

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 1

THURSDAY, 28 FEBRUARY 2019

PROCEEDINGS OF THE NATIONAL ASSEMBLY

The House met at 14:01.

The Deputy Speaker took the Chair and requested members to observe a moment of silence for prayer or meditation.

The CHIEF WHIP OF THE OPPOSITION: Deputy Speaker, the DA has a spare XXL if you want to borrow it for the sitting.
[Laughter.]

**STATEMENT BY MINISTER OF SPORT AND RECREATION ON REQUEST
FOR SUPPORT FOR A CAMPAIGN AGAINST IAAF HYPERANDROGENISM
REGULATIONS**

The MINISTER OF SPORT AND RECREATION: Deputy Speaker, Cabinet colleagues, hon members of this august House, Athletics South Africa, ASA, president and all leaders of

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 2

federations present, fellow South Africans and members of the media, good afternoon.

We are inspired by the words of the first President of democratic South Africa, Tata Nelson Mandela, who said:

Sport has the power to change the world. It has the power to inspire, the power to unite people in a way that little else does. It speaks to youth in a language they understand. Sport can create hope where there was once despair. It is more powerful than governments in breaking down racial barriers. It laughs in the face of all types of discrimination. Sport is the game of lovers.

Furthermore, leading American swimming coach Teri McKeever said:

I think sport gave me the first place where this awkward girl could feel comfortable in my own skin. I think that is true for a lot of women - sport gives you a part of your life where you can work at

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 3

something and you look in the mirror, and you like that person.

In many ways, these words resonate well with the injustices staring us in the face. Indeed, sport should be and is about bringing hope. It is about breaking barriers and promoting the bonds of friendship. Sport should be about inclusion and fairness. It should not be about the discrimination and injustice we see in athletics today that target certain female athletes.

As the people of South Africa today are aware, the International Association of Athletics Federations, IAAF, has reintroduced regulations that seek to prevent athletes with hyperandrogenism to participate in the female athletics categories. Their intention is to force these athletes to take medication to reduce the levels of testosterone in their bodies or be forced to compete with men. The South African government is opposed to these regulations, as they seek to punish athletes who are endowed with physical traits, attributes, and abilities naturally and subject them to medical procedures that

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 4

seek to alter who they are. We believe this is tantamount to modernising barbarism and is indeed an attempt at civilising cruelty, as well as making discriminatory practices acceptable in a world that should be steeped in a human rights culture.

Based on this, we are firmly opposed to these new regulations of the IAAF. We have lent support to the case of Ms Mogkadi Caster Semenya, our citizen and our people's golden girl. [Applause.] We have also supported Athletics South Africa to stand up to the might of the IAAF. Government appointed a high-level panel to co-ordinate our response to these regulations. The work was divided into three work streams: medical, legal, and social mobilisation. Subsequently, we presented our case to the Court of Arbitration for Sport, CAS, in Lausanne, Switzerland this past week, 18 to 22 February 2019. We are cautiously optimistic that we have mounted and presented a formidable challenge to these discriminatory regulations. As a nation, we remain indebted to both the legal and medical team that worked tirelessly to ensure we have a winnable case. Some of the team members are up

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 5

there in the gallery. [Applause.] They are patriots of our country and must be celebrated.

To us, in the sports and human rights communities, the case is not only about the human rights of our golden girl, Caster Semenya, but also about that of many other young athletes who might not have a voice. Caster Semenya herself attests to this reality when she aptly puts the following to the world:

It is not about me anymore. It's about the African girls who come from the rural areas who do not believe that they can do this.

We could not agree more. Our analysis indicates that these regulations are targeted at the subcodes of athletes that African athletes participate in and dominate. These regulations are applicable to events from the 400m to the mile, including the 400m hurdles, the 800m, and the 1 500m. We do not believe it is a coincidence that these are the races Caster Semenya participates in and, generally, dominates. We actually

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 6

believe that the regulations were designed to exclude her from participation and formulated purposefully to discriminate against her. Left unopposed and unattended, they have the potential to deprive the world of seeing and experiencing the full participation of future athletes from the soil of Africa.

This outlook is also shared by American tennis great Ms Serena Williams who says the following: Think of all the girls who could become top athletes but quit sports because they're afraid of having too many defined muscles and being made fun of or called unattractive.

Owing to this injustice, the South African government launched a social mobilisation and international solidarity campaign aptly entitled #NaturallySuperior to oppose the regulations and to drum up support for the athletes that will be affected by these regulations. The campaign seeks to highlight the injustices these regulations will visit upon athletes such as Caster Semenya and educate the public on the key issues around the case.

