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PROCEEDINGS OF THE NATIONAL COUNCIL OF PROVINCES

The Council met at 14:05

The Chairperson took the chair and requested members to observe a moment of silence for prayers or meditation.

The CHAIRPERSON OF THE NCOP: Hon members, just a short announcement. We did receive a letter of resignation from hon Koni and to emphasise that the matter is currently in process, amongst others is to write a relevant letter to the relevant people. For now, we will leave it there. I just wanted to inform members. In accordance with the Council Rule 247(1) there will be no Notices of Motion and Motion without Notices. I would like to take this opportunity to welcome the Ministers from the Peace and Security Cluster before we proceed to Questions.

QUESTIONS TO MINISTERS

PEACE AND SECURITY

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Cluster 1A

Question 16:

The MINISTER OF DEFENCE AND MILITARY VETERANS: Hon Chair and hon members, the defence force is responsible for border safe guarding and not border control. Border control resides with other state entities. Members of the defence force deal and apprehend those who do not conform to the international and homeland laws of immigration. The Department of Defence and Military Veterans does have plans that address as the force multiplier to other government efforts in question.

The inflow of illegal migrants is a phenomenon that requires all stakes departments to work together, for example through the Joint CPS Cluster which has the Departments of Home Affairs, International Relations and Co-operation, Police, Defence and Military Veterans itself, Justice and Constitutional Development and Social Development. So, these are some of the entities which work closely together and I am sure hon member you are aware that in this Council right now on the Table, is a Bill which is called the Border Management Authority Bill. This Bill clearly demonstrates that we integrate our work as we co-operate as departments of security to

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deal with issues of border management and border control. Thank you, Chair.

IsiXhosa:

Nks Z V NCITHA: Masiyibulele impendulo yoMphathiswa kulo mbuzo ubaluleke kangakanana kwaye sibulele nenxaxheba ethathwe lisebe lokuseka iqumrhu ukunqanda abantu abangena ngendlela engafanelekanga elizweni lethu. Ndingwenela ukuba uMphathiswa abhentsise kwizinto ezithe zaba yimpumelelo nezimonwabisayo ngeli qumrhu balisekileyo eliqinisekisa ukuba akungenwa apha eMzantsi Afrika ngaphandle kwemvume.

English:

The MINISTER OF DEFENCE AND MILITARY VETERANS: Hon Chair, the manner in which we co-ordinate and co-operate as government departments related to security is really on an ad hoc basis. The Border Management Authority will be a regulated framework within which all security related departments will work together and the authority will be under the Department of Home Affairs. Within that authority we will have immigration officers from the department of Home Affairs, some of our soldiers from our department and police officers. So, we will have different entities but working within the Border Management Authority. This will be the ultimate body which

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will ensure that there is proper co-ordination and collaboration in the work of border management and border control. Thank you, Chairperson.

Mr G MICHALAKIS: Hon Minister, you have mentioned that there is difference between border control and border defence. However, if border control is applied properly as we know currently that the Department of Home Affairs is facing quite a few challenges it becomes a problem of border defence in the end. Admittedly on your side we all know that your department is under a lot of financial strain. In other words, the inability of the Department of Home Affairs to exercise proper border control becomes a further financial liability on your department which is very worrying to us. Is your department in discussion with the Department of Home Affairs on that specific issue? This will make the Department of Home Affairs to become more effective in doing their job and take off some of that extra burden from your already burdened department. Thank you.

The MINISTER OF DEFENCE AND MILITARY VETERANS: Hon member, fortunately I am sitting here with a co-convenor of the JCPS Cluster. The Justice, Crime Prevention and Security, JCPS Cluster sits on a regular basis and on the agenda of the JCPS Cluster are

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discussions of some of the threats to national security including border management and border control. In other words, we are striving as much as it is possible to ensure that we work together as a cluster. Each entity within the cluster is well informed about possible threats and challenges which are currently confronting.

You are correct, if in the Department of Home Affairs there are challenges and those challenges must definitely impact on the work of the Department of Defence and Military Veterans. Equally, if our department itself is not well capacitated, that impacts negatively on the work of the police even internally in the country because you know that with regards to the police, they have a responsibility of law enforcement. Sometimes, maybe unfairly so, people will say that the people who are committing some of the crimes which are being committed are foreign nationals. That really has to do in the main with stereotypes that whoever commits a crime cannot be a South African but in actual fact, it is South Africans as well.

Where it creates difficulty for the police is the fact that, for instance, you do not even have fingerprints of some of these people. The people are undocumented and these would have been people who have crossed into the border line without documents. There is no biometrics which assist the police in the event that they were to

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arrest them. They cannot even identify them whether they are regular offenders or first time offenders. There is nothing that you can do about it.

However, in our instance, we have 22 companies which are supposed to be deployed on the borderline and currently we stand at 15. We took a decision, two or three years ago that by now we would be having about 22 companies on the borderline. Unfortunately, you cannot deploy 22 companies on the borderline when you do not have resources to do so. Everything is being done to work together with the Treasury and the Presidency. We are doing this as a cluster to talk about how best to inject finances into the cluster so that we can maximise and enhance our work of national security. Thank you, Chairperson.

Question 5:

The MINISTER OF DEFENCE AND MILITARY VETERANS: Thank you very much hon member, in response to the implementation of the Defence Review – 2015, the Department of Defence's plan to arrest the decline was developed. The purpose of the plan was to intervene and stabilise the declining defence capabilities so that the current ordered critical operational commitments could be met.

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The Department of Defence's plan to arrest the decline sets out five work packages against the following themes: firstly, work package - efficiency interventions; secondly, work package - organisational restructuring; thirdly, improvement of operational support systems; fourthly, enhancement to selected operational capabilities; and lastly, maintenance of comprehensive defence capabilities.

The timeline for implementation was envisaged to run over the two Medium-Term Expenditure Framework, MTEF, cycles, which is six years; commencing in 2018. This plan was presented to the Joint Standing Committee on Defence and in principle, received approval even though a concern was expressed on South Africa's ability to fund it.

An interdepartmental task team between the Department of Defence and National Treasury was established to ensure a full understanding of the plan and its deliverables and to confirm the funding trajectory. This process was concluded with the development of a comprehensive joint Department of Defence and National Treasury report for inclusion into the government budgeting process. I thank you.

Ms C LABUSCHAGNE: Thank you hon Minister, Chairperson of the Defence Review Committee, Mr Roelf Meyer, wrote in 2014:

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"Even with an immediate intervention, it could take at least five years to arrest the decline and another five years to develop a limited and sustainable defence capability. The longer the neglect is perpetuated, the greater the effort, time and cost that would be necessary to arrest the decline and restore the minimum capabilities required to safeguard South Africa's borders."

It is now five years later. You mentioned in your response that the committee looking at implementation started only last year. The core of the first stages of the Defence Review has not been implemented.

In light of the need for further fiscal cuts, by when do you foresee that this will happen and what will be the effect of this delay?

The MINISTER OF DEFENCE AND MILITARY VETERANS: Thank you for ... Hon members, I think at this point in time, we all now have a responsibility of ensuring that there is appreciation of the fact that for as long as there isn't enough funding for the Department of Defence, we will continue to have a problem of implementing some of the critical decisions and programmes which we have set for ourselves. The Defence Review is one such programme.

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You will recall that this Defence Review is called Defence Review 2015. It of course sets out quite a number of milestones. One of the critical milestones is that of arresting the decline of the capabilities.

We have done a lot of work in spite of the fact that we do not have ... it doesn't mean that because there is no money, no work is being done. If I may cite this: there is a project which is called Operation Thusano. Operation Thusano deals with arresting the decline for landward forces. In other words, we have a programme of repairing all our vehicles, some of which have been parked for more than 10 to 15 years. This is one way in which we can make do with what we already have because there is no budget allocation.

Operation Thusano is a programme ... I am inviting members to visit. It is a project which we work together with the Cuban government, which has transferred quite a number of skills to members of the Department of Defence. We are doing all of these because we are saying the fact that we do not have the funding for the Defence Review should not mean that work will not be done.

There should be an understanding that there are certain things we can do with the little money that we have but of course there are

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bigger projects which we may not be able to embark upon because of the fiscal constraints. Thank you, Chair.

Mr G MICHALAKIS: Thank you hon Chairperson, hon Minister; we have come a long way since the 5th Parliament and you sound like in the past; evidently frustrated by the fact that your department is highly constrained with regard to budget. Firstly, you have said in a previous reply that the defence of our country is vital. Now, taking into account the fact that every single year it is getting worse and your visible frustration with the fact that your department is underfunded and not getting better. Would you then acknowledge that this government has, in fact, over the last 25 years, actually presided over the steady decline of our Defence Force and there is no way that we can foresee unless the National Treasury intervenes immediately that this is going to change anytime soon?

The MINISTER OF DEFENCE AND MILITARY VETERANS: Thank you, hon Michalakis, it would be improper of me to be judgemental. I would rather say that there are challenges with the national fiscus. I think we are not the only government department which has this kind of challenge.

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Having those challenges, we then have to look and prioritise what it is that is possible to do and what we may not be able to do.

Equally, I think you are correct to say that in the past 25 years ... if I may remind hon members, when we ushered in our democracy, there had to be hard choices to make and one of the hard choices was to reduce the budget of the SA National Defence Force, SANDF, which may have been very bloated because there was a need at the time to address the immediate socioeconomic challenges of the majority of South Africans. However, this has continued to a point where we are not welcoming it anymore. We are very unhappy about it. I would imagine that it was a correct decision to take in the beginning but with time, people need to understand that we have a country to defend; we have a mandate given to us by the Constitution of the Republic ... by the way, the mandate of the Defence Force is in the Constitution of the Republic of South Africa. Therefore, if there are issues which inhibit us from implementing that mandate, we may actually as a country run into serious difficulties.

Lastly, the fact that we already have porous borders that I have referred to earlier on, which you can't even deploy some of the essential technologies on the borderline or even boots on the ground; you can't increase them, points to the fact that at some point we have to pause and reflect in spite of the constrained

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national fiscus and see what it is that we want to prioritise as a country - whether we do want to continue to have the SANDF or not, where are the priorities of the country? What I do know standing here and think many of us know is that you can never attract your investors and you can never grow your economy not unless there is peace and stability in the country. A peaceful and stable country brings about prosperity in any country.

So, I think I want to end there, Chair, thank you.

Mr C F B SMIT: Hon Chair, the hon Minister said that with the current financial situation, she is basically not able to do what she is supposed to do. I would like to hear whether it will be possible for her department to defend this country if there is any invasion today without the money available because if that is the case, then we have a serious problem?

The MINISTER OF DEFENCE AND MILITARY VETERANS: You'll be amazed, the reason why you have a peaceful sleep at night and wake up with no invasion of the country, it is precisely because we are able to we are able to make do with the little that we have.

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If you look at issues of priority – what is it that we prioritise as the SANDF? Where do we get the resources from? We find ways to sit and reprioritise like any other government department. Our prioritisation talks to, amongst others, protection of the South African people and protection of our sovereignty of the Republic of South Africa.

So, if something were to happen, I can assure you that the Defence Force will be up to it. You have seen that we do have capabilities. What is important is that we must now strive to arrest the decline of those capabilities. It is not as though there is nothing. We have to do something to ensure that we prevent a decline of those capabilities. We have to do something such that we are able to deploy more companies on the borderline and not the number which we now have.

We are a Defence Force which is well trained. I think that you know. We also have a huge reserve force as well, well trained and well armed. It may have its own unique challenges but to defend the Republic, I can assure you; South Africa is able and will be able to defend its sovereignty. Thank you very much. [Applause.]

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Cllr T B MATIBE: Thank you very much; we really appreciate the work that the SANDF is doing because we can't create an impression that there is no work that is being done so far to defend our country. I wanted the hon Minister to share with us the implementation of the non-cost deliverables on the Defence Review because you just said one non-cost deliverables of the Defence Review. If you can share with us as members of the House as to what extent does it impact on the programmes of the SANDF?

The MINISTER OF DEFENCE AND MILITARY VETERANS: Thank you very much. If you look at the Defence Review document, you'll see that it talks to the rejuvenation of the SANDF. That is one of the areas that we are looking into. I know that there have been criticisms that we have to a large extent an aged Defence Force but I can assure you, the fact that we have an average of 45 to 50, does not mean that we have a Defence Force which is not up to the task. So, we are talking rejuvenation, which is something. Of course it does require some funding but obviously if you are to have professionalised and highly skilled members of the SANDF, you have to up your training capabilities as well.

Of course, we have developed our own force structure and design and these are some of the things which do not necessarily require money

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for us to do but these are plans. There is a lot of planning which is being done but of course, what hinders us from making progress are the fiscal constraints which we have.

There are other matters which are outlined in the Defence Review which talks to other capabilities other than the landward capabilities. And for those we can't move, we have to wait until such time the finance is available for that. Thank you.

Question 17:

The MINISTER OF DEFENCE AND MILITARY VETERANS: In the last three financial years, audits 2015-16 to 2017-18, yes, the Department of Defence received qualified audit opinions - nothing to be proud of. The department has never though received disclaimer audit opinion from the Auditor-General. [Applause.]

Action plans have been developed to deal with the qualifications received in the asset management environment. There are differences of opinion on accounting standard interpretations between the National Treasury and the Auditor-General. There are ongoing discussions between the three entities to resolve these issues before the start of the 2019-20 financial year.

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Chair, I should say that I have been part of those meetings, so I know what the debates are. There are consequence management plans in place for mismanagement and other financial misconducts in the Department of Defence, which include the following: An institution of boards of inquiry; military police investigations and referral of cases to the SAPS, as and when required in criminal cases; investigations performed by the Inspector-General of the Department of Defence and the Defence Intelligence Division as needed; and consequences resulting from these interventions have included disciplinary actions, dismissals and referral to the criminal justice system as needed. Thank you, Chair.

Mr A B GXOYIYA: Hon Chairperson, we take note of the fact that the department has never received a disclaimer. However, what we want to check is with regards to your consequence management plan, if where you are seated you can confidently confirm to us that it does yield positive results. Over and above, the disciplinary actions that have been taken are the positive improvements in terms of the financial management in the department. Thank you very much.

The MINISTER OF DEFENCE AND MILITARY VETERANS: Hon member, the reality is that, yes, even this financial year, we will have areas where the Auditor-General will have matters of emphasis or even

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qualifications in some of the areas which are caused by what I referred to earlier on: Sometimes the difference in interpretation of auditing standards between National Treasury and the Auditor-General.

However, I think it is important for me to acknowledge that having elaborated on some of the things which we have done, like boards of inquiry, disciplinary actions and so on. Yes, some people have been fired from the defence force; while some people are standing trials in civilian courts, those cases having been referred to by the military police. We refer these cases to the civilian police. In some instances, where we investigate a matter, we draw in the Hawks. Just as an example, for instance, recently, the President signed a proclamation which will allow for the Special Investigating Unit to investigate some issues which have been flecked by the Auditor-General.

