will then go to the second question. Are there follow-ups or is there a follow-up, honourable Leader of the Opposition, Mr Fransman?



Mr M L FRANSMAN: Taking into account Premier Zille's refusal and in fact sidestepping [Interjections.] sidestepping the response to that particular question, as the Premier of the Western Cape, bearing in mind that there are citizens across our world in the Western Cape that are affected in this case by harsh treatment, do you agree that the attack, Premier, by the Israeli state on the people of Palestine is in fact an issue of genocide on the people of Palestine?

The DEPUTY SPEAKER: Order! The same applies. The Premier is free to respond to that in the way she prefers [Interjection.]

The PREMIER: President Zuma [Interjection.]

The DEPUTY SPEAKER: It is outside of the ambit of this specific point.

The PREMIER: Neither President Zuma, nor the Department of Foreign Affairs has used any such words in any of their statements, which demonstrates how deeply divided the ANC is on this matter. [Interjections.]

Mr M L FRANSMAN: Answer the question [Interjection.]

The PREMIER: I am answering the question. I am answering the question, which demonstrates how deeply divided the ANC is on this matter and perhaps the ANC can sort out within itself whether it agrees with the statement that the honourable Leader of the Opposition Mr Fransman is making here. Our position is that we have supported what the Department of International Affairs and Cooperation has said and we have

supported what President Zuma has said and we do not believe in selective outrage.

The DEPUTY SPEAKER: Thank you honourable Leader of the Opposition, Mr Fransman. You have a second chance. Do you want to have another question, otherwise we move on to the following question. Do you want to use it?

Mr M L FRANSMAN: Will the Premier in her capacity as the Premier of the Province support the current call of civil society and of BDS for the immediate stop of the attacks that are taking place in Gaza?

The PREMIER: Mr Deputy Speaker, we have already done so. We have already called for a cessation of hostilities on all sides.

An HON MEMBER: All sides?

The PREMIER: On all [Interjections.]

The DEPUTY SPEAKER: Order!

The PREMIER: May I say, Mr Deputy Speaker, that if he does not believe in all sides, if the honourable Leader of the Opposition, Mr Fransman, does not believe in all sides, then he is clearly differing from what the President has said and he is clearly differing from what the Department of International Relations has said. There is fundamental disagreement in the ANC on this issue, Mr Deputy Speaker, which is why they cannot agree and that is why they are trying to deflect their own divisions onto

the DA.

If he wants somebody to say that, why does he not get his own leader, the hon the President, or why does he not get the hon leader, the hon Minister of Foreign Affairs to say the things that he wants us to say here? We have said that we have supported those statements which condemn violence on both sides and which call for an immediate ceasefire and a return to negotiations.

The DEPUTY SPEAKER: Thank you. We move on to the second one, hon member Mr Hinana.

†UMnu N E HINANA: Nokuba andiyifakanga imikhala. \*Even if I don't have my ropes on. †My question to the Premier, Madam Premier, my question is with reference to recent increase in reported police killings in the province, I want to know what measures does the Western Cape Government have in place to ensure that the safety of police officials in the Western Cape is retained?

The PREMIER: Mr Deputy Speaker, we obviously condemn very profoundly and completely the killing of police officers and immediately afterwards we met with the Commissioner of Police in the Province [Interjections.]

An HON MEMBER: What is the name [Inaudible.]

The PREMIER: ...and we spoke to him about how seriously we view this and we made the case very strongly for a complete lockdown of an area if a police officer is

murdered, so that we track down the killers and we do whatever it takes to give them the harshest possible penalties.

I am very pleased to be able to say that Commissioner Lamoer assured me that in every instance of the killing of a policeman arrests have been made and people have been prosecuted.

An HON MEMBER: Hear, hear!

The DEPUTY SPEAKER: Thank you. Hon member Mr Hinana, are you satisfied? Thank you. Then we move on to the next questioner, the hon member, Mr Paulsen. [Interjections.]

Mr M N PAULSEN: Thank you, Mr Deputy Speaker. My question to the hon Premier is as follows: you enjoy overwhelming support here in the Western Cape. Your party governs here in the Western Cape, and nationally as the official opposition in the country. All members of your organisation I would imagine respect your judgement and as you know and you have expressed now, there are a lot of contradictions in the ANC with regards to the [Interjection.]

The DEPUTY SPEAKER: Hon member, Mr Paulsen, again the same applies.

Mr M N PAULSEN: Yes, I am going to get to my question.

The DEPUTY SPEAKER: Please put your question.

Mr M N PAULSEN: My question is very simple and a simple “yes” or “no” would suffice. I have read your statement that was even on Politics Web over the past weekend and not everyone will take the time to read it. Would you support the call for sanctions against Israel for: number one, illegal occupation of Palestinian lands, number two, genocide committed against Palestinians, ignoring several UN Human Rights Council resolutions which condemn... [Interjection.]

The DEPUTY SPEAKER: Hon member, Mr Paulsen [Interjection.]

Mr M N PAULSEN: Which condemns its treatment of Palestine?

The DEPUTY SPEAKER: Sorry, can I just say something. The same applies to the first question. The question to the Premier must be related to the Premier’s executive responsibility as Premier of the Province and foreign affairs, as the Premier indicated quite correctly, it is not a function which the Premier or this department or this province has any say over. Madam Premier, you are free to respond to that if you want to, but this is their view.

The PREMIER: I responded to that question.

The DEPUTY SPEAKER: Thank you. Mr Wiley, do you want to pose something?  
[Interjections.] Order!

Mr M N PAULSEN: I have asked a simple “yes” or “no”.

The DEPUTY SPEAKER: Order! Order!

Mr M G E WILEY: My point of order is that the hon member Mr Paulsen constantly has naivety with regards to the Rules of this House, that when he asks a question he needs to be concise and he needs to ask a single question, not compartmentalise [Interjection.]

The DEPUTY SPEAKER: Yes, we agree with that. I can refer the hon member Mr Paulsen to the specific Rules on that. Look at the Rules [Interjection.]

The PREMIER: And I also [Interjection.]

The DEPUTY SPEAKER: From 194 onwards.

The PREMIER: And I also refer, with your permission, Mr Deputy Speaker, to the fact that under the Rules hon member Mr Paulsen cannot tell me how to answer a question.

The DEPUTY SPEAKER: You are quite correct. We proceed to the following, next question, hon member Ms Du Toit Marais.

Mr M N PAULSEN: Hon Mr Deputy Speaker [Interjection.]

The DEPUTY SPEAKER: Oh sorry, was there a follow-up question?

Mr M N PAULSEN: Hon Mr Deputy Speaker, I did not get a response, “yes” or “no”, I do not know what the answer is, so I would take it, she would not - the honourable [Interjection.]

The DEPUTY SPEAKER: The Premier will reply.

The PREMIER: The answer is that I have already answered that question, and he must listen to the answer to the questions, as he must listen to the questions themselves, and try and ask a new question.

The DEPUTY SPEAKER: Hon member Mr Paulsen, your last chance.

Mr M N PAULSEN: My question was very different from all the questions asked with regard to the issue of Palestine. [Interjections.]

The DEPUTY SPEAKER: Hon member Mr Paulsen, that - you cannot comment now. You must ask the second question or sit down. Hon member Ms Du Toit Marais, your chance.

Ms A J DU TOIT MARAIS: Mr Deputy Speaker, Madam Premier, what are the relevant details pertaining to the Premier’s Entrepreneurship Recognition Awards? [Interjections.]

The PREMIER: Well, I am very pleased to say, Mr Deputy Speaker, that some

international entrepreneurship awards for example for IT entrepreneurs five people were chosen from the whole of Africa and all five came from the Western Cape and the winner of the overall award, Mr Deputy Speaker, internationally, came from the Western Cape.

An HON MEMBER: Hear, hear!

The PREMIER: So Mr Deputy Speaker, we really look at entrepreneurship very seriously because we want to ensure that we create a climate for investment, for job creation and for growth and that means we need more entrepreneurs. We need a lot of people who are investing their skills, their talent and their money in this province to turn their ideas into businesses and create jobs for people and so to ensure that that happens; we are calling for entries into entrepreneurial awards. They will all be on our website, Mr Deputy Speaker, and we hope to really honour our creative and innovative entrepreneurs in the Western Cape to show that they are the real heroes of beating poverty in our country.

The DEPUTY SPEAKER: Hon member Ms Du Toit Marais.

Ms A J DU TOIT MARAIS: Madam Premier, are you aware if other Premiers offer these or similar awards in their respective provinces as well?

The PREMIER: Thank you very much, Mr Deputy Speaker. I have not done a study of all of the other provinces but as far as I am informed, we are the only province that does this. [Interjections.]



The DEPUTY SPEAKER: Thank you. We continue with the next one, hon member Mr Tyatyam.

Mr S G TYATYAM: Thank you, Mr Deputy Speaker. My first question, I want to know from hon Otta, the Premier, the relationship [Interjections.] the relationship between you and Mr Nathan Kirsh, who seems to play an important role in the elimination of people of Palestine in Gaza [Interjection.]

The DEPUTY SPEAKER: Madam Premier, yes, almost similar, but you are free to respond to that?

The PREMIER: I mean that is the most outrageous and libellous question. Mr Deputy Speaker all I can tell you is that any allusion in the media that the gentleman referred to by the hon member Mr Tyatyam had any role whatsoever to play in any merger between our party and Agang. The proposed merger is a complete lie and has no basis in truth whatsoever. That is the root of all this nonsense that gets spoken.

So the bottom line is this. That is a complete libellous allegation against an individual if you cannot prove it. Secondly, it is completely irrelevant to this House, to my duties and the questions and it is based on a lie.

The DEPUTY SPEAKER: Thank you. Hon member Mr Tyatyam are you going to follow it up with something related to the executive function of the Premier?

Mr S G TYATYAM: I am going to follow it up. Maybe we must also teach the Madam what her responsibility is.

The DEPUTY SPEAKER: Order. Order hon member Mr Tyatyam. You will refer to the member as the hon Premier. [Interjections.]

Mr S G TYATYAM: Yes. Yes.

The MINISTER OF FINANCE: You must withdraw the statement.

Mr S G TYATYAM: That is withdrawn, Chair.

The DEPUTY SPEAKER: Sorry. Is there a point of order?

Mr M G E WILEY: Mr Deputy Speaker, he must withdraw that and apologise. It was deliberate and malicious.

Mr S G TYATYAM: Mr Deputy Speaker, it has been withdrawn.[Interjections.]

The DEPUTY SPEAKER: Thank you. Order. Please continue.

Mr S G TYATYAM: The follow up question; I would want to know in the last 12 months if the Premier has not met with Mr Nathan Kirsh.

An HON MEMBER: It is irrelevant.

Mr S G TYATYAM: Mr Nathan Kirsh.

An HON MEMBER: It is not irrelevant.

Mr S G TYATYAM: As the Premier ...[Interjections.] So that is what we want to know.

The DEPUTY SPEAKER: Thank you. The question is clear.

Mr S G TYATYAM: In the last 12 months ...

The DEPUTY SPEAKER: Hon Premier?

The PREMIER: That is entirely irrelevant to my executive functions but if they are asking me as Premier, the answer is no.

The DEPUTY SPEAKER: Your last chance.

Mr S G TYATYAM: No, Chair. As the Premier, I would want to know why the Premier has not supported the Muslim communities here in the province who have been calling for the stopping of the bombings in Palestine?

The DEPUTY SPEAKER: Thank you. That is your second question. Hon Premier?

The PREMIER: I have consistently called for the stopping of the bombings and the violence all over the Middle East, including the incredible violence against the Shia Muslims of Tukrit, including the incredible violence against the Christians of Mosul, including all of the violence that seems to be going on between all the descendants of the sons of Abraham all over the Middle East.

The DEPUTY SPEAKER: Thank you. Thank you. You have had your two chances. That concludes questions to the Premier. We now move on to party statements in a particular sequence. I first see the DA, hon member Ms Wenger.

Ms M M WENGER: Thank you, Mr Deputy Speaker. Being a police officer is a dangerous and often thankless duty. The men and women who wear the badge put their lives on the line to protect the residents of our province so that law and order can be maintained.

Mr Deputy Speaker, recently we have seen the senseless killing of several police officers, not only in our province but across our country. The killing of a police officer, whether on duty or not, is a ruthless and unconscionable act. Last year 12 officers were killed in our province, 23 in Gauteng, 18 in KwaZulu-Natal and numerous others in the remaining provinces. While the number of slain officers has decreased since the dawn of our democracy, when in 1994, 265 police officers lost their lives nationally, the figures remain disturbing.

Mr Deputy Speaker, we must ensure that these brave men and women have the tools and the resources that they need, not only to do their job, but also to protect them as

far as possible from harm. The perpetrators of this crime must be brought to book with severe consequences. These criminals are so brazen as to take the life of an officer to steal weapons and these weapons will very likely be used against citizens. No resource should be spared in tracking down these criminals.

Many of these fallen officers are our country's story of bravery, courage and sacrifice. The DA remembers and honours these officers who paid the ultimate price to protect us. We send our deepest and heartfelt condolences to their families, to their friends and to the policing community. Thank you.

The DEPUTY SPEAKER: Thank you. The ANC, hon member Mr Fransman.

Mr M L FRANSMAN: The ANC in the Western Cape strongly condemns the recent relentless attack on the people of Palestine by Israel and welcomes the report by the South African Special Envoy today.

We are also extremely concerned that the Premier just earlier today sidestepped a very direct question by one of our hon members [Interjection.] insofar as she did not answer the fact that she in fact has met Nathan Kirsh which is in this case somebody who is getting serious contracts from the apartheid [Inaudible.] in Israel. Specific contracts when it comes to the defence issues of that particular country. Therefore, we call on the Premier, and this House in particular, to come clear on the Palestinian question; firstly, that the Premier in fact supports the call that we ask for the expulsion of the Ambassador of Israel.

Secondly, to denounce Israel as a state that practices apartheid; denounce the expressive force and aggression by the IDF on unarmed civilians as violations of international law. It is mischievous and disingenuous to say it is on all sides as if that war is an equal war. We as the ANC are saying it is not an equal war and we must ensure that all violations stop. We must ensure that the option around a two-state solution is effected but whilst the occupied territories are continuing and whilst they are invading occupied territories it will result in the nullification of a two-state solution.

Therefore we are calling on the Premier to come clean on the question around those types of attacks. We are very concerned that the Premier who goes about the world speaking around international issues today comes out and says by the way I am not supposed to speak about international issues. She consistently speaks about international issues. Today she does not speak. So what we have seen is again the hypocrisy of Premier Helen Zille. [Interjections.]

The DEPUTY SPEAKER: Order, the hon member's time has expired. The DA?