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 7

The campaign yielded an overwhelmingly positive response from the public and called for public action. This included signing an online petition on the matter and sending messages of support to Caster, as well as messages of opposition against the IAAF regulations. People, organisations, corporates, and members of the media of all persuasions embraced the call and celebrated Caster's natural superiority and the physical traits, attributes and abilities God endowed her with.

On the international front, the campaign also received significant support. Athletes of note, both current and former, came out in support of Caster Semenya and also in opposition of the regulations. Amongst them are former tennis player Martina Navratilova, NBA basketball player LeBron James, and tennis great Billie Jean King. King's words summarise the core of our case and opposition to the regulations:

My friend Caster Semenya is unequivocally female. Forcing women with naturally high testosterone to give up ownership of their bodies and take drugs to

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 8

compete in sport is barbaric, dangerous, and discriminatory.

Accordingly, what is at stake here is far more than the right to participate in sport. Women's bodies, their wellbeing, their ability to earn a livelihood, their very identity, their privacy and sense of safety and belonging in the world are being questioned. This is a gross violation of internationally accepted standards of human rights law.

It is for this reason that the Special Rapporteur and the Working Group that report on Special Procedures to the Human Rights Council - with Special Procedures being the largest body of independent experts in the United Nations Human Rights system - have written to the president of the IAAF to question the regulations and the accompanying potential human rights violations. Similarly, the Women's Sport Foundation has also characterised these proposed regulations as "exacerbating discrimination against women in sport who are perceived as not prescribing to normative ideas about femininity".

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 9

We therefore call upon all members of this House to be on the right side of history. We urge all representatives of the people of South Africa to openly declare for the whole world to know that "we are Caster, and Caster is us". [Applause.]

We urge all political parties to endorse the #NaturallySuperior campaign and to continue to lobby the world to stand firm against these regulations. It is expected that the Court of Arbitration for Sport will give its ruling on 26 March 2019 or soon after. We should seek to ensure that the South African voice is clearly heard until this ruling is made. We call on the rest of humanity to take a stand against discriminatory practices and subtle racism wherever and whenever it rears its ugly head.

As we continue with this campaign, we further invoke the words of Pierre de Coubertin the founder of the International Olympic Committee, and its second president who said:

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 10

Olympism is not a system. It is state of mind. The most widely divergent approaches can be accommodated in it, and no race or time can hold an exclusive monopoly on it.

Allow me to conclude by quoting the words of our President, the hon Cyril Ramaphosa, who issued a statement in support of Caster Semenya. He tweeted:

@Caster800m Mokgadi. Champion. Beacon of hope. My daughter. This is only to remind you of your greatness; because you constantly remind us that nothing beats the enduring power of the human spirit. You may run alone on the track, but know now that you run with 57 million & more.

We therefore declare the greatness of women. We pronounce the following: Let women have the freedom to be women in our sporting society. Let women have the right to participate in all sporting platforms which do not judge their gender through discriminatory practices. Let women's sporting performance and resultant greatness

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 11

neither be questioned nor doubted. Let us use sport as a tool to unite the world and not to divide it!

Wa'thint abafazi, wa'thint imbokodo! [You strike a woman; you strike a rock.]

HON MEMBERS: Wa'thint abafazi, wa'thint imbokodo! [You strike a woman; you strike a rock.]

The MINISTER OF SPORT AND RECREATION: Thank you very much. [Applause.]

Mr D BERGMAN: Deputy Speaker, I think that is what we call, a quick out of the blocks. I take you on a tour of reality. You have just run your heart out for your country, the year is 1932. You have won the race in a crowded Olympic stadium and the cheering of the crowd is the foundation of what is about to be your most euphoric moment, the start of a honeymoon to fame. No sooner are you finding your feet in this deserved and hard fought moment, when an official approaches you and leads you to a room. You are stripped and you have people inspecting

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 12

your genitalia to determine whether you are indeed a female.

A simple look will not do. A more invasive approach is required, invading your privacy and attacking your dignity. Doubt creeps in, like a cancer, it spreads through the stadium into the media and before long you are considered a gender imposter. You have to bear this burden for another four years until someone else beats you in the next Olympics and then all is forgiven because the spotlight has shifted to the next champion.

