

TUESDAY, 22 NOVEMBER 2016

PROCEEDINGS OF THE NATIONAL COUNCIL OF PROVINCES

The Council met at 15:00.

The House Chairperson: Committees, Oversight, Co-operative Government and Intergovernmental Relations took the Chair and requested members to observe a moment of silence for prayers or meditation.

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS - see col 000.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Order hon members! I have been informed that the Chief Whip after consulting with the Whippery have agreed that motions be dealt with as the last item in the Order Paper.

CONSIDERATION OF REPORT OF SELECT COMMITTEE ON COMMUNICATIONS AND PUBLIC ENTERPRISES - ESKOM'S TARIFF INCREASE FOR 2016-17 AND AMENDED PRICING STRUCTURE FOR MUNICIPALITIES WITH EFFECT FROM 1 JULY 2016

Ms E PRINS: Thank you, House Chairperson. The Select Committee on Communications and Public Enterprises having considered and sorely

interrogate Eskom's 200, 2016-17 municipal tariffs increases on the 21 September 2016, wish to report as follow: The Electricity Regulation Act 40 of 2006 empowers the National Energy Regulator of South Africa, NERSA to determine or approve tariffs and energy prices.

In line with these regulations Eskom submitted its Multi Year Price Determination, MYPD to NERSA in 2013 which require tariffs adjustment up to 2018. As a committee, we looked at the method used by NERSA to determine tariffs increases. The method takes into account the four scores of revenue operating cost, primary energy cost, depreciation, levies and taxes including return on asset.

According to this methodology, there will always be different perspectives on operating by variances and are dealt with, within the Regulatory Clearing Account, RCA. The RCA is a balancing mechanism between what was previously awarded by NERSA on the basis of a forecast and what actually materialised on Eskom's audited financial statements.

On this basis, NERSA awarded Eskom a tariff increase of 9,4% and in revenue terms this amounted to R11 billion. This increase as it has always been a case with Eskom tariff increases, takes into account the plight of indigent households. Eskom has about R1,15 million customers approved to receive free basic electricity belonging to 243 municipalities across the country.

The national average of customers benefiting from the free basic electricity programme is at 70%. The challenges facing Eskom currently regarding the roll-out of free basic electricity is that municipalities do not adhere to the indigent register, nor do they adhere to the payment arrangement made between the two parties. This we believe is something that needs to be addressed so as to assist the utility to collect enough revenue for the completion of the infrastructure built programmes, especially the Medupi and Kusile power station.

As a committee, we also thought that the issue of farmworker struggling to have access to free basic electricity simply because farm owners have a different view of how the system should work, merrily because they hold the contract of supply; should be addressed. None within the borders of this country should be denied nor be left behind simply because they are differences of opinion on matters of basic human rights.

In closing, allow me to echo Eskom's call for the energy efficiency use, and this is despite the fact that we haven't experienced any load shedding for almost a year now.

Mr C HATTINGH: Thank you, hon Chair. I would like to know in view of what the hon member has just stated, whether the hon member would take a question?

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Prins, are you ready to take a question?

Ms E PRINS: No Chairperson, we can after this sitting minutes. Thank you.

Mr C HATTINGH: [Inaudible.]

Ms E PRINS: That, however, doesn't mean that we must use the available electricity recklessly. Eskom is always ready to assist customers and households to implement energy efficient initiatives such as better insulation of homes or the use of more energy efficient appliances and lights. The co-operation of customers and households in this regard will ensure that our energy supply will remain stable for the foreseen able future. I thank you.

Mr C HATTINGH: The hon member has only used four minutes and fifty seconds, there is now time, may I ask the question. She indicated that she will take a question if there is time.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Hattingh, eh! She is not. No, order members! Hon, can you take your seat so that I make a ruling. Hon Prins you said if you are going to have time you will be ready to take the question. Hon Hattingh is in order, you still have some time. Are you still ready to take a question?

Ms E PRINS: [Inaudible.] [Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Order members! No she has changed her mind. Hon Hattingh she has changed her mind. She is not ready to take your question.

Mr C HATTINGH: Hon Chair, then I will respectfully submit that she misled the House.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Now, you were in order that is what she indicated that should it happen she have time then she will take a question. So, you were in order. Eh! Hon members, order!

Debate concluded.

Question put: That the Report be adopted.

IN FAVOUR: Eastern Cape, Free State, Gauteng, KwaZulu-Natal, Limpopo, Mpumalanga, Northern Cape, North West, Western Cape.

Report accordingly adopted in accordance with section 65 of the Constitution.

