WEDNESDAY, 17 JULY 2019

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PROCEEDINGS OF MINI PLENARY SESSION – COMMITTEE ROOM E249

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Members of the mini plenary session met in Committee Room E249 at 10:01.

The House Chairperson, Mr M L D Ntombela, took the Chair and requested members to observe a moment of silence for prayers or meditation.

APPROPRIATION BILL

Debate on Vote No 18 – Correctional Services:

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Hon House Chairperson, Deputy Ministers for Justice and Correctional Services, iNkosi Phathekile Holomisa and John Jeffery, hon members of the Portfolio Committee on Justice and Correctional Services, the National Commissioner of the Department of Correctional Services, the Inspecting Judge, distinguished guests, ladies and gentlemen, we ascend to this august Assembly with great humility to table the budget and policy statement of the Department of Correctional Services.

It is an extremely humbling experience that we table this budget and policy statement a day before the International Nelson Mandela Day in honour of the prisoner who turned to be our first democratically elected President. As we celebrate the International Nelson Mandela Day, we do so aware of the decision by the United Nations to name the United Nations, UN, Standard Minimum Rules for the Treatment of Prisoners, after President Nelson Mandela as the Mandela Rules, which are the single most important set of international standards that set out what is generally accepted as being good principles and practice in the treatment of prisoners and prison management.

The Nelson Mandela Rules set out standards that correctly provide an antithesis to these regressive views of Mumia and Davis. Our work on the Nelson Mandela Rules is a reflector of what Nelson Mandela said in his *Long walk to freedom* that,

> No one truly knows a nation until one has been inside its jails. A nation should not be judged by how it treats its highest citizen but its lowest ones.

So, we must collectively work towards parading who we are by the manner in which we treat our offenders. To further advance the realisation of the Nelson Mandela Rules, we will launch the training manual for the Nelson Mandela Rules on 22 July 2019.

Hon Chairperson, our flag of honour is lowered to give singular honour to Comrade Ike Maphotho who passed on over the weekend. The distinguished former commander of the Luthuli detachment of the uMkhonto weSizwe fought for our liberation alongside the Zimbabwe African People's Union, Zapu, aligned Zimbabwe People's Revolutionary Army, Zipra, forces during the Wankie Campaign in the former Rhodesia, today known as Zimbabwe. We also mourn with deep sadness the passing on of one the leading artists who exemplified the Constitutional values for a nonracial society when it was dangerous and costly to do so, Mr Jonathan, well known as Johnny Juluka Clegg. His songs will endure in our memories and society for a long time to come.

Chairperson, after 25 years into our democracy, we can boldly proclaim that we have done away with jails and have correctly placed our facilities as correctional facilities able to realise our triple task of incarceration, rehabilitation and reintegration. As we celebrate the Nelson Mandela month, correctional officials and offenders intensify their giving back to communities as part of our rehabilitation programmes which include: establishing community food gardens for old age homes and poverty-stricken communities; the cleaning and maintenance of community infrastructure such as community halls, schools, cemeteries, churches, state hospitals, daycare centres, orphanages and institutions for abused women and children; contributing to building homes and providing furniture for

victims of crime and destitute families in partnership with various stakeholders.

At the beginning of each year during schools reopening for the first semester and as part of the Safer Schools Programme, parolees contribute towards the cleaning, refurbishing, painting and maintenance of more than 600 schools across the country. In partnership with the Hillsong Foundation, we also utilised inmates to donate more than 2 000 wheelchairs to people living with disabilities.

We table this budget and policy statement mindful of the realities confronting our correctional facilities, particularly of overcrowding. The extent of this challenge is that on 31 March 2019, the number of inmates stood at 162 875, against an accommodation capacity of 118 972 bed spaces, which is 37% overcrowding. This is a disturbing picture which compels all of us to think deeper. Even more pressing is that our overcrowding challenges could become a norm in some of our centres if not managed properly, particularly the big centres across the country. We continue to employ different mechanisms and strategies in order to make a difference. Our infrastructure projects are progressing well in terms of upgrading and building new centres that are rehabilitation oriented.

The upgraded C-Max Correctional Centre in Pretoria was completed in December 2018, and will be officially opened by August 2019. This

facility has 284 beds. Standerton and Estcourt Correctional Centres were officially opened in April and May 2019 respectively. The two centres combined provide 1 998 additional bed spaces. We are now awaiting the official handover of the Tzaneen Correctional Centre from the contractor and when combined with the refurbished Glencoe Correctional Centre, these will provide 1 101 beds by September 2019. Over the medium-term, the department will prioritise providing appropriate services for safe, secure and humane detention in correctional centres. The total expenditure increases are at an average annual rate of 6,7%, from R23,8 billion in 2018-19 to R28,9 billion in the 2021-22 financial year. However, it must be noted that there are budget reductions of R79,9 million in 2019-20 and R74,3 million in 2020-21 on the department's budget for compensation of employees which will exert pressure on service delivery requirements. The positive thing to note is that we endeavour to maintain stability by, among other things, to fill strategic and critical vacancies to realise the objective of running an efficient correctional services.

As part of the Integrated Justice System, we will modernize our information and communication technology infrastructure and business application systems which Deputy Minister Holomisa will elaborate on. In the spirit of Batho Pele, the Department of Correctional Services, DCS, will soon be launching a call centre to enable members of the public to call a single dedicated number for efficient service delivery. Further details will be announced in due

course. The department has insourced inmate catering services at 26 kitchens, previously contracted to African Global Operations, formerly known as Bosasa. The transition has been materially seamless given that DCS staff and offenders were involved in the catering function during the tenure of African Global Operations, AGO. The contract for outsourced nutrition was structured in such a manner that the department paid for services based on the number of meals served to inmates, as well as overhead costs relating to salaries for African Global Operations employees deployed at various kitchens, training of inmates as well as other services, pest control and maintenance, etc. Due to the termination of the contract, the element of overhead costs has been eliminated since all services are now rendered by inmates and correctional officials.

In the short term, efficiencies and resultant savings will be realised from elimination of overhead costs. We are currently establishing the level of savings which will enable us to reprioritise accordingly. Approximately 65% of the inmates in our correctional centres are youth. It is for this reason that on 27 June 2019, as part of Youth Month, we visited Brandvlei Correctional Centre where we relaunched the Western Cape Basic Radio and TV station. This R1,6 million project was undertaken with support from the Media Development and Diversity Agency, well known as the MDDA. We are encouraged and propelled that 20 offenders have since enrolled for a course in Radio Production, NQF level 5 and the New Venture Creation course, which will provide them with

entrepreneurship skills. Both these programmes are provided to offenders in partnership with one of the largest community radio stations in the Western Cape, Radio Zibonele. These programmes will enable offenders upon their release to find employment at various community radio stations. The department will be engaging further with the MDDA to support the opening of five more such radio and TV stations across the country.

This will enhance offender training, using radio and television as a platform to provide rehabilitation programmes on a mass scale, thereby contributing to employability and reintegration of offenders upon their release. The department commenced with learnership programmes at our DCS training colleges at Zonderwater and Kroonstad respectively. Both these colleges cater for a total of 1 032 students, comprising of 540 at Kroonstad and 492 at Zonderwater. The next intake of 1 032 learners will take place in two months, during September this year. Over the next two years 2019 to 2021, this programme will result in the employment of 2 064 entry-level correctional officials which will bolster the smooth running of the department as DCS is continuously losing experienced officials on a monthly basis which has resulted in a serious shortage of staff.

We will not tire to foster a culture of human development in our correctional centres and will continue to reskill our offenders to be better persons who are economically active upon release. It is therefore befitting that on 21 September 2018, the department

officially opened a new high school, named Tari Liswa, New Leaf, for Grade 10 to 12 learners. The school was built using offender labour and skills under the supervision of correctional officials from the Boksburg Management Area. The Cradock Correctional Centre School was officially opened on 22 February 2019, bringing the department's accredited schools to 14. The full-time school offers Adult Basic Education and Training, Abet, levels 1 to 4, Further Education and Training, FET, and Grades 10 to 12. The school has seven classes for Abet and FET, a library, a computer lab, staff room and a principal's office. The school has achieved a 100% pass rate since 2016. [Applause.]

The department's Grade 12 class of 2018 inmate learners achieved a 77,3% pass rate. A total of 185 inmate learners sat for the 2018 Grade 12 examinations, of which 67,36 qualified for admission to bachelor's degree studies, 46% learners were eligible to obtain a national diploma and 30% candidates eligible to enrol for higher certificate courses. The learners achieved a total of 56 distinctions in various subjects, with Usuthubeni Youth Centre recording a commendable 28 distinctions. Our training programme of offenders continues to align itself with the United Nations Office on Drugs and Crimes road map for the development of prison-based rehabilitation programmes. The report affirms our efforts to intensify the roll-out of education opportunities in prison to align itself to the United Nations Special Rapporteur aimed at the development of the full potential of each prisoner. These should aim

to minimize the negative impact of incarceration, and improve prospects of reintegration, self-esteem and morale.

However, it is important that our well-intentioned rehabilitative programmes do not create the impression that incarceration provides for an alternative society if not even better than life outside correctional facilities. Whilst as a department we do our part as we have outlined through the many interventions here, it is imperative that society at large also plays its role in discouraging breaking the law as part of the moral regeneration of our nation. The constitutional dispensation can only thrive when we all rise to be counted as the co-architects of our collective future. Over the short to medium-term, we will review legislation applicable to corrections in order to ensure that we are more responsive in terms of service delivery and also to give a second chance to offenders.

We will continue to play a pivotal role in the national strategy on poverty eradication through our management of 21 farms and 96 small gardens that are being used for self-sufficiency and to provide work opportunities. Our production workshops, which specialise in cabinet-making, wood machining, upholstery, furniture polishing, etc, will continue to provide work opportunities for offenders, with the objective of skills utilisation and development in order to enhance offenders' employability and self-sustenance upon their release. On average, 1 500 offenders work in production workshops

per day, while on average 3 000 offenders are working on agriculture farms per day.

During 2018-19, a bakery was opened at St Albans Management Area which is the ninth bakery we are operating. As at the end of 2018-19, the St Albans Bakery produced 280 062 loaves of bread for offender ration, at an average cost of R5,18 per loaf of bread. The national bread production for 2018-2019 is 3 661 940 loaves. Despite the impact of drought and fiscal constraints, the performance of agriculture production has improved steadily and is thus, contributing towards self-sufficiency.

Our programme will continue to increase the offenders, parolees and probationers' participation in Restorative Justice, and the Deputy Minister will speak more on this programme. We remain grounded in our commitment to humane custody and rehabilitation of offenders before placing them back into society. Seated in the gallery is a number of offenders who have been rehabilitated through our programmes and they today run successful projects in their various communities assisted also by our correctional officials.

The final revised allocations for 2019-20 Medium-Term Expenditure Framework, MTEF, are as follows: R25,408 billion for 2019-20, R27,177 billion for 2020-21 and R28,963 billion for 2021-22. These allocations afford us an opportunity to realise the instruction of Haile Selassie who said, "We must act to shape and mould the future,

and leave our imprint on events as they slip into history”. Join us as we strive to make South Africa a crime-free society. Let me extend my humble gratitude to the Deputy Minister, iNkosi Phathekile Holomisa and Deputy Minister John Jeffrey for their unwavering support as we discharge our responsibility. I also want to thank the national commissioner and the entire staff in the department who continue to endure difficult conditions to ensure that we discharge our departmental responsibilities as outlined in the annual performance plan. Thank you very much, hon House Chairperson. [Applause.]