Mr P UYS: On a point of order Mr Deputy Speaker. The hon Premier said to the hon Leader of the Opposition "rubbish". I want her to withdraw that please.

The DEPUTY SPEAKER: Order. If the Premier said that ... We have ruled against that previously hon Premier, so, if you will please withdraw that.

An HON MEMBER: Withdraw.

The PREMIER: I withdraw. Mr Deputy Speaker, I also want to say that it is interesting to hear the Leader of the Opposition contradicting his own leader, the President. [Interjections.]

An HON MEMBER: She must withdraw.

The DEPUTY SPEAKER: Order, order. It was withdrawn. I did not listen to the second part but it was withdrawn. That is the important part. The DA, hon member Mr Mnqasela?

Mr M MNQASELA: Thank you, Deputy Speaker. The Democratic Alliance is concerned about the continuous and sustainable electricity supply to the industries, factories, farms, big and small businesses and the overall community of the Western Cape and obviously in the rest of the country.

This issue of electricity does hamper our own growth and service delivery. We remain concerned especially about the fact that R26 million of the R3 billion that are owed to Eskom is in fact in the Western Cape Province. In the areas where the ANC and ICOSA are in coalition and in fact in some of the areas it is ANC run alone, we have the problem that we come and make noise here as if we live in a very safe house. Do not throw stones if you live in a glass house. You come here and you jump up and down. It is not a very good thing. We are very concerned.

Also, if you look at communities in the Cederberg and the West Coast in the towns of

Citrusdal, Clanwilliam, Graafwater, Lamberts Bay, the areas of Ladismith, Calitzdorp, Zoar and Vanwyksdorp, the arrears show R20 million and R6 million rand respectively. We remain very concerned. Some of these municipalities charge communities an increase of up to 85% over and above the amount that they should be paying just to make a profit. We need to find a way to ensure that we do not overburden the already suffering communities as a result of trying to make a profit.

Now, I call on this Parliament to ensure that we work together to ensure that no municipality should be allowed to do this ...

The DEPUTY SPEAKER: Order, order. Your time has expired.

Mr M MNQASELA: Thank you very much.

The DEPUTY SPEAKER: I see the EFF.

Mr M N PAULSEN: Thank you very much. Tomorrow will be the 1<sup>st</sup> of August, marking the beginning of Women's Month and I am afraid, as in the case of Mandela Month, our country's schizophrenia and how it is a flood of contradictions; constitutional laws and policy versus lived reality, black lives versus white lives will still be prevalent above all.

On 6 to 8 July 2004 the Heads of State of Member States of the African Union met in Addis Ababa, Ethiopia and reaffirmed, among others: their commitment to the principle of gender equality; their commitment to expand and speed up efforts to



promote gender quality at all levels, living conditions and socio-economic status of black versus white women in the Western Cape especially.

It is evident that the South African state did not honour the terms of the 2003 African Charter on Human and People's Rights on the rights of women in Africa, despite being a member of the AU and a signatory to the African Charter as of 2005. Instead some black women have to wrestle in isolation daily with gross human rights violations.

More than 4 500 black women are dying annually in public hospitals as our hospitals are unsafe, under-structured, understaffed places of death with overworked and underpaid personnel.

Similarly our public schools, after twelve years of schooling, produce black children and mostly black girls who cannot read and write, catalysing the high rate of poverty amongst blacks. These are the things we should be advocating against and holding our government accountable for this month; and not be planning women's brunches and annually reducing black women's roles in the struggle to just being about marching on August 9, 1956.

Black women's dignity needs swift restoration, their true value acknowledged and their human rights honoured, not for them to be dismissed and juniorised, treating as them and easily referring to them as "girls".

In conclusion, and as a message for Women's Month and the remainder of the year;

from one of the phenomenal black female activists of our lifetime; labelled a wanted terrorist by the American system that has long demonised black women as useless, powerless and voiceless ... [Interjection.]

The DEPUTY SPEAKER: Order, order.

Mr M N PAULSEN: Assata Shakur “Black people ...

The DEPUTY SPEAKER: Order.

Mr M N PAULSEN: ... will never be free unless black women participate in every aspect of the struggle.”

The DEPUTY SPEAKER: Order. Hon member Mr Paulsen, if the Chair asks for order can you at least recognise the Chair? Do not just carry on. I will give you some sort of leeway but you must at least indicate that you are hearing me.

Mr M N PAULSEN: Thank you, Chair.

The DEPUTY SPEAKER: The DA next. Hon member Ms du Toit Marais.

Ms A J DU TOIT MARAIS: Thank you, Mr Deputy Speaker. On 29 July 2014 the Standing Committee on Social Development received an informative presentation from the South African Social Security Agency (SASSA). As the DA’s spokesperson on Social Development in the Western Cape, I was heartened to hear about the

government's safety net response to poverty, especially the intricacies of the Social Relief of Distress Grant.

However, Mr Deputy Speaker, it was also highlighted that the Western Cape is one of the areas in which the reach of the Child Support Grant Program is limited; 36% of eligible children in the Western Cape are not accessing the Child Support Grant. This is a cause for concern. The Western Cape Department of Social Development's mission is to ensure the provision of a comprehensive network of social development services that enables and empowers the poor, the vulnerable and those with special needs.

SASSA's objective is to pay the right social grant to the right person at the right time and place. With their respective mandates in mind, I encourage the Department of Social Development and SASSA to work together to redress poverty through accelerated economic growth and the strengthening of the social security safety net. Children should not bear the brunt of dysfunctional agencies and a lack of significant cooperation between spheres and departments of government.

Mr Deputy Speaker, the provision of services that facilitate the promotion of the wellbeing and socio-economic empowerment of the vulnerable is a priority for the DA. For this reason I will be engaging with all role players to redress and improve the services provided by SASSA to the vulnerable people of the Western Cape. I thank you.

The DEPUTY SPEAKER: Thank you. The ANC. Hon member Mr Magaxa.

Mr K E MAGAXA: Thank you, Mr Deputy Speaker. It is beyond reasonable doubt that the DA-led government in the Western Cape does not have the interests of the poor at heart. [Interjections.] This was again proven when another damning report came out earlier this month once more upholding that the DA does not govern well.

The South African Human Rights Commission found that the DA-run City of Cape Town's provision of temporary toilets for permanent sanitation to especially the more than 95% Africans is unreasonable, unfairly discriminating against people of a specific race group which significantly and adversely affects the majority there – and that the institutionalisation of disparate and inadequate basic services to residents in informal settlements violated their constitutional right to dignity in the so-called world's best run province as well as metro - one of the richest areas on the continent. The ANC has consistently said inferior services are rendered in poor areas and that the DA is not addressing equality to thousands without any access at all.

Open toilets, stinky porta-potties and inadequate communal conveniences that are not cleaned properly are the hallmarks of the DA. Furthermore, the DA was again found wanting for electing to use emergency provision standards as a permanent feature where there is none. The DA does not pay attention to the findings of previous investigations and rulings while they claim to be supporting justice.

The ANC joins the SAHRC to ask for an immediate ceasing of the DA's discriminatory practices, to without delay develop norms and standards for basic sanitation and to heed the instruction to within six months ensure that services are

available, accessible, acceptable to users and of appropriate quality.

The DEPUTY SPEAKER: Order, order. Your time has almost finished. Just finish off.

Mr K E MAGAXA: This Provincial Government should assist and draw from National Government in order to define, regulate and monitor compliance by municipalities to ensure significant measures are taken for the progressive realisation of people's rights as defined in our Constitution.

The DEPUTY SPEAKER: Thank you. Your time has expired. Thank you. The DA?

Mr L H MAX: Deputy Speaker, on 30 July 2014 the Auditor-General of South Africa once again addressed the citizens of this country about the status of their local governments with regard to service delivery. He has spoken loud and clear and so did the results.

Once again it was found that most of the best-run municipalities are situated in the Western Cape. It is irrefutable. According to the AG the City of Cape Town is the only metro and the best-run metro in South Africa.

An HON MEMBER: Hear-hear.

Mr L H MAX: These results are evident of a DA government in action. It is regrettable, however, that we have to experience that one municipality, Kannaland,

governed by the ANC, received ... [Interjections.] ... an adverse and a disclaimer report where this is clear that they do not care for the poor and they deny the people of Kannaland their constitutional right to service delivery. [Interjections.]

These results, Mr Deputy Speaker, are not accidental but are achieved by means of visionary and strategic political leadership, a commitment to comply with the Constitution and by a government which places the people of the Western Cape first where it governs. These results, Mr Deputy Speaker, are also achieved when you employ the right people to do the job, people who do the right things right.

This is further proof that the Western Cape DA government is a responsive, responsible, caring and an out-looking government. [Interjections.] The Western Cape government under the leadership of the DA government has proved that good governance is possible in South Africa. [Interjections.] The Western Cape is indeed a better ...

The DEPUTY SPEAKER: Order.

Mr L H MAX: ...place to stay. We in the Western Cape believe ... [Interjections.]

The DEPUTY SPEAKER: Order.

Mr L H MAX: ... together is better, together.

The DEPUTY SPEAKER: Your time has expired. The ACDP first.

Mr F C CHRISTIANS: Mr Deputy Speaker, the ACDP notes that Minister Alan Winde has set the wheels in motion to speed up the implementation of the 12 point response plan, aiming at avoiding further unrest in the farming communities. [Interjections.]

This is good news for this province where some individuals, leaders of political parties use the farmworkers as pawns to advance their own political agendas.

An HON MEMBER: That is right!

Mr F C CHRISTIANS: They do not care about food for the farmworkers' families. We are also pleased that farmworkers have been given a toll free helpline for workers wanting to log grievances, engagements between farmers and youth empowerment schemes. [Interjections.] Mr Deputy Speaker, this is ...

The DEPUTY SPEAKER: Hon member Mr Paulsen, he is entitled to do his own speech please. You were not speaking. Sorry I thought you were helping him there. [Laughter.] Somebody is helping him. Order. There is too much conversation this side, there is a little bit of a noise going on here so please, hon member Mr Christians, continue.

Mr F C CHRISTIANS: Mr Deputy Speaker, from the ACDP of the Western Cape we believe you give credit where credit is due. You cannot just criticise. Sometimes you can criticise a government but you can also compliment a government and the ANC and the EFF must learn about this. Thank you. [Interjections.]

The DEPUTY SPEAKER: Thank you. The ANC.

Mr Q R DYANTYI: Mr Deputy Speaker, the AG has released the audit outcome of ...

The DEPUTY SPEAKER: Is it a point of order?

An HON MEMBER: The hon member cannot deliberately refer to the Leader as Madam and I want him to withdraw his statement please.

The DEPUTY SPEAKER: I could not hear you. Say again?

An HON MEMBER: Hon member Mr Paulsen said “the Madam likes that” which I believe is unacceptable. [Interjections.]

The DEPUTY SPEAKER: Order. Hon Mr Paulsen, we have ruled now ...

Mr M N PAULSEN: I did not say which madam, Mr Deputy Speaker. I did not say which madam.

The DEPUTY SPEAKER: Did you refer to anybody in this House?

Mr M N PAULSEN: I do not know whether the ... [Interjections.]

The DEPUTY SPEAKER: Order! Order!



Mr M N PAULSEN: Well the shoe fits her, Mr Deputy Speaker.

The DEPUTY SPEAKER: Order! Hon member Mr Paulsen, you are trying your luck now. Please. Hon member Mr Paulsen, stand up please. Did you refer to a member of this House when you said that?

Mr M N PAULSEN: Not in particular, Mr Deputy Speaker, but if the shoe fits and it seems that the hon member thinks that there is a madam in this ...

The DEPUTY SPEAKER: Hon member Mr Paulsen, this is not a joke.

Mr M N PAULSEN: I am not making a joke.

The DEPUTY SPEAKER: I am very serious.

Mr M N PAULSEN: I am very serious too.

The DEPUTY SPEAKER: Give me time to speak. We have previously ruled that you cannot refer to a member of this House as a “madam”. I am asking you straight did you refer to a member of this House with that remark?

Mr M N PAULSEN: Not in particular, Mr Deputy Speaker.

The DEPUTY SPEAKER: Yes or no?

Mr M N PAULSEN: No, Mr Deputy Speaker.

The DEPUTY SPEAKER: Then you can take your seat.

Mr M N PAULSEN: But the member thinks ...

Mr DEPUTY SPEAKER: Then you take your seat. Please proceed hon member Mr Dyantyi.

Mr Q R DYANTYI: Mr Deputy Speaker, the AG has released the audit outcomes of municipalities in the country and the Western Cape. The facts are: for the Western Cape in 2012 there were five municipalities that received clean audits – financial statements with no findings. In 2013, seven more have been added. But 11 municipalities with clean audits out of 30 municipalities in the province indicates that the province is not even at the 50% mark of its municipalities. [Interjection.]

The audit relates to three areas: financial statements, annual performance reports and compliance with the legislation. We are still a long way off the ultimate goal of a clean audit. The serious concern about these clean audits is that they are not translated into improving living conditions of the ordinary citizens. This demonstrates the new DA agenda. Ons gee nie om nie vir armoede, hawelose mense, protes, al wat ons wil hê is daai skoon audit. [Interjections.]

The City of Cape Town with its clean audit has failed to spend over R1 billion in

capital expenditure for the financial year 2013/2014. We heard it today here.

[Interjection.]

In elke munisipaliteit waar daar skoon oudits is, is daar probleme op die grond.

‘n AGB LID: Nie Kannaland nie.

Mr Q R DYANTYI: As dit nie uitsettings is nie, dan is dit protests. As dit nie daardie nie dan is dit armoede of huisloosheid.

The report from the Public Protector on the number of complaints and unhappiness about service delivery for the financial year 2013/2014 records 2 431 cases, compared to 812 in 2008/2009 before the DA took over. Do you need any better message? Thank you, Mr Deputy Speaker. [Interjections.]

The DEPUTY SPEAKER: Your time has expired. Order. Order. The last one is the DA. The DA, hon member Ms Maseko?

Ms L M MASEKO: Mr Deputy Speaker, I am humbled to deliver my maiden speech in this House today. I take this opportunity to commend the Western Cape Government on the successes as well as the challenges they overcame in the previous term.

As the new members of this House we have big shoes to fill in our oversight role to ensure that the legacy of good governance in the province continues to prosper. In this way we create an open opportunity society for all so that people can live lives that

they value and also advance in their vision to become the best-run regional government in the world.

Mr Deputy Speaker, the Western Cape government's success is based on the DA's visualisation of the Constitution and its implementation. Through protecting and promoting constitutional rights and expanding opportunities, the Western Cape has and will continue to achieve excellent outcomes by appointing people who are fit for purpose, appropriate policy agendas and aligned strategies and partnerships. Our unqualified audit reports and quality of public services to the people of the Western Cape is a testament to this.