We can only imagine this, but for Stella Walsh this was her reality. This was her nightmare. In her proudest moments, she experienced her darkest days. Technology gets better and within time a new blood test determines more. Athletics champion Ewa Klobukowska is embarrassingly stripped of a medal when the blood tests return and she has some Y-chromosomes in an under researched condition known as Complete Androgen Insensitivity Syndrome, which allows for higher presence of testosterone in the female body.

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 13

She is ashamed and accused of cheating, her proudest moment is stolen from her and she is banished the sport scene only to be forgiven a few years later when she gives birth to a baby girl. She is then given her medal back, but the damage and humiliation has already been done, another champion thrown under the bus in a pursuit to prove an innocent person guilty.

Fast forward to just over a decade ago and young Santhi Soundarajan, has just run her heart out and won the race of her life, only to be told that she is not a woman. Even though she has religiously lived her life as such, humiliated and devastated she tries to commit suicide leaving us to ask a major question: Is the purpose of bodies like the International Association of Athletics Federations, IAAF, here to protect their members or beat them like criminals until proven innocent? It was easy in these cases to make headlines with these juicy accusations, but it is the apologies and forgiveness sought afterwards that never seem to hold as much traction.

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 14

Dutee Chand, with the help of her National Athletics Association, got a ruling to ban her from competing at the Rio Olympics, overturned. The IAAF is seeking to force so-called hyper androgenic athletes or those with differences of sexual development to seek treatment to lower their testosterone levels below a prescribed amount if they wish to continue competing as women. This is another angle of the same condition in which the IAAF continues to cast doubt on the people that they are meant to protect.

The DA believes in transformation in sports not quotas. We believe that transformation in sports is not just about race but about gender parity too. Sports is the one haven that should enjoy less interference from governments and rather more support. Administration bodies need to protect their athletes and protect the sports by ensuring that people have more reasons to compete rather than trying to find new rules to stifle competitiveness. India took a stand behind their athlete in Dutee Chand and I am encouraged by our people uniting behind our athlete [Applause]. It shows that we can do

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 15

it. If we have a country behind their sports people and a strong and cohesive sports administration to support, we could achieve the push back on sports bullying and body shaming.

Questions need to be asked on how vigilant Athletics South Africa has been when these rumours surfaced. How responsive has South Africa been when dealing with the IAAF? For now, the country needs to unite and push over the #HandsOffCaster campaign. She is our ambassador and we need to do right by her to stop this practice of persecution and body shaming. Sport is competitive in nature. Casper's perceived advantage has seen her come second place in many meetings, which shows that she is no better off than a person with longer legs or who practices in higher altitudes.

Soon, tall people will not be able to play basketball or cricket, boxers with longer arms will be banned.

Inevitably, such a policy would have a disastrous effect on Semenya's performances with sports scientist Ross Tucker estimating:

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 16

It would make her between five to seven seconds slower over 800m. Asking someone to take medication to suppress their natural testosterone levels also make many queasy, to say the least. The UN human rights special procedures body has even suggested that the IAAF's planned regulations contravenes international human rights. [Applause]

It is up to us to not let this get any more humiliating and discriminating than it already is. It is up to us to shout: Hands off Caster. Thank you. [Applause]

Ms Y N YAKO: Deputy Speaker, we will be failing as leaders of society if we do not properly categorise the shameless vilification and humiliation of Caster Semanya by the International Association of Athletics Federations, IAAF.

The vilification of Mokgadi is not just about science and sport. It's not about her ability to excel in athletics. It's not about her sexuality or gender, though it needs to be said that the community that is gay, lesbian,

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 17

transgender, the lesbian, gay, bisexual, transgender, queer or questioning, intersex, and asexual or allies, LGBTQIA, group, is being greatly discriminated against in this country and the world over.

This vilification is at the centre of politics and race. It is one of the clearest indicators we have in the recent past about the organised power of global racism. These regulations by the IAAF are not concerned with standardising competitive sports. The main motivation is to eliminate exceptional women from Africa and the East from competing.

As recent as 2014, the IAAF tried to impose similar restrictions on Dutee Chand from India because they argued that her higher testosterone levels gave her undue advantage over other women competitors. She challenged this, and won.

However, the treatment of these women by the IAAF is not an isolated incident. It's part of a broader campaign to block black people from excelling in sports. Serena

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 18

Williams is vilified and her achievements are understated, only because she is black. Football players of African origin face daily taunts and abuse in Italy and the rest of Europe, and the Fédération Internationale de Football Association, Fifa, and the Union of European Football Associations, Uefa, are not doing nearly enough to stop the abuse. In fact, we are not seeing them.