The question you are raising is whether these serve as a deterrent. I would imagine that if people see one or two of us going into a correctional facility, obviously it will serve as a deterrent because no one wants to go into a correctional facility as an inmate. So, I would want to imagine, but one thing I would not do is to mislead the House and suggest that because we have taken certain

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steps or remedial actions against some of the people who are implicated in the wrong doing. Therefore, there hasn't been a repetition of some of these things. No, there is; it continues, but maybe not at a large scale.

So, we will have an unauthorised expenditure. We will have an irregular expenditure, but maybe what we need to look into is: What are the figures; what are numbers; and are they as high as they were in the past three to four years or not? I don't want to mislead the House and say it serves as a complete deterrent and therefore there is no wrong doing or there are not irregularities. There will be irregularities. However, I do believe that remedial action which we have taken has led to people being very scared of being found out to be on the wrong side of the law. Thank you.

Mr G MICHALAKIS: Hon Chairperson, hon Minister, you have indicated lastly now in your reply that you believe that the measures taken have scared off people to make themselves guilty, yet, right at the beginning of your reply you indicated that these audit outcomes have been continuing for the last few years. So, clearly it hasn't - with due respect - scared everyone off from actually being guilty of such misconduct. Secondly, it can't just be a difference of

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interpretation, because you say that there have been disciplinary consequences.

So, it must also be a matter of misconduct as well. Would you agree then that for a department that is in so much of a financial problem situation that it can't continue this way? Also, the problem is actually not an isolated issue. There is actually a problem of financial management in your department because, quite frankly, the situation has not improved over the last three to four years and clearly the measures that you have taken have not scared people off.

The MINISTER OF DEFENCE AND MILITARY VETERANS: Hon member, I think that you were just making a comment. There is really no question in what you asked because I did acknowledge the fact that, yes, it is true that we have taken remedial action; and I have enumerated what exactly we have done. Of course, there continues to be irregularities being committed but maybe not to the extent to which they were committed in the past couple of years. I think what remains for us to see is whether in the forthcoming Auditor-General's report the numbers will be as big as they were the last time. Thank you.

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Mr A B GXOYIYA: Hon Chair, I just want to confirm from the Minister in order to clarify my own understanding. What I wanted to check, as she sits and assesses progress in terms of the financial accountability in the department, is whether there is improvement in her own opinion or not? I think she can just answer that question in short. Comparing the previous years with the current year, there is improvement, even if there are challenges in terms of accountability. That is what I wanted to establish from the Minister. Thank you very much.

The MINISTER OF DEFENCE AND MILITARY VETERANS: Yes, hon member. Thank you.

Ms C LABUSCHAGNE: Thank you for the feedback and saying that there is improvement. Hon Minister, will you undertake now in this House that you will give a written feedback on exactly what the turn-around strategy is – the percentage of all the real improvement in writing to the relevant select committee? This is to say yes there is improvement. This is an accounting session. Questions asked to the executive are meant to tell the public out there that this is what we have done. There is no proof in just saying yes. So, will you will please do the undertaking and give a written report to the

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relevant select committee on precisely what the improvements are on the financial better management in your department. Thank you.

The MINISTER OF DEFENCE AND MILITARY VETERANS: We will definitely make that report available. We will be ready to present ourselves before the select committee or even the Joint Standing Committee on Defence or the Portfolio Committee on Defence and engage on the areas of concern, areas which are problematic, which continue to trouble us.

We have no reservations about that and I think we do have an appreciation that through Parliament you talk to South Africans - you address South Africans. When you express your challenges, you express them to the South African public and thereby mobilise South Africans for them to rally behind the SA National Defence Force. Thank you.

Question 20:

The MINISTER OF DEFENCE AND MILITARY VETERANS: Hon Motsamai, hon members, the information on military veterans that the Department of Defence and Military Veterans is in possession of to date, has been provided or made available by their different former formations/associations in collaboration with their political

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parties. Unfortunately, former formations have not shared information regarding its members who are still in correctional facilities for the crimes they have committed in liberating South Africa. What we have is a database of military veterans to whom we should roll out benefits.

Mr K MOTSAMAI: The fact that 25 years into our democracy there are still struggle veterans who are still behind bars is a disgrace to you and your department. Why has your department not made it a priority to identify those people and do everything in your power to secure their release? Is the Department of Defence and Military Veterans only serving former MK members?

The MINISTER OF DEFENCE AND MILITARY VETERANS: Hon Motsamai, this is actually a question for this Minister who is sitting here, the Minister of Justice and Correctional Services. The responsibility of the Department of Defence and Military Veterans is to roll out benefits to military veterans, to improve the socioeconomic conditions of military veterans. This man over there has a responsibility of dealing with issues of military veterans who are in correctional facilities, not only through the Department of Correctional Services but in his capacity now as the Minister of Justice and Correctional Services. When you talk of pardons or even

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amnesty for ex-combatants, this is a matter which is right at his doorstep together with the President.

As the Department of Defence and Military Veterans, all we do is to provide benefits for dependants of military veterans and dependants of ex-combatants including your children. If your children are on the database, the father or the mother is still in a correctional facility and there is evidence that the mother or the father was a member of the former liberation movement and when they supplied information which is the database to the department, your name appears, your children as your dependants do qualify for a benefit. The person who we do not look after is a person that is in a correctional facility because we do not know. Thank you. [Applause]

Mr M DANGOR: Hon Minister has the creation of a new sustainable development and empowerment agenda for military veterans yielded results that benefit veterans? If yes, please furnish some details.

The MINISTER OF DEFENCE AND MILITARY VETERANS: Thank you very much hon member, yes, the department ...

The CHAIRPERSON OF THE NCOP: Hon Minister, please take your seat.

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Mr G MICHALAKIS: My apologies Minister, on a point of order chair. The rules clearly state that the follow up questions should be relevant to the main question. With respect, the hon member's follow up question is not at all relevant to the main question. If the opposition is going to be starting to pluck out new questions, you are not going to be very happy. So respectfully, I would request you to indicate whether this is at all relevant to the main question. My apologies again Minister.

The CHAIRPERSON OF THE NCOP: I guess we did say right at the beginning that supplementary questions must be relevant to the main question. Broadly speaking, this is the case and that is why I will allow the Minister to respond.

The MINISTER OF DEFENCE AND MILITARY VETERANS: The Department of Defence and Military Veterans has amongst others a programme of re-skilling of military veterans. In our education support, we do not only provide for the education support for the dependants of military veterans. We equally provide support to the military veterans themselves. We have quite a number of military veterans who are doing their tertiary education as well as those who are undergoing skills programmes. We also have a programme of empowering military veterans by creating business opportunities for them.

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Military veterans are forming their own companies, their own cooperatives and through those vehicles we assist them to access opportunities. Thank you.

The CHAIRPERSON OF THE NCOP: Hon Motsamai, generally speaking, there is only one supplementary question per person, but I am told that I can use my discretion. I will allow an opportunity for you to proceed. Please proceed hon Motsamai.

Mr K MOTSAMAI: Hon Chair, I would like to ask if the Minister is aware that at the Department of Defence and Military Veterans currently, the scholars, the dependants the students have not yet been paid. I would also like to know from the Minister, if each and every year there is illegally occupying of houses by military veterans. When are the military veterans going to be given houses without occupying houses without a proper law?

The CHAIRPERSON OF THE NCOP: I just emphasized to members that, it should be one person one supplementary question. There is this question of discretion and so on, I have yielded to that but the first priority should be people who have not asked questions.

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The MINISTER OF DEFENCE AND MILITARY VETERANS: I am glad that you raised the matter of housing for military veterans even though it does not belong here now. Hon Chair, last year we were given a block of flats by Gauteng which has 200 flats, fortunately you come from Gauteng. Two bed roomed flats, open lounge, open kitchen everything, all of those kinds of facilities. At the time when I officially opened that block of flats, there were only 96 occupants, military veterans who came forward, who qualified to occupy those flats. Do you know why? Because, military veterans were promised that they would occupy houses which are 50square metres and these flats were 43square metres. People were reluctant to move into those flats because they were 43square metres. I am just using this as an example.

Currently Gauteng is building 600 houses in Ekurhuleni, I am sitting here I am wondering as to how many military veterans will come forward and occupy those houses. The sad thing about the first example I used is that, people were mobilising those who live in the backyards with their families, who live under the bridges and have nowhere to sleep. They were mobilising them not to occupy flats whose size is 43square metres but to wait for that time when a 50square metre house is built. I am just using that as an example, as a result when we launched, we launched with only 96 families

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instead of 200 families. It is only now that people are beginning to come in because they realise that they were misled. They need accommodation and they must come forward and occupy them. We have not as yet secured the full complement of 200.

This means that, as military veterans ourselves, we need to take responsibility that when government offers a particular benefit, irrespective of my own choices, as long as it is habitable, as long as I would be able to maintain my family, as long as I would be able to maintain myself. Hon Chair, we actually had to release what is called the Social Relief of Distress, SRD, to allow people to buy bedding, to buy pots, we did all that. Guess what? People were saying, we are not going to move in here because it is not exactly that 50square metres, it is 43square metres.

There are challenges in the department; there are challenges amongst our military veterans but some of the challenges we have are our own creation. If I am given accommodation which is 43square metres which has a lounge, a bathroom and two bedrooms, why would I not want to occupy that house only because it is short of 7square metres? It is good that this question arose even though it was not a question meant for this session because it offers one an opportunity to clarify some of these things and to explain to South Africans that,

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when opportunities are made available and things that you qualify for, which you are entitled to, people should take charge and be responsible and grab those things with both hands.

To raise the issue of education, I would be happy as the portfolio committee. I agree, there maybe those whose school fees has not been paid. That is true but equally there are people like you and I whose children's school fees should never have been paid. Lastly Chair, military veterans by their nature is a highly political charged constituency which understands their own rights. People will say, now you do not want to pay for my child but when we were fighting you did not say I should stand aside because we are fighting. We do have those. We should never have qualified for education support because...

The CHAIRPERSON OF THE NCOP: Your time is up Minister but I am allowing you to continue because of the importance of the issue.

The MINISTER OF DEFENCE AND MILITARY VETERANS ... the benefit was really meant to look at ex-combatants, dependants of ex-combatants who are really destitute.

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Mr G MICHALAKIS: I am very tempted to ask the Minister that, if a bus stops at the bus station, does your work stop at your work station? But, that would be a second example of an irrelevant question that we have today so that is not my question. My follow up question to the Minister is rather this, Minister the Military Veterans Database has been a matter of controversy for the last two decades without it being finalised. Could you explain how you arrive at an answer to some of these questions if we do not have a definitive database that is accurate and complete to date? Thank you.

The MINISTER OF DEFENCE AND MILITARY VETERANS: You are correct. It is the responsibility of the associations themselves to make sure that the database that we have is accurate. We depend on the different associations for them to supply their databases. It cannot be the Department of Defence and Military Veterans which goes out and looks for military veterans. It is us the associations who have a responsibility to come forward and say, these are our military veterans. By the time you become a military veteran, you also have a force number. It is true that there are challenges but I am using this opportunity again to call on the associations to come forward and look at the database and assist us to have a credible database.

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It is true that the database does not necessarily have integrity, we need to sanitise it but you can only do that when the leadership of associations co-operate with you and are keen to be honest enough to say, remove these one because they are not our military veterans and keep that one. That is one of the issues that cause a stalemate between us and military veterans. I am not saying the Department of Defence and Military veterans is a perfect department, it is far from that. I do know that, it would make our lives and work easier if the associations themselves could come forward and say, here is the correct list of military veterans. The number of military veterans who fought during the liberation struggle should be going down because we are dying now. The numbers are not going down but up, why? It has to do with the association. If the association does not take responsibility and ensure that the information they supply you with is credible. I just thought I should say that, but to us as the department, it is a very difficult matter.

Question 15:

The MINISTER OF DEFENCE AND MILITARY VETERANS: Hon Chairperson, the answer to this question is: There are currently seven commissioners out of 10 appointed to the Defence Force Service Commission. The advertisement calling for the filling of the three vacancies closed on 15 August 2019. The process of appointing additional

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commissioners in accordance to the Defence Act is currently underway.

Section 62(f) of the Defence Act provides that the commission must meet at least twice a year and it stipulates that only six members are required for a quorum. As indicated above, the commission currently has seven serving members. The current members of the commission are: Acting Chair Robertson, Prof Mogoba, Ms Hlapolosa, Mr Jongile, Dr Zulu, Adv Khumalo and Dr Essop.

The recommendations of the Defence Force Service Commission have been accepted; however most of them have serious financial implications, since they relate to the general improvement of the conditions of service of our members. Yes. Thanks Chair.

Setswana:

Ke go tlotlile Modulasetilo.

English:

Mr K M MMOIEMANG: Hon Minister, through you Chair, I just want to ascertain as to whether the hon Minister will ensure that there is gender parity in the Constitution of that commission. Thank you.

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The MINISTER OF DEFENCE AND MILITARY VETERANS: Hon member, you are correct. I am sure you have information Chair. Currently, as I have outlined we have seven members. Out of those only two are women. It is for that reason that when the names were presented to me I decided that I will not appoint the entire list, but that we should go on and advertise again and encourage women to apply.

Indeed the advert which was closed recently on the 15th which is last week I think, hopefully that one is going to give us an opportunity to identify women who will be appointed into the commission. We have never had this kind of situation before. In the passed we had a well balanced commission. This time around we had quite a number of men who applied and the committee which was doing the selection unfortunately could not find suitable names amongst the applicants. That is why we have done a second round of adverts, so that we can attract women to apply and we can then appoint three more women into the commission. Thank you. [Applause.]

Mr G MICHALAKIS: Hon Chairperson and hon Minister, the commission has not set between September and May. You currently indicate that it has seven members. Six is a quorum. Now you and I both know that if you have seven members and six is a quorum, it is very difficult to get a quorum together.

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Could you please indicate to me what are the distinct functions of this commission that can not be fulfilled by either an entity within the department or any of the committees within Parliament that makes it so necessary for this commission to continue and if it is not a vital function that it fulfils, and it cannot be fulfilled by anything else, would you consider dismantling it?

The MINISTER OF DEFENCE AND MILITARY VETERANS: Hon member, no we cannot dismantle this. This is a very important commission, in that it advises us on a whole range of issues related to the conditions of service of the members of the SA National Defence Force. You are probably aware of the fact that members of this commission I think last year, actually went as far as going out to mission areas of deployment, for example the Democratic Republic of Congo. Yes, for them to see the conditions under which our soldiers live. So it is a very important source of information and an advisory board ...

[Interjections.]

No, wait a minute. The joint committee does not deal with the conditions of services of the members of the SA National Defence Force.

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Now, you are saying they have not set. I am not sure if they have not set. For I do not receive reports every time they sit, I only receive reports when there are recommendations they want to put forward to me as a member of the executive. So for now, what I do know when they are invited even to events they are available and I am assuming that they are meeting. They have a secretariat, remember, which is fulltime which is there to provide support to them.

So hopefully, once we appoint these three - we will appoint the three because we want the full complement - not because there is currently no quorum. There is a quorum.