Mr G MAGWANISHE: Hon Chairperson, hon Minister Ronald Lamola, Deputy Minister Responsible for Correctional Services, Inkosi Pathekile Holomisa - Aah Diliz’ iintaba! - Deputy Minister Responsible for Justice and Constitutional Development, hon John Jeffreys, Inspecting Judge of Judicial Inspectorate for Correctional Services, Prof Johan Van Der Westhuizen, National Commissioner, Mr Arthur Fraser, senior leadership of the Department of Correctional Services, hon Members of Parliament, distinguished guests, ladies and gentleman, good morning. Hon Minister, we share your vision of making the country’s correctional facilities centres of learning and rehabilitation.

Rehabilitation of offenders and equipping them with skills reduces the risk of them reoffending after release. Tomorrow, 18 July, marks the Nelson Mandela International Day. A day set aside by the United

Nations to honour our global icon, former President Nelson Rolihlahla Mandela. This year, Madiba would have turned 101 years. In his honour, we owe it to him to improve the conditions of incarceration and detention in our correctional facilities.

The most important aspect of the portfolio committee's work in this term of office would be to heighten its oversight role on the conditions of incarceration and rehabilitation in our correctional and remand facilities. Rule 1 of the United Nations Mandela Rules talks to the safety and security of prisoners, staff, service providers and visitors, which should be ensured at all times. With 37% overcrowding across the country, affecting mostly our urban correctional facilities, it is difficult to vouch that safety and security is guaranteed, especially of inmates and staff.

The number of unnatural deaths in our correctional centres has increased from 52 in 2016-17 to 82 in 2017-18. The Judicial Inspectorate for Correctional Services, Jics, reported last year that it had seen an increase on cases related to the use of force, from 724 in 2016-17 to 995 in 2017-18. Now and again videos surface showing warders giving inmates weapons and consuming drugs. There is also widespread gangsterism and assaults, including sexual assault, across our correctional centres. This phenomenon shows that there is still a lot to be done to improve the conditions in our centres.

We are concerned that the baseline budget cuts, which amount to about R6 billion since 2015-16 to 2020-21 are now impacting negatively on service delivery. The number of Department of Correctional Services' funded posts will over this period be decreased to be about 39 000 from 42 000. We have however been assured that there have been no retrenchments because the budget for compensation of employees has been ring-fenced.

The Department of Correctional Services no longer fills front-line service delivery vacancies when there are retirements or resignations. The target for filling vacancies was removed from the department's performance plans since last year. Operational budgets for the maintenance of vehicles that are used to transport inmates to court and hospitals for medical treatment and for the payment of municipal bills, such as electricity and water, and for implements in the farms and factories, have been and will be severely affected in the medium term.

These baseline cuts do not only affect the DCS but may also affect ... [Interjections.]

Ms M S KHAWULA: Point of order, Sihlalo [House Chairperson]!

The HOUSE CHAIRPERSON (Mr M L D Ntombela): Hon Magwanishe, can you please take a seat. Ooh, you don't have a seat! Ooh! What is your point of order, hon Khawula? Hon members ...

Nks M S KHAWULA: Ngicela nithule ... Sizosebenza lapha. [Ubuwelewele.] ngiyaxolisa mhlonishwa ... Hayi, uyazi nje, ... [Ubuwelewele.] ... abantu abavakashile! Izolo kuze kwacaphunwa kusomqulu womthetho, kanjalo nezigaba zakhona, ungaphaphi wena, sihambi - ungaphaphi wena! Namhlanje ayiyikhulumi nhlobo lento lena. Ayikho ilokhuzana, IsiZulu asikho; isiXhosa asikho, iSetswana ne Sepedi azikho lapha, angeke siyilokhu isikhuluma into eyodwa, mhlonishwa.

Angikhulumi nalabengu amamnyama. Hayi, wena angikhulumi nawe. Wena ufunde into ebhedayo ngoba uyeke ufunda ulimi lwakho ulimi lwakho, wayofunda ulimi lwabizizwe. Lalela wena, leli iPhalamende labantu leli uyezwa, uma ngikhankasa ngikhankasa kubantu bakithi abamnyama uyezwa.

Cha khuza le mbongolo yakho, khuza le mbongolo yakho. Uyadelela lona uyazi wena uzogijima manje. Lalela wena mlungu omnyama. Awuboni yini kuthi nishintshwa izingqondo ngabokufika. Wohamba uyephesheya eRashiya uyobona ukuthi kukhulunywa luphi ulimi, ngoba vele wena uyabheda isikhathi esiningi.

USIHLALO WENDLU (Mnu M L D Ntombela): Hon Khawula! Hon Khawula! Hon Khawula, ngiyakucela mama, ... [Ubuwelewele.] Eeh, into yokuba ...

Nks M S KHAWULA: Mhlonishwa Ntombela, Mahlobo, angikankinga nawe, kodwa ngicela ungikhuzele lona. Mina ngibanatu bami abangivotela engibamele abaseThekwini.

USIHLALO WENDLU (Mnu M L D Ntombela): Kulungile ngiyaya lapho mama

Nks M S KHAWULA: Mina uma ngikhankasa ngikhankasa kubantu bakithi abamnyama abahluphekayo, mhlampe ngifunde ngaphezu kwakho wena mbongolo, wena siphukuphuku esahamba sayofunda isingisi, wayeka ulimi lwakho, awuyazi imvelaphi yakho. Uwena odelelayo, sidwaba sakho. (*Translation of isiZulu paragraphs follows.)*

[Ms M S KHAWULA: Be quiet please ... We are here to work. [Interjections.] Pardon me hon member ... No, you know ... [Interjections.] ... people are not visitors here! Yesterday it even came to the citation of the Constitution as well as its sections. You do not start, guest – you do not start! This thing is not working at all today. There is no what you call ... isiZulu interpreting is not available; isiXhosa interpreting is not available, Setswana and Sepedi interpreting are not available here. Hon member, we are not going to talk about one and the same issue all the time.

I am not talking with these black people who pretend to be white people. Hey, you, I am not talking to you. You learnt nonsense because you abandoned learning your language and went on to learn

the foreigners' language. You listen here, this is the people's Parliament, do you hear me? When I am on a campaign trail I do it to my black people, are we clear?

No, discipline this donkey of yours; discipline your donkey. This one is a delinquent. You know what, you will head to the hills now. You listen here, you black, white man. Why do you not see that your minds are transformed by immigrants? Go to Russia and see what language is spoken there because you always talk nonsense.

The HOUSE CHAIRPERSON (Mr M L D Ntombela): Hon Khawula! Hon Khawula! Hon Khawula, I am pleading with you, mama ... [Interjections.] No, what you ...

Ms M S KHAWULA: Hon Ntombela, Mahlobo [the clan name for the Ntombelas], I do not have a problem with you, but I request you to discipline this one. I have my own people of eThekwini who voted for me whom I represent.

The HOUSE CHAIRPERSON (Mr M L D Ntombela): It is fine, I am getting there, mama.

Ms M S KHAWULA: If I do campaigns I do them amongst my poor black people. It might be that I am more learned than you, donkey, an idiot who went to learn English and abandoned your language. You do not know your roots. It is you who is a delinquent, you idiot.]

The HOUSE CHAIRPERSON (Mr M L D Ntombela): Hon members ...

Nks M S KHAWULA: Uyokhuza lona!

USIHLALO WENDLU (Mnu M L D Ntombela): Kulungile, ngicela ukukhuluma mama. (*Translation of isiZulu paragraph follows.)*

[Ms M S KHAWULA: You will discipline this one!

The HOUSE CHAIRPERSON (Mr M L D Ntombela): It’s okay. May I speak, mama.]

Hon members! Hon members, please address ... [Interjections.]

Nks M S KHAWULA: Sihlalo ngiyakuhlonipha kulesi Sihlalo ohleli kusona. Engikwaziyo ukuthi awuhlalanga ngoba kuwuthanda uhlakanipha ukhethwe uNkulunkulu uhlale lapho nabantu ababelwela lelizwe ngicela ungikhuzele lo uma ezongibiza ngodomu angazi ukuthi uqonde ukuthini uma ethi ngiwudomu. Uyafuna ngikukhombise ukhuthi ngiwudomu? (*Translation of isiZulu paragraph follows.)*

[Ms M S KHAWULA: Chairperson, I respect you in that chair that you are occupying. What I know is that you are not occupying that chair because of your own doing, but you were chosen by God and the people who were fighting for this country to sit there. I request you to discipline this one as he refers to me as foolish.]

Can I show you that I am dom [foolish]? Can I show you that I am dom [foolish]? Can I show you now?

The HOUSE CHAIRPERSON (Mr M L D Ntombela): Hon members, I am aware that there are other members who would like to say something. Can we just hold for a minute? Hon members, I humbly request you to address the Chairperson at all times; not any other person but the Chairperson. When a member stands up to speak, he or she does that within her right. No one, no matter how aggrieved you might be or no matter how dissenting you are to what he or she is saying, you just do not have a right to try to stop her or him. So, those members who try to stop others, they themselves are actually threatening the decorum of the House and that is totally unacceptable.

Hon Khawula, you have used very obscene language in the House, which is totally unacceptable. At times, one is tempted to pose a question to oneself as to whether we do have the interest of our people at heart or we are here representing our own jackets and sentiments. What has happened now and the words that have been used in this House, are beyond me to say. I would not like to see commotion and chaos in the House, but what has just happened now is unprecedented.

Hon Khawula, some members of the ANC - some of them, hon Magaxa – I am aware that she has been talking to you directly, that is totally unacceptable, hon Magaxa. You were not supposed to have said anything, hon Magaxa. Could you please apologise for your behaviour?

It’s not acceptable, hon member. Could you please apologise so that we can continue.

Mr K E MAGAXA: Though I don’t really understand where exactly, but I apologise.

The HOUSE CHAIRPERSON (Mr M L D Ntombela): Ok, thank you, Baba. Hon Khawula, you have used very seriously insulting words. Could you please withdraw from what you have said and apologize for pelting of insults [ngezinhlamba mama eziphumile], even though you were offended. I understand.

Nks M S KHAWULA: Sihlalo, ngiyaxolisa kepha ngiyacela ngikhuzela yena ukuthi anganginaki ngoba uzizwile izinhlamba ezishiwo imina kodwa awuzizwanga ezishiwo nguyena.

USIHLALO WENDLU (Mnu M L D Ntombela): Ngizizwile Mama Khawula. Kungakho ngithe makahoxise futhi axolise ngakushilo ngakho ke besengicela nawe uxolise, uhoxise amagama wakho ngaphandle kwemibandela.

Nks M S KHAWULA: Ngiyaxolisa, Sihlalo ngokukhulu ukuhlonipha wena kodwa lona akanganginaki, angizelanga yena la. Ngiyaxolisa Mahlobo, ngiyazi ukuthi akufanelanga ngikhulume kwaze kwaphakama imimoya kodwa ngicela umkhuze lona ukuthi makayazi into ayizele lana, hayi ukuzobheka omunye umuntu.

USIHLALO WENDLU (Mnu M L D Ntombela): Sesizwile ke, Mama.

(Translation of isiZulu paragraphs follows.)

[Ms M S KHAWULA: Chairperson, I am sorry but I request you to discipline him for me and that he should not be on my case, because you heard insults coming from me but you did not hear those that were uttered by him.