In the case of Caster, there is more at stake here. The future of many women from Africa and elsewhere is under attack by a group of racist sporting administrators. Caster's future is also at stake. Her ability to make a living, to be who she chooses to be and to partake in a sporting activity she loves so much is being threatened by these thoughtless regulations of the IAAF.

What this calls for is a Pan-African approach to fight against this vilification. Not only are we fighting for Caster as an individual but for all black women athletes all over the world. For once in your less than illustrious 25 years of governing, the ANC needs to be challenged to be on the side of the black child.

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 19

[Interjections.] There needs to be a continental condemnation of this tragic treatment of Caster.

This is not about you. This is about a black woman who is currently being vilified. [Interjections.] It's not about you.

All African sporting bodies and the AU itself must condemn the treatment of black athletes by the IAAF.

To Mokgadi, we want to assure you that as the EFF we will always be on your side, no matter what happens. Be strong because this too shall pass. Thank you. [Applause.]

Mr K P SITHOLE: Hon Deputy Speaker, the IFP fully supports the global #HandsOffCasterSemenya campaign and welcomes the Minister of Sport and Recreation's statement on the request for support for the campaign against the IAAF's hyperandrogenism regulations.

Our proudly South African Olympic champion spent the last week at the Court of Arbitration for Sport in Lausanne,

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 20

Switzerland; her only crime being that she is a national super athlete. Mrs Semenya is appealing against an unfair ruling which could not only humiliate her but also take away her dignity and her medals.

It is extremely concerning that the IAAF would take such measures to strip a world-class athlete of her titles because it does not support their agenda. What is even more concerning is the fact that thousands of athletes across the world have above average natural talents, skills and capabilities, yet they are not subjected to a process of humiliation and questioned on their sexual orientation and genetics.

The IFP stands firm with Mrs Semenya as she faces these trying times in her career. Mrs Semenya is a national asset and is a proud South African. She is not only an inspiration to millions of South Africans but also to the thousands of aspiring young athletes across the country.

The IFP calls on all African athletes, all sporting codes and nations to unite, stand together and boycott IAAF

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 21

events in the future if this unfair ruling is not dismissed. Hands off Caster! Hands off! Thank you.

[Applause.]

Prof N M KHUBISA: Thank you very much, Deputy Speaker and hon members. The NFP stands here today with all people of goodwill in South Africa, in Africa and in the diaspora, to unequivocally express our support for our golden girl, Caster Semenya, as she stands crucified and discriminated against for her divine potential, for her God-given talent and for who she is. She is being crucified for being an excelling, resilient, unwavering and unmatched athlete of the world; our crème de la crème.

This torture reminds us of where we come from as a nation; the nation that had the best of our majority – women, men and youth – segregated against, and who could not showcase their God-given talents and potential. What is happening to Caster is the worst form of racism,

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 22

practice of patriarchy and chauvinism. We say to the IAAF, hands off, back off and leave Caster alone!

[Applause.]

Is she discriminated against because she is a black woman who is excelling? This is gender discrimination and injustice at its zenith. The people of South Africa, black, white, coloured and Indian, will not be fooled. They all stand behind Caster Semenya. IAAF, do not act in a devilish way and bring in all these draconian laws and scientific regulations just because of the hatred meted out to Caster. This is hatred against all people of South Africa. You hate seeing the best talent we have. To us as South Africans it seems that there is some jealousy out there. Some people out there envy her medals.

Caster was born with an impressive talent which she realised when she was still very young. She worked hard to maximise it and woke up early in the dusty, gravel roads of Limpopo to practise. She has acquired a diploma in sport science and is full of hope, faith, resilience

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 23

and optimism. She's out there to maximise her God-given talent. Leave her alone! [Applause.]

She is a role model to many young people and young women of all races; showing them that no matter your background, your environment or circumstances, you can rise and become whatever you want to become as long as you have a vision, a dream and work hard with patience and determination. Her spirit has always been uncrushable and we salute her for that.

As South Africans, we want to say to Caster, we are all united behind you, and we want you to heed the words of Waldo Emerson who said, "What lies behind us and what lies before us are tiny matters compared to what lies within us".

With all of us behind you, we shall overcome. This too shall be conquered. We shall emerge triumphant. We support Caster. [Applause.]

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 24

Mr N L S KWANKWA: On behalf of the UDM, we also stand in support of the Hands off Caster campaign because as the party, we believe strongly that if one were to think that this is a medical issue, it would be to spectacularly miss the point. This is a case of not only patriarchal system that wants to determine how women should be and what kind of scientific issues should dictate how women should continue to compete in sport.