And you were then saying what function would not be fulfilled? You know one of the things which one has admired about the existence of this commission; soldiers are not people who find it easy to come forward and complain about any thing. Soldiers would rather keep quiet. However, with this kind of commission, we are able to get information from them about things which make them unhappy, about the treatment which we give to them without undermining the command and the control issues, and about their everyday and their daily welfare challenges. Therefore, I therefore because maybe you feel that the work they are doing has no impact. It does have a very

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positive impact on our own work because we enable them to improve the conditions under which they work. Thank you.

Ms S SHAIKH: Hon Chairperson and hon Minister, I would like to ask this: How does the department ensure that there is continuity in the work of the commission?

The MINISTER OF DEFENCE AND MILITARY VETERANS: Alright. Hon member if I may want to - you see from the group of seven for instance, of the seven commissioners, we have three whose term of office has not expired. So we all the time make sure that membership is balanced up with new members and members who have been serving as commissioners. So out of the seven we do have three, rather four actually. We have four members. So hopefully even now amongst the women who will be applying and be appointed I would really wish that there would be one or two who have served in the commission in the past. For it is also very important to understand the sensitivity of the issues you are dealing with when you interact with the soldiers. As you interact with them you should be upfront, understand and show empathy, but equally you have to ensure that you do not introduce an element of indiscipline and undermining of the command and control issues in a base. Thank you.

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Mr C F B SMIT: Hon Chair and hon Minister, I would like to know if this commission is as far as I understand the entity funded by your department. So, do you tell us that you are assuming that they are actually meeting and not sure whether they are meeting?

The MINISTER OF DEFENCE AND MILITARY VETERANS: Yes, maybe you are also interested to know what the expenditure of the commission would be. We can come back to the joint standing committee or even to the select committee or the portfolio committee and provide more information about the regularity of their meetings, but also how much it cost when they meet, how much it cost for them to fly to wherever they are meeting, but of the head I would not be able to provide you with that information. I never anticipated for instance that you would want to know when last they met. However, if you want that information, we can make that information available to you. Thank you.

Question 6:

The MINISTER OF DEFENCE AND MILITARY VETERANS: Hon Chairperson and hon members, the SA National Defence Force was not designed or aimed at being utilised internally. But it should be understood that whenever state control and state authority is being undermined to such an extent that it endangers the lives of the citizens of the

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Republic of South Africa and the destruction of properties belonging to citizens, it is equally mandated in terms of the law to address such as part of the whole government approach in support of other state departments, and in this case in support of the Police.

The SA National Defence Force was mandated to deploy as part of Operation Prosper and Operation Lock Down from 12 July to 16 September this year. The deployment of the SA National Defence Force in the Cape Flats is a success because where other state entities had lost access into areas engulfed with violence, the Defence Force has made it possible for them to access such areas as part of their service delivery mandate. Statistics and details can be made available to indicate what has happened and what is happening currently within the communication policy on operations by the police. It must be taken into consideration that stabilising a hostel environment is not an overnight or instant occurrence. The SA National Defence Force remains committed to address and perform its mandate within the given task. We do have statistics and I am sure the Police will provide it when time comes. Thank you very much, Chair.

Ms C LABUSCHAGNE: Thank you Minister, I would have liked to ask you about when are you going to stop the killings in the Cape Flats, but

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as you have said it is not the primary function of the Defence Force. My question to you is: Have you been in contact with your counterpart in the Police and the President to ensure that the intervention of the Defence Force in time get replaced for the form of effective policing in the SA Police Service or provincial police service? If so, what were the outcomes of the of these discussions? I can see that your counterpart is sitting next to you. Thank you.

The MINISTER OF DEFENCE AND MILITARY VETERANS: Thank you very much, hon member. I am sure you might be aware that we would not have deployed in the Western Cape had it not been a request made to us by the Minister. The Minister made a request and the two of us approached the President as the commander-in-chief. The commander-in-chief agreed and I then sat down and draft the presidential minutes for deployment. Later the President informed Parliament.

Now, you are talking about effective policing. Really, the reality is that the challenges of the Western Cape, if we may say, have nothing to do with effective or ineffective policing. They have everything to do with the socioeconomic conditions of the people of the Western Cape. In fact, when we were discussing as Minister we were saying that we can step in and make this kind of intervention to assist the police and give them as much support so that they can

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deal with issues of gangsterism and the murders of our people here. But for as long as we do not address the hunger, poverty and conditions under which people live in the area, we will continue to have these kind of problems.

I have been to some of the informal settlements and I am sure that during your campaign you too have been to some of them. These huge informal settlements there are no single light working at night. You have a huge settlement where there are no roads in between for you to drive. These are some of the things which make our people vulnerable to attacks by gangsters. You find a seven-year-olds, eight-year-olds and nine-year-old carrying guns, smoking drugs, hungry and sleeping in the streets. You are bound to have this kind of situation. Now, ours is to send a word that you stop it, stop it and stop it now.

But not that we are foolish enough not to appreciate that the whole thing may as well repeat itself for as long as the sociocondition and the welfare of people is not being looked after. You need to create employment for the people; you need to make sure that our people get their grants when they expect them; you have to build houses; and you have to improve and make their lives better in order for them to understand that young boys and girls cannot be part of

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the gangster culture. Young boys and girls should remain at home, should be home by sun set instead of being out in the street smoking "nyaope" [a drug also known as whoonga]. I think this is the reality that all of us ... and this has nothing to do with politics and about who is governing who, but it has everything to do with the welfare of South Africans. And in this instance we happen to be talking about deployment in the Western Cape. Thank you.

Mr G MICHALAKIS: Thank you, Deputy Chairperson. Hon Minister, socioeconomic circumstances is one thing. If you take into account the Western Cape has the highest rate of basic service delivery in the country and its unemployment is 10% lower than the national average. Also, take into account that if you give a community, like Bonteheuwel consisting of 85 000 people, two policemen in their satellite police stations surely, you cannot say that it is socioeconomic factors. This begs the question: Firstly, why was your department deployed? Secondly, the City of Cape Town made available 100 extra law enforcement officers. Did the crime occurrence in the Cape Flats actually go down if you say it is not because of proper policing? With due respect, it's not only socioeconomic circumstances. However, that is the question that I will later ask the Minister of Police. My question to you is: Are there any key performance indicators which were used to measure the success, the

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failures and the progress? Do the outcomes match the resources in plans that were put into place? Thank you.

The MINISTER OF DEFENCE AND MILITARY VETERANS: Thank you very much. Hon member, you are saying that that in a sense can never be a reason. But I am telling you in fact, 99,9% has to do with the socioeconomic conditions of our people. That's the reality irrespective of where ...

The DEPUTY CHAIRPERSON OF THE NCOP: Eh eh! You asked the question, can you listen. He asked the question and let us listen.

The MINISTER OF DEFENCE AND MILITARY VETERANS: Irrespective of where you go, even if it was not here in the Western Cape. If you have our people live in informal settlements and in squallier as we have seen it where there are no lights. The Minister was saying the other day that he was in a particular area where there were lights throughout the night - I think it was in Constantia. He later went to another area Bonteheuwel or Nyanga where there was one light working and the cameras were not working at all. If you walk down the streets here next to Parliament there are cameras everywhere. If something happens to you the police will be able to react immediately. But if you go to those areas the cameras are not working. Even where you

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see a camera that camera may not be working and the lighting is very poor. Indeed, that is the reality. In the first instance, it is not because it is here. We need to improve the lives of our people, we need to allocate budgets to such that we better their lives. A child must know that at a particular age he or she must be at school. We must help educate the people of the country including their mothers that they must make sure that children go to school. It starts with a Grade 3 or Grade 4 child staying at home and not going to school. You must know that that child is already vulnerable to be recruited by gangs.

We are told stories that some of the children are on retainers by the gangs. When you are on retainer is when gangsters give you money and all those things that you wish to have as a child, those that your mother or your father cannot afford. That's their way of attracting you to join gangs. The next thing is your first victim - take a gun and shoot that old lady, that old man or the gangster from the other group. These are things that are happening. We are talking about real lives and not theory from the book about what causes it. We are talking about real live stories that we are seeing on the ground. Poverty plays a big role in creating this kind of atmosphere which we have in the Western Cape.

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I think that is the reason why the Minister for a long time was saying the coming in of the SA National Defence Force is not going to help. It is a temporal measure and is not sustainable. You come in, you close off the place and allow the police to do their work. But is that going to be permanent? It can't be permanent because it is not our mandate to deploy internally. In any event we always say when we laugh that soldiers are not trained for that. There are three Bs that soldiers know - a boot, barrel and a bullet. If you push soldiers to deal with issues of crowd control, this and that, it is not going to work. People are going to die. We should commend the police, the men and women of the police and the Defence Force for the manner in which they have conducted themselves under extreme provocations. We have not heard of a situation where citizens have been shot and killed. Thank you.

Mr K M MMOIEMANG: Thank you, Deputy Chair. Hon Minister, I rise to commend the good work of the partnership between the political leaderships of this institution displayed in terms of mitigating the devastating nature of violence in the Cape Flats. As you have said the department has limited financial resources. The question that I want to pose is: Does the department has any plan in place to collaborate with other organs of peoples' formation to ensure that there is an active involvement of our communities in the crime

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fighting efforts and to ensure that there is sustainable order in the affected areas? Thank you, hon Minister.

The MINISTER OF DEFENCE AND MILITARY VETERANS: Thank you very much, hon member. We only move in when we are invited. We are very careful not to overstep our mandate. In the event where something happens tomorrow and we are called upon to come in and deploy, I would imagine that it would be a request which will be favourable to the commander-in-chief.

I also don't want us to talk about the work of the SA National Defence Force in the context of dealing with issues of crime in the Western Cape. There is a lot which is being done by the soldiers.

When there is a disaster, be it in the country here internally or in the neighbouring states, the SA National Defence Force is called upon to go and conduct certain rescue in such instances. So where there is need for humanitarian support when there is disaster, the SA National Defence Force moves in and assist as much as possible. Recently, our soldiers remained in Mozambique for three months because there was a crisis in that country. Not only that, but here in South Africa you have areas, for instance, in the deep rural areas where there are no bridges or sometimes where bridges are

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flooded and swept by the rain. What we do is to push in the SA National Defence Force. Our engineers move in and within two days a bridge is up and children and people in the village are able to cross the river.

When there are problems in our hospitals we deployed members of the SA Military Health Service to go in and work as doctors and nurses. Last year, for instance, the North West doctors and nurses decided to go on strike. This has worked very well. Really, you have the SA National Defence Force which, in spite of all the challenges they have in terms of budgetary constraints, always stand ready to go to whatever area where they are required to render assistance as long as it is within their mandate. Thank you.

Mr A ARNOLDS: Thank you, Deputy Chairperson. Minster, one of the soldiers was found in the boot of a car in Blue Downs. I think we need to send condolences to that effect. But my question to you is that there was a promise made that 1 320 soldiers will be deployed to the Cape Flats. Can you confirm if that is the number that is there; and if not, what is the reason why the promise was not fulfilled? Thank you.

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The MINISTER OF DEFENCE AND MILITARY VETERANS: I don't know who made that promise because I am certain that members of the SA National Defence Force would never disclose what number would be deployed. [Interjections.] Okay! But from where I am standing right now, and this is something which all of us need to learn, that when you deploy, whether is the police or members of the SA National Defence Force, never disclose the number of the forces. It is an operational issue. You will be sending a message to the ones you are fighting against by saying here is our strength. So, never give details of your strength to your enemy. That's number one.

You mentioned a matter that is very painful and very sad - a soldier who was found burnt to death in the boot. Firstly, let me clarify that this soldier was not part of the team which was deployed in the Western Cape. This is somebody who had been working here in the Western Cape. He was transferred to this area at the beginning of the year. It doesn't make it less painful that you have a soldier who died and who was not part of the team which was deployed. The fact that he is somebody's son, he is somebody husband and he is somebody's brother. So it is very painful and it is very sad.

I just want to allay your fears. In this instance we still don't have information about the circumstances under which these whole things

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happened. But certainly he was not deployed in this area as part of the units which are there. For now the information which has come forward is very sketchy and we rely on the police to assist us.

[Interjections.] The Minister is whispering that they have already arrested two people. I am sure the Minister will be able to provide you with that answer. Thank you very much, hon member. Thank you.

Question 11:

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Deputy Chairperson, thank you very much for the opportunity. I don't know if I am audible. This thing looks like it is far.

The DEPUTY CHAIRPERSON OF THE NCOP: It is really far.

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Hopefully I am audible. We continue to implement projects to upgrade dilapidated courts and build new ones. These projects are being implemented joint with the Department of Public Works and Infrastructure, DPWI, together with its implementing agencies.

Some of the new magistrate courts that are currently under construction include the Mamelodi Court in Gauteng, and the Port Shepstone Magistrate Court in KwaZulu-Natal. These courts come

against the backdrop of the new courts that are completed during the fifth administration, namely; Bityi and Dimbaza Magistrate Court in the Eastern Cape and Plettenberg Bay Magistrate Court in the Western Cape respectively.

We have also revamped an old abandoned magistrate court build in 1903, through the use of insource offenders and labour provided through the Department of Correctional Services. This revamped magistrate court serves as a local seat of the newly established Mpumalanga High Court.

The primary reason for the depressing condition of most of our courts is as a result of the lack of an effective maintenance plan which is due to on one hand resources and delegations that are straddled between our department and the DPWI and the Department of Correctional Services.

I am pleased to report that in my engagement with my colleague Minister De Lille, there is an agreement to review the delegations pertaining to maintenance and prioritise maintenance as one of the priority focus areas of the DPWI. I can also mention that as part of this agreement, the DPWI has appointed the Development Bank of South Africa to implement what is called the Total Facilities Management

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Solutions, which will focus on the maintenance of air condition, lifts, and electricity supply as these are major disruptions to our courts operations.

Regarding day to day maintenance, we have also been enabled by DPWI to implement term contracts to reduce the backlog on planned maintenance and improve turnaround time in addressing infrastructure glitches. This will enable the department to enlist the services of service providers to start with magisterial districts concerns to undertake small to medium maintenance and repairs of the court infrastructure expeditiously.

We are also accelerating repairs of some of our long outstanding projects, such as the Mqanduli, Polokwane and Protea Magistrate Courts, which were burnt down. I have also directed the Director-General to develop an implementation plan on various measures I have just alluded to, which will form an addendum to a memorandum of understanding that the department will conclude soon with the DPWI. This implementation plan will spell out measures that will be undertaken in relation to the specific courts and the same will be presented to this esteemed House through our existing reporting mechanisms. Thank you.

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Ms A B GXOYIYA: Deputy Chairperson, the hon Minister has just mentioned the depressing conditions of courts, so I just want to follow-up and ask in terms of how do those depressing conditions of courts affect the speedy and effective resolution of cases in terms of ensuring that justice is implemented timeously, especially in the outline areas in the country?