PERFORMANCE ANIMALS PROTECTION AMENDMENT BILL

(Consideration of Bill and of Report and the President's
reservations thereon)

Mr O J SEFAKO: Hon Chair and hon members, I thank the opportunity to present before the Council the report of the Select Committee on Land and Mineral Resources on the Performing Animals Protection Amendment Bill, dated 11 October 2016.

The Performing Animals Protection Amendment Bill was referred to the Select Committee on Land and Mineral Resources in terms of Joint Rule 209, on 24 August 2016, in terms of section 75(2) of the Constitution, with the President's reservations stated as follows: The NCOP failed to adhere to the procedure outlined in section 75(2) of the Constitution of the Republic of South Africa and Rule 61 of the NCOP.

The Select Committee on Land and Mineral Resources, having deliberated on and considered the reservations of the President, and in accordance with Joint Rule 209 subsection 3(a), agrees with the President's reservations and recommend that the Council corrects the procedural defect by putting the Bill before the House for consideration.

I therefore put this report before the House. Thank you, very much.

[Applause.]

Debate concluded.

Question put: That the Bill be agreed to.

Declarations of vote made on behalf of the Democratic Alliance and Economic Freedom Fighters.

Declarations of vote:

Ms C LABUSCHAGNE: Hon Chairperson, here we stand today with the scenario of we told you so. The DA warned this House that it was acting unconstitutionally, but the arrogant ANC continued by steamrolling this Act through anyway and some members even had a cheek to tell hon Smit to wipe the egg off his face. Today all those ANC members have to wipe the egg off their faces. [Interjections.]

Hon Chairperson, the DA still believes that the Performance Animals Protection Amendment, Papa, Bill does absolutely nothing to improve the welfare of animals beyond it being a tick box exercise to comply with a court judgement at a huge cost to taxpayers money. One of our concerns is that provinces were not given a proper opportunity to consult with regards to the capacity of the state vet's ability to handle the volumes of inspections as it is limited to them.

Further, we want to state it clearly yet again, that this Bill was not given proper consideration and it reaffirmed the notion that the NCOP simply rubberstamps the work done by the National Assembly, NA.

If is this how the ANC wants to operate this House then the NCOP will be undermined and will not reach its full potential as committed by all of us when we started with the Fifth Parliament. Therefore, the DA opposes this Bill. I thank you.

Ms N P KONI: Hon Chairperson, the EFF rejects the Performing Animals Protection Amendment Bill. The Bill seeks to provide for the designation of a National Licensing Officer; to provide for a procedure for the application for a licence to exhibit and train performing animals or use of animals for safeguarding. To provide for the functions of a National Licensing Officer is progressive in so far as it seeks to regulate an already existing industry that is in itself unethical.

We reject with contempt any law that makes it legal for people to use animals for entertainment. Even though it is stated that the purpose of the Bill was to prevent animals from suffering and to protect performing animals, we submit that by using animals as a source of entertainment is torture enough for those animals.

[Interjections.]

Listening is a skill.

Lo bo rremogolo le basadibagolo, mme ga lo reetse. [Tsenoganong.]

[You are elderly people yet you can't listen.] [Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Members, order.

Ms N P KONI: The displacement of animals from their natural habitat, their domestication for the purposes of entertaining greedy and selfish human beings such as the members of the ANC sitting in this House, is an emotional torture enough for the animals.

The Department of Agriculture, Forestry and Fisheries also appear not to have jurisdiction to investigate animal cruelty or take action against it for cruelty meted out to animals already in captivity. This is outsourced solely to nongovernmental organisations, NGOs. Permits for the movement of wild animals and the permits allowing animals to be held need to be substantially more specific in terms of welfare and protection requirements and must include conditions which facilitate welfare inspection. The Department of Agriculture, Forestry and Fisheries must have the capacity to investigate and punish the zoos and other institutions that keep and mistreat animals in captivity.

We call on the government to completely ban the use of animals for these purposes. Hon De Beer has got an experience. We however support the provisions of the Bill that relate to the use of animals such as dogs as guides for disabled people. For these reasons, we cannot lend our support to this Bill.

Borremogolo le bommemogolo ba ANC ithuteng. [Elderly people of the ANC please learn.]

Bill accordingly agreed to in accordance with section 75 of the Constitution.

**CONSIDERATION OF HIGHER EDUCATION AMENDMENT BILL [B 36B - 2015] AND
REPORT OF SELECT COMMITTEE ON EDUCATION AND RECREATION THEREON**

Ms L L ZWANE: Chairperson, hon members, on the 1st of November I did read to this august House the full statement regarding the processing of the Bill and I will request for your indulgent, Chairperson, to summarise.

The ANC has always driven for a high education system that is progressive and transformed to the development of society. Such a higher education system is underpinned by the democratic values and principles of representivity, accountability and transparency, freedom of association, intellectual and academic freedom.