It is a question in general to say that men have a tendency of thinking that women are inferior and the minute there is a sign of superiority amongst them, it is because there is something wrong.

Secondly, this is a case of clear racism, where if you are of a different colour, in particular, black, and you happen to excel in something it is because of the colour of your skin or genetic makeup and there must be a scientific excuse to try and dump down your successes.

We reject this with the contempt it deserves. We say that ... a typical example that I wish to make, the challenge

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 25

we would have here is one; people who are geniuses would be expected to lower their IQ levels if we were to follow this, so that they can think like the rest of us who aren't geniuses. We celebrate those who have higher IQs but tell those who are also gifted along similar lines to say, you need to come down to our levels and yet we celebrated the lives of Albert Einstein and others. It is the hypocrisy that exists in the world.

We are deeply humbled by what is happening to see us standing together in support of our Caster - united in our diversity. As Winston Churchill once put it: "When there is no enemy within, the enemies outside cannot hurt you." Where there is unity, there is always victory. We must continue to stand together and say 'hands off our Caster.'

We love her, we are going to fight for her and fight with her because not only we as her leaders but we are also South Africans. An injury to Caster is an injury not only to us politicians but it is an injury to South Africans and an injury to Africa. We should all indeed therefore

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 26

stand together in support of Caster and say 'Hands off Caster, hands off'. Thatha Caster thatha! [Applause.]
Amandla!

Mr L M NTSHAYISA: Phakama Caster phakhama!

[Interjections.] Let us welcome and appreciate the statement delivered by our hon Minister here. Now it is time that we should all come together as one and rally behind Caster. She is one of our own, she is our champion. So, there is no reason as to why we shouldn't support her.

This International Association of Athletics Federation, IAAF, is missing a point here. Their claim against Caster is frivolous. Who are they to cast aspersions on Caster, on God's creation and nature?

The monopoly in sport that these people are enjoying must come to an end. Just imagine! Anything good from Africa and South Africa is not good according to these powers that be. Caster cannot be discriminated just because she

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 27

is strong and excels in sport. She is a young naturally gifted black African woman and nothing else.

The issue of this testosterone is also misplaced. She must not be targeted because she is a strong woman from Africa in general and South Africa, in particular.

We have had champions before, like, Martina Navratilova and Serena Williams. These were never targeted. Why Caster now?

They should learn from the case of Dutee from India where it was found that there was no evidence at all that this testosterone gave female athletes competitive advantage. We hope that the case that has been reserved will come in our favour. We say 'Hands off Caster, hands off.' Phakama nkosazana phakama! [Interjections.] They should not fight against creation. I thank you. [Applause.]

IsiXhosa:

Nks B N DLULANE: Sekela Somlomo ohloniphekileyo, Mphathiswa ohloniphekileyo noSekela Mphathiswa, malungu

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 28

ahloniphekileyo ale Ndlu, iindwendwe zethu ezikwigalari, ngakumbi kuni nina bantu batsha enizibiza ngokuba ningama "Yanga Yanga" nesizwe ngobubanzi baso ndiyanibulisa. Sekela Somlomo ohloniphekileyo, ndivumele ndisebenzise eli thuba ndibulele abantu baseMzantsi Afrika ngenkxaso engagungqiyo abathe bayinika uCaster Semenya emabaleni nakumaxesha anzima kwiinkundla zembambano kwezemidlalo.

Siyakubulela Mphathiswa ohloniphekileyo Thokozile Xasa ngokufunquka uye e-Switzerland usiya kuxhasa nokuvakalisa inkxaso karhulumente nesizwe. Le yindlela urhulumente abonakalisa ngayo inkathalo nenkxaso yakhe. Urhulumente okhokelwa yi-ANC uyaqhuba ukukhokelisa ukwakha isizwe nentlalontle ngezemidlalo. Urhulumente we-ANC ubhinqele phezulu ukulwa ucalucalulo ngokwesini, ngobuhlanga nentiyo kwisini umntu azikhethela sona nangokunganyamezelani. Siyiveza loo nto kuba ngamanye amaxesha uye ufumanise ukuba nalapha kuthi singoomama, asikwazi ukuxhasana.

Kule minyaka ingama-20 idlulileyo, i-ANC isebenze ngozinikela ukubuyisela isidima sabantu bakuthi.