Secondly, just to check also in terms of whether department has uniform standards in term of the courts to ensure that even if the building don't look alike, but the facilities available do at least conform to particular standards like the availability of children's courts around the country. Thank you very much, Chair.

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Deputy Chairperson, it does in some instances affect the operations of our courts, but our regional offices, including with the DPWI has in the past tried their best to ensure that there is a smooth and quick solution to some of the challenges that our courts across the country encounters, so that the wheels of justice can continue to function.

Yes, we have existing norms and standards for the magistrate courts. They deal with matters for access of disabled people, children and

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other security measures. We are also in the process of reviewing such norms and standards to deal with the lived realities that we encounter on a day-to-day basis. Thank you.

Ms C LABUSCHAGNE: Deputy Chairperson, every department has maintenance Budget, Minister and we know that the DPWI nearly takes department's Budget which is vest in the department along with the instructions from the department and carries out the work. The responsibility therefore lies with the department in this case your department to build and maintain courts. We have magistrates in crumbling buildings sharing entrances and bathrooms with the accused person that are presiding over, where they can be easily threatened. This is not how our justice system should serve the citizens. Now, I would like to know what measures will you undertake today to ensure that improved conditions of courts will be accelerated inspite of that Budget costs. I am asking this question, because it is easy say we will accelerate and next year come back and say sorry we couldn't accelerate, because there were Budget cuts. We need to fix the courts. We need to fix this. How will you go about this to make sure that there is being accelerated in spite of the Budget cuts? Thank you.

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The DEPUTY CHAIRPERSON OF THE NCOP: Hon Minister, did you get the question?

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Yes, I think is related to acceleration despite the Budget costs. The other one I think I have already answered.

The DEPUTY CHAIRPERSON OF THE NCOP: No it is fine. I just saw your facial expression. That is why I am asking if you did get the question.

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Deputy Chair, no, the facial expression is because I thought I have already answered in terms of that we are in the process of reviewing the standard and norms that will deal with the lived realities. The lived realities are what she is talking about of magistrates sharing some of the toilets with the public and so forth, but in most of our courts, there are measures that are there. So, it is for us to ensure that it is the standard norm across the country.

The DEPUTY CHAIRPERSON OF THE NCOP: Hon Labuschagne, did you hear what he said? Is it fine?

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Xitsonga:

Man B T MATHEVULA: Holobye, ndzi lava ku tiva loko miako leyi mi yi akaka sweswi yi ta kota ku angarhela vanhu lava va nga na vutsoniwa byo karhi ke? Ndza khensa.

Xitsonga:

HOLOBYE WA VULULAMI NA VUKORHOKERI BYA SWA MAKHOTSO: Ina, yi ta swi kota ku angarhela na vanhu lava tsoniweke. Xikombiso; miako leyi heteke ku akiwa eMiddelburg na le Mpumalanga High Court, ya kota ku angarhela vatsoniwa na yin'wana miako leyi nga ku akiweni sweswi. Hikwalaho, matirhelo na swipimelo leswi hi vulavulaka hi swona swa va angarhela.

Mr T J BRAUTESETH: Deputy Chair, the Minister answered that there are reviews systems in place and that doesn't satisfy this House, Minister. Reality is this, we need to have a timeline. Tomorrow will never come. We need a timeline, Minister. You need to tell us by when are you going to start maintenance programmes and by when are you going to finish them.

Minister, also we are not just talking about the buildings. There is another kind of infrastructures called information technology, IT, infrastructure systems, like Integrated Justice System, IJS. They

still struggle to pay our third parties firms. When are going to get those systems fixed properly to make sure that they compliment the building that should work properly in a define period of time to our colleagues that are working in the justice service working in an environment that is conducive for excellence? Thank you, Minister.

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Deputy Chairperson, tomorrow will definitely come. If there is something that is guaranteed is that tomorrow will come and as I have said that the issues relating to the departments, our department and also DPWI. So, it will also depend on the outcomes of our discussions with regard to the memorandum of agreement for the devolution of some of the delegated responsibilities to be given to some of our regional managers to handle the day-to-day issues of maintenance.

With regards to the IT infrastructure, it is an issue that we are looking into, not only in terms of maintenance, but also in terms of upgrading as expected by the IJS programme, which we have made a priority area. Thank you.

Question 21:

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Chairperson, I have been informed by the Department of Justice and Constitutional

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Development that there has been a demand by the students for a blanket amnesty for students arrested and prosecuted because of the fees must fall protests.

The students were informed by my predecessor that there are no provisions in law which provide for general blanket amnesty in such cases. There are two processes available in law at present, namely: to apply for a presidential pardon which is a presidential constitutional power in terms of section 84(2) (j) of the Constitution of the Republic of South Africa if a custodial sentence has been served or to apply for an expungement of a criminal record in terms of section 276 (I) of the Criminal Procedure Act of 1977 as amended if a non custodial sentence was imposed on the offender.

I am further informed that there has been an agreement between my predecessor, Minister Masutha, the Director General of the Department of Justice and Constitutional Development and the student leaders concerned that the list of all such students will be collated and submitted to the Department of Justice and Constitutional Development. The department will then assist the relevant students to complete the relevant forms concerned.

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Since the offer was made, to date the Department of Justice and Constitutional Development has not received such a list from the student leaders, neither such a request nor indeed any relevant application for a presidential pardon, or any application expungement of a criminal record. The last mentioned applications are considered by the Director General of the Department of Justice and Constitutional Development meaning expungement of criminal records. The offer by the department to assist the relevant students still stands. The hands of the department are tied if we do not receive any applications. Thank you

Mr A ARNOLDS: Deputy Chairperson thank you very much and to the Minister for his reply to our question. I think this is an important process for us as the EFF that we see that those students who have fought for the promised free education get released. In terms of the process now, from the students' side, you have outlined that but how long will the process actually take in terms of concluding the whole matter when the students apply for that now?

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Thank you for the question again. Indeed the issue of the fees must fall and the issue of access to higher education is a very important issue for our country, given the inequalities that we are also discussing with the

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Minister of Defence. It's a priority for government hence it has declared for free education in the higher education, it is very important. The department will only be able to respond when an application has come before us. I will not be able to estimate the time frame because I don't know how many people will apply and what issues will be in front of the Director General. We will only be able to, if we have something in front of us because it also involves us applying our minds to the application but it also involves us taking some of the applications because the part of expungement is indeed within the hands of the department, which the Director General can handle.

But, the other part of the presidential pardon is in the hands of the President. I may not be able to determine how long but our department has a mandate to assist the President to arrive at a particular decision when we have received an application. Thank you.

Ms Z V NCITHA: I would like the Minister to further clarify on expansion on the issue of the presidential pardon. What procedure must be followed without getting to the breaching of the Constitution of the country?

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: The presidential pardon is a process that is in the discretion of the President whether he may want to do it or not upon application of the affected person, which ourselves as the department can act to as a conduit to help. There is an offer that the department has made to the students to say; the department can also help them to complete the forms to make a substantive application if needs be, whatever motivation that is needed to guide the students in terms of the procedure and everything.

The department stands ready to do that, if and when the need arises and we will be able to do so if we receive the application and then we'll be able to appraise the President and the President will also apply his mind to that. It's the President's full discretion to end up deciding on the presidential pardon. Thank you.

The DEPUTY CHAIRPERSON OF THE NCOP: The Minister has responded and I don't see any hands for more supplementary questions. Minister we will move on to Question 12 of the hon Ms Ngwenya from Gauteng, you can continue with your correctional facility.

Question 12:

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The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Deputy Chairperson, yes, the Department of Correctional Services has measures to control overcrowding in the correctional facilities. The Department of Correctional Services, DCS, follows a multipronged strategy consisting of the following dimensions: Overcrowding as a global phenomenon that undermines all efforts by any correctional system; to render effective security and rehabilitation and; effectively changing behaviour of sentenced persons. In terms of its legal mandate, the primary responsibility of the DCS is enforcing sentences of the court's orders through a warrant of detention or committal. The Department of Correctional Services has no legal powers to refuse detention of inmates on the basis of inadequate bed space and other factors resulting in overcrowding of inmates. The DCS follows a multipronged strategy consisting of the following dimensions: Managing levels of remand detainees through the integrated justice system, Case Management Task Team and Intersectoral Committee on Child Justice; managing levels of sentenced offenders through improving effective and appropriate use of conversion of a sentence to correctional supervision; release on parole and transfers between correctional centres to attempt to establish some degree of evenness of overcrowding; ensuring progress with DCS capital works programme to upgrade correctional facilities

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as well as to build new correctional centres that are both cost-effective and rehabilitation orientated.

The upgraded C-Max Correctional Centre in Pretoria was practically completed in December 2018, and will be officially opened very soon. This facility will increase. It has about 284 beds. Standerton and Estcourt Correctional Centres were officially opened in April and May 2019 respectively. The two centres combined provide 1998 bed spaces. We are now waiting for the official handover of the Tzaneen Correctional Centre from the contractor and when combined with the refurbished Glencoe Correctional Centre, these will provide 1101 beds by the end of this financial year.

Encouraging debate in South Africa about the reason for incarceration as a sentence and encouraging approach to appropriate sentencing that is focused on facilitating rehabilitation; enhancing community correctional supervision so that it can be better utilised as an appropriate sentence for less serious crimes; improving correction and development programmes with DCS to ensure the enhanced facilitation of rehabilitation that targets offending behaviour; encouraging improvement of first and second levels of corrections in families for social institutions, social and economic sector government departments respectively to decrease the rate of

entry into the criminal justice system; and encouraging community involvement in social reintegration of offenders back into their communities in order to assist in reducing levels of repeat offending. This multipronged strategy has enabled the department to have some kind of management of the overcrowding situation. Thank you.

Ms W NGWENYA: Deputy Chairperson, ...

IsiZulu

... ngibonge mhlonishwa ngempendulo yakho ecacile futhi nezwakala kahle. Umbuzo wami ulapha ekuthenini: Ukugcwala koMnyango Wezokuhlonyuleliswa kweZimilo ingabe kukulaba kakhulu abangakagwetshwa, okanye kukulaba asebagwetshiwe yini? Uma ngabe yilaba asebagwetshiwe ngabe yiziphi izinhlelo onazo zokunciphisa lokugcwala koMnyango Wezokuhlonyuleliswa kweZimilo? Ngiyabonga.

UNGQONGQOSHE WEZOKUHLONYULELISWA KWEZIMILO: Ngiyabonga kakhulu Sihlalo ngombuzo. Ukugcwala kakhulu okukhona kwenziwa nangabantu abasalindelwe ukugwetshwa ngoba ...

English

... we have about 47 000 of those who are waiting to be sentenced.

IsiZulu:

Lokho kusibangela ukugcwala emajele. Nalaba abakhona phakathi emajele bayasibangela ngoba kunomthetho owaphasiswa yiPhalamende ngeminyaka eyishumi edlule ebizwa ngokuthiwa phecelezi "Minimum sentence offence" ohambelana namacala athusayo. Lowo Mthetho wenza ukuthi noma abantu sibabonile ukuthi bengakhona ukuthi balungiswe asikwazi ukuthi noma sebehambe zonke izigaba phakathi koMnyango Wezokuhlonyuleliswa kweZimilo sibavumele ukuthi bakhululwe ngoshwele noma ngezinye izinhlelo zethu.

English:

So, it's multidimension ...

IsiZulu:

... lezi zinkulungwane ezingamashumi amane nesikhombisa zisibangela kakhulu ukugcwala. Ngiyabonga kakhulu.

Ms T C MODISE: Hon Chairperson and good afternoon hon members, while you are still dealing about the issue of overcrowding, hon Minister. My follow up question is: How does the high level of overcrowding influence and affect the level of crime in the correctional centre? Thank you, hon Chair.

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The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Chairperson, it does affect some wrong activities in our centres like contraband and smuggling. As a result, we have suspended a lot of officials because of this phenomenon. It also affects our main programme of rehabilitation because it also makes a bit difficult for us to take people through skilling processes and other necessities that might help us that when this person is released she or he is a better member of the community. It also affects some of the issues that happen in our facilities such as gangsterism, which is also happening in the communities and they end up finding themselves in our own facilities and then even affect our processes of paroles and so forth. We have put measures to manage such kind things even within the current difficult environment of overcrowding. Thank you

Mr K M MMOIEMANG: Deputy Chairperson, one of the programmes that in the past have created a lot of mixed signals is the issue of remission. I think it will be important given the aspect of overcrowding raised. Probably, just for the Minister to give us the advantages and disadvantages of remission so that it could be one of the aspects considered to deal with the issue of overcrowding. At least, there is a sense of appreciation of what does it entail. Thank you, hon Minister.

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The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Thank you very much for the question. Indeed, in the multipronged strategy that I have raised it is one of those aspects of remission. It does have certain advantages because it can also enable you to deal with people that have been rehabilitated in ourselves that have gone through all the measures scientifically proven that they are ready to be reintegrated to society. It's a measure that in some countries of the world, including our country, has been used previously to ease the burden of our centres. However, it's a measure that should only be looked at in very serious circumstances. Serious circumspection and community engagements have to happen so that communities are made to understand the measure of this kind of a programme or a decision of remission. It's a decision as the hon member says that has caused serious debates in the past and lots of consternation in the public. It's important that if such a measure is taken through or it does happen, there are clear guidelines and also clear discussions with the public and people of South Africa on what is the aim and what is it going to achieve. When it happened, the public was ready, but it still caused that kind of consternation as the member raised it. It had some kind of measures that helped the Correctional Department to ease some of the burdens and also to have a long-term plan regarding overcrowding. Thank you.

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Mr G MICHALAKIS: Hon Deputy Chair, referring to hon Minister, it has been four years since Judge Cameron in his Report on Pollsmoor indicated that your department is in violation of human rights, not much has changed. The budget for rehabilitation, which is what Correctional Services supposed to be all about hasn't really increased. Some of the inmates have been moved to other provinces which I really can't see how's that going to help the rehabilitation being so far away from their families. The overall situation has really not moved in a direction where one can honestly say that you are not continuously still in violation of human rights. So, my question to you would be that not in a single one of your replies have I heard anything different from what I've heard from your predecessor in the last five years. Can you please explain to me how are you doing the same thing again or somehow miraculously render different results? Thank you.

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: It's one government with one mandate. The only thing that we have to do is when that when we implement we need to ensure it is in compliance with the various statues and the policies that we are trying to achieve. We have started the implementation of the Mandela Rules which are the international guidelines in terms of incarceration, corrections and also the treatment of inmates. The process to

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implement the Mandela Rules will help us comply with most of the international guidelines. It will also help us comply with our own domestic laws, the Correctional Services Laws that govern the treatment of inmates. I am very optimistic that this will change the conditions of our facilities. It will also help us in terms of long-term planning with regard to our infrastructure and also with regard to other programmes that I spoke about earlier. Thank you.