Mr Deputy Speaker, it is for this reason that I encourage other provincial governments to follow the Western Cape's example because all South Africans deserve the caring competence, accountability, integrity, responsiveness and respect the citizens of the Western Cape have become accustomed to since 2009. I thank you, Mr Deputy Speaker.

Mr S G TYATYAM: Mr Deputy Speaker, can I ...

The DEPUTY SPEAKER: Thank you. That brings us to the end of statements. What was that? Question?

Mr S G TYATYAM: Yes, I have a point of order.

The DEPUTY SPEAKER: You have a point of order? Yes, I am listening.

Mr S G TYATYAM: I have a point of order because the hon member Ms Maseko said that she will be doing her maiden speech here. I understand that that call should be done by the Speaker or Deputy Speaker. I cannot just stand up and say I am doing a maiden speech. [Laughter.]

The DEPUTY SPEAKER: No hon member Mr Tyatyam. Let me assist you. [Laughter.] There is no fixed tradition that anybody needs to announce ... [Interjections.] Order! In your statement you can say whatever you want to say and she used that opportunity to make a statement and to say that it is also her maiden speech.

We have disposed of statements. We are now moving to motions. We first do notices of motions. This is where the notice is given and I am looking to the House for notices of motion.

An HON MEMBER: Can I just get clarity Mr Deputy Speaker, is it motions without notice?

The DEPUTY SPEAKER: This is where notice is given, in other words where notice is given first. You stand up and you say I give notice that I shall move at a future date. This is what we do now. Hon member Mr Joseph?

Mr D JOSEPH: Thank you, Mr Deputy Speaker. I give notice that I shall move:

That the House discusses at the next meeting or next opportunity the above 8% increase in electricity granted to Eskom by NERSA in the following financial year.

*[Notice of motion as moved by Member.]*

Eskom as a parastatal of government is struggling to maintain and upgrade its infrastructure ...

The DEPUTY SPEAKER: I am getting to the point. Hon member Mr Joseph you have done your motion. What you are doing now is motivating. That is part of your speech when there is a debate, so stop at the first part.

Mr D JOSEPH: Okay, fine. The first paragraph.

The DEPUTY SPEAKER: We have got your motion.

Mr D JOSEPH: Thank you, Mr Deputy Speaker.

The DEPUTY SPEAKER: It will then be that notice is taken of that one. Anything further? Anything further from the ANC? Hon member Ms Lekker?

Ms P Z LEKKER: Mr Deputy Speaker. I give notice that I shall move:

That the House discusses the ongoing drug and gang wars under the DA rule in

the Western Cape.

*[Notice of motion as moved by Member.]*

The DEPUTY SPEAKER: Thank you, we take notice of that. Anything further? Hon member Mr Mnqasela?

Mr M MNQASELA: Mr Deputy Speaker, I give notice that I shall move:

That the House debates the level of the provision of basic services in all municipalities in the Western Cape.

*[Notice of motion as moved by Member.]*

The DEPUTY SPEAKER: Thank you, notice is taken. Are there any more? Hon member Mr Dyantyi?

Mr Q R DYANTYI: Mr Deputy Speaker, I give notice that I shall move:

That the House discusses the state of local government and the level of service provision in the Western Cape.

*[Notice of motion as moved by Member.]*

The DEPUTY SPEAKER: Hon member Mr Dyantyi, do you have that written out and

signed? Do you have what you have moved now written out and signed?

Mr Q R DYANTYI: Here it is.

The DEPUTY SPEAKER: Just give it to the table please. Notice is taken. Hon member Mr Lentit do you give notice?

Mr R B LENTIT: Mr Deputy Speaker, I give notice that I shall move:

That the House debates the role of the green economy as an economic sector of the Western Cape.

*[Notice of motion as moved by Member.]*

The DEPUTY SPEAKER: Thank you, notice is taken of that. We are being a little bit more lenient today. It is the first time and it is not easy for new members but what we are doing now is giving notice of an intention to debate something at a future date. Therefore nobody can object to it. We simply take note of what you are moving. Who was next? Hon member Mr Mnqasela.

Mr M MNQASELA: Mr Deputy Speaker, I give notice that I shall move:

That the House debates the preparedness and plans to fight corruption in all municipalities throughout the Western Cape.



*[Notice of motion as moved by Member.]*

The DEPUTY SPEAKER: Thank you, notice is taken. Hon member Ms Gopie?

Ms D GOPIE: Mr Deputy Speaker, I give notice that I shall move:

That the House discusses the ongoing problems encountered with service delivery by patients at the DA-led Western Cape institutions. I thank you.

*[Notice of motion as moved by Member.]*

The DEPUTY SPEAKER: Notice is taken of that. Are there any more? Hon member Mr Paulsen?

Mr M N PAULSEN: Mr Deputy Speaker, I give notice that I shall move:

That the House discusses the role of this Government in reducing the inequality that exists between women in townships and women in suburbs regarding their access to services in townships and in suburbs.

*[Notice of motion as moved by Member.]*

The DEPUTY SPEAKER: Thank you. Do you have it written out and signed? Notices need to be signed and handed in to the Table. I will accept that and give you time to do it. Sign it and hand it in at the Table but in future you can only move a motion once

you have a copy in front of you and it is signed and delivered to the Table. The hon member Mr Olivier?

Mr R T OLIVIER: Mr Deputy Speaker, I give notice that I shall move:

That the House discusses the many problems learners, parents and teachers encounter in the Western Cape and the role of the DA-run provincial education Department.

*[Notice of motion as moved by Member.]*

The DEPUTY SPEAKER: Thank you, notice is taken of that. Hon member Ms Davids?

Ms S W DAVIDS: Mr Deputy Speaker, I give notice that I shall move:

That the House deliberates on the poor conditions farmworkers endure in the Western Cape under the DA tenure.

*[Notice of motion as moved by Member.]*

The DEPUTY SPEAKER: Thank you, notice is taken. Are there any more? Hon member Ms Lekker?

Ms P Z LEKKER: Mr Deputy Speaker, I give notice that I shall move:

That the House deliberates on the underlying reasons for the growth of the Cape gang culture under the DA control. [Interjections.]

*[Notice of motion as moved by Member.]*

The DEPUTY SPEAKER: Thank you, notice is taken. Hon member Ms Davids?

Ms S W DAVIDS: Mr Deputy Speaker, I give notice that I shall move:

That the House discusses the lack of direction in rural development and the slow pace of land reform in the DA-run Western Cape.

*[Notice of motion as moved by Member.]*

The DEPUTY SPEAKER: Notice is taken of that. Are there any more this side?

Nothing. I see the hon member Mr Magaxa.

Mr K E MAGAXA: Mr Deputy Speaker, I give notice that I shall move:

That the House debates the growing backlog in services and construction under this DA-led government.

*[Notice of motion as moved by Member.]*

The DEPUTY SPEAKER: Notice is taken of that one. Any further? Hon member Ms Lekker?

Ms P Z LEKKER: Mr Deputy Speaker, I give notice that I shall move:

That the House discusses the high number of killings of our police officers under the DA in the Western Cape.

*[Notice of motion as moved by Member.]*

The DEPUTY SPEAKER: Notice is taken. Hon member Mr Mnqasela.

†UMnu M MNQASELA: Sekela Somlomo, ndazisa ukuba ndiza kuphakamisa:

Ukuba le Ndlu egameni leDemocratic Alliance nifake ezi zinto zalapha ixoxe umbandela wokuziswa kwemicimbi yeeenkqubo zabangathathi ntweni ngakumbi i ....

\*That the House in the name of the Democratic Alliance bring issues that affect the indigent to be debated here especially...

The DEPUTY SPEAKER: Hon member Mr Mnqasela are you giving notice of motion?

Mr M MNQASELA: Yes.

The DEPUTY SPEAKER: Are you giving notice of motion?

Mr M MNQASELA: Yes.

The DEPUTY SPEAKER: I am trying to follow.

Mr M MNQASELA: Let me repeat sir.

†Ndicela iNdlu le yowisomthetho egameni leDA kwiingxoxo esiza kuba nazo kwintlanganiso elandelayo siqwalasele umcimbi wokuziswa kweenkonzo ngakumbi kumakhaya ahluphekayo le sithi luhlangulo loonontlalontle nendlela ephathwa ngayo ngurhulumente.

\*That this legislature in the name of the Democratic Alliance debates that we in the next sitting look into the issue of service delivery especially to the indigent households through social relief and the way it is handled by government.

*[Isaziso seSiphakamiso njengoko siphakanyiswe lilungu.]*

The DEPUTY SPEAKER: Thank you, notice is taken of that one. Can I just appeal again that we have written wording available with your signed signature when you get up to move a motion. You do not have to think while you speak. That is not the way of giving notice of motions. Are there any more? Nothing more. Then we continue to motions without notice. I see the Chief Whip.

Mr M G E WILEY: Mr Deputy Speaker, I move without notice:

That the House takes notice of the ongoing unrest in the Middle Eastern countries, empathises with those innocent persons and families who are suffering as a result and calls on all leaders in the region to strive for peace and stability.

*[Motion as moved by member.]*

The DEPUTY SPEAKER: Are there any objections to that motion being moved without notice first? No objection to the motion itself? Agreed to. Hon member Ms Gillion.

Ms M N GILLION: Mr Deputy Speaker, I move without notice:

That the House notes and congratulates the glorious ANC for obtaining a landslide victory and a renewed mandate for the fifth consecutive term from the majority of the voters of South Africa who supported it with more than 60%.

*[Motion as moved by member.]*

The DEPUTY SPEAKER: Thank you. Are there any objections to the motion being moved without notice? Are there no objections ... [Interjections.] Order, are there no objections? No objections to the motion. Agreed to. Hon member Mr Mnqasela.

Mr M MNQASELA: Mr Deputy Speaker, I move without notice:

That the House congratulates the City of Cape Town for being the only metro ... [Laughter.] in South Africa to achieve a very clean audit for the year 2012/13. This is the City's tenth unqualified audit. We are saying we want to...

*[Motion as moved by member.]*

The DEPUTY SPEAKER: Order. Order! Do not abuse the opportunity to give notice to move a motion. Move the motion and sit down. That is the style in which we do it. Are there any objections to the ...[Interjection.] There is an objection. The motion will be printed on the Order Paper. I see the hon member Ms Gopie.

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

That the House commiserates with the family, friends and comrades on the passing of the National ANC Women's League Deputy President, Nosipho Ntwanambi, who was also a delegate of this province and legislature to the National Council of Provinces where she served as a Chief Whip.

*[Motion as moved by member.]*

The DEPUTY SPEAKER: Thank you. No objections to the motion being moved without notice? No objection to the motion itself? Agreed to. I see the hon member Ms Marais.

Me A J DU TOIT MARAIS: Mnr die Adjunkspeaker, ek stel sonder kennisgewing voor:

Dat die Huis die twee serebraal gestremde atlete Fanie van der Merwe, 'n tweemaalige paralimpiese kampioen, en Charl du Toit gelukwens met hulle oorwinnings om onderskeidelik in die eerste en tweede plek te eindig en die goue en silwer medaljes vir Suid Afrika by die Statebond Spele in Glasgow, Skotland te verower. Gelukwense ook aan Andrea Dalle Ave wat vierde geëindig het.

*[Voorstel soos deur lid voorgestel.]*

DIE ADJUNKSPEAKER: Geen beswaar teen die voorstel sonder kennis? Geen beswaar teen die voorstel self? Goedgekeur. Ek sien die agb lid mnr Mackenzie eerste en dan sal ek die agb lid mnr Joseph sien daarna.

Mr R D MACKENZIE: Mr Deputy Speaker, I move without notice:

That the House congratulates Ephraim Shakes Mashaba on his appointment as the new Bafana Bafana coach. We urge all club coaches to timeously release players for the team to bring Bafana Bafana back to glory.

*[Motion as moved by member.]*



The DEPUTY SPEAKER: Thank you. No objection to the motion without notice? No objection to the motion itself? Agreed to. [Interjection.] No questions, agreed to. Hon member Mr Dugmore.

Mr C M DUGMORE: Mr Deputy Speaker, I move without notice:

That the House expresses its condolences with the family, friends and comrades on the passing of a former member of the National Assembly and the Deputy Mayor of Riversdale and one of the first organisers of the un-banned ANC, comrade Lanval Reid.

*[Motion as moved by member.]*

The DEPUTY SPEAKER: Thank you. No objection to the motion without notice? No objection to the motion itself. Agreed to. The hon member Mr Joseph.

Mr D JOSEPH: Mr Deputy Speaker, I move without notice:

That the House extends its sympathy to the family and friends of the philanthropist James McGregor, Chairman of the Cape Town Bursary Fund who died recently after a long illness. He served on numerous boards of non-profit organisations and last year won the Inyathelo Philanthropy Award for his wide range of charitable activities, especially for the financial support towards children.

*[Motion as moved by member.]*

The DEPUTY SPEAKER: Thank you. No objections to the motion without notice?

No objection to the motion itself. Agreed to. Hon member Ms Davids first.

Me S W DAVIDS: Mnr die Adjunkspeaker, ek stel sonder kennisgewing voor:

Dat die Huis sy meegevoel betoon aan die familie, vriende en kamerade van die Verenigde Gereformeerde Kerk [Onhoorbaar.] Julian Davids wat onlangs heengegaan het. Hy was a geliefde radioprediker op RSG en ook lid van die ANC se Kapelaan in die Wes Kaap.

*[Voorstel soos deur lid voorgestel.]*

DIE ADJUNKSPEAKER: Geen beswaar teen die voorstel sonder kennisgewing? Geen beswaar teen die voorstel self? Goedgekeur. Agb lid me Beverly Schäfer.

Ms B SCHÄFER: Mr Deputy Speaker, I move without notice:

That the House congratulates the Stellenbosch-based brewer Stellenbrau for winning the best lager category, beating 38 other entries at the 2014 Global Craft Beer Award contest in Germany.

*[Motion as moved by member.]*

The DEPUTY SPEAKER: Thank you. No objection to the motion being moved without notice? No objection to the motion itself. Agreed to. The hon member Ms Dijana.

Ms T M DIJANA: Mr Deputy Speaker, I move without notice:

That the House commiserates with a former member of this House and the ANC cadre, Mathilda Vantura, her family, friends and comrades after the recent passing of her [Inaudible.] Father John Jacobus Klein, aged 93 of Athlone who worked until he was 85 years old and who will be buried on Saturday.

*[Motion as moved by member.]*

The DEPUTY SPEAKER: Thank you. No objection to the motion without notice? No objection to the motion itself. Agreed to. Hon member Mr Hinana?