Institutions that comprise the higher education system must have a degree of autonomy in determining their own affairs, balanced with the need for monitoring, evaluation and public accountability.

This Amendment Bill amends the Higher Education Act 101 of 1997. It advocates and emphasises the principles of public accountability, inclusiveness, good governance and safeguards the institutional

autonomy and academic freedom. What is evident is the institutions of higher learning that appear to be struggling to achieve the necessary progress on transformation. The principles of academic freedom and institutional autonomy have in some instances been used to justify the lack of transformation. A lack of public accountability has been a challenge in some institutions and this has led to government having to intervene. This Amendment Bill addresses these challenges as well as current challenges that confront the institutions.

The objectives of the Bill is to amend the determination of transformation goals for public and higher education system and oversight mechanisms to establish this. It provides for the development and articulation and recognition of prior learning frameworks, the conversion of public higher education institutions and the issuing of Ministerial directives. It indemnifies an independent assessor and also outlines the procedures on the indemnification and termination of the term of office of an administrator. Different categories for registration of private higher education institutions are provided for, as well as the withdrawal and revocation of qualifications by public higher education institution. The Amendment Bill aligns the provision of higher education with the priorities of government and the needs of society and the economy.

The process that was undertaken was a process whereby public participation process was used as a form of submissions from the public. Public submissions were opened for a period of two weeks; advertisements were published on the website of Parliament and the social media platforms of Parliament. Only one submission was made on the Amendment Bill and that was from AfriForum. The concerns raised by the AfriForum have already being addressed by the committee and those that were not covered will be covered during the formulation of regulations and policies.

The Amendment Bill was agreed to with the exception of the DA opposing it, and Inkatha Freedom Party abstaining from voting. Therefore, the Select Committee on Education and Recreation supports the Higher Education Amendment Bill [B 36B - 2015]. Thank you Chairperson.

Declaration(s) of vote

Mr C HATTINGH (DA): Hon Chair, the National Development Plan inter alia, demands of Higher Education that enrolment at universities be increased by 70% by 2030 and there need to be an increase in a number of students eligible to study towards Maths and Science base degrees to 450 000 by 2030. The percentage of Doctor of Philosophy, PhD, qualified staff in Higher Education sector be increased to over 75% by 2030 and that more than 100 doctoral graduates per million of the population per year be produced by 2030.

The goals of the National Development Plan, NDP, and of academic excellence can only be achieved in an environment of academic freedom, freedom of thought and independent ideas. This Bill does not support the NDP to achieve these outcomes and goals. Instead, the Bill perpetuates the pattern of increasing state control and expanded ministerial prerogative.

The DA opposes the following:

This Bill will allow the Minister to simply require "reason to believe" rather than concrete proof that an intervention is necessary ... [Interjection.]

HOUSE CHAIRPERSON (Mr.A J Nyambi): Manopole, sorry hon Hattingh. Hon Manopole, refrain from what you are doing. Hon Hattingh you may continue.

Mr C HATTINGH: The Minister simply require "reason to believe" rather than concrete proof that an intervention is necessary. This will make it easier to suspend university independence and more difficult to challenge such a decision in court. The phrase "reason to believe" was in fact used extensively by the apartheid government to make it difficult to review any government decision. This is what it is being used now;

The Bill aims to give the Minister new powers to issue directives to the council for up to five years after the administrator leaves. This extends the period of suspension of university autonomy from two years to seven;

The Bill proposes that two new institutional forms be created - a Higher Education College and a University College. It is unclear what they are and why they are being put forward;

The Bill allows the Minister to identify institutions which shall be obliged to offer courses at technical college level. This is an attack on the powers and independence of university to decide what should be taught.

Before I conclude hon Chair, hon Dlamini has now taken over from hon Manopole on my left hand side and is trying to disrupt me [Interjections]. I want to conclude ...

HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Hattingh, I am afraid, your time has expired.

Mr C HATTINGH: Therefore, the DA opposes the Higher Education Amendment Bill.

HOUSE CHAIRPERSON (Mr A J Nyambi): Hon members, let me address what you have raised. Hon members, hackling in this House is allowed but

you can't drown the speaker. I am referring to all members and not attacking any member. I'm saying hackling is allowed but you can't drown the speaker.

Mr W F FABER: Chairperson, I must just say, hon Prins is saying "he is doing it." Number one, that is hon member of this House. The second thing I want to raise, our members do hackle as we are supposed to as politicians when we hackle and we do it medium and not interrupting people. Hon Hattingh actually stood up and asked to ask a question. He did this in order of this House; he was not out of order. I feel that hon Prins is definitely out of order.