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 29

Ngokunjalo siyala ukuvumela uCaster okanye nabani na omnye umntu ukuba baphathwe ngendlela engenasidima nengenabuntu. Thina siyi-ANC sifuna ukukhumbuza isizwe nehlabathi ngokubanzi ngamazwi angqinwa nangongasekhoyo uBawo uNelson Mandela, athi urhulumente okhekelwa yi-ANC unombono obanzi ngokuthe chatha woluntu olungenacalucalulo ngobuhlanga olukhululekileyo nelomeleleyo. Andisayi kuwaphinda loo mazwi ngoba uMphathiswa uye wawathi dakanca ngesilungu.

Yinkululeko eyamkela ngokupheleleyo indima edlalwa ngabasetyhini kuluntu kwaye isisiseko samaziko okusebenza ngokukodwa ngemiba yesini nabasetyhini. Siziqwalasele ngokucacisekileyo iinkcuku nelinge elenziwa yiManyano yoMbutho weeMbaleki yamaZwe ngamazwe, IAAF.

English:

Similarly, in 1966, at the European Athletic Championships, female competitors were paraded to determine their gender.

IsiXhosa:

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 30

Loo nto indikhumbuza xa ndandingena kwezinye izisele ndihanjiswa ngaze kusithiwa mandijongwe ukuba akukho zinto ndiziqhushekileyo kusini na apha kumphantsi wam, njengokuba ndingumfazi.

English:

In the 1966 Commonwealth Games, female athletics were forced to undergo gynaecological examinations to prove their gender. In 2014 the IAAF banned Dutee Chand because her body naturally produces too much testosterone and as such gave her unfair competitive advantage to other female athletes. Dutee Chand challenged this ruling on the IAAF policy at the court of arbitration for sport which ruled that:

The Court of Arbitration for Sport was unable to conclude that hyperandrogenic female athletes may benefit from such a significant performance advantage that it is necessary to exclude them from competing in the female category.

IsiXhosa:

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 31

Kutheni siza kuhlala phantsi? [Kwaqhwytywa.]

English:

Why are we not saying Hands off to Caster, Hands off! The IAAF was given two years to produce enough evidence to justify its policy which led to the IAAF suspending hormone tests which allowed females like our Caster to continue competing without having to lower their hormone levels. This is what we are doing Rhadi today. The new set of regulations announced by the IAAF seeks not only to demoralise and undermine her as an exceptional athlete but also infringe on her human rights.

These new rules in a nutshell, give female athletes who have high levels of testosterone an ultimatum to either succumb or take medication. Over dead bodies we will never support this.

IsiXhosa:

Siya kuwunyasha umthetho ocinezela abantu besifazane nokuba kunini na. [Kwaqhwytywa.] Kwantlandlolo singabafazi kusaphila oomama uSisulu ...

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 32

English:

... they were fighting for this discrimination of women and we are saying no Caster is going to go and cook in the kitchen. [Applause.]

IsiXhosa:

Laphela ixesha lokuba siye kupheka emakhaya.
[Kwaqhwatywa.] Ngoku lixesha lokuba sizibonakalise iziphiwo esiziphiweyo ...

English:

... not to be told...

IsiXhosa:

... ngabantu abangayaziyo le nto. Siyayazi le midlalo kwaye sisuka apha kulo Mzantsi Afrika.

English:

This means that if Caster who commands excellence and dominates the world in the 400 and 800 metres does not choose to take the medication which is taken daily to lower her testosterone...

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 33

IsiXhosa:

... wakhe wayiva phi loo nto? Athi uMdali ekudalile wasizalela uCaster onesi siphwiwo kusuke kufike aba baseMbo, aba bamweka bazokuthi makasele...

English:

... a drug that will not promote what has been given to her by God. We have a warder here who is looking after the children that are taking drugs.

IsiXhosa:

Bona bathi uCaster makathathe...

English:

... a drug in order that she is unable to compete to her optimum.

IsiXhosa:

Phantsi ngabacinezeli phantsi! Xa ndihlala phantsi ndifuna ukubulela kwilizwe laseMzantsi Afrika lincediswa ngamazwe angaphesheya nalaa Profesa othe waya

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 34

kunkqonkqoza kwi-ofisi kaMphathiswa ukuba baza kuba nathi.

English:

That Indian people were against what is going on about of international stature. On the day that we are going to have this final decision, we want, even if the Parliament is sitting, all of us to go up to wherever and put these things on that we are wearing. Amandlaaa! [Kwaqhwywa.]