Mr N E HINANA: Mr Deputy Speaker, I move without notice:

That the House congratulates the 18 year old Mziwamadoda Nodlayiya, a Cape Town pupil from Auckland High School in Lansdowne who won the title of national champion in the category of tenor opera solo at the 2014 South African Schools Choral Eisteddfod.

*[Motion as moved by member.]*

The DEPUTY SPEAKER: Thank you. No objection to the motion without notice? No objection to the motion itself. Agreed to. Hon member Mr Uys?

Mr P UYS: Mr Deputy Speaker, I move without notice:

That the House condemns and investigates why five of the seven Standing Committee meetings on Tuesday 29 July 2014 were cancelled on short notice.

*[Motion as moved by member.]*

The DEPUTY SPEAKER: Any objections to the motion without notice? No objection to the motion itself [Interjections.] Is there an objection? There is an objection. It will be printed on the Order Paper. Are there any further? Agb lid mnr Lentit.

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

That the House extends its condolences to the family and friends of Robert Stodel who has been a pioneer and trailblazer in the South African nursery industry for over 50 years. Robert Stodel was honoured with a gold award from the Green Industry in recognition of his contribution to gardening in South Africa and for raising awareness of environmental issues.

*[Motion as moved by member.]*

The DEPUTY SPEAKER: Thank you, hon member Mr Lentit. No objection to the motion without notice? No objection to the motion itself? Agreed to. I see the hon member Ms Lekker first.

†UNksz P Z LEKKER: Sekela Somlomo, ndiphakamisa ngaphandle kwesaziso:

Ukuba le Ndlu mandithathe eli thuba ndiqhwabele izandla amalungu esiPolisa ngomsebenzi omhle abawenzileyo wokuba babambe amasela athubelezisa iziyobisi, eba iimbaza eba idayimane, kwakhona athi abe nokuthabathela kuwo izandla zabo abathi babe baxhobise abantu kwaye bathi bathathele ezandleni zabo izibham.

\*That the House applauds the members of the Police for a job well done by arresting thieves who deal in drugs, who steal abalone, who steal diamonds and who also take guns to their hands.

*[Isiphakamiso njengoko siphakanyiswe lilungu.]*

The DEPUTY SPEAKER: Thank you. No objection to the motion without notice? No objection to the motion itself? Agreed to. Hon member Mr Mackenzie?

Mr R D MACKENZIE: Mr Deputy Speaker, I move without notice:

That the House congratulates Team South Africa on winning 31 medals at the 2014 Commonwealth Games in Glasgow to date. These include 10 gold, 10 silver and 11 bronze medals and we wish them well for the rest of the Games.

*[Motion as moved by member.]*

The DEPUTY SPEAKER: Thank you, no objection to the motion without notice? No objection to the motion itself? Agreed to. Hon member Mr Magaxa.

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

That the House as part of its oversight duty investigates and reports back on the many sanitation problems encountered by residents in various areas of the province.

*[Motion as moved by member.]*

The DEPUTY SPEAKER: Is there any objection to the motion without notice? No objection to the motion itself? Agreed to. Hon member Mr Mnqasela.

Mr M MNQASELA: Mr Deputy Speaker, I move without notice:

That the House congratulates the 29 municipalities of the Western Cape for receiving a clean and unqualified audit for the 2012/2013 financial year.

That this House extends its most profound dissatisfaction with the iXhosa governed Kannaland Municipality [Interjection.] for being the only municipality in the Western Cape with an adverse finding.

*[Motion as moved by member.]*

The DEPUTY SPEAKER: Thank you, no objection to the motion without notice? No objection to the motion itself? Agreed to. Hon member Mr Olivier first.

Mr R T OLIVIER: Mr Deputy Speaker, I move without notice:

That the House congratulates Principal Vivian Prins, his staff, learners, parents and community of the Curro Secondary School in Helderberg for the improvement of the pass rate by almost 66% in the past four years.

*[Motion as moved by member.]*

The DEPUTY SPEAKER: Thank you. No objection to the motion without notice? No objection to the motion itself, therefore the motion is agreed to. Are there any more? Hon member Mr MacKenzie.

Mnr R D MACKENZIE: Mnr die Adjunkspeaker, ek stel sonder kennisgewing voor:

Dat die Huis die Protea Span onder andere Kaptein Hashim Amla, Alviro Petersen, Morné Morkel, Kyle Abbott, Vernon Philander, Dale Steyn, Imran Tahir en A B de Villiers gelukwens met hul sege in Sri Lanka. Dit is die eerste krieketreeks oorwinning sedert 1993. Die oorwinning het ook verseker dat die Proteas terugskuif na die nommer een posisie op die Internasionale Krieketraad

se wêreldranglys vir toetslande.

*[Mosie soos deur lid voorgestel.]*

Die ADJUNKSPEAKER: Dankie. Geen beswaar teen die voorstel sonder kennis. Geen beswaar teen die voorstel self? Goedgekeur.

Die PREMIER: Mooi!

The DEPUTY SPEAKER: Any more? Hon member Ms Makaleni?

Ms P MAKALENI: Mr Deputy Speaker, I move without notice:

That the House calls on the Western Cape Provincial Government to provide adequate facilities and support for cultural occurrences such as initiations in order to curb the annual death of young men as nine have died here in the past three years.

*[Motion as moved by member.]*

The DEPUTY SPEAKER: No objection to the motion without notice? No objection to the motion itself? The motion is agreed to. Hon member Ms Davids.

Ms S W DAVIDS: Mr Deputy Speaker, I move without notice:



That the House congratulates and thanks the National Government for long and successful negotiations to get trade name protection from the EU for original products; Karoo Lamb as well as Rooibos and Honey Bush tea and increasing the quotas for tariff-free wine export to EU countries.

*[Motion as moved by member.]*

The DEPUTY SPEAKER: Thank you. No objection to that motion without notice? No objection to the motion itself? Agreed to. Hon member Mr Dyantyi.

Mr Q R DYANTYI: Mr Deputy Speaker, I move without notice:

That the House congratulates the Western Cape Department of Justice and its head for getting 18 consecutive clean bills of health from the AG.

*[Motion as moved by member.]*

The DEPUTY SPEAKER: Any objection to the motion without notice? No objection to the motion itself? Agreed to. Are there any further? Hon member Mr Olivier, do you want to get up? Hon member Mr Dugmore, you can do it then.

Mr C M DUGMORE: Mr Deputy Speaker, I move without notice:

That the House condemns the driver licence fraud which has been recently discovered in both Villiersdorp and in George.

*[Motion as moved by member.]*

The DEPUTY SPEAKER: Thank you. Are there any objections to the motion without notice? No objection to the motion itself? Agreed to. Are there any further? Hon member Mr Mackenzie first.

Mr R D MACKENZIE: Mr Deputy Speaker, I move without notice:

That the House commends Jacques, also known as “King Kallis” on his stellar career as a Proteas cricket player and arguably one of the greatest cricket players and definitely the greatest all-rounder of our era. King Kallis you were a pleasure to watch. You will be dearly missed.

*[Motion as moved by member.]*

The DEPUTY SPEAKER: Thank you. I take it there is no objection to the motion without notice nor to the motion itself, therefore the motion is agreed to. Any further? Hon member Mr Dyantyi.

Mr Q R DYANTYI: Mr Deputy Speaker, I move without notice:

That the House condemns the intolerance displayed by DA councillor Theresa Uys when she insisted that a Madiba banner must be removed in Durbanville on International Mandela Commemoration Day.

*[Motion as moved by member.]*

The DEPUTY SPEAKER: There is an objection. The motion will be printed on the Order Paper [Interjections.] Anything further? Hon member Mr Olivier.

Mr R T OLIVIER: Mr Deputy Speaker, I move without notice:

That the House commends the Islamia and the Herzlia schools for interacting to create an understanding between the Muslims and the Jews.

*[Motion as moved by member.]*

The DEPUTY SPEAKER: Thank you, there is no objection to that motion without notice? No objection to the motion itself? Agreed to. Hon member Ms Davids.

Ms S W DAVIDS: Mr Deputy Speaker, I move without notice:

That the House congratulates Small Business Minister, Lindiwe Zulu, for her stance on removing bureaucratic barriers to grow more entrepreneurs. Thank you.

*[Motion as moved by member.]*

The DEPUTY SPEAKER: No objection to the motion being moved without notice?

No objection to the motion itself? The motion is agreed to. Hon member Mr Tyatyam.

Mr S G TYATYAM: Mr Deputy Speaker, I move without notice:

That the House notes with dismay the new admission policy of UCT that caused an outcry and threat to legal actions around the issues of discrimination against students of colour in particular. [Interjections.]

*[Motion as moved by member.]*

An HON MEMBER: No, no. You cannot speak.

The PREMIER: May I raise a point of order?

The DEPUTY SPEAKER: A point of order? You may.

The PREMIER: Yes, I may raise a point of order?

The DEPUTY SPEAKER: Yes.

The PREMIER: Under the rules you may not raise controversial issues under motions without notice.

The DEPUTY SPEAKER: The rule is not specific on that. The convention is that if you do that then somebody may object against it but you can actually move anything.

So there is an objection and it will be printed on the Order Paper. Are there any further? Hon member Ms Lekker.

†Ms P Z LEKKER: Somlomo, ndiphakamisa ngaphandle kwesaziso:

Ukuba le Ndlu ifumane ingxelo ngeKomishini yoPhando yaseKhayelitsha ekucaca into yokuba ngoku iindleko zayo ziya zinyuka ngokunyuka.

\*That the House get the report of the Khayelitsha Commission of Inquiry of which it is clear the costs are rising. Thank you.

*[Isiphakamiso njengoko siphakanyiswe lilungu.]*

The DEPUTY SPEAKER: Is there any objection to the motion being moved without...  
[Interjection.]

Mr M G E WILEY: Mr Deputy Speaker, the translation is very hesitant and it is very difficult to hear exactly what the member is saying.

The DEPUTY SPEAKER: Can we request the member just to read that again please?

Ms P Z LEKKER: I move without notice that the House reports on the Commission of Inquiry which has now cost in excess of R11 million. Thank you.

The DEPUTY SPEAKER: Thank you. The motion was put. Is there ...[Interjection.]

An HON MEMBER: Mr Deputy Speaker ...

The DEPUTY SPEAKER: Can I just finish this. Is there a point of order?

Mr S G TYATYAM: Yes, yes, a point of order. Here in the House we have a right to speak in any language, three languages in particular in the Western Cape. I think it is going to be important for you to take responsibility around translation because as members we have the right to express ourselves.

If the Premier or other members do not understand what we are saying it is within their right to raise that. We must not speak English to want satisfy the ...[Interjection.]

The PREMIER: Mr Deputy Speaker, may I speak to this point because it is critically important. We cannot blame the translator on that particular motion. The motion was put badly. I understand enough isiXhosa to know that [Interjections.] It was completely put badly and you cannot blame the translator. [Interjections.]

An HON MEMBER: On a point of order.

The DEPUTY SPEAKER: Order! Order! Can I deal with that please. There is no question that all three languages get the same treatment and the same importance in the House. The only thing that happened here is the translation came a little bit late. We could not hear properly and therefore I asked that it just be repeated. There is

nothing more to that. [Interjections.] Order! Order! I will in any case look into the matter of translation in general and assure members that we will at all times provide the best possible translation in the House. The motion was moved. Was there an objection to that motion? No objection? The motion is agreed to. Are there any further? Hon member Ms Gopie.

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

That the House commends the Anglican Bishop of the Western Cape, Thabo Makgobo, for condemning the ongoing strikes in Palestine by Israel which saw more than a thousand Palestinians killed during the holy month of Ramadan.

*[Motion as moved by member.]*

The DEPUTY SPEAKER: Are there any objections to the motion without notice? No objection to the notice itself? Agreed to. Hon member Ms Gillion?

Ms M N GILLION: Mr Deputy Speaker, I move without notice:

That the House notes tomorrow is the start of national Women's Month and hereby wishes all mothers and daughters of the Western Cape Province well in their endeavours to progressively attain equality and parity of esteem.

*[Motion as moved by member.]*

The DEPUTY SPEAKER: Thank you. No objection to the motion without notice? No objection to the motion itself? Agreed to. Are there any further motions? Hon member Mr Fransman.

Mr M L FRANSMAN: Mr Deputy Speaker, I move without notice:

That the House notes the non-recognition and the undermining of the Khoi-Khoi and the San communities, as well as other traditional leaders by the Western Cape Government.

*[Motion as moved by member.]*

The DEPUTY SPEAKER: Are there ... Order! Are there any objections to that?

The PREMIER: Absolutely!

The DEPUTY SPEAKER: There is an objection. Hon member Mr Wiley?

Mr M G E WILEY: Mr Deputy Speaker, I would ask that the hon Leader of the Opposition table that as a motion with notice so we can debate the matter.

The DEPUTY SPEAKER: Well, if you object that will be the effect of that. If you object that becomes a motion on the Order Paper. It will be printed on the Order Paper then. Are there any further? Order. Are there any further? [Interjections.] Hon member Mr Fransman.



Mr M L FRANSMAN: Mr Deputy Speaker, I just want to know; is it right for the Premier of the Western Cape to quietly call herself an “idiot”?

Mr DEPUTY SPEAKER: I am not sure what you are referring to hon member Mr Fransman?

The PREMIER: What?

Mr M L FRANSMAN: She said, she said ...

The DEPUTY SPEAKER: Hon member Mr Fransman, was that a point of order? Hon member Mr Fransman, did you raise a point of order? I thought you were going to raise something about the motions.

Mr M L FRANSMAN: No, no she was speaking. She was interjecting.

The DEPUTY SPEAKER: Did she refer to you in a derogatory way?

Mr M L FRANSMAN: I suspect she referred to herself as an idiot so I think that was wrong ... [Laughter.]

The DEPUTY SPEAKER: Hon member Mr Fransman, that is a frivolous comment I think. Unless it was referred to another member I am not going to react to that one. Are there any further motions? Can we dispose of motions? Hon member Mr Olivier

do you still have one?

Mr R T OLIVIER: Yes, just one which is not controversial. [Laughter.] Mr Deputy Speaker, I move without notice:

That the House notes with deep concern that over 36 disadvantaged high schools in the Western Cape are not offering mathematics to learners, forcing them to do maths literacy that reduces the prospect to gain access to higher education courses which require the main subject and therefore calls on the education MEC to provide this House with a plan within 30 days to ensure that all high schools are able to take mathematics in 2016.

*[Motion as moved by member.]*

The DEPUTY SPEAKER: Thank you.

An HON MEMBER: Yes.