Question 4:

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Thank you Deputy Chairperson, the potential risk relating to the impact of donor funding on government in general to ensure the protection of objectivity and the independency has been thoroughly considered throughout the years by our government. This risk has been managed through ensuring a proper framework under the auspices of the National Treasury, which regulates the acceptance and allocation of donor funding both internationally and locally given the significant risk in relation to the National Prosecuting Authority, NPA, specifically the parties have reiterated their commitment to ensure that any funding provided to the NPA will be channelled as per the approved framework through the Department of Justice and Constitutional Development. Thank you, Deputy Chairperson.

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Mr G MICHALAKIS: Thank you, hon Deputy Chairperson. Hon Minister, we have received indications that this money will primarily be used for training purposes. I would like you to confirm that. If that is the case, that does not really solve the concerns around the funding of the NPA more particularly the salary shortfall which also should have form part of your discussion with Treasury. What were the outcomes thereof?

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Thank you. Yes, indeed this kind of funding has always been used with regard to training. We are well aware of the shortfall in terms of the budget challenges of the NPA. There is an ongoing discussion between the department and the National Treasury which is not yet concluded which is aimed to resolve these challenges of budgetary constraints of the NPA. As and when the discussions have been concluded through the budgetary processes of government, we will be able to make any informed communication to members here and to the public.

Mr K M MMOIEMANG: Thank you, Deputy Chairperson. Deputy Chairperson, on the independence of the NPA is a matter that has recently occupied the public domain and it is guaranteed in terms of section 179 of the Constitution and section 12 of the NPA Act. Recently, we have seen two former Ministers slapped with cost orders because they

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did not implement the court judgement. Now, with regard to the last two head of NPA, the court has ordered the amendment and it was explicit in terms of what has to be done. Has the department put in place the process to address that amendment? Thank you.

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Yes, Deputy Chairperson, the department is in the process of putting in place those measures and we are convinced that we will be able to comply with the deadlines as set by the Constitutional Court in that regard which is 2020. Thank you.

Tshivenḡa:

Vho T B MATIBE: Mufarisa Mudzulatshidulo, ndi khou ṭoḡa u ḡivha kha Vho Minisiṭa arali hu na ndingedzo u bva kha ofisi yavho ya u ṭoḡa u khakhisa u ḡiimisa ha Maandḡalanga a Vhutshutshisi a Lushaka, NPA?

Tshivenḡa:

MINISIṬA WA VHULAMUKANYI NA ZWA VHULULAMISI: Ndi khou livhuwa nga maandḡa mbudziso yavho. Ndingedzo ine ya vha hone ndi ya uri ri kone u thusa NPA uri i kone u shuma nga u ṭavhanya ngauri NPA yo fara milandu midzhisa nga maandḡa heyi ya tshanḡanguvhoni. Ri khou vha thusa nga dzinyambedzano dzine ra vha nadzo na Mufaragwama wa Lushaka uri vha kone u shuma na milandu ya tshanḡanguvhoni kha ṇwaha

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wa muvhalelano hoyu uri ri kone u vha nea maanda na zwishumisiwa zwine zwa do vha thusa kha u ita hoyu mushumo. Ndo livhuwa. [U fhululedza.]

Question 13:

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Hon Deputy Chairperson, the Department of Correctional Services in South Africa has a total of 46 management areas, housing 243 correctional centres. What becomes ideal is for every offender to leave our facilities with either a certificate or a skill in order to maximise access to employment opportunities or to start their own businesses.

This goes a long way in terms of reducing the risk of reoffending and returning back to our correctional centres. Therefore out of 243 centres, 129 centres offer various skill development programmes, which also include technical vocational education and training, TVET.

These various skills training programmes and TVET college programmes are offered in partnership with the Department of Higher Education and Training, Sector Education and Training Authorities and the National Skills Fund. In addition, we also have Department of Correctional Services, DCS, qualified officials as well as

accredited service providers, funders through the Safety and Security Sector Education and Training Authority, Sassetta, and the National Skills Fund who offer these programmes.

It should be noted that skills training programmes are offered where resources are available and accredited training is provided if the workplace complies with the industry standards. The same goes for TVET college programmes, which require the availability of qualified technical educators to render TVET college curriculums or subjects.

The number of offenders registrars in the previous financial year 2018-19 was 17 534 and the number of offenders who successfully participated was 17 345. The rate of successful participation was almost 98%. I can give the breakdown as per province to members if they want the breakdown.

Chairperson, I don't know if I have time to deal with the breakdown. [Interjections.] I can give it.

The DEPUTY CHAIRPERSON OF THE NCOP: If you the information, you can submit it to the ... [Inaudible.]

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Ms S SHAIKH: Hon Chairperson, hon Minister, thank you for that response. I would also like to commend the department on the achievements that they have made in the skills development programme. In light of these successes, I would like to know what the department's plans are to extend this skills programme to other facilities and what are the timeframes for that?

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: We are currently looking at reviewing the skills programme in terms of our budget because we are of the view that every inmate should be able to go through this. So, we are looking at whether we can make it compulsory for every inmate to receive some kind of skills education or vocational training. That will be advised through a legal process as to whether that is constitutional. The second step will be whether we have the budget to do it. So, within the current financial year, we will be able to give a clear roadmap on that and the extension.

However, our skills programme is further demonstrated by our immediate ability to insource the former operations of what is today known as African Global Operations - Bosasa. You will remember that we have insourced about 26 kitchens across the country. It is because of this skill that there was no crisis. We were able to do

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it within one month of the termination of the contract. So, we have that skill, which has enabled us to avert any crisis or difficult situation. We believe that it can be extended to other areas. Thank you.

Xitsonga:

Man B T MATHEVULA: Holobye, ndzi lava ku tiva leswaku I vabohiwa vangani lava va nga vuyeriwa hi endlelo leri?

Xitsonga:

HOLOBYE WA VULULAMI NA VUKORHOKERI BYA SWA MAKHOTSO: Eka lembeximali ra 2018-19, I 17 534 lava va nga nghenelela. Lava va nga kota ku va va humelela I 17 345.

The DEPUTY CHAIRPERSON OF THE NCOP: Hon Michalakis, will you mind if I give your question to another person, because you have been asking on all the questions? I am just asking because you have indicated and there is someone else and we only have four questions. You have been very productive today.

Ms A D MALEKA: Hon Chairperson, hon Minister, what influence does a programme like this have on the life of an inmate during and after their time in prison?

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The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Chairperson, it has a very positive influence. It influences and change their behaviour while they are still inside. As they go through the various assessment programmes, we are able to see that this person is rehabilitated and is ready for reintegration in society. We have very good examples of our former inmates who are doing good things outside, who have created thousands of jobs and some of them are contributing due to their skills. We believe if we can extend it to many of them, the impact will be good for our economy, for the social good of our society. Thank you.

The DEPUTY CHAIRPERSON OF THE NCOP: I will give you a chance in the next round. Hon Michalakis, there is still one question remaining. [Interjections.] You have been asking on each and every question. We are just asking.

Mr G MICHALAKIS: Hon Deputy Chairperson, yes, but I can't be penalised for doing my job. They are all from the same party.

The DEPUTY CHAIRPERSON OF THE NCOP: It is not true. Hon Mathevula is from the EFF. Are you not representing a province here?

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Mr G MICHALAKIS: I am representing a province and a party. I am no representative of Sisi Ntombela. I can assure you that.

[Interjections.]

Mr M I RAYI: Hon Deputy Chairperson, while we are appreciating the programmes on skills development and the qualifications and skills that are acquired by the inmates, one of the challenges that the former inmates are experiencing is the fact that they find it difficult to get employment. What assistance does the department offer with regard to that situation?

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Hon Deputy Chairperson, it is indeed true that the inmates suffer with the stigma that they were jailed in society. It almost looks like a double punishment because there is also a misunderstanding in society that if you have a criminal record, you cannot be employed anywhere. There is no law stating that you cannot be employed if you were jailed. Companies and various policies maybe in government state that if you were in prison, you can't be employed for various reasons.

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These are things society needs to review. Society needs to give these offenders a second chance because if they are not given a second chance, it also affects their future outlook on life.

The other part is that, while they ... Even in our Department of Justice, the other challenge is that some of them have sexual offences that place them in the registrar of offenders who we cannot really ... This is a difficult category of offenders that you cannot take out because the risk of them doing the same kind of offense is very high. So, we are also looking at the registrar and the process of expungement of some of the criminal records to help some of the inmates. But with sexual offences, it is very difficult because of the reasons I have alluded to earlier on. I think society has to welcome and help the offenders. Thank you.

Question 1:

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Deputy Chairperson, it indeed true that the inmates suffer stigma in society, and as a results of the fact that they were jailed. It almost looks like double punishment; because there is also a misunderstanding in society that if you have got a criminal record you can't be employed anywhere. There is no law that says if you were in jail, you can't be employed it is companies and various

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policies maybe in government that say if you were a person who was in prison you can't be employed for various reasons. These are things that I think society needs review and look at, to give a second chance to these offenders, because if they are not given a second chance, it also affects them in terms of their future outlook of life.

The other part is that even in our Department of Justice, the other challenge is that some of them, for example is sexual offences, they are in the registrar of offenders, we can't really...this is a difficult category of offenders, you can't take out, because the risk of them doing the same kind of offence is very high, with those kind of offences. We also are looking at that registrar and the process of expungement of some of the criminal records, to help some of the inmates. With the sexual offences, it is a very difficult space because of the reasons I have alluded to earlier on. I think society has welcome and help the offenders. Thank you.

Deputy Chairperson, I will respond to the question in two fold because it's two departments, Justice and Correctional Services. The Department of Justice and Constitutional Development has informed me that the Auditor General has found 12 employees of the department to be directors and members of private companies that are doing

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business with the organs of state, from 01 February 2017 to 22 July 2019. The total value of the business by such was about R4,366 242. Some of these employees, I think about three are currently undergoing disciplinary processes, the others, there is still a process that will lead towards whether they should be disciplined or there no need to be taken through that process.

With regards to Correctional Services, the office of the Auditor General had identified 32 employees of the department, found to be directors or members of private companies that are doing business with the state, from 01 February 2017 to 31 March 2019, however the department is in the process of conducting investigation, where applicable disciplinary processes will be undertaken, this is because when you receive the report of the AG, you still have to verify and go through your system to whether indeed the person is your employee, if he or she is whether the conflict was declared and all that processes, so it is still ongoing because of the number that we have. Thank you.

Mr G MICHALAKIS: Chair, I need the exercise. It's interesting that, it's quiet easy for Department of Justice to tell us that 12 people entitling approximately R4 million, Correctional Services has 32 but Minister can't tell how much is involved, I wonder why. South

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Africans simply are tiring of state employees with acting with impunity without consequence, 2704 state employees under the same period of this question, did work for the state and not one of them, not one has been successfully disciplined! It leaves one to think that accountability to the ANC what childcare was to King Herod! Really, you don't care ...

Afrikaans:

Die ADJUNKVOORSITTER: Is ons almal alleen hierso?

Mr G MICHALAKIS: So, in response to answer presented today, what is the Minister going to do to recover the funds spent illegally and take to criminal and disciplinary action against those state employees involved? Thank you.

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: I just to state that with regard Correctional Services is not a secret, it's R15 363, 152, so it's not a secret, the amount of money that is involved. In terms of what should happen, the Public Service Act is very clear as to what should happen, section 3 of the Act says that is an offence or any person found guilty of the offence is liable to fine or imprisonment for a period not exceeding five years or both, such a fine and imprisonment, it constitutes serious misconduct

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which may result in the termination of employment by the employer. So we are currently conducting disciplinary hearings, we can't pre-empt the outcomes but all the processes are being followed in the regard. Thank you.

Mr K M MMOIEMANG: Deputy Chairperson, the ANC in its last conference has noted that there is a need to strengthen the implementation of legislation preventing public servants from conducting business with the state and resolved on a number of proposals amongst them, to rotate public servants that are in the security cluster periodically, so that they are prevented from being too close to the client as providers and other person they interact with. I want to check with the Minister in terms of putting in place with the processes to ensure that we mitigate these public servants dealing with state in terms of procurement, because it is part and parcel of our commitment to fight corruption. Thank you.

The DEPUTY CHAIRPERSON OF THE NCOP: Indeed, we are looking at various majors that must enable us to prevent these kinds of activities. The first one that we have already done at Correctional Services and Justice included, is the appointment of a functional audit committee; at Correctional Services we did not have a functional one but now it is functioning and we have agreed to meet

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with them almost on a quarterly basis. We are also going to look at the issues of lifestyle audits as raised by the member. There are also a lot of Special Investigating Unit, SIU, investigations that have been proclaimed by the President which the outcomes will soon be released, which will also speak to the issues the member is raising, which is to deal with corruption decisively, not only for our employees but also for the service providers. Thank you.

Mr G MICHALAKIS: Deputy Chairperson, this question is written question that was transferred for oral reply, because the Minister did not reply within the prescribed six weeks. My question to him is why he not replies to written questions so much so that it had to be transferred to for oral questions for us to get an answer from him.

The DEPUTY CHAIRPERSON OF THE NCOP: I don't understand the question.

Mr G MICHALAKIS: [Inaudable.]...

The DEPUTY CHAIRPERSON OF THE NCOP: ...but didn't we say it must be supplementary?

Mr G MICHALAKIS: Deputy Chair, if the Minister fails within rules to reply written question; it gets transferred for oral reply in the

House. The Minister simply did not bother to reply to the written question, that is why it's on the order paper as an oral question today. My question is why he did not bother to reply this question when it was asked as a written question, so much so that it has to be transferred for oral reply today. The Minister should stick to the rules and reply to our written questions, and then he wouldn't have to answer them in the House.

The DEPUTY CHAIRPERSON OF THE NCOP: Thank you, hon Michalakis, I think you just told the Minister what to do, so we don't take it as a question, it's a statement and we want to thank Minister of Justice and Correctional Services. [Appluase.]

The HOUSE CHAIRPERSON COMMITTEES: Once again let me take the opportunity to thank the Minister of Justice and Correctional Services for availing yourself to deal with questions in the NCOP, thank you Minister and your Deputy for availing yourself for availing yourself.

Question 7:

The MINISTER OF POLICE: Hon Chair and hon members, I hope next time we come here we will answer alphabetically so that Cele answers first and ... [Inaudible.] [Laughter.] The current personnel

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resources for the Cape Town cluster are as follows; Camps Bay is 48 granted, actual is 43, that is minus five; Cape Town is 575 granted, 499 is actual, 76 down; Kensington is 71 granted, 63 actual, minus eight; Langa is 113 granted, 102 actual; Maitland is 84 granted, 69 actual, down 15; Pinelands is 77 granted, 66 actual, down 11; Sea Point is 154 granted, 123 actual, down 31; Table Bay Harbour is 73 granted, 50 actual, down 23; Woodstock is 165 granted, 138 actual, down 27. For the financial year 2019-2020, the Western Cape Province has been capacitated through the following processes; enlistment of entry-level constables including national competencies is 1 206 and then real enlistment of personnel is 34. Promotions Phase 1 is 168 and promotions phase 2 is 121. The answer to question 2, yes the Office of the National Commissioner is currently reviewing the resources allocation criteria in order to address any possible shortcomings in light of the recent court judgement in the Western Cape High Court with regards to the matter between the Social Justice Coalition, Equal Education and the Nyanga Community Police Forum against the Minister of Police. Thank you, Chair.