[Interjections.]

HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Faber, when hon Hattingh stood on a point of order, I sustained the point of order because he was in order and hon Prins said is no longer ready to take a question. Now, I am appealing to all members that you can hackle but don't drown the speaker.

Ms T K MAMPURU (ANC): Chairperson, the ANC welcomes the Higher Education Amendment Bill and implores all the members of the NCOP to vote in favour of the Bill. The main argument for the DA's objection to the Bill is that the new powers given to the Minister to intervene in university matters will undermine institutional autonomy of the institutions of higher learning. This could not be further from the truth.

Firstly, the DA seems to be confusing autonomy with independence. Although the two words can be considered as synonymous on one level, there is a difference between these two words on another level. The key difference between the two is that although they both come with the idea of freedom, the concept of independence implies a rejection of rules and regulation, which is not the case in autonomy. Therefore, an autonomous institution will necessary be regulated.

Secondly, the proposed changes to law governing tertiary institutions should not be seen as a blank cheque giving the Minister of Higher Education and Training unrestricted powers. In actual fact, the Bill requires the Minister to do much more before acting. It proposes to give the Minister the power to determine transformation objectives and to put mechanisms in place to ensure that the objectives are met. It also allows the Minister to change the processes, procedures and mandates of universities and other higher education institutions. In this way it provides greater clarity regarding instances justifying and intervention by the Minister, the mechanisms available, the ideal order in which it should be applied and the procedure to be followed.

Thirdly, the amendment allows the Minister to act much earlier by way of a directive to prevent serious interventions at a later stage and provide a range of options instead of the current arrangements whereby the Minister is obliged to appoint an administrator should the Minister wish to pursue matters further. In addition to these, a

thorough consultation was done including with Universities Councils Chairpersons Forum of South Africa, so, the Bill could not be faltered.

Therefore, the DA's argument cannot hold and we should proceed to pass this Bill as a matter of urgency for the progress of our higher education. I thank you. [Applause.]

Debate concluded.

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

Question put: That the Bill be agreed to.

Bill accordingly agreed to in accordance with section 75 of the Constitution.

Mr C HATTINGH: Hon Chair, I have been requested to withdraw. Thank you.

UNEMPLOYMENT INSURANCE AMENDMENT BILL

(Consideration of Bill and of Report of Select Committee on Economic and Business Development thereon)

Mr M RAYI: House Chairperson, hon members, the Unemployment Insurance Amendment Bill was referred to the Select Committee on Economic and Business Development on 19 May 2016 by the National Assembly.

The Bill seeks to amend the Unemployment Insurance Act of 2000 as follows: Section 5 deals with the refinancing of the Unemployment Insurance Fund, UIF, benefits. Section 7 deals with the investment of fund monies. Section 12 deals with the maternity benefits to be on a fixed rate basis. Section 13(3) deals with the actual benefits to the advantage of workers.

The amendment also seeks to repeal paragraph of section 14(a). With regard to section 17(2), it extends claims period from 6 to 12 months subsequent to termination of contracts.

Section 20 deals with the illness benefits in respect of sick days less than seven days. Section 24 deals with maternity benefits in lieu of miscarriage in respect of third trimester and stillborn. Section 25 deals with the deletion of the eight-week notification period in respect of the birth of a child. Section 30 deals with the extension of the claim period for the spouse or dependent for six months to 18 months as well as insertion of the opportunity for contributors to nominate their beneficiaries in respect of death benefits.

Section 33 deals with the prohibition of urgencies or persons from claiming fees on behalf of the applicants. Section 36(a) empowers the board to appoint regional appeals committee per region. It also repeals section 38, 39, 40 and 41. Section 50, gives powers to the board to state the function of the appeals committee.

Section 56 empowers the Minister to issue a regulation in respect of domestic employers and small businesses to furnish relevant information. Schedule two empowers the Minister to vary income replacement rate and benefit period by regulation.

The Department of Labour briefed the select committee on the Bill as these abovementioned amendments indicate on 6 September 2016 and noted the critical importance of public participation more especially, in the light of recent constitutional judgment.

Pursuant thereto, the committee advertised the Bill from 8 to 21 October 2016, inviting all stakeholders for written submissions. One submission was received from Absa Bank who made an oral presentation. Absa was satisfied that all the issues which they have raised were addressed by the Bill.

House Chairperson, the Bill was supported by all political parties within the select committee and we therefore recommend that the Bill be adopted by the House. I thank you.

Declaration of Vote

Ms D NGWENYA: Chairperson, the EFF notes the amendment of Unemployment Insurance Bill, and we want to put it on record that workers' patience has grown very thin with the ANC-led government.