The DEPUTY SPEAKER: Is there any objection to that motion without notice? No objection to the notice itself? Agreed to. Was that the very last one?

Mr R D MACKENZIE: No.

The DEPUTY SPEAKER: You still have one?

Mr R D MACKENZIE: Yes. Mr Deputy Speaker, I move without notice:

That the House congratulates the outdoor extreme ice swimmer, Ryan Stramrood, from Cape Town for swimming four kilometres from the Bering Straight from the Big Diomed Island in Russia to the Little Diomed Island in the U.S. in 50 minutes, in temperatures varying from 3.2°, wearing only a Speedo.

*[Motion as moved by member.]*

The DEPUTY SPEAKER: Thank you. No objection to the motion without notice? No objection to the motion itself? Agreed to. I take it on that cold note we end this one. Any further? Then we dispose with motions and we move on to the next topic on the Order Paper, the subject for discussion.

The subject for discussion in the name of the hon member Mr Wiley: “the critical role of the Constitution in a democracy”. I see the hon member Mr Wiley.

Mr M G E WILEY: Mr Deputy Speaker, thank you very much. A definition of a constitution or a democracy is the following; a system of government in which political authority, i.e. power of government is defined, limited and distributed by a body of fundamental law called a constitution.

The electorate, being the general voting populace within a society must have effective means of controlling the elected representatives in government and hold them to

account for their decisions and actions while in public office.

Another definition states it is a government system based on a popular sovereignty where most rights are balanced by responsibilities and order. The key words here are ‘govern, power, limited rights and responsibilities’.

Now, it is generally acknowledged that current South African Constitution is considered as being one of the most significant and respected laws in the world. It is a remarkably detailed document and followed fully inclusive negotiations. The multi-party compiled interim Constitution was a guide for the Constitutional Assembly. These many subcommittees laboured for three years hearing evidence, researching and poring over two million submissions before finally approving the final draft in late 1996. Since then, with minor amendments, this law has been South Africa’s guiding light and a beacon for any aspiring democracy the world over.

For me, two Chapters in particular make our Constitution special and unique. Chapter 2 which lays out the Bill of Rights, protects the dignity and freedom of the individual; and the right to have ambition and integrity. These basic rights were alien to ordinary South Africans in the past and underlines how far we have come in the recent past. Chapter 9 describes these institutions tasked with the promotion of protection of the Constitution and all legislative components and make up the sovereign Republic that is South Africa.

Given the diverse cultural make-up and history of the South African peoples, the preamble specifically says respect those who have worked to build and develop our

country and believe that South Africa belongs to all who live in it, united in diversity. The Western Cape is one of nine provinces recognised by the Constitution and has a functioning legislature to carry out its legal duties of service to those residing within its defined boundaries. The current DA Government has done this with distinction. Numerous surveys and regular audits by, amongst others the Auditor-General, attest to this fact.

One of the cornerstone functions of any legislature is the passing of laws and in this regard the Western Cape Government, under diverse administrations over a 20 year period, has passed many laws including that of the provincial Constitution. As with any law in South Africa they have to be within the confines of the national Constitution. For this reason the Western Cape Provincial Constitution had to be certified by the Constitutional Court before adoption.

But Mr Deputy Speaker, in recent years we have heard of increasing challenges to the national Constitution and seen examples of subservient legislation that appear to skirt very close, if not transgress completely, both the spirit and intent of the national Constitution. There is an undertone of revolutionary rhetoric that is far removed from the spirit of reconciliation that so dominated the development of our rainbow nation, so respected the world over. Phrases like ‘national democratic revolution’ and the ‘decisions of Mangaung’ are increasingly being used as motivations to change or attempt to bypass the Constitution. This is being done by a flood of bad laws underpinned by unworkable regulations, Acts passed without due consideration as prescribed, flawed bills and offensive rhetoric by ministers and party hacks who sweep up emotions which often lead to civil unrest incidents.

The question needs to be asked: is the perceived non-performance for the eight legislatures and National Government, a result of a bad constitution or a poor governance by the ANC which dominates them all? The facts, again provided by Chapter 9 institutions like the Auditor-General, the Public Protector and others, indicate rampant corruption, incompetence, abuse of power, lack of accountability in all levels of ANC governance.

How would changing the South African Constitution make such a tragedy better? By replacing it with a Freedom Charter, a document already largely incorporated in the Constitution by the drafters ...

The DEPUTY SPEAKER: Order.

Mr M G E WILEY: ...many of whom lived at the time it was developed.

The DEPUTY SPEAKER: Your time has expired.

Mr M G E WILEY: The question is were they wrong? [Time expired.]

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

Mr P UYS: Thank you, Mr Deputy Speaker. The Constitution of South Africa speaks of both the past and the future. The Constitution is a pact or deal with each other in which we as South Africans declare to one another that we shall never permit a

repetition of our racist, brutal and repressive past.

Mr Deputy Speaker, the ANC's commitment to the vision of a united, non-racial, non-sexist, democratic and prosperous South Africa as enshrined in the Freedom Charter is reaffirmed in the Constitution. In 1994 and now in 2014 the majority of South Africans, nearly two-thirds, voted for the ANC's approach to transformation. [Interjection.] Mr Deputy Speaker, the equality clause, Clause 9, says that equality includes the full and equal enjoyment of all rights and freedoms. It further says to promote the achievement of equality, measures may be taken to advance people who have been disadvantaged by unfair discrimination. The Constitution clearly says the achievement of equality may require steps to redress the injustices of the past.

The DA is seeking an open opportunity society in which race is no longer an issue. What they do not seem to realise is that race will continue to be an issue for as long as there are such stark disparities between the material conditions of black and white South Africans. [Interjection.] The DA pretends that the demise of apartheid and the advent of democracy automatically levelled the playing fields. Over the past 20 years the policies and programs of the ANC have been directed towards achieving racial equality in education, eradication of injustices of gender discrimination and income equality with a strong commitment of resources towards meeting the needs of the poor.

Alongside the provision of houses, electricity, water, sanitation, roads and other infrastructure, the ANC has pursued policies around employment equity and black economic empowerment. These too have borne positive results. The black middle

class doubled in size with a 350% growth in the proportion of blacks in senior management.

Mr Deputy Speaker, at the heart of the DA's policy position is an attempt to pretend the past did not exist and did not shape the present and is irrelevant to the future. The DA must accept that employment equity is a constitutional imperative but at the same time we are reminded of the DA's disgraceful and ill-fated opposition to employment equity. The DA sees nothing wrong insulting policies meant to empower black people.

The policies of the ANC do not judge people by the colour of their skin, but in a society in which a person's circumstances are still largely defined by their race, it is both unavoidable and necessary to take account of the colour of a person's skin. Today again the DA will try and mislead the public and the people of South Africa, pretending they are the custodians of the Constitution, but in truth they attack the Constitution.

Premier Helen Zille, MEC Bredell and the entire DA Cabinet breached the Constitution by disbanding the Overberg Municipality. The Supreme Court of Appeal said in its judgment that the Western Cape Cabinet had failed to exercise the discretion bestowed upon it by section 139 of the Constitution properly, if at all. The Western Cape Cabinet offended the provisions of section 41 of the Constitution and that decisions of the Cabinet offended the principle of legality.

Mr Deputy Speaker, Chapter 9 of the Constitution provides for the establishment of state institutions supporting constitutional democracy in the Republic; these include



the Public Protector, South African Human Rights Commission and the Auditor-General. These are institutions established by the ANC government with the sole purpose of ensuring that those steering the democratic state are held accountable as they discharge the mandate given by the majority of our people.

Let me get to the Western Cape Constitution of 1998 where we also find a Chapter 9, referring to other constitutional institutions. I want to refer you to section 71 of the Western Cape Constitution and that section states there is – not to be – there is a provincial commissioner for the environment with a set of principles, powers and functions governing the commissioner for the environment. Do we have that? How long are we down the line now from 1998? There is no commissioner established. This government is not implementing the Western Cape Constitution ...[Interjections.]

Secondly, Mr Deputy Speaker, I want to refer to section 78 of the provincial Constitution and that is a very important section. The section states there is a provincial commissioner for children and that is a very important one. The commission must assist the Western Cape Government in protecting and promoting the interests of children in the Western Cape, in particular with regard to health, education, welfare, recreation, amenities and sport.

What do we have in the Western Cape? No commissioner for the children. Why do we not have one? It is the most vulnerable group in the Western Cape. We see it happening all the time against children and this DA government ignored putting a commissioner for children in place in the Western Cape. [Interjections.]

Mr M G E WILEY: So did you!

Mr P UYS: This is what we must say to the people out there. [Interjections.] What we see here is; this is the real DA. We cannot even trust them with the implementation of the Western Cape Constitution. [Interjections.]

The DEPUTY SPEAKER: Thank you. Hon Minister Grant.

The MINISTER OF TRANSPORT AND PUBLIC WORKS: Mr Deputy Speaker, Premier, Leader of the Opposition and hon members, although we are in the early stages of this debate we have already been given something to think about this afternoon concerning our Constitution and democracy. Some of this input has been abstract and almost philosophical and some practical and focused on the lives of people who seek to live their lives under its protection. The Constitution rightly receives considerable praise.

Any reader of the website info on South Africa will find that the South African Constitution is the result of remarkably detailed and inclusive negotiations that were carried out with an acute awareness of the injustices of the country's non-democratic past. It is the highest law of the land and no other law or government action can supersede it. It is widely regarded as the most progressive Constitution in the world, with a Bill of Rights second to none.

The years after world political and social developments such as the rolling back of colonialism, the collapse of Communism and the so-called Arab's spring, have seen

the birth of new constitutions in many parts of the world. In many of these instances, South Africans have made significant contributions to both process and the end result. However, what is abundantly clear is that the end result of the process is not the end. As early as 1933, speaking about the American Constitution, Professor Black wrote that “the Constitution is not an idol to be worshipped, it is an instrument of government to be worked”.

In other words, our Constitution has to be able to establish the requirements for a healthy, functioning democratic order. It should restrain the abuse and misuse of power, uphold accountability along with access to rights and encourage the delivery of services to the people living within its scope. In the ministerial positions that I have had the privilege of filling in this government I have been struck by two examples of how a practical consideration can limit people’s access to the rights created by our Constitution.

In education, while the right to basic and further education is created, the realisation has developed that any failure to deliver on this right becomes a blockage which prevents people from properly accessing a range of other rights. For this reason our focus in the Western Cape on improving literacy and numeracy outcomes in our schools and formally assessing these outcomes is undoubtedly the correct one.

In transport, access to economic participation is significantly limited if trains are not able to run or run on time. Buses are vandalised and people are afraid to use taxis because of outbreaks of violence. The impact of yesterday’s sabotaging of Metrorail services will be felt on the economy in the Western Cape and the homes of the people

whose pay-packets will be reduced by the number of hours missed. Money spent on using alternatives and fixing the vandalism is money not spent on improving and expanding this essential service.

Given these realities, then there are those who argue that in an historically divided society with enormous ongoing gaps in income and living standards, one of the major purposes of the Constitution and the agencies which apply its provisions is to ensure that people can go about their business, attend schools and live out their ambitions free of fear of violence.

Our Constitution provides a right to equal protection and benefit to the law.

Mr M G E WILEY: Hear-hear.

The MINISTER OF TRANSPORT AND PUBLIC WORKS: It is reported that there have been more than 40 murders and attempted murders associated with the taxi industry in the Western Cape in recent years. In many cases suspects have been identified and sometimes arrested. There have, however, been no prosecutions.

A similar story unfolds in relation to road accidents, accidents of which the economic impact has been estimated at more than R21 billion. This is not to downplay the tragic impact in human terms as well. While arrests are made, these matters seldom make it to and through the courts as dockets are lost, tests not properly applied and time limits expired.

Mr Deputy Speaker, in all of this the fault lies not with our Constitution. It lies in the capacity and will to implement its undertakings.

Mr M G E WILEY: Hear-hear.

The MINISTER OF TRANSPORT AND PUBLIC WORKS: The Constitution remains the lode star in our political order. We are right to rely on its provisions, to implement them where within our power as a government and to test them where they are misused or open to interpretation.

Furthermore, Mr Deputy Speaker, it is crucial that each sphere of government does whatever it can to create the stability within which the Constitution can function. In my own portfolio we have identified key properties for regeneration purposes. We have completed a Property Portfolio Efficiency Assessment. We are not just seeking private partnerships. We have moved actively with the PPP for the construction of office space for the Western Cape Education Department, so as to reduce our reliance on leased space.

Furthermore, the Western Cape Government fully supports the EPWP and understands that the intention is to provide temporary income relief for people. The fact that all municipalities in the Western Cape are reporting on EPWP opportunities and are receiving grants in support of projects, shows that the Western Cape Government is responding to the policy imperatives set by the National Government in this regard.

But let us be honest, ideally we should be providing people with full time

employment, i.e. a real job. Our citizens deserve more from the Government than the promise of an opportunity. We have to create real jobs and are committed to doing so.

In short, Mr Deputy Speaker, the more we are able to grow the economy and create employment as reflected in the mandate of this Government received in May this year, the greater the chances that the full benefit of our Constitution will be felt by the people who live in this province.

Mr M G E WILEY: Hear-hear!

The MINISTER OF TRANSPORT AND PUBLIC WORKS: I thank you Mr Deputy Speaker.

The DEPUTY SPEAKER: Thank you. Hon member Ms Makaleni.

Ms P MAKALENI: Thank you, Mr Deputy Speaker. I am proud to live in a country with a Constitution like ours. I remember our former President, Thabo Mbeki, at the adoption of our Constitution on the 8th May 1996 in Sharpeville. He recited a beautiful poem "I am an African". It is memories like this that bind us to this country, that remind us why the Constitution was drafted.

We rejected the [Inaudible.] apartheid government that left me with bitter memories of how unprotected Coloureds were once dismissed by the former president's wife, Marike de Klerk, as 'non-persons' or 'leftovers'. It is thanks to the struggle of the people led by the ANC that we are liberated. As a woman I am reminded how we

suffered from the triple oppression which is race, sex and colour.

In the Western Cape women still suffer from such harsh discrimination. The ANC continues to be the beacon of hope for everyone, especially women and children. It is the ANC that constantly raised the inferior services rendered in poor areas such as sanitation as it affects women and girls more. In the province the DA continues to disregard section 27 of our Constitution which speaks to socio-economic rights.

I think of a black woman like one instance in Grootboom, in Cape Town's informal settlement. Her case revealed inadequate housing projects which did not make sufficient provision for people in urgent need. Her case was the first building block in creating jurisprudence of socio-economic rights. Even after the ruling, she died homeless. We will remember her as the people's hero, a leader of the poor and the marginalised in the province, and yes, she was a woman.