The HOUSE CHAIRPERSON (Mr M L D Ntombela): I heard it, Ms Khawula. That is why I said that he should withdraw what he said, hence I also request you to apologise and withdraw what you said without any conditions.

Ms M S KHAWULA: I am sorry! Chairperson, with all due respect, tell him not to be on my case. I am not here for him. I am sorry, Mahlobo [clan name for the Ntombelas]. I know that I am not supposed to talk until people lose their cool, but I request you to discipline this one so that he can know why he is here. He is not here to look at what someone else is doing.

The HOUSE CHAIRPERSON (Mr M L D Ntombela): We heard you Mama.]

Thank you, hon members. Can I also make a humble plea to our guests? You are most welcome, ladies and gentlemen but you are not expected to participate with us by clapping hands, no matter how entertaining it is. If you feel that you really have an urge to laugh out loud,

please go out, laugh a lot and then come back and be quiet or just smile. However, participation is not allowed from your side, ladies and gentlemen. I had a few hands. Mama Khawula, can I take a member from the EFF? She has raised her hand. Yebo, ma!

Mrs E N NTLANGWINI: Chairperson, thank you for your ruling. [Interjections.] No, you have made a ruling and we will adhere to that ruling. Having said so, that member must never be allowed to threaten Mam'uKhawula like that, verbally and even making hand gestures. If guests can also not behave, then they must leave because we are at work and we have every obligation to also protect this debate that we are coming to attend.

Secondly, we have been raising this language issue several times and we all know that Mam'uKhawula is challenged pertaining to languages. So, why is it now an issue that we are suggesting that she must get the isiZulu interpretation? If we can't sort out this isiZulu interpretation absence each and every time when we are having debates, they must stop. We can't have this problem continuously, asking for the interpretation and then a clown just up comes up and say Mam'uKhawula is dumb. [Interjections.] It must never be allowed!

The HOUSE CHAIRPERSON (Mr M L D Ntombela): That is the other thing which I would like to make an appeal to you about, ladies and gentlemen. Say your point of order, substantiate it and make it as

short as possible. There was a hand ... Hon member, you have raised a hand; maybe you would like to say something.

Mr K E MAGAXA: Hon House Chair, on a point of order: Is it parliamentary to call a person in this House a clown; or is it a privilege for the EFF to refer to me as a clown? Do they have that particular specific privilege for that hon smiling member after she said I am a clown?

The HOUSE CHAIRPERSON (Mr M L D Ntombela): Hon member, I am not certain whether it is unparliamentary or not, but I will go and check Hansard or get more advice and come back to you. At times words can be parliamentary and yet unacceptable. So, we will look into that and come back to you.

The question of the interpretation ...

Basayoyibheka Mam'uKhawula. Ibikhona kushaneli 1 kodwa isalahlekile. Ngicela siqhubeke, mhlonishwa Magwanishe! *(Translation of isiZulu paragraph follows.)*

[They are going to look into it, Ms Khawula. It was available on channel 1, but it is temporarily lost at the moment. Can we proceed, please. Hon Magwanishe!]

Mr G MAGWANISHE: Thank you very much, House Chair. These baseline cuts do not only affect the Department of Correctional Services but may also affect court hours, if there are no reliable vehicles to transport inmates to court. They also affect local municipalities who supply services to the department, if they are paid late.

We agree with the Minister that the Correctional Services Act requires a review. One of the pressing issues in that review should be the financial and operational independence of the Judicial Inspectorate of Correctional Services. Rule 83 of the United Nations, UN, Mandela Rules provides for a two-fold system of regular inspections of correctional centres, one internally conducted by central administration of correctional services, and another one externally conducted by a body independent of the correctional services administration. Rule 83 further provides, that the objective of the inspections shall be to ensure that prisons are managed in accordance with existing laws, regulations, policies and procedures, with a view to bringing about the objectives of penal and corrections services, and that the rights of prisoners are protected.

We have to, as a country, develop a clear model of external inspections which provide for operational and financial independence of Judicial Inspectorate of Correctional Services, Jics. We would like to acknowledge the work of the Constitutional Court Justices on prison visits. Since 2010, the Constitutional Court Justices have

visited hundreds of correctional centres across the country, where they conducted inspections on conditions of incarceration and compiled reports. These reports are made available in the Constitutional Court's website and sent to the Minister, Jics and the committee, with recommendations for intervention.

The last report was received last week from Justice Johan Froneman regarding his visit to St Albans Correctional Centre in Port Elizabeth. The committee will soon consider this report and look at other reports sent by other justices of the Constitutional Court to come up with a clear oversight plan. As part of the measures to review the Correctional Services Act, there is also a need to review our parole system to comply with the recent judgement of the Constitutional Court in Phaahla versus Minister of Justice and Correctional Services and Another of 2019 to ensure that parolees are treated equitably.

Last year the Department of Correctional Services reported that it was developing a review paper on the parole system. During this financial year we will invite the Department of Correctional Services to brief the committee on this review paper. There is a strong need to improve procurement supply chain management in the Department of Correctional Services.

Investigations that are being conducted by the Special Investigations Unit, relating to the Electronic Monitoring System,

the Integrated Inmate Management System, IIMS, and Fencing have stalled the implementation of these very important projects. The Integrated Inmate Management System is key in ensuring the management of offender information across all the 243 correctional centres, linking such information with the courts and the police. We expect that appropriate action will be taken against those involved in any wrongdoing, when these investigations are finalised.

In its report, the committee has also noted that the department incurred irregular expenditure of R1,8 billion in 2017-18. The committee urges the Minister to heighten his oversight on the governance and internal control environment of the Department of Correctional Services, to ensure that audit action plans and the Auditor General’s remedial measures are implemented.

The committee has further recommended that the department considers developing some measurable performance indicators and targets for the assurance services subprogramme, as this could assist the Department of Correctional Services to implement its audit action plans and to achieve clean audits in the future.

Lastly, on behalf of the committee, I would like to acknowledge the hard work of all the committed Department of Correctional Services employees across all the 243 correctional and remand detention facilities. We acknowledge their dedication under very difficult

conditions. We welcome and support the department's plans and budget for 2019-20. Thank you very much. [Applause.]

Mr J SELFE: House Chairperson, we would like to associate ourselves with the tribute paid by the Minister to the late Jonny Clegg. He was a great musician and a great South African. The Department of Correctional Services is a fully fledged government department. It employs about 39 000 employees, and cares for about 166 O00 inmates, and about 75 O00 parolees and probationers.

What happens therefore in the Department of Correctional Services, DCS, matters, and we as Members of Parliament, MPs, should be seized with its challenges and problems. So, while we welcome the fact that the Ministry is responsible for both Justice and Correctional Services, Parliament cannot properly exercise its oversight function without a stand-alone portfolio committee for correctional services, or at very least a subcommittee of the Justice committee.

The experience during the Fifth Parliament underscored this fact — the DCS was left dangling in the wind, with little or no oversight.

We welcome the chairperson' commitment that there will be more oversight but he and I were both at the briefing which the Minister gave outlining the legislative programme of the committee. Once the legislative programme gets going, there is very little time for the

sort of oversight that needs to take place in the department like DCS. [Interjections.]

AN HON MEMBER: It’s every day, don’t worry.

Mr J SELFE: Oh yes, an empty vessel makes the most noise.

One of the consequences of this is that the DCS has a reputation for being a place where corruption flourishes. The portfolio committee was briefed on the Bosasa scandal as early ...

The CHAIRPERSON (Mr F D Xasa): Hon members, let us not be loud. We are allowed to heckle but not to drown the speaker.

Mr J SELFE: Thank you, Chair. As I was saying, the portfolio committee was briefed on the Bosasa scandal as early 2009, and yet no action was taken at all. Indeed, the contract was renewed thereafter despite what the Special Investigating Unit discovered in that connection. The same is true of the SA Gate and Fence contract. The same is true of the contract that was awarded at vast cost, for inmate-tracking devices.

For Parliament to fulfil its responsibilities, the portfolio committee needs to be rigorous and independent. Part of the reason that the DCS allowed itself to be used and abused by Bosasa was that the portfolio committee was chaired by a member who himself received

gratuities from Bosasa. It was not only the state that was captured; Parliament was nearly captured as well and that is the thing we need to take very seriously.

The biggest challenge facing the DCS was and still remains overcrowding. Across the entire department, overcrowding sits at 140%, and roughly one third of our prisons are overcrowded. Many are more than 200% overcrowded. Sun City, for example sits at 233% overcrowding. This makes enforcing discipline difficult, if not impossible. In most of these cases, it is the gangs that are in control, and offenders emerge better-trained criminals on their release than when they were incarcerated in the first place.

Overcrowding also constitutes a huge security risk to the DCS officials working at the coalface — that is, in the sections. We salute the many brave officials who work under difficult and dangerous circumstances. South Africa has one of the highest imprisonment rates in the world at 286 prisoners per 100 000 of population. So, overcrowding remains the first and most urgent problem to be solved. Yet a solution has evaded us for at least the last 50 years.

Shortly after democracy and again in 2005, special presidential remissions of sentences were declared. These resulted in short-term relief, but soon occupancy rates climbed again. Overcrowding is fuelled by large numbers of remand detainees who cannot post bail;

the minimum sentencing regime which keeps offenders in prison even after they have been as rehabilitated as they ever will be in the facility; repeat offending by people who, because of their criminal records, cannot find work after their release; and the overuse of short sentences by magistrates.

The principle in all our prisons should be, that prisons work where prisoners work and therefore, every prisoner should, as far as possible, be either studying, working or engaged in the rehabilitation programme for eight hours every day.

There are many thousands of offenders serving sentences of less than two years. Such offenders receive absolutely no rehabilitation programmes. They simply sit while they are tutored by gangsters to be better criminals. It is also not clear whether a sentence of two years or less serves as any sort of deterrent at all. So, we must think out of the box. We must dare to do things differently.

The President is the chief author of the National Development Plan. About overcrowding, the NDP has the following to say:

> The best, practical and necessary way to address overcrowding is through assessment, categorization and placement of prisoners in "out-of-prison" sentence programmes and correctional supervision based on clearly defined and objective criteria. Alternative sentencing regimes should be addressed with the Department of

Justice and Constitutional Development, and the efficacy thereof monitored on a regular basis.

So, here's what could be done. First, we require a revamped and thoroughly professional community corrections branch that commands the confidence of the judiciary, who will make sure that "out-of-prison" sentences are carried out to the latter. We need to resource the branch properly so that it can carry out its functions properly.

Secondly, we need a suite of alternative sentences — community service, house arrest, fines and so on - which should be imposed instead of imprisonment, particularly for first-time, young and nonviolent offenders. Moreover, any judicial officer should have to provide compelling reasons why he or she imposed a sentence of imprisonment of less than two years, instead of a noncustodial sentence.

Thirdly, we should conclude prison-transfer agreements within the Southern African Development Community, SADC, bloc, which would see sentenced inmates serving out their sentences in their land of nationality, rather than here in South Africa. When I last asked the question, there were about 12 O00 inmates from SADC countries serving sentences in South African prisons.

Fourthly, as a nation, we need to have an honest conversation about minimum sentences, and the minimum proportion of a sentence an

inmate must serve before becoming eligible for parole. One absolutely understands the rage and disgust of society at the wave of crime that has confronted us, but there is also an understandable desire for vengeance. But a prisoner sentenced for life is unlikely to be any more rehabilitated after 25 years which is the minimum period they must serve before becoming illegible for parole then he or she will be after say 15 or 20 years. It depends on the individual, and the careful and professional assessment of whether or not he or she is likely to reoffend.