There are no amounts of legislative appeasement that can make workers to trust the ANC. Workers understand that the ANC-led government is compromised to the core and has no chance to regain the lost ground.

The amendment of the Unemployment Insurance Fund, UIF, is a long overdue legislation. We welcome the UIF extension of scope to section 82(2) of the Skills Development Act, 1998, who are undergoing training in various workplaces, who have been denied UIF benefits despite their exploitation through various learning interventions such as learnerships, apprenticeships, experiential learning and internship.

We welcome the extension of UIF benefits to pregnant women who will now enjoy UIF after exhausting their remuneration benefits during maternity leave. We also welcome the removal of consultants from the UIF claim to claim on behalf of workers because such practice could have unintended consequences where beneficiary claims could be reduced by a third party claim.

Whilst we generally support the UIF amendments, we note the following ambiguous amendment provisions which are public investment of the UIF, the workers should play a key role if their funds are to be invested. The department should be transparent with the process and afford workers an opportunity to participate in the UIF.

We also note that the amendments are giving the Minister more powers as an accounting authority on the functionality of the fund. There should be more guidelines on the limitations of the functionality of the accounting officer to avoid unforeseeable frustrations.

The amendment further purports to use the fund to pay for shortfall during the workplace short-time arrangement. This will create a space for companies to manipulate the fund whilst running productions with a short-time served by the UIF. The EFF supports the adoption of the UIF amendment. Thank you.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon members, political parties are allocated three minutes for declarations. No, no. She is still left with 12 seconds. Any other political party wishing to do declaration of vote if they so wish? None.

Debate concluded.

Declaration of vote made on behalf of the Economic Freedom Fighters.

Bill accordingly agreed to in accordance with section 75 of the Constitution.

NOTICES OF MOTION

Mr C HATTINGH: Chairperson, I hereby give notice that I shall move at the next sitting of the Council:

That the Council -

- (1) notes that the Auditor-General highlighted the regression of the three of the provinces in his 2015-2016 Public Finance Management Act report, stating ...

Julle moet nou 'n bietjie stilbly hier, asseblief. [Please keep quiet.]

... that noncompliance with supply chain management legislation has been the main cause of the escalating irregular expenditure. The lack of consequence management has led to increased levels of irregular expenditure, and the main root cause of these regressions is the slow response by management in 83% of the auditees and the political leadership in 50% of the auditees to the recommendations made, as well as a failure to honour their commitments; and

- (2) debates the regression in the three worst performing provinces, namely the North West, the Free State, and Mpumalanga, commonly referred to as the "Premier League" provinces.

Ms N P KONI: Chairperson, I hereby give notice that I shall move at the next sitting of the Council:

That the Council debates conditions of health facilities in the country and ways to force public representatives to utilise those, as well as the implementation of free and decolonised education in South Africa from the foundation phase to the first degree.

Mr M KHAWULA: Chairperson, I hereby give notice that I shall move at the next sitting of the Council:

That the Council -

- (1) notes that -

- (a) our artists and musicians in the country put a lot of effort and sweat into their talent in order for them to produce music that will delight the country and the world;

- (b) musicians and artists sometimes take to the streets of our towns and cities trying to confront this parasitical exercise, in doing so putting their own lives in danger;
- (2) calls on government to put in place stringent measures in order to fight music piracy and illegal copying of the work of our musicians and artists; and
- (3) further calls upon relevant departments in government to ensure that the rights of our artists and musicians are protected.

I thank you.

CONDOLENCES TO MEMBERS OF NCOP WHO LOST FAMILY MEMBERS

(Draft Resolution)

The CHIEF WHIP OF THE COUNCIL: Chairperson, I move without notice:

That the Council -

- (1) notes with profound sadness the death of Mr George Matshaba Moremi, the father of the hon Mokwele of the EFF;

(2) further notes that the hon J W W Julius of the DA lost his cousin Candice Fritz who was laid to rest last week; and

(3) takes this opportunity to convey its sincere condolences to both the hon Mokwele and the hon Julius for their loss.

Motion agreed to in accordance with section 65 of the Constitution.

Ms Z V NCITHA: Chair, mine is a notice of motion. You noted me.

The HOUSE CHAIRPERSON (Mr A J Nyambi): I am sorry. I will correct it next time when I preside. I am very sorry. I will correct it. Next time, you will be the first one.