If a giant like her was elected to this legislature she would not be good enough to serve in the Executive simply because our Premier here does not see women fit enough. She thinks women like that do not add value. They just take up space, eat big lunch and pack *padkos* but she does not understand the sharing and values of ubuntu.

The South African Human Rights Commission found recently that the DA is discriminating against black Africans in Cape Town by providing poorly managed toilets on a permanent basis. Cape Town unfairly discriminates, as well as violates the rights to basic sanitation and dignity of poor people in informal settlements.

The DA has violated: section 9 of the Constitution, the right to equality; section 10, right to human dignity; section 12, freedom and security of persons; section 14, right to privacy; section 24, right to a safe environment. This Provincial Government continues to violate section 27, the right to healthcare. Let me stress how the issue of sanitation affects the health of women. Poor sanitation exposes girls and women to risk of assault, rape, robbery and diseases, among others. This affects black Africans and Coloureds in the main.

Such poor hygiene, contaminated water and poor sanitation lead to infection and parasites. Some may cause stunted growth and general debilitation. Too many people suffer other diseases like dysentery, cholera and typhoid. It is incumbent on the DA to ensure that where it rules it progressively improves the quality of human life, especially poor women, the elderly and children. It has to provide infrastructure and support to reduce crime, the child mortality rate and equity in [Inaudible.]

Where the DA is found wanting, it will appeal the finding instead of fixing the problem, like Mayor de Lille did.

An HON MEMBER: She was right.

Ms P MAKELENI: That creates the impression that the DA is against the Constitution and its Chapter 9 institutions like the South African Human Rights Commission and the Public Protector.

Lastly, Mr Deputy Speaker, we must live the Constitution and not just preach it.



Thank you. [Applause.]

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

The MINISTER OF FINANCE: Thank you, Mr Deputy Speaker. I firstly want to thank the hon member Mr Wiley, the Chief Whip of this House for this debate because South Africa is in a deep constitutional crisis.

Mr Deputy Speaker, the Constitution determines that you govern until the next election. Here we have the President that says the ANC will govern until ...

An HON MEMBER: Jesus.

The MINISTER OF FINANCE ... comes. He therefore says that the ANC will govern, irrespective of what the Constitution says.

Mr P UYS: That is not true.

The MINISTER OF FINANCE: So, this is the spirit of the President.

Mr P UYS: That is not true.

The MINISTER OF FINANCE: This is the attitude we are talking about of the President of South Africa, President Jacob Zuma.

Mr Deputy Speaker, 20 years ago in the New Year's day message to South Africans on December 30, former President Mandela said "transparency and accountability have become norms in our new lives". This accountability and responsibility which Mr Mandela talked about is reflected in the founding document, the Constitution of South Africa.

Mr Deputy Speaker, amongst the values listed in Schedule 1 of our Constitution is that of universal [Inaudible.] a national common voters' roll, regular elections and a multi-party system of democratic government to ensure accountability, responsiveness and openness. It does not say anything that you can govern until He comes.

Thus, from the outset the Constitution established the principle of open and accountable government and that responds to its citizenry. President Mandela was a man of principle. He understood the vital importance of the constitutional principles of accountability and the rule of law. He, himself, demonstrated the courage of his convictions by submitting himself before the courts when summoned to defend his decision to set up a commission of inquiry.

Mr Deputy Speaker, President Zuma on the other side has yet to have his day in court about allegations of corruption. Mr Mandela set the example, Mr Zuma destroyed the example. [Interjections.]

Mnr R B LENTIT: Skande! Skande!

The MINISTER OF FINANCE: Mr Deputy Speaker, in a democracy the principle of

accountability holds that government officials, whether elected or appointed by those who have been elected, are responsible to the citizenry for their decisions and actions. The transparency requires that the decisions and actions of those in government are open to public scrutiny and that the public has the right to access such information.

Both concepts are central to the very idea of democratic governance. Without accountability and transparency, democracy is impossible. In their absence elections and the notions of the will of the people have no meaning and government has the potential to become arbitrary and self-serving.

Mr Deputy Speaker, accountability requires public officials and Ministers in this House to be accountable and answerable. In other words, they must provide information in this House about their decisions and about how they reach those decisions.

Accountability also requires justification. There are four former Ministers here in this House. They know the importance of justification and the hon member before me asked that we live the spirit of the Constitution. We challenge the ANC to live the spirit of the Constitution in the principles of accountability and responsibility in this House.

Mr M G E WILEY: As it should be.

The MINISTER OF FINANCE: Mr Deputy Speaker, accountability also requires that accountability encompasses enforcement in this House. Twenty years after President

Mandela told the nation that transparency and accountability have become norms of our lives, it is with great concern that we note that a member of this legislature is turning to the courts to avoid the very principle that Mr Mandela spoke about 20 years ago about accountability. He is even running away. For decisions he took during his term of office, he reported a court application to set aside the decisions made by the Western Cape Standing Committee on Public Accounts ... [Interjections.]

The DEPUTY SPEAKER: Order, order.

The MINISTER OF FINANCE: ...earlier this year ... (Interjection.)

The DEPUTY SPEAKER: Order.

Mr P UYS: The hon MEC is breaking the *sub judice* rule and I want you to rule on that please.

The DEPUTY SPEAKER: We have had legal opinion on whether in fact this case is *sub judice*. *Sub judice* is in all cases in the final discretion of the Chair - I must say that upfront. The legal opinion is that it is not *sub judice* so I am not going to rule it totally out of order but I do want to ask the Minister not to unnecessarily refer to the merits of the case, the details of the case, but it is not *sub judice*.

The MINISTER OF FINANCE: Mr Deputy Speaker, out of respect for the Chair and this House, I am going to read the oath that this hon member, who is not in the House, the oath that he signed when he became a Minister in the Western Cape Cabinet.

He said, and I quote and because he is Afrikaans, I am going to speak in his language ...[Interjections.]

An HON MEMBER: You are also Afrikaans.

The MINISTER OF FINANCE: Yes, I am also Afrikaans and I am proudly Afrikaans and that is why I am going to address him so that he understands me correctly. I will translate for you later on. [Interjections.]

The DEPUTY SPEAKER: Order, order. [Interjections.]

The MINISTER OF FINANCE AND INTERNATIONAL AFFAIRS: I will get you at the workshop.

The DEPUTY SPEAKER: Order, order.

An HON MEMBER: Order.

The MINISTER OF FINANCE: I will speak Khoi as well. No problem. Hakuna matata. [Laughter.] Let us go to the oath that this gentleman took ...[Interjections.]

Mr P UYS: All of us.

The MINISTER OF FINANCE: All of us.

The DEPUTY SPEAKER: Order, order. [Interjections.] I see the hon member Mr Tyatyam. Is it a point of order?

Mr S G TYATYAM: [Inaudible.]

The DEPUTY SPEAKER: I cannot hear you. Just put your microphone on. Thank you. It is on now.

Mr M G E WILEY: He makes the order, you make the point.

The DEPUTY SPEAKER: I am listening to your point of order.

Mr S G TYATYAM: My order [Interjection.] is that the hon Minister must not refer to another hon member of the House and point fingers at him because all of us are hon members. We are not here to be pointed fingers at ...

An HON MEMBER: You are pointing them.

The DEPUTY SPEAKER: Thank you. Order!

Mr S G TYATYAM: ... and if you are sent to do that ...

The DEPUTY SPEAKER: Order! Order, hon member Mr Tyatyam.

Mr S G TYATYAM: ... to other members then that is wrong.

The DEPUTY SPEAKER: Hon member Mr Tyatyam, please take your seat. I have taken note of that. It is true you must not point fingers at one another. Hon member Mr Wiley.

Mr M G E WILEY: Mr Deputy Speaker, I fully agree with the hon member that we should not point fingers at other members. Unfortunately he is the only member to actually point a finger.

The DEPUTY SPEAKER: I saw that, yes. Please refrain from doing that as far as you can. Hon Minister Meyer, your time is running out please continue.

The MINISTER OF FINANCE: Mr Deputy Speaker, I hope my time is not running out as a result of this interaction.

The DEPUTY SPEAKER: Please continue.

The MINISTER OF FINANCE: Sorry. I withdraw my finger. [Laughter.] Agbare Adjunkspeaker, die agbare lede van die voormalige Wes-Kaapse Kabinet in die ANC het soos plegtig belowe dat hulle trou sweer aan die Republiek van Suid Afrika en die Provinsie in die Wes-Kaap en dat hulle die nasionale Grondwet, die provinsiale Grondwet en alle ander reg van die Republiek van Suid Afrika sal gehoorsaam, eerbiedig en handhaaf en ek onderneem om my amp as provinsiale Minister van die Wes-Kaap met eer en met waardigheid te beklee, om 'n opregte en getroue raadslid te

wees, geen sake wat aan my verhouding toevertrou word, regstreeks of onregstreeks te openbaar nie en die funksies van my amp met nougesetheid en na my beste vermoë te verrig.

Dit is 'n ampseed wat daardie lede in hierdie Huis tertafel gelê het. Ons vra dat daardie lede voor die Openbare Rekenpligtige Komitee uitvoering gee soos die agb lid vir ons gesê het. Sy sê “let us live the spirit of the Constitution”. Ons vra in hierdie Huis dat die agb lede voor Skoor moet kom verskyn sodat ons die gees van die Grondwet kan uitleef aangesien hierdie eed ook 'n skedule tot die Grondwet is.

But we see the spirit of the ruling party in South Africa because they even refuse to implement court rulings. There is a refusal by the Chief of the South African Defence Force and senior SADF officers to re-employ four soldiers dismissed four years ago, as instructed by the High Court in Pretoria. This is the attitude of the African National Congress.

'n AGB LID: Slaap julle nou?

The MINISTER OF FINANCE: Mr Deputy Speaker, the Mail & Guardian has a six year legal battle to get access to the confidential Khampepe Report into the disputed 2002 presidential election in Zimbabwe. The ANC's attitude is quite clear. I conclude Mr Deputy Speaker.

The DEPUTY SPEAKER: Order. Hon Minister Meyer, your time with your leeway has unfortunately expired. I have given you some injury time and your minutes have



gone.

The MINISTER OF FINANCE: In the spirit of the Constitution, I respect you and I will sit down.

The DEPUTY SPEAKER: Thank you very much. The hon member Mr Paulsen.

Mr M N PAULSEN: Thank you, Mr Deputy Speaker. The Constitution of the Republic of South Africa, Act 108 of 1996, makes a commitment to heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights. It further makes a commitment to protect and honour the democratic values as enshrined in it namely; the right to life, human dignity, the achievement of equality, the advancement of other human rights and freedom, non-racialism and non-sexism.

The Constitution in South Africa is clear in its commitment to equality and dignity for all. So when the leader of the governing party, hon Minister Meyer, says that we are in crisis, he is correct. Since it has taken power in the Western Cape on 22 April 2009, the Democratic Alliance has employed and maintained an apartheid spacial design program and policy in terms of which whites live in spacious, secure, well-serviced suburbs while blacks live in insecure, sub-human, under-serviced container settlements which are in fact concentration camps such as Blikkiesdorp and those containers there in Manenberg. You know [Inaudible.] the guy that they were supposed to have had renovate the flats in Manenberg.

It goes against their commitment to the fundamental rights and freedom as contained in the Constitution and equality legislation such as the right to equality, life, dignity, adequate housing, adequate water, proper sanitation, environment and health. The residents of Blikkiesdorp in the Western Cape are in the main formerly shack dwellers of Symphony Way who were forcibly relocated to a Symphony Way temporary relocation area known as Blikkiesdorp in Delft.

In March 2009, Symphony Way dwellers were informed that the City of Cape Town were planning to forcibly relocate them to Blikkiesdorp TRA. Blikkiesdorp was established in 2008 so as to provide alternate housing for shack dwellers along Symphony Way. Despite their protestations that they would only agree to move into permanent houses, they were nonetheless relocated. The temporary ...

The DEPUTY SPEAKER: Order. Please finish your last sentence. Your two minutes are gone.

Mr M N PAULSEN: The temporary relocation areas are quite clearly out of kilter with what constitutes adequate housing in terms of international human rights law requirements.

The DEPUTY SPEAKER: Thank you hon member Mr Paulsen. Your time has expired. I see the hon Minister Madikizela.

The MINISTER OF HUMAN SETTLEMENTS: Thank you very much, Mr Deputy Speaker. Chapter 2 of the Constitution, the Bill of Rights reminds us of many rights,

that we must enjoy, that are enshrined in the Constitution as South Africans.

Section 26(1) and (2) talk about the right to adequate housing “everyone has the right to have access to adequate housing. The State must take reasonable legislative and other measures within its available resources ...” hon member Mr Paulsen, “...to achieve the progressive realisation of this right”. I think it is very important for us to note this quote in terms of the Constitution.

I must stress, Mr Deputy Speaker, that the rights that are enshrined in the Constitution go hand-in-hand with responsibility and the danger that we are seeing is the populace rhetoric borne from the ANC and the EFF which seems to entrench the culture of dependence and entitlement in South Africa. [Interjection.]

An HON MEMBER: What about the ACDP?

An HON MEMBER: No, they are quiet.

THE MINISTER OF HUMAN SETTLEMENTS: Mr Deputy Speaker, I also want to say that it is very important for all of us as members of this House and South Africans to respect Chapter 9 institutions. Chapter 9 institutions are there to make sure that there are checks and balances so that power is not abused. What is disturbing, Mr Deputy Speaker, is that as the ANC loses support you see some of the Chapter 9 institutions filled with cadres who are blurring the lines between their mandate and their political affiliation.

I want to draw your attention, Mr Deputy Speaker, and this House, and make reference to some of the points that were made by the hon member Ms Makaleni on the findings of the South African Human Rights Commission because we must be able here to compare apples with apples. I draw your attention to the report on the status of sanitation services in South Africa and this comes from the national Department of Water Affairs.

According to this report of 2012, the state of informal settlements and formal settlements ... But I want to draw your attention to the informal settlements. There are two blocks that I want to take note of; “adequate” and “no services”.

An HON MEMBER: It is old.

The MINISTER OF HUMAN SETTLEMENTS: Now, if you look at the Gauteng Province for example the level of sanitation there, looking at the block which says “no services” 41% of people in Gauteng have no services ...[Interjections.] According to this report only 59% of ...[Interjections.] Can I be protected?

The DEPUTY SPEAKER: Yes, I will protect you. Hon member Ms Davids.

The MINISTER OF HUMAN SETTLEMENTS: Only 50% of Gauteng people have access to services. [Interjection.] Now, again Mr Deputy Speaker, looking at the metros; the City of Johannesburg ...[Laughter.] More than 58 000 families in the City of Johannesburg have no services. More than 61 000 families in the City of Ekurhuleni have no services. I will move quickly, Mr Deputy Speaker, because we

must be able to compare apples with apples and that is why when we say we are challenging this finding we are basing this on these reports.