While on the subject of release on parole, it is very important that the correctional services facilities inform the police when people are due to be released on parole or probation, because there is a definite knock-on effect when they are released. Some offenders go on the streets, go back to the gangs and start gang warfare. In this connection the latest tragedy in the Cape Flats is something that we should take very care for cognisance of.

Finally, we also need to have an honest conversation about possible the expungement of criminal records, again principally for the young, first-time and nonviolent offenders. This would have to be very carefully and professionally done, but it is very difficult to find a job in South Africa under any circumstances today. With a criminal record, it’s virtually impossible. So, no matter how successfully an inmate participates in rehabilitation programmes, no matter how reformed or reskilled that person is on release, jobs are

simply not available with a criminal record. Such people inevitably reoffend and return, having committed more and more serious offences. These, I admit are very difficult and complex issues, which are not very popular with the public for understandable reasons. But unless we can solve them and solve them in a constructive way, our prisons will remain universities of serious crime. I thank you.

Adv T E MULAUDZI: Ndi thome nga u lumelisa Mudzulatshidulo, Minisita vhashu Vho Lamula, na Vhamusanda vhashu vha Vho Holomisa, riṋe vha EFF a ri khou tikedza muvhigo hoyu. *(Translation of Tshivenḓa paragraph follows.)*

[Adv T E MULAUDZI: Let me start by passing my regards to the Chairperson, Minister Lamola and Major General Bantu Holomisa. We, as the EFF, reject this report.]

Chairperson, the Department of Correctional Services is supposed to be leading in the rehabilitation and correcting the behaviour of criminals and those found on the wrong side of the law.

Vho Minista, dzhele dzashu ndi ḽifhasi ḽa zwigevhenga, ndi shango ḽo tshinyalaho vhukuma ngauri ho tshinyala sisiṱeme ya vhafariwa, ha dovha ha tshinyala na vhalangi vha vhafariwa. Vhaofisiri vhoṱhe vha khou ita vhuaḓa vhuhulwane, zwine zwa kombetshedza uri vhafariwa vha

bve vha songo wana vhululamisi havhuḓi. *(Translation of Tshivenḓa paragraph follows.)*

[Hon Minister, our prisons are the world of criminals. It is such a very bad environment, because of the messed-up offender and management system. All prison officials are corrupt and this results in detainees coming out of the correctional services without being rehabilitated.]

We had earlier this year about how senior officials of the department used Bosasa in looting money under the pretext of providing services in the prisons. This is a thorny issue Minister. Few weeks ago we heard reports that 5 000 chickens and dozens of pigs from farms situated inside St Albans and Muldersdrift prisons in the Eastern Cape were stolen. These were used to feed prisoners, and it does not need rocket science to figure out who stole them. Those were prison officials of the department who are stealing food on the prison farms.

Ri dovha ra vhilaedzwa nga uri vhaswa vhashu vha vho ḓala hangei dzhele nahone hezwi zwi fhedza zwi tshi khou pfumisa vhathu vhane vha vha na khamphani dza vhululamisi ha vhafariwa. (*Translation of Tshivenḓa paragraph follows.)*

[We are also concerned about the increased number of our youth who are languishing in jail. This only enriches those companies involved in the rehabilitation of prisoners.]

While this is the case, our prison facilities are turning petty criminals into hardcore criminals who come out of the system to be a thorn to society. According to the Judicial Inspectorate for Correctional Services, South African prisons have a population of more than 160 000 inmates, 16 000 of whom are serving life sentences.

There are only 119 O00 bed spaces available in our prisons at the moment, which means that the correctional services are overcrowded by over 40 000 prisoners and the majority of those inmates are remanded detainees who could be released on bail if we had properly-functioning lower courts. It costs the department over R123 000 per annum to keep an individual inmate in jail. Most of those inmates live in overcrowded conditions, driving most of them to various forms of illnesses, most notably, mental illnesses.

The report from Judicial Inspectorate for Correctional Services last year indicated that 1 200 inmates were diagnosed with some form of mental illness during its inspections, and that most of those inmates received no special medical care, were treated at the prison and kept with the general population.

As a consequence, almost 40% of deaths in prison result from suicides. On the other hand, thousands of young black people most of whom are remanded for petty crimes, will have their lives changed permanently inside a very wrong system of correctional services.

This situation cannot continue any longer. And the state must commit to do the following: do urgent audit of the seriousness of the crimes of remand detainees and release from prison all those who had committed petty crimes; increase the funding and mandate of the Judicial Inspectorate for Correctional Services to allow it to be thorough in its work of inspecting prisons and holding the department accountable by giving constructive input to the department; build sufficient capacity to handle mental illness cases in prisons; and transform correctional services to include compulsory education and skilling for all prisoners. This should be followed by the scrapping of the criminal record statuses of ex-convicts who were convicted of certain schedules of crime depending on the seriousness of the crimes committed; ensure that no correctional services facility or programme is run by a private corporative or company, as these are not interested in the well-being of inmates, but in making profits; cancel all catering contracts and make sure that inmates themselves engage in productive work, such as agriculture while others get trained to cook for the prisons in which they are held; and provide incentives to ... [Interjections.] ... protect me Chairperson, from this hooliganism.

The CHAIRPERSON (Mr F D Xasa): Hon Dyantyi, your voice is too loud and it’s disturbing the speaker.

Adv T E MULAUDZI: Thank you Chairperson, provide incentives to inmates ...

The CHAIRPERSON (Mr F D Xasa): Hon member, I have protected him and I don’t expect you to ... Hon Khawula, you will not do that with me presiding.

Adv T E MULAUDZI: Provide incentives to inmates who engage in productive and corrective activities, and those who embark on personal improvement activities, such as formal studies.

Provide regular medical checkups for inmates, to ensure that illnesses, particularly mental illnesses, are picked up early and that the inmates are given the necessary treatment for these illnesses.

Root out gangsterism inside prisons by getting stricter with prison warders. This must include regular rotation of warders in between prisons, to ensure that no warder gets to stay in one prison and be familiar with inmates.

Over and above these, Minister, all those involved in tender corruption who are officials of the department must be jailed as

soon as possible. The department needs to forge partnership with TVET colleges to provide hands-on training for inmates so that they get out of the system better equipped to live a meaningful life.

We also have a concern about the budget cut on funded posts; about 2 815 posts in this financial year won't be filled because of the budget cut. We also welcome the termination of Africa Global Operations, AGO, and all Bosasa-linked contracts at correctional centres.

We want to applaud the commissioner and his team for fast-tracking the insourcing of nutrition services in 26 centres. We have a concern about the consequence management in respect of the Special Investigating Unit report of R1,5 billion out of the contracts that were issued illegally for Offender Management System, OMS, and Integrated Inmates Management System, IIMS, and Project Management Services. Also the 37% overcrowding is a concern to us. Thank you. [Time expired.] [Applause.]

Prof C T MSIMANG: Hon Chair, let me start with a quote: "No one truly knows a nation until one has been inside its jails." This was written by South Africa's most famous ex-prisoner, uTata Madiba. Overcrowding, infectious diseases and unnatural deaths - these are a few of the realities that plague prisoners inside our jails daily.

In 2014 during the Budget Vote, it was admitted that overcrowding was a serious problem that was faced by South African prisons. It is now 2019 and overcrowding is still a significant issue faced by prisons throughout the country.

The overcrowding issue does not only bring to light the inadequacies of our current justice system but shows lack of accountability. To address this issue of overcrowding, there needs to be a more effective criminal justice system in order to deter people from committing crimes. There also needs to be more successful rehabilitation programmes as overcrowding is significantly related to the failure to adequately rehabilitate offenders, creating a dangerous cycle resulting in most criminals returning to prison after being released. This is clear in the estimate that 85% to 94% of inmates in our country reoffend after their release. This must be addressed and effective rehabilitation programmes should be implemented to ensure that the fight against crime is not counterproductive.

President Ramaphosa in his state of the nation address promised to reduce crimes by half by 2030. But crime is rife and on the increase. It is not helped by the current economic growth as people turn to crime out of desperation which hampers any progress in changing the mindset of offenders and would be offenders to commit crimes.

Overcrowding is a serious problem as it exacerbates the possibility of contracting infectious disease such as TB and HIV. Our prisons also fail to adequately provide care for those suffering from mental illness. The overcrowding problem further complicates access to psychological services which are largely inaccessible due to our congested system.

Finally, we have been made aware of another example that needs to be managed by the correctional services system through better monitoring and stricter controls. In the Westville Prison in Durban, we have been made aware that, certain inmates demand cell phone numbers of parents of first offenders. They then phone the mother or other vulnerable family members of the offender and put the phone on loudspeaker when they demand money from the mother while they are torturing the offender. They give an ultimatum to the family member that, if money is not received, the offender will be killed.

Parents or spouses become victims of the system and subsequently face mental, psychological and emotional torture in this regard. What is worse is that many of these parents do not have the kind of money that is demanded. They end up getting loans, often through loan sharks to save the lives of their children.

The IFP calls for the urgent collaboration between the various departments such as Public Works, Health, Social Development and

this department to address these above-mentioned issues. The IFP supports the Budget Vote. Thank you. [Applause.]

Mnr F J MULDER: Agb Voorsitter, Minister Lamola, Adjunkminister Jeffery, ampsdraers van die departement en almal teenwoordig, elke gemeenskap en elke dorp het sy stout kinders. Mense soos diegene in tronke, elkeen van hulle, het deur omstandighede in hulle kinderjare, deur gebeure in hul grootwordjare en deur eksterne faktore wat hulle gedrag op een of ander wyse beinvloed het, daar beland.

Vir ’n gemeenskap om te oorleef moet daar regte reëls wees. Mense het grense nodig en mense reageer verskillend op hierdie riglyne en beperkings.

Die Departement van Korrektiewe Dienste moet met die gevolge van mense wat hulself nie by daardie reëls wat deur die samelewing ingestel word, kan hou nie omgaan. Die Suid-Afrikaanse samelewing raak toenemend misdadig en geweldadig, waardeur hierdie mense dan in aanhouding beland en word die gevestigde misdaadkultuur voortgesit. (*Translation of Afrikaans paragraphs follows*.)

[Mr F J MULDER: Hon Chairperson, Minister Lamola, Deputy Minister Jeffery, office bearers of the department and everyone present, every community and every town has its naughty children. People like those in prisons, each one of them, ended up there due to

circumstances in their childhood, events in their growing years, and by external factors that influenced their behaviour in some way.

For a community to survive, there must be proper rules. People need boundaries and people respond differently to these guidelines and restrictions.

The Department of Correctional Services must deal with the consequences of people not being able to abide by those rules imposed by society. The South African society is becoming increasingly criminal and violent, causing these people to be detained and for the established culture of crime to continue.]

Hon Minister Lamola, the FF Plus will support your drive to equip inmates with agricultural skills training in the cultivation of vegetables, fruits, milk and meat production and other technical skills. This is like it used to be years ago and how it should be.

Skills, self-sufficiency and independence are some of the greatest skills that one can give. This initiative will indeed contribute towards the transformation of South African correctional centres from having drug and gang syndicates into proper rehabilitation centres and skills development centres. It will also contribute towards more skilled workforce in the South African economy.

The FF Plus is concerned that the allocation of R1,9 billion to the rehabilitation programme, only 8% of the total amount allocated is inadequate.