NCOP MEMBERS LEFT STRANDED BY SA EXPRESS AIRWAYS

(Draft Resolution)

Mr M CHABANGU: Chairperson, I move without notice:

That the Council notes -

(1) the rampant inefficiency and recklessness of the SA Express Airways;

- (2) that more than 40 Members of Parliament, including members of the EFF, ANC, DA, and UDM, were made to wait at the airport for more than eight hours when a flight booked for two hours was changed to 19:00 and later to 21:00;
- (3) that when passengers were finally allowed to board the flight, it was an old aircraft that experienced a technical problem halfway during the trip to Cape Town;
- (4) that the aircraft had to make an emergency landing in East London, as it could not reach its destination, and passengers had to sleep in East London;
- (5) that instead of prioritising passengers who were affected by the emergency landing and slept in East London, SA Express Airways continued with the regular schedule;
- (6) that passengers were, without explanation, made to board the same flight that had experienced a technical problem the previous night;
- (7) that the SA Express chief executive officer and staff didn't answer their phones and did not respond to enquiries ...
[Time expired.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Chabangu, I am afraid your time has expired. The motion without notice will now become a notice of motion to be printed in full on the next Order Paper.

**FORMER ANC YOUTH LEADER PATRICK WISANI FOUND GUILTY OF BEATING
GIRLFRIEND TO DEATH**

(Draft Resolution)

Ms B A ENGELBRECHT: Chairperson, I move without notice:

That the Council -

- (1) congratulates the courts for bringing to justice former ANC youth leader, Patrick Wisani, who has been found guilty of beating his girlfriend, Nosipho Mandleleni, to death;
- (2) condemns assault and domestic violence against woman and children strongly, especially during this period of 16 days of activism for no violence against women and children; and
- (3) offers its condolences to Ms Mandleleni's family and trusts that this ruling will give her family peace in knowing that justice has been served.

May her soul rest in peace.

Motion agreed to in accordance with section 65 of the Constitution.

MOTIONS WITHOUT NOTICE

**CONDOLENCES TO THE FAMILIES OF BOAT FIRE VICTIMS AT HARTEBEEPOORT
DAM**

(Draft Resolution)

Mr E MAKUE: Hon House Chair, I hereby move without notice:

That the Council -

- (1) notes the tragic accident of a ferry boat that took the lives of four tourists at Hartebeespoort Dam in North West province last week 19 Saturday;
- (2) takes this opportunity to join many institutions and individuals by sending condolences to the families of the deceased during this trying times;
- (3) calls on the Department of Tourism to partner with appropriate authorities to investigate the causes of the accident as a matter of urgency and to make public its findings so as to guarantee the safety of our tourists.

Motion agreed to in accordance with section 65 of the Constitution.

ANC WELCOMES THE CONSOLIDATED REPORT FOR THE 2015-16 FINANCIAL YEAR

(Draft Resolution)

Ms T MOTARA: Hon House Chair, I hereby move without notice:

That the Council -

- (1) notes and welcomes the consolidated general report for the 2015-16 financial year that was tabled by the Auditor-General, Mr Kimi Makwetu, in Parliament last week on 16 November;
- (2) further notes that the audit outcome show marginal improvement in audit outcomes of public entities as well as provincial and national government departments with the number of clean audit increasing from 122 to a 152 during the period under review, demonstrating commitment by government to sound financial management, clean and accountable governance and the prudent management of the public purse;
- (3) acknowledges that notwithstanding the multi-improvements and successes, there still is a number of department and entities that continue to post qualified and adverse audit findings,

demonstrating gentle apathy to the required standards of financial performance management;

- (4) takes this opportunity to congratulate the Eastern Cape, KwaZulu-Natal and Gauteng provinces for having the biggest improvement in audit outcomes over a three-year period; and
- (5) calls on provincial and national government departments as well as state entities to continue to wage concerted efforts to ensure clean audit and improve financial prudence in the management of public resources and funds.

The motion is not agreed to.

CONGRATULATIONS TO YOUNG SOUTH AFRICAN FINALISTS IN THE SA IDOLS

(Draft Resolution)

Mr M KHAWULA: Hon House Chair, I hereby move without notice:

That the Council -

- (1) congratulates all the young South Africans who have graced us with their musical talent in the Idols 2016 competition for the past six months. The contest is now down to the last two,

which are Noma Khumalo of Umgungundlovu and Thami Shobede of Mtubatuba residing at Empangeni;

- (2) further notes that both finalists are from the great province - the kingdom of KwaZulu-Natal. Clearly, the Idols 2016 champion will come from the province of KwaZulu-Natal;
- (3) congratulates Noma and Thami for making us proud in the province and the country;
- (4) wishes them everything of the best as they prepare for their Idol's finals on Sunday 27 November 2016.

Motion agreed to in accordance with section 65 of the Constitution.