If you look at KwaZulu-Natal, the municipalities in KwaZulu-Natal, again looking at both the adequate and no services; 10% of the people of KwaZulu-Natal have no services at all. Again if you look at the Eastern Cape - again looking at adequate and no services, 91% of people in the Eastern Cape have no services. Only 9% in terms of this report have access to adequate services. [Interjections.]

If we go to the Free State, in the Free State 12% of people have no services. But let us come to the racist city. I am sure it is worse. But if you look at this racist city according to this finding by the South African Human Rights Commission, 96% of the people of this province have adequate services. Only 4%, according to this report ...[Applause.] have no services. [Interjections.]

That is why then, Mr Deputy Speaker, I think it must be understood here that this is an attack on the Constitution. If people serving in Chapter 9 institutions cannot differentiate between their mandate as people who are serving in institutions that are holding us accountable - those institutions that make sure that the checks and balances are in place - blur the lines between their responsibility and their political affiliation that we are in trouble in terms of our Constitution. [Interjections.]

An HON MEMBER: You are in trouble!

The MINISTER OF HUMAN SETTLEMENTS: Mr Deputy Speaker, again, I want to

draw attention to some of the things that are an attack on our Constitution. These things are encouraged by some of the members of this House like hon member Mr Paulsen of the EFF. We have seen a number of illegal invasions. We have seen a number of illegal marches and one of those marches was led by an ANC alliance Ses'kona which destroyed businesses in the City of Cape Town. That is an attack on the Constitution.

It is very surprising that people who claim to be the custodians of the Constitution did not condemn that.

'n AGB LID: Mooi.

The MINISTER OF HUMAN SETTLEMENTS: In fact, those leaders of that particular organisation who were expelled, they then brought them back for political expedience. Now that should tell you that we are dealing here with an organisation who claims to be a custodian of the Constitution, but our Constitution is under attack.

I do want to point out very clearly, Mr Deputy Speaker, that as the Democratic Alliance, we are very serious about the importance of protecting our Constitution. By the way, with some of the sober-minded members of the ANC calling for a review of legislation like the Prevention of Illegal Evictions Act legislation, if you look at the implications of this legislation it is that we do acknowledge and respect the fact that people have constitutional rights – but you cannot exercise your right by infringing on other people's rights.

The DEPUTY SPEAKER: Thank you Minister..

The MINISTER OF HUMAN SETTLEMENTS: That is why we feel that people cannot illegally invade land and expect to be treated with gloves. [Interjections.]

The DEPUTY SPEAKER: Thank you Minister, your time has expired. Order! The hon member Mr Christians.

Mr F C CHRISTIANS: Mr Deputy Speaker, the ACDP believes that our Constitution of South Africa plays a critical role in our young democracy. Some would say we cannot interpret our Constitution without looking at our history pre-1994. Others would say we need a clean break from the past. Personally, I think the lack of an historical perspective and the failure to appreciate where we are today is wrong.

The fundamental rights of individuals, including minorities, are protected. The protection of certain basic and fundamental rights is protected and it is healthy for the functioning of a young democracy. We are indeed fortunate to live in a country where political freedom is protected, but sadly the gap between the promise of the Constitution and the lived reality of our ordinary people can sometimes look insurmountable.

It is an indisputable fact that despite dramatic improvements in the wellbeing of our people after 1994, we are not all free. How can a person be free when the unemployment rate has reached its highest point thus far in six years? How can a person be free when he is imprisoned in his own home due to the Government's

inability to protect our citizens? How can a person be free when they are plagued with inadequate running water and sanitation? We cannot allow progress to cloud the fact that our work is not done.

Children are suffering from hunger. When we speak as leaders, we need to embrace one another with reconciliation. We need to love one another and not speak hate. We cannot become complacent or comfortable because we actively need to promote equality. We actively need to promote the freedom of human rights and we actively have to promote peace and justice.

The DEPUTY SPEAKER: Order.

Mr F C CHRISTIANS: Not as certain parties who speak about hatred, we need to speak about love.

The DEPUTY SPEAKER: Order, hon member Mr Christians ,your time has expired. I see the hon member Mr Dugmore.

Mr C M DUGMORE: I think the opening input by hon member Mr Wiley has indicated the fundamental challenge that we have in entering into a debate like this because the perspective from all the speakers of the Democratic Alliance have indicated very clearly that their approach to the Constitution relies on a focus on the political freedoms contained in our Constitution and essentially the undermining of socio-economic freedom contained in our Constitution which is in effect.

[Interjection.]



What we have to do in this country to build unity is to respect those so-called first generation rights of freedom of speech, freedom of association, rights for which people in the ANC and in broader liberation movements struggled and died for. But fundamentally our Constitution is a document aimed at transformation and I think that when we for instance have the hon member Mr Wiley referring to revolutionary rhetoric when members of the ANC and members of our society call for the implementation of socio-economic provisions on our Constitution and redress and transformation, to describe that as “revolutionary rhetoric” is a clear indication that the DA sees the Constitution as a way of holding onto to the rights and freedoms of those who have historically had them and an undermining of the attempts of our Constitution to achieve, redress and equity.

I think what is very clear is that when we look at those fundamental values in our Constitution we are talking about human dignity, we are talking about the achievement of equality, the advancement of human rights and freedoms, non-racialism, non-sexism and acknowledging the supremacy of our Constitution.

In this debate for instance hon member Ms Makaleni has referred to the words of the Premier in this House. I am referring here to two fundamental values in our Constitution of non-racialism and non-sexism. The Premier of this House, as pointed out by the hon member Ms Makaleni, referred to women members of the ANC as simply being here to take up space, eat *padkos* and drive fancy cars.

I think it is time that the Premier of this province, because part of upholding our

Constitution and what we are here today to talk about, is the critical role of our Constitution in a democracy. I would argue that to enhance, defend and protect our Constitution we require the behaviour, the statements and the attitudes of our leaders to support these fundamental values.

I believe that what the Premier in this House said and up to this day has not apologised for is an insult to women, in particular black women, in this House and in the province to undermining their contribution. Maybe this is why that in her appointment of members to her Executive there had to be a national outrage about the fact that she was the only woman who occupied a space in the previous Cabinet and only in this year we have seen another woman added to it.

We are on the eve of Women's Day. We are here talking about how to defend and advance the Constitution yet we have the Premier of this province in terms of two critical values, non-racialism and non-sexism, actually undermining those very values in our Constitution.

I want to appeal to the Premier when she responds to this debate now to indicate whether she is prepared to apologise to the women of the Western Cape. To apologise to African and Coloured people in terms of the fact that this Provincial Government over the last five years has actually reversed the representivity when it comes to the representation of disadvantaged groups in senior management in the Provincial Administration.

When we talk about the values and the critical role of our Constitution in democracy,

it also depends on the actions and the statements of our leaders.

I think today is an appropriate day for the Premier, in responding to this input, to indicate that she is willing to apologise for her comments in this legislature which have undermined the values of our Constitution and also to apologise to the nation for her comments about refugees and how that in fact goes against the very values of our Constitution. We are expecting her to do that today when she responds.

I want to for instance utilise the section of our Constitution 26 in regard to housing and to ask the question whether this Provincial Government is actually honouring their commitment to the Constitution. 26(2) refers to “that the state must take reasonable legislative and other measures within its available resources to achieve the progressive realisation of this right”.

The facts speak for themselves. When the ANC governed this province, it built houses close to 20 000 every year ... [Interjections.] and the facts indicate very clearly that when the DA governed, just over 50% of what was achieved by the ANC was actually realised. I think this is a clear indication that this Provincial Government does not use its available resources to develop Greenfield projects in this province and then actually heightens and adds to the crisis of accommodation.

I think what we see in word and what we see in deed is the attempt to talk to an equal, open opportunity society by the DA but in reality the undermining of the attainment of socio-economic rights in this province, both in terms of representivity and in terms of delivery of those basic services.

It is very disappointing that the hon Minister Madikizela once again, instead of responding to issues raised by Chapter 9 institutions issue-by-issue, simply points to other provinces. I think what we would expect and hopefully the Premier will do that ...[Interjections.] is to deal with those particular issues which have been raised. [Interjections.]

Hon Minister Meyer refers to the fact on the one hand ... [Interjections.] that we are a Constitution democracy and people have rights to access ...[Interjections.]

The DEPUTY SPEAKER: Order, order.

Mr C M DUGMORE: ...to access the courts.

The DEPUTY SPEAKER: Your hon member Ms Davids is talking with you. I cannot hear you properly. Hon member Ms Davids please quiet down. Thank you.

Mr C M DUGMORE: ... refers to access and our Constitution talks very clearly about the right to approach our courts for the relief. What Minister Meyer does not tell the public and put on the table in this House that in regard to hon members Mr Uys and Mr Fransman appearing before a Committee, why do you not – and possibly the Premier will do this – why are you not prepared to indicate that for members to make a request to have access to officials, to have access to documents before they sign, before they administer the oath, why are you not allowing those basic rights that are contained in our Constitution in regard to summoning members to appear?

I want to ask the Premier today when she responds, are they prepared to actually give these members that they want to appear before a committee, access to officials, access to documents, a list of the questions that are being put forward or are you not.  
[Interjection.]

The DEPUTY SPEAKER: Order.

The MINISTER OF FINANCE: Mr Deputy Speaker, the member is getting into the merits of the case now.

The DEPUTY SPEAKER: I am happy that he is still okay. Please continue.

Mr C M DUGMORE: I think this House would expect that the committees of this legislature are used to advance and promote the values of the Constitution. What does the Premier have to say that five of her committees, of this Provincial Government, simply did not sit on Tuesday?

Mr M G E WILEY: Most of your members were missing!

Mr C M DUGMORE: When they did not sit on Tuesday a notice was given ...  
[Interjections.] on the day before that these committees would not operate. Does this advance constitutional values and principles? It does not.

The DEPUTY SPEAKER: Order.

Mr C M DUGMORE: The Constitution there is a tool to redress socio-economic rights and to uphold political freedom from the DA...

The DEPUTY SPEAKER: Thank you.

Mr C M DUGMORE: ... there is an undermining of redress ...

The DEPUTY SPEAKER: Your time has expired now. Thank you. The hon Premier.

The PREMIER: Mr Deputy Speaker, I agree with the hon member Mr Wiley that our Constitution is highly regarded as one of the best in the world. The problem is that the Constitution writers did not anticipate that one day the President, who has the power to choose the national Director of Public Prosecutions, would himself be facing charges of over 700 counts of corruption, money laundering, fraud and every kind of financial felony that you can think of.

As a result of course he tried to abuse those powers and deploy a cadre as NDPP and of course that person was not in a position to pursue those charges. We successfully challenged it and defended the Constitution against the complete undermining of its intention and of its institutions by the hon the President.

May I say to you this, Mr Deputy Speaker, that they are so brazen in the ANC about undermining the Constitution that the head of the Integrity Unit in the NPA, a guy by

the name of Prince Mokotedi, had the gall to call up on public radio and to explain to members of the public that he is a Zuma-man or Zuma's man in the National Prosecuting Authority. He announced this on the radio. He then resigned because he did not want to face any form of disciplinary about wilfully leaking confidential internal documents to the media to undermine his opponents and President Zuma's opponents.

This is what the National Prosecuting Authority has come to and that is why, while we do not easily support amendments to the Constitution, Mr Deputy Speaker, we think it is absolutely essential that Parliament has the power to appoint the Director of Public Prosecutions and not the President because we have seen what abuse that is subject to.

Not only that, under the ANC government the Constitution has been abused to such an extent that not only is the President in contempt of court, but the National Director of Public Prosecutions and the prosecuting authority is in contempt of court because we have had now three court orders saying that we must get those spy tapes. Today, in Bloemfontein, the President seriously argued that he could not disclose the documents that the court had ordered him to do nor could he disclose the spy tapes that the court had ordered him to because – wait for it – the DA would be able to use them against him. [Interjections.]

He has a lot to hide does he not? He seriously went to court and made that argument, Mr Deputy Speaker. He is hiding it and he is in contempt of court because he knows that he is going to be in very serious trouble when the content of those spy tapes become revealed.

The ANC must not come and lecture us on the Constitution and the last person on this planet who must do so is the hon member Mr Uys. He comes and lectures us in this House on the enjoyment of rights and freedoms and dealing with unfair discrimination. He was at the forefront of implementing unfair discrimination and injustices of the past. [Interjections.]

An HON MEMBER: [Inaudible.] you!

The PREMIER: No, I was never in the National Party. I was never in the National Party ... [Interjections.]

The DEPUTY SPEAKER: Order.

The PREMIER: I was always opposing apartheid. He was in the forefront. [Interjections.]

The DEPUTY SPEAKER: Order, order. [Interjections.] Order! [Interjections.]

The PREMIER: I was never in the National Party at all and I would I never have been. [Interjections.]

The DEPUTY SPEAKER: Order! Order!

Mr P UYS: Mr Deputy Speaker, may I ask that ...



The DEPUTY SPEAKER: Order! Order! Is this a question or a point of order?

Mr P UYS: A question.

The PREMIER: I am not taking a question because I am going to lose time.

[Interjection.]

Mr P UYS: Because you do not want the truth.

The PREMIER: The truth is that I was never in the National Party and you were. That is the truth.

The DEPUTY SPEAKER: Please continue, hon Premier. [Interjections.] Order.

The PREMIER: If the ANC practised what it preached, Mr Deputy Speaker, the hon member Mr Uys would not be the Deputy Chief Whip. In fact, if they are so keen on head-counting why were two-thirds of their speakers in today's debate white males? Why if they are so serious about BBBEE?

Let us talk a little bit about their BBBEE policies. [Interjections.] They do cadre deployment ...

The DEPUTY SPEAKER: Order. Agb lid mnr Uys, asseblief stilte. Please allow the Premier silence to speak please.

The PREMIER: They do cadre deployment and they pretend that it is BEE.

The DEPUTY SPEAKER: Hon member Mr Magaxa ...

The PREMIER: I was very interested ... They are interrupting my speaking time.

The DEPUTY SPEAKER: Order. Order, hon member Mr Magaxa, is it a question?

Mr K E MAGAXA: Yes, can I ask the Premier to just lower her voice. We cannot hear. She is shouting ...[Laughter.]

The DEPUTY SPEAKER: Please that is a frivolous point of order. Hon member Ms Gillion.

Ms M N GILLION: Mr Deputy Speaker, can you ask the Premier to stop pointing at the members please and shouting.