The FF Plus also welcomes the swift cancellation of the African Global Operations, AGO, Bosasa contracts and the insourcing of nutrition services in 26 centres in which this company operated following the allegations of corruption in the Zondo Commission.

However, we are concerned about the failure of the executive to fulfil its oversight role in this regard, as well as the irregular expenditure of R1,8 billion in 2017-18. The new Minister should tighten his oversight on this governance and internal control environment of the department to ensure that audit action plans and the Auditor-General’s remedial measures are implemented.

The department has continuously failed to achieve many of its targets that are directed at improving security conditions by reducing the number of escapes, violence and unnatural death.

I mentioned earlier that the Department of Correctional Services has to deal with the result of an increasing crime-ridden society.

Economic growth, job creation, effective education, law enforcement, a proper criminal justice system and above all, moral regeneration will contribute towards less crime and less inmates.

The increase in inmate population and overcrowding of 30% as of March 2019 is a real concern. The allocated amount to the Department of Correctional Services for 2019-20 of R25 billion is inadequate and will pose huge challenges to the department to carry out its mandate.

Hon Minister, through you Chair ...

Ek het vandag na al die lede in die Huis geluister en ek kan hoor dat almal presies dieselfde gedagte het en voel. Die mense wat in die tronke van Suid-Afrika sit is almal mense en hulle verdien rehabilitasie, buiten straf en behoort menswaardig behandel te word.

Ek dink ons kan almal sê dat ons wens u alle sterkte toe met die termyn wat vir u voorlê. Baie dankie. (*Translation of Afrikaans paragraphs follows*.)

[I listened to all the members in the House today and I can hear that everyone has the same thought and feels exactly the same. The people who are in the prisons of South Africa are all human beings and they deserve rehabilitation, apart from punishment, and should be treated with dignity.

I think we can all say that we wish you all the best with the term ahead of you. Thank you.]

The DEPUTY MINISTER OF JUSTICE AND CORRECTIONAL SERVICES RESPONSIBLE FOR CORRECTIONAL SERVICES (Inkosi S P Holomisa): Hon House Chairperson, Mqwathi, Minister of Justice and Correctional Services, Ronald Ozzy Lamola, Deputy Minister John Jeffrey and any other Ministers and Deputy Ministers who may be here, chairperson and members of the Portfolio Committee on Justice and Correctional Services, hon members, the National Commissioner for Correctional Services, Mr Arthur Fraser and senior management of the Department of Correctional Services, distinguished guests, especially my wife Nosimanye, my uncles and clan members coming all the way from Ngqungqu, Mqanduli ...

Enkosi maGebe ngokuza kusisitha umhlana, ukuze nibone ukuba sisebenza njani na kweli Kapa nakugqiba ukusivotela. *(Translation of isiXhosa sentence follows.)*

[Thank you maGebe for protecting us, so that you see how we work in this Cape Town after you've voted for us.]

... ladies and gentlemen, good morning.

Ndandilambile anandipha kutya. Ndandize anandambesa. Ndandisentolongweni anandivelela. *(Translation of isiXhosa sentence follows.)*

[I was hungry and you didn't give me food. I was naked, you didn't dress me. I was in prison and you didn't visit me.]

I stand before you today at a historic time in our beloved country. This July, Mandela month, is particularly symbolic as it coincides with South Africa's 25 years of democracy. Mandela Day, tomorrow 18 July, coincidentally the birthday of the Hegebe clan Crown Prince Jongumsobomvu, calls on us all, every day to make the world a better place. Through our daily actions we must be inspired by Madiba's belief in a society characterised by justice, dignity and human rights.

The advent of a democratic South Africa introduced a paradigm shift, a new beginning, where prisons became correctional centres of rehabilitation. Offenders are given a second chance, a new hope, and encouragement to adopt the lifestyle of ideal members of society.

Rehabilitation requires a smart, dynamic, responsive and futuristic criminal justice system – correctional services being an integral part of the whole. As everybody is inspired by Madiba, he did say this and I quote, "Education is the most powerful weapon which you can use to change the world." It is in that vein that we, as the department, promote comprehensive education programmes which do not only minimise the negative impact of incarceration, but serve to improve prospects of reintegration, self-esteem and high morale.

As part of reading with meaning, this year marks the 10th anniversary of Funda Mzantsi, a reading festival aimed at encouraging offenders to read and write.

Hon members, to achieve a society characterised by justice, one of the focus areas of the department is to stamp out corruption within its ranks. During the last financial year, the department conducted 32 disciplinary actions against officials involved in corrupt activities. This resulted in the dismissal of 17 officials, the suspension without salary as an alternative to dismissal, of five officials, final written warnings to five officials and written warnings to four officials. Five officials resigned before their hearings could be finalised, whilst one was found not guilty.

In line with the Public Service Regulations, the department is reviewing the structure and aligning strategic priorities with core competencies. Compliance with applicable legislation through available human resources, due to the reduced funded establishment numbers, in line with the Estimates of National Expenditure ceiling for each financial year, will be negatively impacted, and so will the business and governance of the department as other members have commented.

Ladies and gentlemen, the Department of Correctional Services operates within a complex environment and delivers upon a broad mandate that is progressive and holistic in terms of the

incarceration, rehabilitation and social reintegration of remand detainees and sentenced offenders. A Service Delivery Model for the Department of Correctional Services has been developed to respond to the mandate of the department, and is aligned to the Department of Public Service and Administration Operations Management Framework.

The total Compensation of Employees baseline budget cuts from the 2015-16 financial year to the 2020-21 financial year amounts to R3,1 billion. Currently the funded post establishment in the department sits at 39 191 posts. The 866 posts had to be abolished to accommodate funding for Case Management Committees and the Judicial Inspectorate for Correctional Services.

The budget cuts under goods and services have also put immense pressure on the operational budgets for both correctional centres and administration. One of the major areas negatively impacted upon is fleet services, used for the transportation of sentenced offenders to courts and hospitals; the monitoring of parolees and probationers, as well as the transportation of officials to perform their daily functions.

Correction is a calling which requires a special cadre of official, one who is grounded on the values of moral rectitude and integrity. It is indeed a fact that correctional officials are courageous professionals who work in a challenging environment, with risk to life and limb, at a premium, at times.

The murder, for instance, of Ms Nomsa Joyce Stuurman, by a male inmate, at Goedemoed Correctional Centre in March this year, exposed the incredible dangers that confront our officials, particularly female officials. The sacrifices that our officials endure, the service offering, are all driven by a passion and the obligation to ensure the safety for our communities and the nation at large. It is therefore our sacred duty to ensure that the name and memory of Nomsa Joyce Stuurman are remembered and honoured, for posterity, as those of a fallen soldier.

We are encouraged by the progress made thus far, by the SA Police Service, on the investigation of the case of the murder of Ms Stuurman. It remains our resolve and determination to see to it that justice is served in this unfortunate matter.

The Ministry of Justice and Correctional Services recognises that its human resources are its most valuable asset. Whilst we confront realities of a constrained economy and the budget restrictions it imposes, we remain committed to creating employment and development opportunities, especially for young persons. We are aware that with every employment opportunity created, an entire family benefits and the negative impact of the cycle of poverty is reduced.

We have recalibrated our processes of filling vacant posts to be far more efficient, with quicker turnaround times. We take courage from the collaborative relationship we enjoy with organised labour. The

department is required to change and adapt its security training and capabilities in order to respond to the evolving security risks and threats. Over the past four years, the Department of Correctional Services has rolled out basic and tactical training to 3 556 Emergency Support Team officials, as well as 6 520 officials on the security equipment in the same period.

The total payments for capital assets baseline budget cuts from the 2015-16 financial year to the 2020-21 financial year, amount to R847 million. It is imperative that we become innovative and ingenious to ensure that our infrastructure delivery programme remains on track in spite of the budgetary limitations.

Therefore, an urgent need exists to constantly assess the status of our facilities to ensure accessibility, performance and functionality in terms of our safety standards.

With the shift and emphasis on rehabilitation in postapartheid South Africa, it should be noted that all centres which were constructed during the apartheid era do not fully cater for rehabilitation programmes; they do not have facilities for the rendering of developmental and psychosocial group programmes.

The department suffers from a chronic shortage of bed spaces that leads to overcrowding in our correctional centres. Whilst there are multipronged strategies to deal with this matter, it should always

be given careful consideration when custodial and noncustodial sentences are imposed.

We are continuing with the migration from incarceration towards a fully-fledged rehabilitation service as an integral part of an integrated criminal justice system.

Inmates are skilled through working in the different departmental workshops, which include wood, steel, and textile workshops, bakeries, a shoe factory, and agricultural facilities. Our workshops are in a position to confidently manufacture products that can be procured by other government departments and institutions.

The department also manages 21 farms and 115 small gardens that are being used for self-sufficiency and to provide work opportunities for offenders.

South Africa is at a stage where it requires a correctional system which works together with communities to reduce reoffending. An inmate has to commit to change and embrace opportunities for skills development, which will result in meaningful reintegration into society. We need to understand that offenders go into a correctional facility as punishment, not for punishment. Hence, today we have centres of new beginnings where the spirit of humanity, hope and aspiration prevails. We opted for such a paradigm shift so that

those in our centres must know that there is a road to a better life.

The Judicial Inspectorate for Correctional Services, Jics, is an important office that ensures accountability through external scrutiny. In conjunction with Jics, the department is continuing to urgently address issues that may hamper its effectiveness. The Department of Correctional Services has put in place short-, medium- and long-term plans, including increasing the Jics infrastructure footprint.

The Department of Correctional Services reaffirms its commitment to modernise its correctional systems by replacing old-legacy systems with reliable, integrated and secure information and communication technology, ICT, infrastructure and business application systems. Central to this modernisation is the development and implementation of the Integrated Inmate Management System, which, as part of the Integrated Justice System, provides a single view of inmate and offender information. The upgrade of the ICT network infrastructure will take place over the next three years.

The establishment of a security committee helps to manage security risks and the alignment of security procedures across all 243 centres in the country. However, security breaches still occur and we must, as part of redress in this administration, rethink how we

classify or categorise inmates, as either low or high risk offenders.

During 2018-19, the department achieved outstanding performance outcomes in respect of the 70 532 probationers and parolees caseload of community corrections. From the daily average caseload of 55 030 parolees, 99% complied with their conditions and from a daily average of caseload of 15 502 probationers, 99% complied with their conditions.

Victim participation through the different restorative justice interventions has gained momentum and this approach continues to bring offenders and their victims, including communities, together to talk about the impact of the crimes they committed.

Correction is, indeed, a societal responsibility.

The department has established a number of strategic and sustainable partnerships with other government departments. Business Against Crime organisations, civil society organisations and nonprofit organisations. We have also formalised partnerships with state agencies, nonprofit organisations, as well as institutions of higher learning. This is aimed at enhancing the employability of parolees and probationers through training on various programmes. A total of 27 699 parolees and probationers participated in community projects through such partnerships in the year 2018-19.

There are currently 218 fully fledged community corrections offices nationally, serving the respective communities and offenders under the system of community corrections. These offices enable probationers and parolees to access community-corrections services within communities where they reside.

In an effort to increase access especially in remote areas, the department has established service points throughout the country by formalising partnerships with nonprofit organisations. In this regard, in order to ensure ease of access, ownership and collaboration, it is incumbent on us to reach out and form partnerships with traditional leaders across the length and breadth of this country, by taking advantage of the existing traditional councils' infrastructure.