**CONSTITUTIONAL COURT DISMISS THE DA'S APPLICATION CHALLENGE TO
GOVERNMENT TO WITHDRAW FROM THE INTERNATIONAL CRIMINAL COURT**

(Draft Resolution)

Mr J M MTHETHWA: Hon House Chair, I hereby move without notice:

That the Council -

- (1) notes and welcomes the decision of the Constitutional Court to dismiss the application of the DA challenging the policy

decision of the government of South Africa to proceed with the withdrawal from the International Criminal Court alongside other African countries;

- (2) acknowledges that the application was nothing more than just yet another concerted political grandstanding effort by the DA to defend imperialism and the continued subjugation of Africa under the guise of promoting human rights; and
- (3) takes this opportunity to express its condemnation of the continued attempt by the DA to circumvent political processes and seek to cogovern with the elected executive by using courts as platforms for pursuing mostly political positions.

The motion is not agreed to.

HEARTFELT SYMPATHIES TO THE FAMILY OF THE ASSAILED SCHOOL PRINCIPAL

(Draft Resolution)

Ms T K MAMPURU: Hon House Chair, I hereby move without notice:

That the Council -

- (1) notes with utmost concern the recent violent attack of a school principal in Soweto by a former educator in full view of other educators and learners;
- (2) further notes that this incident has once more raised the security of our schools as centres of learning;
- (3) salutes the swift reaction of the SA Police Service for arresting the suspect;
- (4) calls on the Department of Basic Education to conduct a security risk analysis of all our schools and report to this House and that this report should outline measures that will be taken to create safety in our schools; and
- (5) takes this opportunity to send our heartfelt sympathies to the family of the assailed school principal.

Motion agreed to in accordance with section 65 of the Constitution.

**THE EFF CALLS UPON GOVERNMENT TO INVOKE SECTION 100 OF THE
CONSTITUTION**

(Draft Resolution)

Ms T J MOKWELE: Hon House Chair, I hereby move without notice:

That the Council -

- (1) notes that the Eastern Cape Department of Education is failing the black child and the black community and does not care about the pride and dignity of the black child;
- (2) further notes that 20 years into democracy, in Alfred Nzo region, schools like Damba Secondary still doesn't have proper toilets, water and books for studying. Learners are still learning in mud classrooms that can collapse at any given time;
- (3) also notes that the ANC-led government is failing to show any leadership as they are comfortable with the colonial system that seeks to undermine blacks;

[Interjections.] ... Am I protected, House Chair, I don't want to ...

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon members. Hon members! Order! [Interjections.] Hon members! Hon members, I appeal to all of you, you have a right to accept or not accept what is being presented but you can't drown her. Can you continue, hon Mokwele. You are protected. [Interjections.]

Ms N P MOKGOSI: We are saying this for the tenth time because it's ANC members howling...

Ms T J MOKWELE: ... they are acting like whites in black skin.

- (4) therefore calls upon the government to invoke section 100 of the Constitution to the said province and investigate the maladministration and poor political leadership provided by the ANC.

The motion is not agreed to.

**WESTERN CAPE EDUCATION DEPARTMENT INVESTIGATES ACTS OF RACISM AT
WYNBERG HIGH SCHOOL**

(Draft Resolution)

Ms C LABUSCHAGNE: Chairperson, I move without notice:

That the Council -

- (1) notes that the Western Cape Education Department has confirmed that it is conducting an investigation into allegation of racism and discrimination by learners of Waterloo Boarding House at Wynberg Girls High School;

- (2) further notes that minister Schäfer has reminded learners that, I quote: "They can report any serious concerns directly to the department via the safe-schools hotline on 0800454647;" and
- (3) condemns acts of racism and appreciates and supports the efforts of the Western Cape Education Department.

Is there any objection against the motion? In light of objection the motion may not be proceeded with, the motion without notice will now become notice of a motion.

CELEBRATION OF WORLD FISHERIES DAY

(Draft Resolution)

Ms T G MPAMBO-SIBHUKWANA: Chairperson, I move without notice:

That the Council -

- (1) acknowledges World Fisheries Day which was celebrated on Monday 21 November 2016;
- (2) notes that a recent United Nation's study reported that more than two third of the world's fisheries have been over fished or are fully harvested and that no more than one third are in

the state of decline due to factors such the loss of essential fish habitats, pollution and global warming; and

- (3) calls upon the government, the private sector and communities to work together toward finding solutions for increased sustainable fishing practices.

Motion agreed to in terms of section 65 of the Constitution.

SA CRICKET TEAM CONGRATULATED FOR ITS VICTORY AGAINST AUSTRALIA

(Draft Resolution)

Mr O S TERBLANCHE: Chairperson, I move without notice:

That the Council -

- (1) congratulates the Proteas, South Africa's national cricket team, on their Test series when against Australia;
- (2) acknowledges that this is the third time in a row that South Africa beats Australia on their home ground, and only the third time in cricket history that a visiting team has beaten Australia in three consecutive series in Australia;

- (3) further congratulates fast bowler Kagiso Rabada who claimed his 45th wicket haul;
- (4) notes our immense pride with the team.