Mr K M MMOIEMANG: Chair of Chairs, hon Minister, let me commend you for the brief outline that you have indicated in response to the question. The follow-up question is just to get a sense in terms of the other provinces, what is it that you are doing to ensure that

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you are able to ensure that resources are adequately spread. Thank you, hon Chair.

The MINISTER OF POLICE: Chairperson, we are as the SA Police Service trying to work on our figures to improve the representation of the members in each province. It is on that score that this year, at the college, we are having 5 000 trainees. In the next financial year, we will put in 7 000. On the outer year, we will put in 7 000 and then we will recalculate how many other members on the outer years going forward. But these are spread throughout the country when they come out of college but because there is a specific question about the Western Cape at the present moment. This year we have 5 000 in the college and 4 000 is spread around the country and 1 000 of these 5 000 come from the Western Cape and all 1 000 of them will come back to the Western Cape come the next year after they have passed out in December.

Mr G MICHALAKIS: House Chairperson, Minister, Bonteheuwel is being served by a satellite police station. This is two police officers at a time for 85 000 people. The police station officially serving the community, Bishop Lavis, serves Bishop Lavis, Valhalla Park, Nooitgedacht, Montana, Charlesville, Kalksteenfontein, Netreg, Bonteheuwel and Freedom Farm. It is impossible for the police to

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react to crime with the resources that they have there. The ones coming up with solutions are actually the local authorities, the metro police. Since the City of Cape Town has allocated 100 police officers in Bonteheuwel, crime has significantly decreased. But it is not their job to make sure that people are safe, it is the job of the SA Police Service, SAPS, which is a national function, a function of the ANC government.

Firstly, I would like you to acknowledge that other spheres of government can play a role in bringing down crime but my actual question is, when these communities will, and the DA has asked on various occasions on their behalf for police stations, when they will finally receive the police resources and their own police stations. Thank you.

The MINISTER OF POLICE: Well thanks for the speech. [Laughter.] Chairperson, the first question that we were taken to court by this coalition, this body, and the Minister of Police was found wanting, that the Western Cape was underresourced is not a correct interpretation. It is put that way all the time. The actual decision of the court is that the affluent areas - in the Western Cape - were overresourced at the expense of the poor areas in the Western Cape. So, that is one thing that we need to sort out that these

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reallocations must in the Western Cape even before you bring people from outside to make up these figures, that is the one point I want to make.

The second point I want to make is that, hon ... [Inaudible.], I have had meetings after we had agreed with the premier that we will have meetings that it is no use to come here and boast about the resources that they are putting there. We have said; the police understand better how to work these resources. Let us sit down and work on these resources. Do not move around and sing about them. For instance, the Western Cape has put R5 million to say, that R5 million will help to employ the reservists that are there. We have said to them; we do not need the reservists more than the lighting in the city. We do not need reservist more than the cameras in the city. If you go to Marikana, wherein 2017 there was a massacre of 11 people, the then Minister made a request to say, put on eight of those tall lights so that we can see what is happening in Marikana. I was in Marikana three to four weeks ago, there is one and it is not working and this request was made in 2017. So, you come here; you determine what you do with your R5 million instead of all of us sitting down and determine what we are going to do with the R5 million. Secondly, they offer their civil servants from administration to come and work at the police station to ease the

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police's load on giving affidavits. It is not the job of the SA Police Service to give affidavits. All councillors are commissioners of oaths, they must go to them. Do not come and crowd our police stations here for things like affidavits instead of them doing their basic job, send them to the council offices, the MPs, most pastors, school principals. Please allow the police stations to do their work.

So, if then you do not have any assistance; send them to those civil servants, do not bring them to the station, they know nothing about taking statements. We are not going to bring administrators to come and take statements there; they know nothing about that, which means that all those cases will be kicked out. So, please, sit down with us. Do not move around there and make a noise that, it is insignificant and does not help us. When it comes to Bonteheuwel per se, this province, since we started last year and this year, there is no province that we have given more resources than this one. We have put here what we call Operation Thunder, where we pool more police from other provinces to come and work here. The launch of the Anti-Gang Unit has been done in this province and with 50 new cars that were not budgeted for this province. So, we have put in so much and we have put base camps in the townships like Uitsig and other

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places. If they bring in some form of resources, we welcome that but we are simply saying, let us work together. Thank you. [Applause.]

Mr M DANGOR: Chairperson, hon Minister, is there alignment between the provinces' specific anti-crime plans with the national priorities? Thank you.

The MINISTER OF POLICE: We are obligated. We have no choice of alignment. It is a constitutional and legislative matter. That is why there is something, usually called Minmec, it is an executive committee where we are instructed by the national legislation to work together with all provincial MECs so that they bring their priorities and we bring the national priorities and then we align those so that we have one plan of policing the country. Thank you.

Ms C LABUSCHAGNE: Hon House Chair, Minister, you said that in the Western Cape we are well-resourced in comparison to the other provinces. I just want to draw your attention to the fact that according to the United Nations, there should be one police officer for every 220 people and in South Africa, it was - in 2017-18 - one police officer for 383 people. Currently, there is one police officer for every 509 people. I do not know how it will then look in the other provinces. Now, would you undertake to investigate and

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give us the report specifically maybe to the select committee, when we do oversight visits to police stations, it's repeated, "resources" "resources" "resources." When we ask the questions here in Parliament, you say, "well-equipped" "well-equipped" "well-equipped." Now, Minister, will you please investigate the situation in Bitou that happened three weeks ago where the police were called at four o'clock in the afternoon, at nine o'clock I received a complaint that said nobody came out, nobody. The next week, the following week after that, the colonel, the station commander in Bitou landed in the hospital because the community was so angry because the police do not act. And when you go in there, the police say, "resources" "resources" Will you please investigate so that we can get to the bottom of this problem. Thank you.

The MINISTER OF POLICE: Well, I have tried to find this one is to 500. When you raise these figures, please give us the source that is how we deal with figures. You say, according to this, this is this. I have really tried ... [Interjections.] can I answer?

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Labuschagne, the Minister is protected. Just allow him to answer the question.

The MINISTER OF POLICE: Can you really get that because I have really requested to get this one is to 500 and up to this point either ... it started with premier when he was a MEC, it has come with the hon ... [Inaudible.] now and according to our information, calculated with the study of the SA Police Service in terms of resourcing nationally, we are one to 412, not this 500. I do not know what will help us to get that figure. These people, that because they are angry and are chasing the police, those are criminals. You can not - no matter how angry you are - go and attack the colonel and all that.

IsiZulu:

Labo badinga ukuboshwa.

English:

To arrest them and put them in jail and they can not be supported and give the reason that because they are angry. Maybe sometimes these statements are statements that a very irresponsible and are the statements that make the community not appreciate that they need to work with the police. More than that, some communities here are angered by something different and they find their way to the police. As we speak now, there is a community that is living on the street because they have been evicted from where they were and those

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people were complaining to say, they are going to attack the police but the police have got nothing to do with their eviction.

So, it is a question of all of us - as the Minister of Defence has said - that the social conditions will have to work together on them and please, be very measured when it comes to statements vis-à-vis the communities and the police. We invite everybody to work with the police where there are wrong things, there are measures to follow, not just to make statements that are irresponsible that pit communities against the police and all of that. You can report to the Independent Police Investigative Directorate, Ipid, if you find that the police are not doing their work. You can report to the police, especially the anti-corruption unit. You can report to the SA Human Rights Commission. There are many ... there is nothing in South Africa that is monitored and policed like the police. So, you follow that and really help South Africa to work together with the SA Police Service and communities. Thank you.

Question 1:

The MINISTER OF POLICE: The legal framework as to policing in the provinces was reflected in my reply referred to above. As pointed out, provincial governments play a huge part in terms of accountability of policing on provincial level. This question is

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asked based on the answer given in the National Assembly, hence I say as referred above.

In terms of policing from a national perspective, a great deal of work went into a well consulted White Paper on Policing 2016 and White Paper on Safety and Security 2016. These white papers were also consulted through the ministerial executive committee established in terms of section 206(8) of the Constitution of the Republic of South Africa of 1996 and section 27 of the Civilian Secretariat for Police Service Act 2 of 2011.

The provincial executives are part of this committee. The main functions of which are: Facilitating close co-operation between the national and provincial spheres of government; discuss matters of common interest of those emanating from reports of the Civilian Secretariat; and discuss any other policing matters relevant to the functions of the provincial executive from each province.

As pointed out in the reply to the question referred to above, policing is, in essence, a national competence. Through the ministerial executive committee, the needs and priorities of provinces can be addressed on continuous basis. Thank you.

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Mr G MICHALAKIS: Hon House Chairperson, to the Minister, I mentioned to you earlier how the crime statistics dropped in Bonteheuwel when the metro police were deployed by the City of Cape Town. Just proving the point that different spheres of government can actually work together to reduce crime.

I am really struggling to understand why you are so hell-bent on denying provinces the opportunity to assist in addressing the crime issue where they want to help. It would not be required of you to change the Constitution or to change law. There is already precedent set many years ago by the Department of Correctional Services where the national Minister actually delegated some of his powers to the provinces.

So, I can't understand what is in your way of giving provinces more powers where it would reduce crime. Now, the only thing I am asking from you today is: Would you commit to at least exploring this option if it would lead to the reduction of crime? Thank you.

The MINISTER OF POLICE: I really sympathise with you for this misunderstanding, and indeed you are going to continue misunderstanding if you don't read the laws. This one is a legal framework and not a decision and option of the Minister. Again, you

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are showing your ignorance; there is no Minister that stands alone and changes the law. The laws are changed through the system of Parliament and the come here to be passed ... [Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon members, please, as we allowed the supplementary question to be listened to, let us also allow the hon Minister to respond to the question. Hon Minister.

The MINISTER OF POLICE: I am done. [Applause.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Thank you hon Minister. That was the only supplementary question.

Question 14:

The HOUSE CHAIRPERSON (Mr A J Nyambi): In term of the Rules of the NCOP, hon Minister, when it comes to Question 14 the Chief Whip has advised that no arrangement was made with anyone to stand in for hon Mfayela. In terms of the Rules, you can decide to respond to the question or you just table it. If you do not choose either of the two then the question will just lapse since no arrangement was made with the Chief Whip. Hon Minister, it is entirely upon yourself what you decide to do.

The MINISTER OF POLICE: Well, I am sure my homeboy is maybe still busy with a conference. The answer is very short and can be read in the next two seconds. A total of 112 suspects have been arrested. Yes, a specific operation is being conducted in this regard. Members of the South African Police Service are stationed at uMkhanyakude for a period of one month on a rotational basis conducting disruptive operation. Thank you.

Mr K M MMOIEMANG: Hon House Chair, to the Minister, I want to ascertain as to whether there are similar plans in other provinces to deal with the cross border challenges particularly around criminal elements, taking into account that various provinces are sharing borders with various neighbouring countries, just to get a sense of whether success like in uMhlabuyalingana is possible in other provinces. Thank you.

The MINISTER OF POLICE: If I knew I would have just tabled so that there are no follow up questions. [Laughter.] We are sharing borders with several countries and we are experiencing different types of criminalities. Lesotho, Eastern Cape and Kwazulu-Natal would be more of stock theft and some ordinary criminality like cross boarder murders. Last week we buried one of our intelligence officer murdered by people crossing the border to Lesotho. Because

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of co-operation, those people have been arrested; they are back in the country.

We have a very good working relationship with almost all of the countries we are neighbours with. With Mozambique, we have had two meetings with the Minister of Police on the other side. With Zimbabwe, where there is also a cross boarder of car theft issues and fake goods and things like those, we have special operations as per boarder and as per the kind of crime that you experience on that boarder.

So, the working relationships are quite okay but we must remember, as it has been raised here time and again, that you would have rotten potatoes within the South African civil servants and also within people working for the government on the other side too. When we catch them here in South Africa we deal with them decisively - we do not know what they do on the other side.

I am sure you have seen with the fake goods that we were collecting in Johannesburg, some of the South African police members stole the fake goods and sold them and we dealt with them accordingly there on the spot. We hope that those countries we work with will do the same with the rotten potatoes that are supposed to be helping the

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respective countries to maintain the law. But yes, we are working with all neighbouring countries.

Mr T J BRAUTESETH: House Chairperson, to the Minister, thank you very much for your answer. Just to confirm, you are saying 114 arrests were made between January 2018 and now. Minister, I am sure you are aware that when some vehicle is stolen in Durban, by the time it is reported, the vehicle identification number, VIN, and engine numbers have been removed and by the time the police start to look for it is probably close to the boarder to Mozambique or over the border.

The question I want to ask is, and you have alluded to it in your answer, can you give us some level of assurance that crime intelligence is actually inserting members into vehicle theft syndicates to proactively stop their activities rather than to police reactively to make sure that the crimes don't happen before they happen - before we actually put families through the trauma of hijackings and to actually close down syndicates? Thank you.

The MINISTER OF POLICE: Well, the hon member looks like he has an interest on this matter coming from that province. Surely you would then follow that two or three weeks ago we stopped 14 cars before

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they cross border. That is an intelligence work for the fact that we stopped them before they cross the border. [Applause.]

Having said that, there is one area where there is a lot of concentration and a focus of dealing with crime. I think this Minister has been there more than many times working with the community's imbizo. The Minister of Defence has been there working with the borderline but the cluster itself has been there dealing with the issues.

There is one area that we are highly concentrating on, as you say, it is a crime you call "fear crime" because some of those cars that cross the border are hijacked and I can imagine how painful it is. So, if you shut the market, there will be fewer cars stolen with the exception that December we discovered a complete new outlet of stolen cars at the harbour.

The cars are stolen new and then they are completely dismantled and shipped to Mauritius to be assembled - completely new. We have found that and we have shut it. I think it is another good job by the crime intelligence and the other state intelligences. We have arrested top guys that are running that.

We simply believe that if we shut the market down then the crime will go down. At the moment in some several townships we are running a programme called operation show us the receipt. If you have a TV you must show us the receipt and not tell us that you bought it from abafana [naughty boys].

So, those are things that we are trying to do to shut down the markets. We are very strict with the pawn shops when it comes to records. You need to show us the record of the stuff that you are selling - the records and the receipts and all those kinds of things.

So, we believe that if we shut down the market, the house robberies and burglaries and pick pocketing on the streets will go down. So, we agree and the crime intelligence is leading on those operations. Thanks.

Question 9:

The MINISTER OF POLICE: The South African Police Service Act, 1995 Act No.68 is one of the priority Bills under review by the Department of Civil Secretariat for Police Service during the current financial year. The review of the South African Police Service Act, 1995 is aimed at aligning the Act to all relevant

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policies related to policing, among others, the National Development Plan, NDP, 2030, the White Paper of Policing 2016 and the White Paper of Safety and Security 2016.