The MINISTER OF SPORTS AND RECREATION: Hon Deputy Speaker, thank you very much once more to all the members who came and supported the call for us to oppose these unjust regulations. It is only when a country stands behind its athletes that we can all send a very strong word to the world. South Africa as a unique country has to continue to teach the world that not now and not at this time. We can talk and make them to understand what has to happen.

So, South Africa you stood here both as members coming from all walks of life: Members of Parliament from all

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 35

political parties supported by the people of South Africa, all the federations are here Deputy Speaker and are supporting us, Pan African Women' Organisation and Africa as a whole. It is only individual countries but regions support all of us to make sure that we cannot go forward to have sporting bodies that are not monitored.

It is not interference but they deal with our young people. They must not subject them to these atrocities. [Applause.] Most of these young people operated without the consent of their parents in countries where they do not even understand language. When parents have agreed to take those kids to participate, giving them an opportunity, they are discriminated against and are subjected to all these sort of things.

We thank the opportunity that the House agrees with us and we urge hon members that although we know that you are going to campaigns for your parties, you made sure that you do not leave behind this one. You united the world behind Caster Semenya and behind the opposition of these regulations. I thank you. [Applause.]

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 36

The DEPUTY SPEAKER: Hon members, on behalf of the rest of the Presiding Officers, we would like to associate ourselves with the message of this campaign and the support it receives from all of the speakers today. [Applause.] This will be communicated appropriately.

Debate concluded.

**CONSIDERATION OF REPORT FOR REQUEST FOR PERMISSION IN
TERMS OF RULE 268(4)(C) TO INQUIRE INTO AMENDING OTHER
PROVISIONS OF AIRPORTS COMPANY ACT.**

The DEPUTY SPEAKER: Hon members, I have hon D P Magadzi here, I also see someone else ... is that you, sir. Please go ahead, next time I will refuse you to speak if I am not told in advance. Go ahead, hon Pat.

Mr M P SIBANDE: Hon Chairperson, I am sorry. Hon Chairperson ...

The DEPUTY SPEAKER: You mean Deputy Speaker?

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 37

Mr M P SIBANDE: Deputy Speaker, sorry. [Laughter.]

The DEPUTY SPEAKER: Thank you very much.

Mr M P SIBANDE: Apologies, hon Deputy Speaker, hon members, Ministers, my job is just small. First of all, I would like to say that the ANC supports the Bill. The Bill seeks to amend the Airports Company Act of 1993. The Bill was referred to the committee on 27 March 2018 and it was published but received no public input. The amendment affects section 2 of the principal Act as well as other amendments to bring the Act in line with the current wording used in the Public Service Act.

The section 2 amendments are required to align the principal Act with the current implemented Companies Act schedule and the Public Management Finance Act. The Bill seeks to amend the Airports Company Act 1993 so as to insert and amend certain definitions to substitute certain expressions to amend other provisions of the principal Act which were not included in the Bill and

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 38

further extend the public consultation in respect of the proposed amendment that are beyond the scope of the Bill.

The Bill also seek to provide for meetings of the committee and also to amend the period for the issuing of permission, and also to provide the decision of the committee and provide the establishment of the Appeals Committee and also to provide the appeals against the decision of the committee. Apologies, I also wanted to indicate that the ANC is the party which is concerned with the following tasks, that we must upgrade and also improve some of the laws which existed before we came in in 1994. As usual, that is the only party and the only ANC which makes sure that it improves most of the Bills. So, I would like the House to support these recommendations. Thank you. [Applause.]

There was no debate.

Declarations of vote:

Mr R K PURDON: The DA finds purpose in this request and supports the bid to this House to amend the principal

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 39

Airports Act 44 of 1993, especially for the purpose of section 2 in the amendment. This was found to be necessary amongst about 11 other needs to insert, amend and provide for improvement - changes which for more than 60 days sadly has found no comment or input from stakeholders of the aviation sector. This might be based on the fact that the changes appear to be cosmetic in nature with little apparent effect on the industry or functioning.

Section 2, in particular, deals with a deceptive compliance issue which originates from the deal status of Airports Company SA, Acsa, which in 1993 was also formed as a public company under the Companies Act. Although Acsa is the major owned by government through the Department of Transport the entity is legally and financially autonomous and operates under commercial law. In terms of compliance then, particularly updates are sought to align with recent changes.

Airports Company SA is 74,6% state-owned enterprise, SOE, whilst partially privatised in 1998 when a 25,4%

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 40

shareholding was sold to the private sector shareholders. In 2005, of the 25%, 20% foreign shareholding was sold to the local asset management company, Public Investment Corporation, PIC. The 5,4% balance in shareholders have for the past decade - this part of the last decade, struggled to find an ear for the dilemma that was promised by government in what was now developed in a drawn out share buy-back court case.