As the Minister has already indicated, there are beautiful products of the work of inmates, parolees and probationers on display in our exhibition area. Do, please, go and take a look at them; you will be pleasantly surprised.

In the spirit of Madiba and restorative justice, tomorrow I shall be handing over to the elderly residents of Salberau Old Age Home at Elsies River, beanies, scarfs and blankets made by Siyakha Knitting Project.

On that note, let me take this opportunity to express my gratitude to Minister Lamola for collegial and comradely leadership and support. Let me also appreciate the National Commissioner, his management and staff of the department for the reception and the orientation I have received. The support we get from the Portfolio Committee on Justice and Correctional Services is not taken for granted.

Umntu akalahlwa. *(Translation of isiXhosa sentence follows.)*

[A person can’t be thrown away.]

Thank you. [Applause.]

Mr S N SWART: House Chair, may we also congratulate the Deputy Minister on his appointment and we greet the Minister, Commissioner and the members of the department and Jics that here today.

The ACDP appreciates, like other speakers have said, that the department is facing severe budgetary constraints. This has resulted in reduced funded posts and will, as the department indicated, have severe implications for both the business and governance of the department. This may also affect frontline service delivery and worsen safety and conditions of incarceration. We saw that in the last Parliament when we visited some of the prisons, we visited St Albans and others and we could see the challenges that many of the

warders are faced with and this needs to be addressed as a matter of urgency.

We also share concerns expressed about oversight and the fact that this committee now looks over, as in the previous Parliament, Correctional Services and Justice. We look forward to subcommittees that will be able to exercise efficient and effective oversight over correctional services, and visit more prisons.

As the ACDP, we have also long held the view that increased usage should be made of offender labour, skilled labour, teaching offenders to be skilled, to deal with minor maintenance issues and other projects, and we are pleased to hear about a school that had also been built. This can result in self-sufficiency in prisons. We are pleased about the farms and workshops that take place. When we visited one of the workshops that was being underutilised. We need to fully utilise our workshops to generate revenue.

Minister and Deputy Minister, if we have budgetary constraints, we should surely, also look at channelling the revenue that is obtained to the department and not the central fiscus. This is something that needs to be looked into as well. We, like other speakers, also commend the Commissioner on the speedy action that was taken following the startling allegations of corruption disclosed at the Zondo Commission regarding the Bosasa contracts and insourcing, and

dealing with that. Imagine if catering had been stopped in the prisons, you would have had riots.

The question however is: "Why action was only taken now when the Special Investigating Unit, SIU, and the report was tabled almost 10 years ago?" And it seems that action was only taken by the Hawks when this evidence was presented 10 years later at the Zondo Commission.

We are also concerned that the department has for several years been unable to set up additional bed spaces. This has been the result of delays in capital projects being completed. Even in the last Parliament, we suggested that the Minister should meet with Minister of Public Works and resolve these issues but there is a continuation of challenges from the Department of Public Works that is impacting on the correctional services and this in turn, of course, results in the overcrowding.

And, listening to all the members speaking today, it sounded like my speech of correctional services 20 years ago. Whilst the situation has improved, you'll remember we have always spoken about overcrowding. This department is a recipient of that criminal justice system and so we need to look at this situation of overcrowding. We need to look at section 63A, section 62(f) of the Criminal Procedure Act as well as section 49G of the Correctional

Services Act which seeks to limit the period of time that an accused is remanded in detention.

Of course, we from the ACDP side have, since I was elected in 1999, stood for restorative justice and we are pleased at the progress that is being made with those programmes. It is important that our rehabilitation and restorative justice budgets are not be underfunded so that offenders can take up a responsible role in our communities and that is fully supported.

Whilst the department faces many challenges, we from the ACDP thank all managers and staff who, under extremely difficult and dangerous conditions, diligently do their work in ensuring that offenders are kept in safe, secure and humane custody and undergo rehabilitation programmes. I thank you. [Time expired.]

Mr V ZUNGULA: Greetings to you Chairperson and Minister, and congratulations to you Deputy Minister on your appointment.

Correctional services should not be a one-sided affair focusing only on the individual but it must be a holistic process where the person is rehabilitated. The community which they have wronged must be brought along in the process and most importantly, the inmates should earn their way back into the communities through acts that benefit the communities.

The following are the issues that are facing the correctional services system: Firstly, we have a system that does not segment criminals based on offenses whether minor or major. We cannot have a situation, as the Deputy Minister said earlier on, where female prison warders are working in unsafe conditions that lead to them either being raped or stabbed to death just like what happened in March this year.

The tax payers are paying a hefty bill for the livelihood of prisoners inside the confinement whereas law-abiding citizens live from hand to mouth. There is a severe shortage of skilled personnel to facilitate the rehabilitation process. As the ATM we are proposing the following: Firstly, we want to commend the department for making use of the inmates for community projects but we want to advocate for all of the 160 000 inmates to work for the state for free because law-abiding citizens are working on a daily basis and their taxes are contributing towards the food, shelter as well as the education of the inmates. This will ensure that all inmates are skilled when reintegrated back to society after serving their time.

Isandla sihlamba esinye. *(Translation of isiXhosa sentence follows.)*

[We help each other.]

As the community is contributing towards the livelihood of the inmates, the inmates must contribute towards the livelihoods of the

communities as well. Criminals have to be segmented and categorised according to the offences they have committed. Common assault convicts should not be mixed with hardened criminals.

Crime has taken a rise. Immoral humans are going around killing law-abiding citizens for fun. To counter this, as the ATM, we are still advocating for the introduction of the justice-based capital punishment system. If a person is not willing to coexist amongst other people, that person must be punished ...

... ngokwale ndlela. *(Translation of isiXhosa sentence follows.)*

[... this way.]

You cannot rape an eight-month old baby. You cannot kill defenceless homeless people and think that by just being taken to correctional centres, you will be rehabilitated.

We want the elevation of the African law to be on par with the Roman-Dutch law as this will result in the desirable balance between curative and punitive aspects of these laws respectively.

Lastly, dealing with the fundamental societal problems, particularly the values, morality and ethics, and eradication of poverty through enabling sustainable livelihoods, will go a long way to diminish prison population. As the ATM ...

... siyaluxhasa olu hlahlo lwabiwo-mali. [Laphela ixesha.]

(*Translation of isiXhosa sentence follows.)*

[... we support this Budget Vote. [Time expired.]]

Ms N H MASEKO-JELE: Hon Chairperson, Minister, Deputy Minister, hon members, distinguished guests, ladies and gentlemen, the history of correction system in South Africa can be traced back to former colonial times when punishment of offenders was the sole purpose of imprisonment.

During the colonial times, retribution was the only justification of punishment. Hence, some of our correctional facilities which were built during apartheid still reflect that. The belief that criminals deserve to be punished as repayment for their crimes is one of the oldest reactions to wrongdoing.

The law of retaliation traces its origin as far back as the Code of Hammurabi as well as the Law of Moses in the Old Testament. The story of Joseph in the Bible, the son of Jacob reminds us that he was once imprisoned and he came out to be the second in charge in Egypt, right here in Africa. [Interjections.]

AN HON MEMBER: Amen!

Ms N H MASEKO-JELE: This story also reminds us that even if you can find yourself in prison, don't lose hope. The story of Joseph brings memories about our late icon, the father of our great nation, the late Rolihlahla Nelson Mandela who spent 27 years in prison and came out to be the President of our country, this country.

Both the story of Joseph and the late Nelson Mandela show us that even if you have been imprisoned, you can still be a respectable leader in society upon release. This debate takes place a day before the world celebrates Mandela Day as it was indicated earlier. We would like to encourage everyone to remember this great leader and the giant of our beloved movement by doing something positive for humanity and contribute their time to assist those who are less fortunate.

This debate also takes place in the month of July. This is the month when Solomon Kalushi Mahlangu was born in 1956. When the apartheid government hanged in him in April 1979, he said, I quote:

> My blood will nourish the tree that will bear the fruits of freedom. Tell my people that I love them. They must continue the fight.

The panel system in South Africa has undergone a radical change from a prison system during apartheid to a correctional system under the

ANC-led government. These changes reflected the ANC's desire to move from punishment to rehabilitation of offenders.

The transition was informed by the Freedom Charter, which was adopted at the congress of the people in Kliptown in 1959. The Freedom Charter says, "Imprisonment shall only be for serious crimes against the people, and shall aim at re-education, not vengeance." This is why under the ANC-led government the correctional system in South Africa has moved from retribution to rehabilitation of offenders in their care.

Section 35 subsection 2(e) of the Constitution provides that everyone who is detained, including every sentenced prisoner has the right to conditions of detention that are consistent with human dignity. All efforts should be made to ensure that rehabilitation of offenders takes place in a conducive environment.

The Department of Correctional Services is indeed on track in transforming prisons into effective rehabilitation centres. A good example, the Minister visited his Boksburg Correctional Centre in Gauteng two weeks ago. The Boksburg productive workshop is one of the biggest in the Department of Correctional Services. The workshop started in 1993 and has developed a new range of furniture and has also extended its services and training skills for offenders to be equipped with skills in textile industry, bakery, powder coating, agriculture and horticulture.

We are aware of the number of partnerships the department has formalised with other sister departments, civil society organisations, academic institutions and other relevant external stakeholders to assist with developing and implementing rehabilitation programmes in correctional facilities across the country. This is in line with the White Paper on Corrections 2005 which states that corrections are a societal responsibility.

In February 2013, the department signed a memorandum of understanding, MOU, with the Department of Basic Education to use offender labour to build schools and supply furniture as a good gesture of giving back to the community they have wronged. In this MOU, the responsibility of Department of Correctional Services, DCS, includes amongst others, manufacturing and delivering of school furniture, rehabilitation of school furniture, construction of school infrastructure, maintenance and refurbishment of schools and establishment of school gardens.

No correctional system can achieve its objective if it does not have a range of healthy external partnerships. To this end the National Development Plan Vision 2030 recommends that education, training and skills development programmes within correctional services should be increased. Businesses and the Department of Correctional Services should work together to proactively identify skills needs for development that would increase the chance of absorption into economy after release.

Education is central to rehabilitation. Today, the department is reporting on the number of full-time schools in the correctional facilities which has increased from one in 2009 to 16 in 2019. There is little doubt that literacy - simply being able to read and write - is one of the most critical skills needed to function in our current society. This is the reason why on 1 April 2013 the department announced that it was compulsory for every inmate without a qualification equivalent to Grade 9 to complete Adult Basic Education and Training Level 1-4.

In 2017-18 financial year, approximately 10 996 offenders accessed education and training through Adult Basic Education and Training and further training programmes. In the same period, 142 learners passed grade 12 while incarcerated in correctional facilities across the country. We have also observed introduction of Grade 12 for learners in Ekuseni and Rustenburg youth centres in the previous year.

Social reintegration is one of the key programmes in the Department of Correctional Services. One of the challenges faced by parolees during their reintegration back to the community is acceptance by their victims, families and the community in general. This challenge, if not properly addressed, has consequences of recidivism amongst ex-offenders.

A study released in 2009 on ex-convicts: Ex-prisoners' Views on Imprisonment and Re-entry conducted by Lukas Muntingh also found that finding employment, re-establishing family relationship, reconnecting to community and society, and the loo of the prison, were some of the challenges mostly confronting ex-offenders upon release. As the ANC ...