Furthermore, the draft Bill is being aligned to the provisions of the Constitution of the Republic of South Africa 1996 as the current Act is based on some provisions of the interim Constitution of the Republic of South Africa of 1993. Therefore, the amendments provide for the repeal of section 218(1) and 219(1) thereof. The draft Bill also addresses the Constitutional Court judgement in the Hellen Suzman Foundation versus the President and Others and Glenister versus the President and Others in the cases CCT 07/14 and CCT 09/14 matter.

In this matter the Constitutional Court found 13 sections of the SA Police Service, SAPS, 1995 to be unconstitutional and ordered the deletion of the section with immediate effect. The third section relates to the constitutionality of the section 16 and Chapter 6(a) of the South African Police Service Act, 1995 which governs the establishment and the operation of the Directorate of Priority Crime Investigation known as DPCI or Hawks.

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These sections need to be repealed in the Act in order to ensure legal certainty in respect of the interpretation. Thank you.

Ms Z V NCITHA: Chair, thank you very much. In appreciating the response from the Minister, I am sure that we are in agreement that there is a need of alignment with the NDP as well as review. What I would ask from the Minister is if there is a possibility of him to give us timeframe in terms of doing that. I know that it may be administrative, but still I am trying my luck, Chair.

The HOUSE CHAIRPERSON: COMMITTEES (Mr A J Nyambi): Try your luck. Over to you, hon Minister.

The MINISTER OF POLICE: I will try my luck too. Hon Chair, the problem here is not entirely in the hands of the ministry and the department. There are other processes like the Cabinet, the portfolio committee, the consultation with the communities out there by coming here, send it back and all that. So, we would have loved that by the end of this financial year we have done it, but from our side we are pushing and we will push that it happens soon. Thanks.

Ms C LABUSCHAGNE: Thank you Minister. We all know that the NDP focuses on well trained demilitarised police service. Just the other

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day I was listening to a radio talk in expose of the feedback of certain police stations. The subject was about the professionalism and the skills of the police. Now, a certain person gave a feedback that in Gauteng on one exercise the existing police people of various years of service was taken in and under the job sort of a skills assessment. About 98% of them failed the shooting test.

Now, my question is: - this is a little pocket of feedback and that was on radio in order for everyone to hear - I am asking, why is a well-trained, if it's not the demilitarised, at least a well trained professional police force, not become a reality yet?

The MINISTER OF POLICE: Once upon a time, when I was in OR Tambo International airport, I met the honourable gentleman called Judge Farlam, and that was before the finishing of the report. I invited myself to the Commission because unfortunately I was never invited. My name has been mentioned time and again in the Commission when I was a national Commissioner of the SA Police, SAP. So, I asked the Judge to invite me because my name has been mentioned in the Commission.

One major problem of the case raised was a question of Cele militarising the police and not professionalising them. It would

have been nice to get a platform from that Commission to explain these two things: What is a militarisation of the police? I really don't know. I have seen the curriculum of the SA Police. On the curriculum of the SA Police, one of the emphases is that policing is done under the new dispensation and under human rights.

This was not done when we were policed. Maybe you were never policed; I was policed. That time in policing, the big war was to fight those that were fighting for human rights. Now, the present situation is that you must know human rights section whatever of the Constitution; what the Constitution is saying and spending a lot of time in training, to understand that we are under human rights and under the Constitution that need to be respected and be protected.

If you go to section 205 of the Constitution of the Republic of South Africa, it instructs police on what to do: To make sure that they protect the South African citizens and all the people that are in South Africa and enforces the law. So, if you teach those things, I do not know what militarisation is. Maybe it's because there were different ranks in police service.

Those ranks don't make you not to start your curriculum. You need to know it in order for you to know what you are supposed to do. So, I

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wanted to explain that militarisation is nothing that is not happening at all. Actually, the police have been demilitarised and we are continuing to do that. Concerning professionalisation, I don't know when they are professional and if now they are not professional.

South African Police, by the way, is one of the highly regulated and trained groups of people in the Republic of South Africa. I agree that like all other training, they must have their categories. As we speak, we have categories that are called the special task force, the national intervention unit, the tactical response team, the Family Violence, Child Protection and Sexual Offences, FCS, the Combat Action Teams, CATS, and everybody who is trained on different levels for the relevant jobs.

We sent the SA Police highly trained to train with the French Special Units and we were Number 4 in the world. [Applause.] That unit was led by Lieutenant General Mkhwanazi who has been the Acting Provincial Commissioner in KwaZulu-Natal. We have now sent him back to national to run the special forces of the SA Police, to professionalise it the way himself is a professional on this matter.

So, we are running a professional organisation here. Like all other organisations, you will have wrong people. For instance, there are doctors who cut a left leg instead of a right leg. [Laughter.] You will not tell me that those doctors are not professionals. They are professionals. Instead of cutting the right leg, they cut the left leg. In some instances, in the process of performing that procedure, they leave the pair of scissors inside the patient as they knit the patient up.

So, the question is: Are doctors not professionals? They are. But like in the police service, there will be those police that are not doing their job properly. The Minister of Justice and Correctional Services was here and somebody asked the question on - what is it? - Remission. You know why? It is because the prisons are 37% overpopulated.

Also, not a single prisoner has marched to prison and toy-toyed to be arrested. The prisoners are all sent to prison by the SA Police. [Laughter.] I mean all of them. Amongst them there are also lifers. People complain about lifers and long sentences. The perpetrators get life sentences if their cases have been properly investigated.

We have thousands of lifers already now, and it is all because the SA Police are professionals in doing their job. Bravo to the SA Police. Thank you. [Applause.]

Question 2:

The MINISTER OF POLICE: I will read it, but it is quite long ... no, no, no, I will go for it. I was just making a comment. The specialised crime unit of the SA Police Service is situated in the Directorate for Priority Crime Investigation division, or the Hawks - the division for detective services and the division for crime intelligence. The Directorate for Priority Crime Investigation, the special crimes unit or dedicated competent authorities are vital in addressing the issue of serious or complex crimes in our country. Organised crime has developed the capability to penetrate government agencies and institutions, fuelling corruption.

It infiltrates big business, politics and even religious organisations like that of Omotoso, targeting and exploiting systematic vulnerabilities, using sophisticated methods of consignment. Serious crimes include crimes such as drug trafficking, drug distribution, drug manufacturing, trafficking in persons, wildlife crimes, illicit mining as well as associating crosscutting

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violent crimes, such as terrorism, gangsterism, corruption and cash-in-transit and house robberies.

The SA Nicotine and Enforcement Bill and the National Bureau for Illegal Firearms Control and Priority Violent Crime were established to address drug-related crime. The proliferation of illegal firearms, priority violent crime and cash-in-transit robberies, and the capacitating and resourcing of these units remain a challenge. Members from existing capacity within the serious organised crime environment have been deployed to conduct these investigations, although the units are not adequately capacitated. We would wish to execute their mandate. They continue to make an impact on serious crime. The SA Nicotine and Enforcement Bill unit focus on the following areas: Drug outlets; illicit drug cultivation; illicit drug production and manufacturing; human couriers; drug trafficking networks and emerging trends.

The National Bureau for Illegal Firearms Control and Priority Violent Crime unit focus on the following areas: criminal linkages through forensic practice, illegal firearms trafficking and networks, criminal abuse and vulnerability of firearms in a state control, criminality in the control of illegal firearms stocks, prioritised violent crimes where firearms are used, cash-in-transit

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and house robberies, detective services, specialised crime units are vital in addressing the issue of serious crimes in our country.

In 2006, the Family Violence, Child Protection and Sexual Offences Investigations, FCS, was decentralised at police stations. The effectiveness in the investigation of the FCS related crime decreased due to loss of trust in the system which compromised the Batho Pele principles. In June 2010 the SAPS management re-established the FCS nationally and aligned all the FCS units to the cluster level in order to bring the specialised service closer to the community and to provide a more effective service to the victims of sexual offences and related crimes.

In terms of mandate, the FCS unit are vital in fighting crimes against women and children. There are a total of 185 FCS units countrywide which are placed at the cluster model. These include nine serial and electronic crime investigations, provincial units that are mandated to investigate serial rapes and child pornography cases. The FCS is regarded as a priority by the President as stated in the 2019 state of the nation address and it is also a priority in the police service, as stated in the 2019-20 budget speech since its re-establishment.

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The FCS achieved 167 life sentences in 2010-11 - and those are life sentences, not just sentences. In 2011-12 there were 389 life sentences, and in 2012-13, 826 life sentences; in 2013-14, 645 life sentences; 2014-15, 612 life sentences, in 2015-16 - I don't know what happened - there were only 298 life sentences. In 2016-17 there were 511 life sentences; in 2017-18, 692 life sentences; in 2018-19, 658 life sentences. It is a total of 4 798 life sentences only on sexual abuse, which exclude other sentences. I don't know if I am forward but the head of the FCS of this unit was seated here - Major General Linda, whom I taught in matric at school and recruited from London where he was doing the same job he is doing here. We brought him back to South Africa. [Applause.] So, he is heading this unit. As he complains about the... this is not just ordinary, there are lifers that are filling those prisons and because these lifers are arrested by professional police.

The anticorruption unit in the detective service are vital in the fight against corruption within the work environment of the SA Police Service and justice sector. The units were established according to the public service anticorruption strategy that was introduced in 2002 and the government anticorruption strategy which was introduced on 2017 as renewed, which allows for a certain minimum level of anticorruption capacities. These units at national

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and provincial level investigate all corruption related matters against members of the SAPS.

I want to repeat that this anticorruption unit investigate corruption amongst the members of the SAPS - it investigates our own members. Shortcomings in this regard are the lack of posts allocated to these units to enhance the investigative capacity to function effectively as some of the provinces are large. Specialised crime units are important because of the complexity in the investigation of specific crimes. Specialised units focus on the investigation of stock theft and endangered species, they battle crime and high profile cases, within and outside the country, which requires specialised skills. The crimes that are investigated by the specialised unit contribute immensely to the economy of the country.

There are a total of 90 stock theft and endangered species units through out the country and they are responsible for all stock theft and endangered species cases. In 2019-20, a total of 64 suspects were arrested in 28 cases that were successfully prosecuted and sentenced. With regard to endangered species in 2019-20, the following recoveries were made, 12 rhino horns, one elephant tusk and two pangolins, a total of 103 arrests were made in 49 theft cases that were successfully prosecuted and sentenced.

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The following livestock that was stolen were recovered, and that is 4 970 cattle, 4 700 sheep, 2 663 goats and 94 horses. Sophisticated type of crimes like cybercrime, commercial crime, narcotics and human trafficking are costing the country billions of rands. It would be unreasonable to accept police station detectives to have the specialised skills expertise and the experience to investigate all of these varied crimes, therefore we will put the specialised unit on that, given that they are often perpetrated by expert criminals and crime syndicate.

This is why police agencies across the globe, from specialised teams of detectives who are trained and equipped to investigate specific types of crime, crime intelligence and specialised crime intelligence collection and analysis capacities at national, provincial and cluster level are a crucial link in the SAPS value chain in addressing serious crimes in South Africa.

The primary role and responsibility of these crime intelligence specialised capacity is to provide intelligence to all operational clients in support of both crime prevention as they are proactive activities and crime detection reactive activities which are related to serious crime. These specialised units are really achieving great

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things. Last week in Mpumalanga the underground drug laboratory bus was found with drugs worth 200 million.

What is happening is that they don't bring big bulks of drugs; they bring machinery to manufacture those drugs. For instance, we found two machines there, one machine manufactures 16 mandrax tablets in two seconds, which means in four seconds we have 32 mandrax tablets. As we were working hard, the machine found its way down here. That is the work of the intelligence and specialised units that are keeping people of South Africa safe. [Applause.]

Afrikaans:

Mnr G MICHALAKIS: Agb Voorsitter, Minister, die moordsyfer in hierdie land is buite beheer en ek praat nie net van die uiters hoë gevalle van plaasmoorde en bendemoorde nie, maar moord in die algemeen, want elke lewe is belangrik. Ons moet ook egter toegee dat sekere moorde gekoppel is aan sekere omstandighede veral omdat die slagoffers maklike tykens is, waar die polisie nie 'n duidelike teenwoordigheid het nie. Die Kaapsevlakte en die landelike gebiede, waarna u nie een keer in u ag minute antwoord verwys het nie, is twee sulke voorbeelde.

Spesialiseenhede wat nie toegerus en betroubaar is nie, gaan nie die situasie help nie. Inaggenome die vermindering van die polisiebegroting, wanneer kan ons verwag dat genoeg sulke eenhede wat toegerus, opgelei en effektief is ontplooi gaan word, veral na landelike gebiede, om te verseker dat nog moorde nie gepleeg word nie.

English:

The MINISTER OF POLICE: These channels are only in Afrikaans.

The HOUSE CHAIRPERSON (Mr A J Nyambi): No, channel two was in English, but we can ... I wanted to ask you hon Michalakakis to kindly assist and ...

The MINISTER OF POLICE: I was chasing all channels.

Mr G MICHALAKIS: The wonderful thing about our country is that we are multilingual and I can assure you we actually have some of the best translating services in the world. But for the Minister's benefit, what I said was that the murder rate in this country is very high. I am not only talking about the high cases of farm murders and cases of murders in the Cape Flats because every single life is important and a murder is a murder.

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However, we also have to admit that in certain places people are more vulnerable, especially where there is not too much of the police presence like in the Cape Flats and the rural areas. By the way, I have not in your eight minute heard you referring to rural areas. This is my worry. If these units are not in place and the police are not properly equipped, trained and are not effective, it is not going to help us. Taking into account the budget cuts, in real terms to the police budget, my question is, "How are we going to make sure that enough of these units are deployed, especially to the rural areas to make sure that more of these murders do not occur?". Thank you, Minister.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Thank you hon Michalakis for assisting in that regard. Hon Minister?

IsiZulu:

UNGQONGQOSHE WEZAMAPHOYISA: Hhayi! Uqinisile ngempela ukuthi sikhuluma izilimi eziningi eNingizimu Afrika.

English:

I take your point where you said that the murder rate is too high and unacceptable; I have no doubt about that. Since we started talking here, that is a point you and I agree on. It is so, trust

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me. It is on that score that we are working hard, including the revival of the special units that were spoken about – that were revived by the appointment of Lieutenant-General Mkhwanazi who is working on those murders, including the gangsters. If we can halve the murders in the Western Cape, then we can begin to look better in terms of reducing murders around the country.

With regard to farm murders – minus the zamazamas that are doing their nonsense there, but gangsterism in the Western Cape is worse when compared to those murders. It is on that score that this clarion call of working together here will have to be heeded by all of us, I am just maybe avoiding politics and really stop going around singing about these matters. Let me tell you one thing that is sometimes a big issue in politics – one TV station has invited the Minister of Police for an interview in the place called Ponte City. They made this issue a case study and said that they have brought patrollers to the building and crime has gone down. Instead of coming to us because there are many areas where we brought crime under control, that TV station consent with the people who said they brought crime under control in that building.