Motion agreed to in terms of section 65 of the Constitution.

NATIONAL ASSEMBLY SPEAKER CONDEMNED FOR RULING AGAINST DA MEMBER

(Draft Resolution)

Mr J J LONDT: Chairperson, I move without notice:

That the Council -

- (1) notes that earlier today the Fifth Parliament held a Joint-Sitting debating the 16 Days of Activism for No Violence Against Women and Children;
- (2) further notes that as parliamentarians we have freedom of speech within the agreed upon rules of order;
- (3) notes that despite the above, the national chairperson of the ANC abused her position to make a cowardly ruling that we cannot refer to the accused number one as JZ783;

- (4) condemns her actions and ensure that we, at least, uphold the rules in this Council.

Is there any objection against the motion? In light of objection the motion may not be proceeded with, the motion without notice will now become notice of a motion.

The CHIEF WHIP OF THE NATIONAL COUNCIL OF PROVINCES: Chairperson, I move without notice:

That the Council -

- (1) notes with a great sense of pride the successful programme of the NCOP, Taking Parliament to the People, in the Eastern Cape, Buffalo City Municipality from 14-18 November 2016;
- (2) further notes and appreciates the co-operation and participation of the people in the Eastern Cape - the leadership of the province including the premier, the Speaker, members of the provincial legislature, members of the executive, national departments, provincial departments, and local municipality - in the programme as success story of co-operative governance in action; and
- (3) takes this opportunity to salute the co-operation and support of all political parties in the Council, the National

Assembly and the Eastern Cape Provincial Legislature for their leadership throughout the programme.

Is there any objection against the motion? In light of objection the motion may not be proceeded with, the motion without notice will now become notice of a motion.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon members, order. Can you please listen so that I can clarify myself? I do not want any impression to be created that there are those that are going to be suppressed. When I started, the hon Chief Whip of the Council, hon Mateme - who was the first speaker - indicated that she has got two motions. But I said to her, no, let me finish first and I will come back to you. And that is what I. So, I can see that some of the members who had the first bite now want to have the second bite. Unfortunately I never made that commitment.

Debate concluded.

The House adjourned at 16:03.

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

MONDAY, 21 NOVEMBER 2016

TABLINGS

National Council of Provinces

1. The Chairperson

- (a) Provincial Week Report 12-16 September 2016: Theme - *“Working together to make access to education and health care for all work”*

Please see pages 1-287 of the ATCs.

TUESDAY, 22 NOVEMBER 2016

ANNOUNCEMENTS

National Assembly and National Council of Provinces

The Speaker and the Chairperson

1. Bills passed by Houses – to be submitted to President for assent

- (1) Bills passed by National Council of Provinces on 22 November 2016:

- (a) **Performing Animals Protection Amendment Bill [B 9B – 2015]** (National Assembly – sec 75).

- (b) **Higher Education Amendment Bill** [B 36B – 2015] (National Assembly – sec 75).
- (c) **Unemployment Insurance Amendment Bill** [B 25D – 2015] (National Assembly – sec 75).

2. Classification of Bills by Joint Tagging Mechanism (JTM)

- (1) The JTM in terms of Joint Rule 160(6) classified the following Bill as a money Bill:
 - (a) **Finance Bill** [B 21 – 2016] (National Assembly – sec 77).
- (2) The JTM in terms of Joint Rule 160(6) classified the following Bills as section 75 Bills:
 - (a) **Rates and Monetary Amounts and Amendment of Revenue Laws (Administration) Bill** [B 20 – 2016] (National Assembly – sec 75).
 - (b) **Implementation of the Rome Statute of the International Criminal Court Act Repeal Bill** [B 23 - 2016] (National Assembly – sec 75).

National Council of Provinces

The Chairperson

1. Message from National Assembly to National Council of Provinces in respect of Bills passed by Assembly and transmitted to Council

(1) Bills passed by National Assembly and transmitted for concurrence on 22 November 2016:

(a) **Division of Revenue Amendment Bill [B 15 – 2016]** (National Assembly – sec 76).

The Bill has been referred to the **Select Committee on Appropriations** of the National Council of Provinces.

(b) **Protected Disclosures Amendment Bill [B 40B – 2015]** (National Assembly – sec 75).

The Bill has been referred to the **Select Committee on Security and Justice** of the National Council of Provinces.

COMMITTEE REPORTS

National Council of Provinces

Please see pages 5-22 of the ATCs.