... sikulento yokwakha iNingizimu Afrika. *(Translation of isiZulu sentence follows.)*

[... we are in the process of building South Africa.]

We support the budget. [Time expired.] [Applause.]

Mnr W HORN: Oorbevolking is en bly een vandie grootste struikelblokke to rehabilitasie ... [Tussenwerpsels.] *(Translation of Afrikaans sentence follows.)*

[Mr W HORN: Overpopulation is and remains one of the biggest obstacles to rehabilitation ... [Interjections.]]

Mr Q R DYANTYI: Chair ...

The CHAIRPERSON (Mr F D Xasa): Hon member, can you just give the hon member a chance to speak? ... [Interjections.]

Mr Q R DYANTYI: Could you please remind the speaker that I’m speaking after him. [Interjections.]

LELOKO LE HLOMPHEHILENG: Hee banna! [AN HON MEMBER: My goodness!]

The CHAIRPERSON (Mr F D Xasa): What is the point of order?

Mnu Q R DYANTYI: Achule ukunyathela. *(Translation of isiXhosa sentence follows.)*

[Mr Q R DYANTYI: He must do things right.]

The CHAIRPERSON (Mr F D Xasa): No, hon member, sit down. That is not a point of order. Continue hon Horn. [Interjections.]

AN HON MEMBER: You must go back to ... [Interjections.]

Mnr W HORN: Ek is wel bewus daarvan dat die agb Dyantyi na my praat en ek is ook bewus daarvan dat dit sy nooienstoespraak is. So, alle sterkte. [Tussenwerpsels.] *(Translation of Afrikaans paragraph follows.)*

[Mr W HORN: I am well aware that the hon Dyantyi is delivering his speech after me, and I am also aware that this is his maiden speech. So, good luck. [Interjections.]]

Nk M S KHAWULA: Ngiyabonga mhlonishwa, hhayi asilwi mfowethu.Cha kubheda kakhulu kunakuqala yisiBhunu lesi manje kungcono nanesiNgisi. [Uhleko.] (*Translation of isiZulu paragraph follows.)*

[Ms M S KHAWULA: Thank you, hon member. We are not fighting my brother. It is now worse than before because this is Afrikaans, English is even better. [Laughter.]]

The CHAIRPERSON (Mr F D Xasa): Okay.

Nk M S KHAWULA: Uyabona nje nikhombisa ngempela ukungasihloniphi lapha ePhalamende njengelungu lePhalamende. (*Translation of isiZulu sentence follows.)*

[Ms M S KHAWULA: You can see that you really disrespect us here in Parliament as a Member of Parliament.]

The CHAIRPERSON (Mr F D Xasa): Hon member, I heard you. The message I got was that the issue of language was being attended to, and if happens that it is not, then I will engage the officials here. So, I was told that some people are attending to it. They are saying that they are checking again. Hon members, we can proceed, however, we have noted the concern. Yes, hon member.

Nk M S KHAWULA: Ngiyabonga mhlonishwa ngokukhulu ukuhlonipha njengomama ozihloniphayo. [Uhleko.] Uma ngicabanga yini pho

esiyikhulumayo la? Kusho ukuthi umuntu uma kungakalungi izinto zakhe angaboshwa, angithi namanje nithi akuqhutshekwe kusetshenzwe kodwa la asizwa ukuthi uthini. Lalelani, asizile ukuzodlala la sizosebenza. Kufuneka ngizwe ukuthi umhlonishwa lo uthini. Ngibuyela kuleya nto ngithi musani la eNingizimu Afrika ukusigxinxa ngenkani ngezilimi esasilwisana ngazo. (*Translation of isiZulu paragraph follows.)*

[Ms M S KHAWULA: Thank you, hon member, with all due respect as a self-respecting lady. [Laughter.] I'm wondering what is it that we are talking about here? It means that a person can be arrested here if his House is not in order. You are saying that we should continue to work, but we do not understand what he is saying. Listen, we didn't come here to play, but to work. I need to understand what the hon member is saying. I'm going back to the point that, don't force us with the languages we fought against here in South Africa.]

The CHAIRPERSON (Mr F D Xasa): Hon Khawula, I have noted what you are saying and I'm saying that it is a technical problem that is being attended to. What I was suggesting ...

... mhlawumbi nam ngendiyithetha ngesiXhosa, siyakuva kodwa sikuva kunjalo andazi nokuba uphakamisa ukuba sime kusini na kuba amagosa athi ayayiqwalasela le nto. Kodwa ke bendicebisa ukuba noko singemi, sibe siqhuba. *(Translation of isiXhosa sentences follows.)*

[... maybe I must speak isiXhosa. We hear you but though we hear you, we don’t know whether you raise that we must pause because the officials say they are trying to fix this. But I was suggesting that we do not pause, but continue.]

Nk M S KHAWULA: Ngiyabonga mhlonishwa, yazi into engiyithanda kuwena, ngithanda lokhu ngoba ukhuluma ngolimi lwabantu abakulethe lapha ePhalamende. Lithi elami asime ngoba nabo ngeke bavume uma sikhuluma izilimi zethu bengezwa ukuthi sithini. Angithi uyayizwa leyonto ngengokuthi mhlonishwa wami omuhle ngabe uyayikhumbula ukuthi ngathi kungani emabhangi wabantu abamnyama baqashe umuntu omhlophe ebe engalwazi ulimi lwakhona kodwa omnyama ngeke aqashwe emsebenzini uma engasazi isiNgisi nesibhunu. Ngiyabonga.
(Translation of isiZulu paragraph follows.)

[Ms M S KHAWULA: Thank you, hon member. You know what I like about you is that you speak the language of the people who brought you here to Parliament. I’m saying let’s stop, because they will also not agree if we speak our languages without them understanding what we are saying. I hope you understand that, hon member. Do you remember when I asked why they employed a white person in the black people’s bank who does not know the local language, whereas a black person will not be employed if he does not know English and Afrikaans? Thank you.]

USIHLALO OBAMBELEYO (Mnu F D Xasa): Kulungile ke mama sendikufumene masihlaleni, mna ndiza kufakana imilomo namagosa alapha. Kaloku hlala ngoku sivene.

[Emva kwethuba kumiwe.]

Lungu elihloniphekileyo, uMama uKhawula kuthiwa bangenile ngoku baza kutolika angaqhuba ngesiBhulu sakhe. *(Translation of isiXhosa paragraph follows.)*

[The CHAIRPERSON (Mr F D Xasa): It is alright Mama, I've got you. Let's get seated. I will talk with the officials of the House. Please get seated, we've heard each other.

[After some pause.]

Hon member, Mama Khawula, it is said they have entered and they will interpret he can continue with his Afrikaans.]

Hon member, can you proceed?

Mnr W HORN: Oorbevolking bly een van die grootste struikelblokke tot rehabilitasie van gevoniste oortreders, sowel as 'n ernstige bedreiging vir die veiligheid van beide oortreders en amptenare van die departement.

Daarom Minister, moet u voorneme vandag om oorbevolking aan te spreek deur almal verwelkom word. Maar om die daad by die woord te voeg hieroor sal makliker gesê as gedoen wees. Die probleme by Korrektiewe Dienste is ongelukkig sistemies van aard.

Die werklikheid is dat die tipe korrupsie wat die Bosasa-kontrakte in die kalklig gestel het, die reël is, eerder as de uitsondering. Daar was byvoordbeeld ook die kontrak ter waarde van amper R400 miljoen wat toegeken is aan Integriton vir die ontwikkeling van ’n geintegreerde bestuurstelsel. In misterieuse omstandighede is al agt die ander tenders gediskwalifiseer tydens die evaluasieproses. Die kontrak is instandgehou deur die voorganger ten spyte daarvan dat die Nasionale Tesorie hom daarteen gewaarsku het.

Wat ons nou mee sit is dat slegs twee van die agt tykens wat die departement gestel het teen nou behaal is. ’n Projek wat voltooi moes wees, is steeds slegs operasioneel by die loodsfasiliteite. Wat erger is is die argelose manier waarop Korrektiewe Dienste tydens sy voorlegging aan die portefeuljekomitee vrae hieroor afgemaak het.
(Translation of Afrikaans paragraphs follows.)

[Mr W HORN: Overcrowding remains one of the biggest obstacles to the rehabilitation of convicted offenders, as well as a serious threat to the safety of both offenders and officials of the department.

Therefore, Minister, your intention today to address overpopulation should be welcomed by all. But to suit the action to the word regarding this will be easier said than done. The problems at Correctional Services are unfortunately systemic in nature.

The reality is that the type of corruption that has put the Bosasa contracts in the limelight, is the rule rather than the exception. For example, there was also the contract worth around R400 million that was awarded to Integritron for the development of an integrated management system. Under mysterious circumstances, all eight of the other tenders were disqualified during the evaluation process. The contract was maintained by the predecessor despite National Treasury warning him against it.

What we are dealing with now is that only two of the eight targets that the department has set have been achieved since. A project that had to be completed is still only operational at the pilot facilities. What is worse is the reckless manner in which Correctional Services dealt with questions about this during its submission to the portfolio committee.]

So Chair, there was also the pilot project for the electronic tagging of parolees awarded in an irregular manner - a subject of the Special Investigating Unit, SIU, investigation to try and recover yet another R400 million. Unfortunately, electronic tagging

aborted now by the Department of Correctional Services despite the fact that it's obviously part of the solution to overcrowding.

There is also infrastructure development project of the Department of Correctional Services. Five years ago, we were promised the creation of 6 800 additional bed spaces during the Fifth Parliament. Less than 1 000 were delivered. Minister, since you took office we have been informed that the completion of the Tzaneen facility, with 435 beds is an example of progress.

However, the truth is that the story of the Tzaneen facility rather, is proof of the wastage and incredibly poor governance by the Department of Correctional Services and its sister department, Public Works. This project commenced 12 years ago. It suffered inordinate delays and the unavoidable resultant ballooning of costs, nothing to be proud of.

The same with Standerton project which commenced in 2009 and Escourt project which commenced in 2012; they all ran way overtime. Now Minister, in the newest annual performance plan, APP, you signed off, 2 500 additional bed spaces are promised over the next five years, yet in this financial year, there is no budgetary provision for any infrastructure project. So, there will be four years of your term left to deliver these additional spaces.

To meet this target and to root out the type of waste that is the hallmark of the Department of Correctional Services, you will act like a single-minded, hungry predator. You will be tempted to believe the promises and undertakings that now, because you took office and have expressed your intentions that going forward, the Department of Correctional Services will embrace professional specification drafting, proper, transparent, bid adjudication and sound financial governance. Don’t be hoodwinked.

In addition, Chairperson, the dark cloud that still hovers over the current National Commissioner, unfortunately complicates issues. As long as there is no stability at the head of the Department of Correctional Services, there is no way that the necessary reforms can take place. Therefore, Minister, you will not succeed, unless you grab the bull by the horns and ensure that the culture of impunity is rooted out immediately at the Department of Correctional Services.

The top decision-makers at the department should be appointed in order to be able to deliver clean governance. This, Minister, is the narrow, yet your only pathway which is available to you if you are serious about reforming the Department of Correctional Services into a well-functioning department. Thank you. [Applause.]

Mnu Q R DYANTYI: Sihlalo weNdlu, uMphathiswa namaSekela baPhathiswa uJeffery noHolomisa, Aaah Dilizintaba! *(Translation of isiXhosa sentence follows.)*

[Mr Q R DYANTYI: Hon Chairperson of the House, hon Minister and Deputy Ministers Jeffery and Holomisa, Aaah Dilizintaba!]