One of those areas here in Western Cape is a place called Uitzicht. In Uitzicht, kids can now go out and play. We have met parents who

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say that they can now at least send their kids to shops after six in the evening. So, we shouldn't really make this thing a competition where one win and get a trophy out of it. We must work together to reduce these murders and these rapes.

It is a challenge, that is why the clarion call says we should stop politicking and start working together - that is why I believe that with MEC Fritz we are working together. I believe this is the only province where we made efforts by calling a big crime imbizo and many other departments. The premier was there, the Minister of State Intelligence was there, the Minister of Police and the Minister of Social Development were also there. We sat down in Paarl and spoke about how to deal with crime in the Western Cape in particular, and also in the nation. So, that clarion call stands for all of us to make contributions to ensure that the people of South Africa feel safe.

Xitsonga:

Man B T MATHEVULA: Holobye, ndzi kombela ku tiva leswaku I maphorisa mangani lawa ma nga tokotisiwa ... [Mikavanyeto.]

English:

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The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Mathevula, let's ... are you fine, Minister? [Interjections] Okay. Continue, hon Mathevula.

Ms B T MATHEVULA: Can I begin from the start?

The HOUSE CHAIRPERSON (Mr A J Nyambi): No, you can continue, the interpretation is fine.

Xitsonga:

Man B T MATHEVULA: Ndzi kombela ku tiva leswaku I maphorisa mangani lawa ma nga tokotisiwa ku kota ku pfuna vavasati lava rhipotaka milandzu yo xanisiwa hi timhaka ta masangu, ngopfungopfu eka switichi swa maphorisa leswi swi kumekaka emakaya. Ndza khensa.

IsiZulu:

UNGQONGQOSHE WEZAMAPHOYISA: Lo muntu otolikayo ufana nami nje.

[Ubuwelewele.] Uthwele kanzima njengami lo muntu otolikayo.

[Uhleko.] Ngiyakutshela, uthwele kanzima. Ungitshele into eyodwa ukuthi, "ufuna ukwazi ukuthi mangaki amaphoyisa" uphele lapho, akaphindanga waqhubeka. Akazange aphinde akhulume.

English:

Maybe if she ... Thank you Deputy Minister.

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The HOUSE CHAIRPERSON (Mr A J Nyambi): Thank you Deputy Minister, Mathale. I was also going to do the same thing.

The MINISTER OF POLICE: I explained hon member that, besides the police, we have a special unit, the FCS. The job of the FCS is to deal with the sexual abuse - that is rape, especially of children. We have 185 units based in different police stations in South Africa. We are working hard to expand that. We have almost 1 200 police stations in the Republic of South Africa. We would love that every station should have this unit, but also, we are further training more female officers to handle these cases at station level.

I always imagine how painful it is for a female to go and report to the male how she was raped. I think it is the most traumatising experience because for the case to proceed, a female victim would really have to explain and be graphic about it and if you are explaining that to the man when you have just been ... So, we are ensuring that we train as much as we can more female officers so that they are able to be at the front desk to receive these traumatised and abused women. One other thing that we are working on is the conditions at the police stations. We are creating some kind

of private area where people can be interviewed at most of the police stations that are being built now, even those existing ones.

We are also creating a one-night kind of stop; we are putting beds and toys for kids in them so that if a woman is abused at around 11 pm or 12 midnight, we can be able to keep her at a police station to be handed over to the relevant bodies like the developmental sexual trauma, DST, and other the next day. So, we are really trying to work hard, for example, the past two years the Budget Vote speech of the Police is dedicated to the wellbeing and welfare of the women in South Africa. That is why we are pushing very hard to improve these conditions and that women are taken care of. And that is why there are more than 4 000 individuals given life sentences for sexual violence against women.

Mr K MOTSAMAI: Chairperson, thank you Minister ...

Sesotho:

Letona, ke a bona hore o etsa ntho eo e leng hore e tebile, haholo ka ho sebedisa masole ho lwantshana le botlokotsebe.

English:

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Instead of using soldiers, why can't you use the military veterans or people who have experience to fight those people, like J R Ngwenya who were fighting gangsterism in the trains?

The MINISTER OF POLICE: Ntate Motsamai, I am sure you are aware that you are speaking to the uMkhonto weSizwe, MK, veteran here. I am sure you are aware that you are speaking to a soldier. J R Ngwenya, I don't know him, was he a gangster himself?

Mr K MOTSAMAI: He was a gangster for the apartheid government in the trains.

The MINISTER OF POLICE: This question has been raised time and time again. As a member of the MK veterans myself, I am sympathising with what happened. Until there is a structure that takes that matter on board so that we do it legally within the structure. The structure that exists for those people, including you and others, is that of military veterans. We took them and they became part of the SA National Defence Force. It is not called SA Defence Force anymore, it is the SA National Defence Force because there are quite several cadres from nonstatutory structures who are commanding these structures which I believe there is a flavour of understanding the history of MK and Azanian People's Liberation Army, Apla - whoever

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is coming up there. I always laugh when I see the chief of Defence, he was with me in prison at the same time. He was a farmer in prison and he was looking after chickens; now he is looking after soldiers. [Laughter.]

He has that flavour of understanding that he just can't "skiet, skop en donder" [shoot first; ask questions later], either the police or the soldiers. But there is an understanding that there would be a lot of methodologies that could not have been there, so the flavour rather than the people per se, I guess that there are many of them. I literally trained together with the head of the Air Force in the bush - the head of the Navy was also part of that. These are the people who understand these matters, as we go forward. Thank you. [Applause.]

Ms C LABUSCHAGNE: Thank you very much, Minister. You indicated last year that the cybercrime unit within the Hawks needs another 20 million rand to be fully capacitated. Over the last five years as much as R3 million to R6 million has been stolen from different municipalities. There was even an attempt in 2015-16 to steal R3 billion from Eskom through a cyberattack. Of all these incidents we know of only one that has been successfully prosecuted and the reason for that is that the unit is not fully capacitated despite it

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having dedicated staff. How can the Minister be committed to specialised units if he continues to neglect the one unit that can prevent the loss of billions of rand to our economy and even to municipalities where the money has to go to basic services?

The MINISTER OF POLICE: Chairperson, as we speak, there are 1 800 ready cases from the Hawks that had been put in front of the National Director of Public Prosecutions, NDPP – 1 800 ready. If you say there is no capacity, they would not be ready with 1 800 investigated and put in front of the NDPP for investigation – all sorts of sophisticated cases, municipalities, VBS Mutual Bank, Eskom ...

Ms C LABUSCHAGNE: No, I just want to ask. Can I just rephrase ...

The HOUSE CHAIRPERSON (Mr A J Nyambi): No, hon Labuschagne ...

Ms C LABUSCHAGNE: No. The question was on cyber ... [Interjections.] ... unit within the Hawks, not in the Hawks itself.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Labuschagne, you know very well that that is not a point of order. Let's allow the Minister to respond to the question.

The MINISTER OF POLICE: I want to repeat - there are 1 800 ready cases that are sophisticated and investigated by the Hawks, that are before the NDPP for decisions. If you say that they don't have capacity, they would not be able to investigate ... Remember, they don't investigate who stole the bread. They are investigating exactly what it's been said - cybercrime, commercial crime, highly sophisticated crimes.

When you sit down and listen to them when they are talking, you would just say this can't be the capacity within the South African Police Service. That is how sophisticated they are. Let's hope they would work together with the NDPP, of which the National Commissioner of the South African Police Service, the head of the Hawks, the head of the NDPP and their team sit together and work ... by the way this is one thing that has been improved by the cluster, of late. They have improved so much in working together, aligning their work, going forward. We will expect in the not too distant future to have real serious results by the way these agencies are beginning to work - by working together to achieve what they are supposed to. Thank you.

The HOUSE CHAIRPERSON: (Mr A J Nyambi): Before we go to the last question of the day, I think it would be in order on behalf of the

steward leadership of Chairperson Masondo to acknowledge the Chief Whip of the Majority Party, the hon Majodini and the newly appointed counsellor to the Deputy President, hon Papo - they are in the gallery observing the NCOP in session and doing oversight in a highly disciplined manner.

Question 10:

IsiZulu:

UNGQONGQOSHE WAMAPHOYISA: Umuntu uyayisebenzela imali yakhe namhlanje. [Uhleko.]

English:

The HOUSE CHAIRPERSON (Mr A J Nyambi): You are really working for your money.

The MINISTER OF POLICE: Yes, the central focus of the SA Police Service, the SAPS, is to create a safe and secure crime-free environment that is conducive for social and economic stability, supporting a better life for all by stamping the authority of the state. Underline stamping the authority of the state.

The SAPS executes crime combating operations in the identified top 30 high crime stations. Operation Fiela – Reclaim II is a

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stabilisation and crime combating intervention, whilst sustaining basic conventional policing and stimulus operations to retain economic stability in the country.

The operations are multidisciplinary with integrated operational processes, resources and intelligence, in collaboration with all stakeholders and agencies, to address the identified threat in a results driven and holistic manner. All the operations, including Okae Molao, which is a provincial operation in Gauteng under Operation Fiela – Reclaim II, implement the following five-pillar approach. Pillar one is intelligence gathering, analysis and co-ordination. Pillar two is a proactive approach and high visibility. Pillar three is a combat approach, rapid response and hardcore policing. Pillar four is reactive through detection, including an organised crime approach detection tracking prosecutorial lead investigation, organised crime threat analysis, process and case management. Pillar five is communication and liaising.

Positive results are being yielded and the Minister of Police has given an instruction that it be executed in all provinces, co-ordinated by the SAPS head offices. All operations are being monitored at police stations, and at cluster, district, provincial, as well as at national level. Thank you.

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Ms W NGWENYA: Thank you, House Chair. Minister Cele, thank you for the detailed response to my question. I am happy about the work that has been done by the law enforcement agency in Gauteng in combating crime through Operation Okae Molao. This operation has indeed produced positive results. We are happy to hear that provinces have their own operations for fighting crime.

IsiZulu:

Mhlonishwa umbuzo lo wami uthi ...

English:

... whether this other operation ...

IsiZulu:

... la esifundazweni sase-Western Cape ingabe usebenza ngendlela efanele na?

English:

If not, or if yes ...

IsiZulu:

... ngabe le ...

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English:

... operation in this province.

IsiZulu:

Awusichazele ukuthi usebenza kanjani kwezinye izifundazwe. Ungabe ukhona yini lo Mthetho okhona eGauteng? Siwubonile eGauteng ukuthi ngempela "Molao o teng". Kulesifundazwe salapha eWestern Cape ungake uchazele le Ndlu ukuthi ngabe ukhona yini uMthetho?

English:

The MINISTER OF POLICE: Operation Okae Molao.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Okae Molao.

The MINISTER OF POLICE: It's Operation Buya Mthetho.

Chairperson, the initial answer I gave is that we have what is called a ministerial executive committee, which is usually known as minmac ... [Inaudible.] ... where we all as MECs come together and have the specifics from the provinces. One of those will be gangsterism down in Cape Town. In Gauteng ...

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... impi iphezulu [the battle is on.] In Gauteng there are people that just want to take over the country. In Kwazulu-Natal there are people who believe that they will sort out their problems with political killings. In the Free State there are those that are taking over mines. They believe ...

IsiZulu:

... ukuthi izimayini ezabo ...

English:

... in the Free State and a little bit in Gauteng and Mpumalanga. In Mpumalanga a new mine opened and people came with guns and their machines and said,

IsiZulu:

... sekungeyethu le mayini.

English:

So these kinds of operations will be informed by specifics in that particular area. In the Western Cape we started with Operation Thunder. We brought officers from outside this province. There were 178 of them. We brought cars and we brought extra equipment. That was before we created the antigang unit. By the way, a decision has

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been taken that the antigang unit is going to be a national phenomenon. It's going to be national units because there are gangsters in other areas.

Gauteng, which is the economic hub of the Republic of South Africa ... we want to deal with crime and also help with the growth of the economy as a stimulus contribution of the SAPS. We haven't calculated but we believe that the illicit kind of trade that is going on there is in the billions, and as the SAPS we are not going to take a back seat with regard to that.

What people don't know is that this operation in Gauteng is ... daily. It's everyday. There is no day where that provincial commissioner is not leading these operations. However, what made people notice was those naughty foreign nationals that threw stones at the police and chased them away. Everybody complained that the police were cowards.

Aikona, [No] they are technical police. They are not cowards. Those police could have caused damage there and today everybody would be adding on Marikana. It would be Marikana and the central business district, CBD. They withdrew and they did their work properly.

IsiZulu:

Babuya kodwa.

English:

It was Wednesday when the thing happened. The following Thursday ...

IsiZulu:

... abuya amaphoyisa.

English:

As everybody knows, they went back. They went back. We had five articulated trucks. Articulated trucks are these huge trucks that they turn with ... you call ...

IsiZulu:

... amankonyana.

English:

These things they pull. They were packed, packed, packed with fake illegal goods in the country. We went to the building. We found guns; some made in Israel. I don't think our army and police use any guns made in Israel. They were there.

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We went to one area where we found these big containers full of illegal alcohol. We went and found piles and piles of poison. When we sent it to our laboratories they said if it touches your body you die. We don't know why it was there. On that day 640 people were arrested. I visited them in the central ... Our cells were packed, packed, packed. I asked them why they stoned the police. They said it was not the Somalians; it was Ethiopians. The Ethiopians said it was not Ethiopians; it was Somalians.

We processed them. They were taken to courts. A total of 320 were completely illegal. ... never seen a piece of document to be here. Most of them ... expired and all ... some of them ... legal. All those who were legal were released to go back to continue with their businesses. However, those who were not legal were taken by the courts of law to Lindela so that they are put on trains to go back ... If they come back legally, we as the SAPS have nothing to do, but if they are illegal we have all to do.

Well, I'm told ... I've heard that the Human Rights ... has a problem with sending them back. I never heard them having a problem when the police were stoned. I never heard ... a problem when the police were stoned. So, it was within the laws of the Republic of South Africa that we had to act, and act decisively.

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We are continuing. The next day we were in Boksburg. The following day we were in Carletonville. We were in Kagiso. We are all over. We are trying with this illicit business ... trying to have a quick turnaround ... dealing with these matters.

Other provinces ... One province that has already acted on it is the Eastern Cape. All other provinces are preparing to do what Gauteng is doing, which is proactive and ... preventative measures in dealing with the crime situation in the Republic of South Africa. Thank you. [Applause.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Thank you. Hon members, it's usually said that you don't just thank a fish for swimming, but allow me to give credit where it's due. Your conduct and your behaviour is a reflection of what was discussed in our planning session last week ... that indeed we can have the executive coming here ... doing oversight without undermining and fighting but raising critical questions for them to come here and account. I've seen that in action today. So, I thank you for your conduct and behaviour, but allow me under the leadership of the Chair, Deputy Chair and Chief Whip to thank the Minister and Deputy Minister for availing yourselves to answer Questions in the NCOP.

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That concludes the business of the day. Hon members, you are requested to remain standing until the procession has left the House. The House is adjourned.

The Council adjourned at 17:59.