The DEPUTY SPEAKER: The Premier will take note. Please take your seat.

The PREMIER: Mr Deputy Speaker, they are so scared of what I am going to say that they have to shout and drown me out and try and disrupt my time all the time.  
[Interjections.] Mr Deputy Speaker ... [Interjections.]

The DEPUTY SPEAKER: Order.

The PREMIER: I trust that you will let me catch up my time. Mr Deputy Speaker, it was very instructive to see a diagram, an info graphic in a weekend newspaper that in fact set out all of the companies and the interests of the Zuma family. That epitomises the ANC's version of BEE.

President Zuma's 25 year old daughter is now a Chief of Staff in a national ministry earning a million rand a year. [Interjections.] Now that is what, that is exactly what the ANC's version of BEE is, Mr Deputy Speaker.

The DEPUTY SPEAKER: Order, the Chief Whip?

The PREMIER: I am getting ...

Mr M G E WILEY: Mr Deputy Speaker, this is intolerable. There is just a cacophony of noise from the other side and the Premier cannot get a word in edgewise.

The DEPUTY SPEAKER: Yes, I accept it and I agree with that and I want to mention specifically the hon member Ms Davids. Hon member Ms Davids, hon member Ms Davids I am talking to you now. You cannot give a running commentary all the time. Make your comment and remain quiet after that.

Ms S W DAVIDS: Mr Deputy Speaker, then the Premier must start to speak the truth in the House.

The DEPUTY SPEAKER: No, no please, please.

The PREMIER: Every word I am speaking is the truth and in fact the Reverend Frank Chikane also spoke the truth when he said “every tender in the ANC government is designed to make someone in the ANC rich”. That is the ANC’s version of BBBEE and it is an absolute disgrace. The DA is much better at proper BBBEE which is opportunity-driven and not cadre-outcome manipulated. [Interjections.]

Mr P UYS: Tim Harris. Tim Harris.

The PREMIER: I would like to speak to the issue that the hon Minister Grant raised which is that the dysfunctional criminal justice system is indeed the greatest assault on people’s rights to equality before the law under the Constitution. So, we see a director of justice in this province. He is supposed to be completely non-aligned. Being a high-ranking office bearer in the ANC and in fact acting for the hon Leader of the Opposition and trying to defend him from being accountable to our structures. This is absolutely outrageous and shows you the complete abuse of constitutional institutions by the opposition party. They do not even understand it. [Interjections.]

Hon member Ms Makaleni, I must just remind her that the “I am African” speech was not a poem at Sharpeville, it was a speech in the National Assembly. [Interjections.]

But if the ANC is claiming the monopoly on the liberation struggle, which it never had by the way, but if it is claiming that why are you abusing and oppressing your people now? Why are you shooting them at Marikana? Why are you stealing their money? Corruption, an endemic government corruption is the biggest oppressor of the

poor Mr Deputy Speaker.

The DEPUTY SPEAKER: Order.

The PREMIER: Irene Grootboom was marginalised by her own ANC government because they were responsible for housing when she was alive. Indeed, Mr Deputy Speaker, discriminating against black people because of sanitation and chemical toilets, the hon ...

The DEPUTY SPEAKER: Hon Premier, there is a point of order. Hon member Mr Dugmore?

Mr C M DUGMORE: Mr Deputy Speaker, I ask you to make a ruling on the fact that the Premier made a statement that the ANC is shooting people in Marikana. There is a Commission of Inquiry underway at the moment. I think she is misleading the House and I ask you to make a ruling on this matter.

The DEPUTY SPEAKER: Yes. Hon Premier, I must ask you, are you referring to specific members of the House?

The PREMIER: No, I am not referring to specific members of the House.

The DEPUTY SPEAKER: I am satisfied. You may continue.

The PREMIER: Thank you very much. The ANC is shooting people at Marikana,

Mr Deputy Speaker.

Mr Speaker, the hon member Mr Madikizela, ... [Interjections.]

The DEPUTY SPEAKER: Order, order. [Interjections.] The hon member Mr Magaxa first.

Mr K E MAGAXA: Yes, I just wanted to ask ...[Interjections.] Mr Deputy Speaker ...

The DEPUTY SPEAKER: Order, order. I cannot hear you. Your hon members are talking behind you. Just say again.

Mr K E MAGAXA: I just want to direct my questions to you now in relation to this.

Mr DEPUTY SPEAKER: I am listening.

Mr K E MAGAXA: The hon Premier is consistently insisting that the ANC shot people in Marikana ...

The DEPUTY SPEAKER: Yes, I have ruled on that and I said ...

Mr K E MAGAXA: ... and something of that nature never happened and it is a serious ...

The DEPUTY SPEAKER: I cannot judge on the correctness or not of the statement.

That is not the Speaker's task. The Speaker can only rule about the parliamentary language used in the Chamber. Now ...[Interjection.]

Mr K E MAGAXA: Is it parliamentary to insinuate that we are shooting ...

The DEPUTY SPEAKER: Please take your seat. Please take your seat. She referred to the ANC as a group in general ... [Interjection.]

Mr K E MAGAXA: Mr Deputy Speaker ...

The DEPUTY SPEAKER: Please take your seat. When I asked whether she referred to a specific member in this House her response was negative and therefore I regard that as in order for the Premier to carry on. That is the normal way of doing it. We have done it before when there are references to parties then you enquire whether the reference relates to a specific member of this House, and if it is not so then it is parliamentary to continue. Hon member Mr Tyatyam.

Mr S G TYATYAM: Yes, I just want to know from the Deputy Speaker, as a collective here of the ANC we are representing the ANC and when you are saying the ANC you are meaning us. You cannot mean that it is someone outside there because here we are in the Provincial Parliament.

The DEPUTY SPEAKER: Order, hon member Mr Tyatyam. I have ruled on that point exactly and the question was whether the reference was made ...

The MINISTER OF FINANCE: Mr Deputy Speaker, you have already ruled on that matter.

The DEPUTY SPEAKER: I am ruling again. I am saying for the last time the ruling ... Please take your seat. The ruling was that if it is a reference to a member of this House it is out and out unparliamentary. The Premier said it was not a reference to any member in this House therefore I regard it as acceptable. The Premier may continue. Please continue hon Premier.

The PREMIER: Thank you very much indeed, Mr Deputy Speaker. Now, we come to the hon member Ms Makaleni's allegation that we do not respect the Chapter 9 institutions. You know, Mr Deputy Speaker, it is the ANC that does not respect the Chapter 9 institutions because it uses them as a dumping ground for deployed cadres.

Mr P UYS: That is not true.

The PREMIER: It is absolutely true. Listen to what the hon Gwede Mantashe said. He said that "we will deploy cadres to strategic state departments and institutions" and he said that when announcing that Janet Love was deployed as a commissioner to the Human Rights Commission. So, in fact it is outrageous because you see that absolutely symbolises what disrespect the ANC has for the Constitution. They do not understand that it is fundamentally wrong to deploy ANC members to strategic positions on independent institutions. That absolutely proves my point, Mr Deputy Speaker and that shows you what abuse this Constitution is suffering under the ANC and how we are returning to the days of oppression under this party.



Mr K E MAGAXA: You need a workshop on concepts.

The PREMIER: No, you do. You need a workshop on concepts. President Zuma said in fact that the ANC is more important than the Constitution. He said it and that is why they do that. You know, Mr Deputy Speaker, we can see that attitude in Oudtshoorn because the ANC lost an election there and they will not relinquish power and that is a symbol of the ANC saying it is more important than the Constitution, and indeed it is a sign of things to come. As the ANC loses more and more local authorities, Mr Deputy Speaker, and as they think the ANC is more important than the Constitution - that says that we have to respect the outcome of elections - so you are going to see more and more of that kind of behaviour and that is exactly what we mean. So they do not want to get out of office because they want to continue abusing the funds of Oudtshoorn.

What happened to the R16 million that vanished from the Congo Caves funds? That is what we want to find out and that is what they do not want us to find out just like President Zuma is saying we will not let you see the spy tapes and we will not let you have the correspondence because you will be able to use it against us. That just shows you how much abuse is going on, Mr Deputy Speaker.

In fact, the hon member Mr Fransman's presence in this House is the proof of how much contempt the ANC has for this Constitution because in the documents it shows just how corrupt his department was under his watch. He should be nowhere near any constitutional institution but he is the leader of the ANC in the Western Cape

[Interjections.]

The DEPUTY SPEAKER: Order.

Mr P UYS: Mr Deputy Speaker, the Premier is implying that the corruption ... She is trying to link it to an hon member of this House.

The DEPUTY SPEAKER: Listen carefully. The hon Premier referred to his department under his watch. I am quite happy ...

Mr P UYS: Exactly. Under his watch.

The DEPUTY SPEAKER: Hon Premier... Can I then take it further? Please take your seat. Hon Premier, I must ask you there, are you referring that the Minister at the time was directly corrupt.

The PREMIER: I said the department under his watch was corrupt.

The DEPUTY SPEAKER. That is what I heard as well and that is acceptable. Please continue.

An HON MEMBER: Good politics.

The PREMIER: Now, Mr Deputy Speaker, Nazier Paulsen. I know the hon member Paulsen is very upset not to be working for the DA now [Laughter.] so we take his

words in the spirit in which they are meant. [Interjections.]

The DEPUTY SPEAKER: Order. Hon member Mr Paulsen, please take your seat. Order! Hon member Mr Paulsen, please take your seat. When there is a point of order raised then you remain seated.

An HON MEMBER: Mr Deputy Speaker, is it parliamentary for a member of this House to refer to another member of this House as mad and insane?

The DEPUTY SPEAKER: I did not hear that. Did you refer to a specific member when you said that?

Mr M N PAULSEN: Yes, I said that is a mad statement. I do not know if the person ... Mr Deputy Speaker, the Premier should clear it now. I have never wanted to be part of the DA. I will never want to be part of the DA ...

The DEPUTY SPEAKER: Order, hon member Mr Paulsen. Order. This is not the time to respond to the statement in the House. [Interjection.] Hon member Mr Paulsen. Hon member Mr Paulsen! Hon member Mr Paulsen, please stand up. Please stand up.

When the Chair asks for order you do not argue with the Chair. Whether you are across the floor you listen to the Chair.

Mr M N PAULSEN: But then ...

The DEPUTY SPEAKER: I am asking you ... Hon member Mr Paulsen.

Mr M N PAULSEN: I respect that Mr Deputy Speaker but then you should also speak to the lady on the other side of the ...

The DEPUTY SPEAKER: Hon member Mr Paulsen, please remain standing. Did you refer to a specific member as being mad? For the last time. Did you say it in so many words?

Mr M N PAULSEN. Yes, I did.

The DEPUTY SPEAKER: You must withdraw that. It is unparliamentary.

Mr M N PAULSEN: If she was to withdraw the statement then ...

The DEPUTY SPEAKER: You must withdraw.

Mr M N PAULSEN: The Premier must prove that I have applied for ...

The DEPUTY SPEAKER: Order! Do not play with the Chair. Withdraw the statement or not. Please. Are you withdrawing the statement? If not, leave the Chamber. You have got two choices.

Mr M N PAULSEN: I would like to give it some thought but my first ... I would say no.

The DEPUTY SPEAKER: What are you doing?

Mr M N PAULSEN: I will withdraw it.

The DEPUTY SPEAKER: You are withdrawing. Thank you very much.  
[Applause.][Interjections.]

The PREMIER: Mr Deputy Speaker, the hon member Mr Dugmore refers to undermining socio-economic freedom. There is only one party that undermines socio-economic freedom and that is the hon Opposition here today. I was very interested, Mr Deputy Speaker, to receive the report of the National Department of Land Restitution. It was amazing. Do you know, Mr Deputy Speaker, they clearly do not know on other side of this House, that two thirds of the land claims settled have been in the Western Cape for the entire past year. Two thirds in the entire country and by April next year we will have concluded all the land claims that remained in this province initially. In fact, we have fixed it because we fixed it up on this side. This is the outrage that nothing is happening anywhere else. Who is focussing on human dignity? In fact, if you look at any report. Look at the Census. Look at any other issues and see who is focussing on dignity. We will see.

The DEPUTY SPEAKER: Order, hon Premier. There is another interruption. Is it a question?

Mr S G TYATYAM: No, it is a point of order.

Mr DEPUTY SPEAKER: I am listening.

Mr S G TYATYAM: What the Premier is raising is not including the new claims that are made by [Inaudible.] people.

The DEPUTY SPEAKER: Please. You are talking.

Mr S G TYATYAM: [Inaudible.]

The DEPUTY SPEAKER: No, that is not a point of order. A point of order must relate to the procedures of the House and that is something different. Hon Premier.

The PREMIER: Mr Deputy Speaker, in fact those claims will not be processed for another five years because the window has just opened. I am talking about the current claims, Mr Deputy Speaker, and they have hardly dented them anywhere else in the country. This is the only province that has had successful land reform and we are the only province that has successful restitution. [Interjections.]

The DEPUTY SPEAKER: Order.

The PREMIER: And if you are talking about socio-economic rights and you just simply want to look at the provision of sanitation, Minister Bonginkosi Madikizela answered that extremely well.

On the issue of women, the hon member Mr Dugmore is misquoting me again. The point that I was making is that we do not believe in quotas in the Democratic Alliance and the ANC that believes in quotas has quite a clear distinction between the women who are there because they can do the job and the women who are there because they can fill a quota. I was not talking about all women or even all ANC women. I was talking about the undesirability of having quotas and the problems associated with that.

And then, the hon member Mr Dugmore ... [Interjection.]

The DEPUTY SPEAKER: Order, hon Premier. Your time has almost expired. Your last sentence please.

The PREMIER: The hon member Mr Dugmore has the gall to say that the DA has a leader that does not respect the rights of women. Well, coming from a party led by the hon Jacob Zuma and knowing what he does to women, that is rich! [Applause.]

The DEPUTY SPEAKER: Order. Order! Order members. That brings us to the end of this debate. That also brings us to the end of proceedings. [Interjection.] Order, hon member Mr Magaxa. That also brings us to the end of the proceedings for the day.

Before we adjourn I need to point out to members the existence of one specific rule which I think we all must heed. We have not done it well in the past but I think in this new term of Parliament we should look at that.

It is Rule 40 where it talks about the procedures at the adjournment of the House. Can I just read it to the House?

“When the House adjourns members must rise and remain in their places until the Presiding Officer has left the Chamber.”

It has got nothing to do with the incumbent. It is all to do with the office of the Speaker. So, when the Speaker vacates the Chair, members must rise and remain in their seats until the Speaker is out of the Chamber. That applies to all members. We have all agreed to the Rules from day one when we started here.

The House is adjourned.

The House adjourned at 18:23