The pursuit of restorative justice in South Africa was an integral part of the struggle for liberation by our people led by the ANC in this country. As a direct consequence of that firm belief, the notion of correctional services became consistent with our progressive Constitution as opposed to prison, which is merely about sending them away, and people on my left believe that. That you must just create prison and lock them in. But to sustain the notion of correctional services, rehabilitation programme is essential.

Ululeko ke luthi, ukuba ungene unguntsangwini, usisidlwengu okanye ungumbulali kufuneka uphume ungumntu. *(Translation of isiXhosa sentence follows.)*

[Rehabilitation says, if you entered selling dagga, being a rapist or a murderer, you must be a good person when you get out.]

That is what rehabilitation is about. [Applause.] As we stand here today, these noble imperatives of a people-centred struggle, are confronted with a number of setbacks. Perhaps before we begin, let

us pause! There is an emerging crisis on our hands, that threatens to derail the best of efforts by any human being. You can have the best commissioner, you can have the best prison warders but if you are not addressing certain things, you will fire them tomorrow.

The problem of overcrowding in Correctional Services in our country has reached crisis proportions. Without any doubt, the triple challenges of poverty, unemployment and inequality remain the driving force for this. Let’s just put overcrowding in perspective and in numbers, as other members have raised it. We have 118 572 bed spaces across the country but we have 162 857 inmates. Before you start, you already know that there is a problem there. It’s over 37% overcrowded.

The number of gangsters in incarceration is rising. When there are budget cuts, this means that you are not going to have maintenance of your infrastructure. This is a crisis that is on our hands. Perhaps let’s leave the national picture and give a particular case about St Albans, as the Chair was saying that last week we got a report from Judge Johan Froneman of the Constitutional Court. That report raises very critical issues about St Albans in the Eastern Cape; it hosts the largest inmates on remand. A report by this Judge suggests that there has been no rehabilitation in St Albans since 2014, which means that your correctional services notion is defeated because it hangs on that. [Interjections.]

High levels of violence outside gangs operate in prisons.

[Interjections.]

AN HON MEMBER: What are you saying?

Mr Q R DYANTYI: So, those who are in prison connect with those who are outside. Injuries on duty are a cause of staff shortages. St Albans has 53 staff members shortages, not just because they have stopped working but because of injury on duty. That is a serious issue on our hands. In the same centre, you have drugs delivered over the fence, lights not working in cells, the pressure on remand centres has unintended consequences for the bailing out of inmates who under normal circumstances would not even be considered.

Now, let’s put another perspective on overcrowding about the root causes. The hon Selfe and I come from the Western Cape which has the largest incarceration of allocation of inmates – the second largest. And here are the contributing factors because there would be no solution, no matter how many prisons you build, as long as you don’t attend to them. And, let me share with you, under the ANC in the Western Cape, this is what was happening, hon Selfe. Contact crime dropped by 33%, street robbery dropped by 19%, and car hijacking dropped by 23%. What that means is that you had less people going to jail.

Under the DA, contact crime rose by 17%, street robbery rose by 5%, and property-related crime rose by 20%. What that means is that ... Hon Selfe cannot come here and pretend as if somebody else must solve this when the DA in the Western Cape where you are, is contributing to the problem of overcrowding because that is the root cause why we have full jails. We must attend to those root causes and not only deal with the symptoms of the problem.

The ANC has always understood that a sustainable solution is the one that deals effectively with crime-producing conditions, which today, as I said yesterday, hon Cele must bring police and soldiers to Philippi because there are no access roads and street lights. No soldier will build a house and no soldier will create employment for unemployed people; it is you who are running a province, who must do that. I thought I must share that with you so that we understand what we are dealing with here.

This we said in our Ready to Govern document as far back as 1992, the DA’s solution is to build more prisons and send people away. Let’s perhaps deal with the way-forward issues. When the ANC gathered at Nasrec in 2017, it gave its deployees in government, from the President to the Minister, some of the following - now we are coming up with the solutions that we are already grappling with.

The ANC has mandated the Sixth Parliament to ensure that there is better coherence between the Criminal Justice System to curb the

rise of remand detainees who contribute to overcrowding; and that we need to have a workable strategy on hardcore criminals and issues of petty crimes. And here is an important issue on overcrowding; government must develop mechanism to enable the state to try in our community courts any offender who committed petty crimes, so we don't send them to major prisons. We have to deal with that in community courts. Government must attend to the transformation of the parole board so that it is informed by key strategic issues. Embark on creative utilisation of inmates to contribute to the challenge of maintenance in prisons. I think we have made this point, Commissioner, in the presentation under the department, that there are certain things for which you don't need money. That some of the inmates who are there have skills that can do certain things around maintenance. We must prioritise that ...

... ukuze bangagcinwa njee ejele. *(Translation of isiXhosa sentence follows.)*

[... so that they are not just kept in prison.]

Now, let me come to a party that has rejected this Vote when we met as a committee. They kept silent here now. They rejected the APP and the budget. And by extension, when you were rejecting that, you were rejecting all of the good efforts that are made in prisons. We were surprised why they would reject it but immediately realised that it is the very same party, the EFF, which in its manifesto, had no

answer on Correctional Services. [Interjections.] So, no wonder why they are not able to provide any solutions. [Interjections.]

The HOUSE CHAIRPERSON (Mr M L D Ntombela): Order! Order! Hon members! [Interjections.]

Mr Q R DYANTYI: Now, I understand why you reject it. [Interjections.]

The HOUSE CHAIRPERSON (Mr M L D Ntombela): Hon members, order! [Interjections.]

AN HON MEMBER: Go and read!

Mr Q R DYANTYI: All they could do was to mimic the ANC’s proposals which we are already implementing with the department. [Interjections.] It’s going to be important that you don’t only just get into your overalls and come to Parliament. You need to bring and present solutions when you come to this House. I thank you, Chair. [Applause.]

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Thank you very much, hon House Chairperson. [Interjections.]

AN HON MEMBER: Young lion!

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Before I start, because this is the last day of the three Budget Votes I have done in the past two days, allow me to thank my wife for her support, my sister who has also been here and a special mention to my sister because she paid for my university fees. If it was not for her, I would not be standing here. I could be herding cattle somewhere ... [Applause.] ... and the apostle of my church.

With regard to overcrowding, I think all parties agree that it is a challenge. As a department we also agree that it is a challenge. We are looking at various plans to deal with it as I mentioned in the Budget Vote, with regard to the pre-trial and the post-sentencing procedures as to how we deal with overcrowding. I have heard hon Selfe's views and I have also read them in the *Financial Mail*. I think there is some kind of convergence.

Vho Mulaudzi, ndo vha pfa uri a vho khou ṱoḓa u amba nga tshikhuwa uri hoyu mugaganyagwama a vho ngo u ṱanganedza. Ndi zwe zwa ita uri vhaṅwe vha sa zwi pfe uri vhone a vho ngo ṱanganedza mugaganyagwama uyu. Fhedzi riṋe ro vha pfa nga haya maṅwe mafhungo e vha amba ngao. Ndi mafhungo a fhaṱaho. Ri ḓo a ṱanganedza.

Zwauri a vho ngo ṱanganedza mugaganyagwama ri a zwi pfesesa uri ndi nga mulandu wa mini. *(Translation of Tshivenḓa paragraphs follow.*)

[Hon Mulaudzi, I heard you; you don’t want to say in English that you are rejecting this Budget Vote. Hence, others didn’t hear that you rejected it. However, we heard you on the other issue you have raised; it is a valuable point and we support it.

We understand why you have rejected this Budget Vote.]

There is an instruction from the central authority. So, we understand. The content is clear that hon Mulaudzi agree. Hon Horn, I think you are very lonely today because Mr Jeffrey is not debating. So, his punching bag is not there.

Hon Maseko-Jele has taken us through a spiritual journey and verses which I think we need in this department. On our day to day work, we have to work to rehabilitate and remotivate the inmates. I think that spirit will reverberate in our prisons and correctional centres across the country.

With regard to St Albans Prison, we have initiated an investigation. We are going to report soon as to who, what and how the chickens were stolen. We have already put a new management team at St Albans. We have already put and suspended some officials at Durban Westville Prison. Today, we announced another four that we have suspended. So, we are applying consequence management.

With regard to Suncity [Johannesburg] Prison, indeed, it is almost double as I have said during the budget input. We are looking at it because Suncity is aimed to be a reception correctional facility – almost where we admit offenders. Because of overcrowding, we are unable to distribute them to other centres. We are looking at the measures I have spoken about earlier to ensure that we resolve these crises.

With regard to Goedemoed Prison, one of our members, Ms Stuurman, was murdered on duty. We have opened a case with the SAPS and have suspended the officials who were involved in this matter. We are hoping that the SAPS will soon act on whoever was involved from within the department or from the inmates. Because member Stuurman was a woman, we will use and dedicate the month of women at correctional services in her honour, as this is a month for all women in our country. She died as a warrior; she died on duty and died in service of the country. [Applause.] For that reason, the month of August in the Department of Correctional Services will be used to in her honour.

With regard to various issues of financial mismanagement, we have appointed a new chairperson of the audit committee for the Department of Correctional Services. I think she is now in office for almost three months. The audit committee is now ready. We believe they will be able to assist us to ensure that the systems of control on financial management exist and are complied with. We will

also do our oversight role and further our engagement with the Auditor-General on the various issues that have been raised with regard to corruption. We have already said to the department that we are also going to apply zero tolerance to any form of corruption.

On insourcing, we have not only insourced on the Bosasa issue; we are also looking at insourcing the manufacturing or sewing of the member's uniform. We are doing our uniform, which might not be enough but we also have the capacity to be able to insource our own uniform. It is something we are looking at. The business model is going to be announced soon and that will enable us to insource the member's uniform. We are not dealing with insourcing only for these issues of Bosasa; all that can be possibly done and be insourced from within, we are doing it. This is real building of state capacity in action. We are not engaging in rhetorical language; we are doing it for real. Thank you very much. [Applause.]

The HOUSE CHAIPERSON (Mr M L D Ntombela): Thank you, hon Minister. Hon members, can I have your attention please? Earlier during the debate this morning, some members resorted to language which I deemed inappropriate and unparliamentary. I accordingly requested the members responsible to withdraw the offending remarks - an order with which they complied. I should restate that it is imperative to uphold the dignity and decorum of the House.

During the exchange, an allegation was made that hon Ntlangwini had referred to another member, hon Magaxa, as a clown. In response to this, I undertook to listen to the recording to ascertain what had been said. According to the recording, hon Ntlangwini said, and I quote: “A clown just comes and says Ms Khawula is dumb.” Hon members, Assembly Rule 82 states that: members must refer to one another in respectful terms. In the context of the exchange, it is clear that hon Ntlangwini was referring to hon Magaxa, who had spoken before her. Now the reference to a member as a clown is out of order in terms of the Rules and I must therefore ask that hon Ntlangwini withdraw the comment unconditionally.

Mrs E N NTLANGWINI: Hon Chair, I withdraw that a clown is a clown.

The HOUSE CHAIRPERSON (Mr M L D Ntombela): I didn’t hear, hon member.

Mrs E N NTLANGWINI: I am withdrawing. You are not going to demand that I do any other thing.

The HOUSE CHAIRPERSON (Mr M L D Ntombela): Thank you very much.

Debate concluded.

The mini plenary session rose at 12:17.