These elements are underlying expects which can never be downplayed as mere cosmetic changes to any legislation. The bigger picture therefore is one of future design which will allow for economic enablement a solution and plan that will hold benefit to all, not just a few - forward thinking which will grant opportunity to millions, not just some.

While Acsa is introduced as operating like any other commercial business, closest scrutiny suggest otherwise and this includes, to mention just a few, volatility in the governance structure, internal control deficiencies, lack of consequence management for transgression and poor

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 41

performance, slow response by management to develop and implement action plans.

The bigger picture therefore is one of redesign and not just ornamental improvement and a bait which will include how private sector can play a role in fixing our SOEs - which SOEs and parastatals should be kept and which not to keep - in this case, Acsa, the appropriateness and suitability of relevant structure. While some might view this application to amend the Acsa principal Act as aesthetic in nature, the DA will approach each legislative opportunity of redesign with everyone's best interest in mind. The DA is focused on finding solutions and to promote change to the current conditions amongst our SOEs. One-sided majority party dominance for one is something which the DA will not tolerate.

Consequently, we support this request to change this principal Act. This, like any other legislative opportunity, will attract our best input and contributions because we are serious about building one

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 42

South Africa for all. I thank you. [Interjections.]

[Applause.]

Ms E N NTLANGWINI: Deputy Speaker, the EFF do not have any fundamental objections to the proposal. Further additions will be made to the Airports Companies Amendment Bill, as we acknowledge that it is necessary to align the legislation. We will therefore use this opportunity to discuss an issue that directly relates to Acsa - the issue of the Fireblade. How it is acceptable that a family should have a private terminal at O R Tambo International Airport is ludicrous. As this is not just any family, it is the Oppenheimer family - the wealthiest family in this country through Anglo American which they founded and the De Beers which they partly own and ran for many years.

The Oppenheimer family more than any other have benefited from the dispossession and exploitation of the black majority. Using the ill-gotten wealth, the Oppenheimer family have managed to turn those in government into

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 43

their puppets which do their bidding at will. On Fireblade's website it states and I quote:

Managed by the South African government, the facility is operated independently as a parallel point of entry of O R Tambo International Airport by the Department of Home Affairs and the South African Revenue Service, Sars, with on-side support from the SA Police Service.

Home Affairs officials are needed across the country and the government has the backlog of documents to process, in hundreds of thousands. In out townships, there is an obvious lack of visible policing. So, why is it that desperately-needed state resources are used to assist this particular family that have only looted our country from its resources.

The terminal is not only worrying because it undermines the state, but it is also worrying because of the history of the Oppenheimer family and the mining industry in general who are so deeply involved in illicit financial

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 44

flows in our country. Money and goods which should be accounted for by Sars is leaving this country illegally through this terminal.

The private Fireblade airport terminal must be closed down, and we cannot allow the private individuals to be above the law and behave like gods in our country. Come 8 May, we need to come to terms to ensure that we close it down. If the ANC do not have the political will to close down these excesses where money is leaving our country, we will do it as the EFF. We are not scared of anyone who seeks to undermine the black child; who seeks to block the child from obtaining services in this country. The Oppenheimers are not gods and we will show them as the EFF that they are not gods. We will close it down if the ANC do not have the political will to do so, together with the DA.

**CONSIDERATION OF REPORT FOR REQUEST FOR PERMISSION IN
TERMS OF RULE 268(4)(C) TO INQUIRE INTO AMENDING OTHER
PROVISIONS OF AIRPORTS COMPANY ACT.**

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 45

Mr K P SITHOLE: Hon Deputy Speaker, the IFP supports the internal report and its request for permission in terms of Assembly Rule 2864 (c), to amend other provision in the Airport Company Act 44 of 1993. Importantly the Portfolio Committee had the foregone sight to recognise that other important provisions in the Principal Act require amendment, as well as the need for further public consultations on certain aspects of proposed amendment, that are beyond the present scope of the bill. The IFP accordingly support internal report and the request. I thank you.

Prof N M KHUBISA: Deputy Speaker, hon members, the NFP supports the Airport Company Amendment Bill 2018, tabled here today. It is our considered view that Airport Company of South Africa, ACSA has a vital role to play, however like all other state companies, it has not displayed any immunity to fraud, corruption, maladministration and fight over tenders and positions.

It has been our concern that a state entity which should be ensuring the administration and operation of aviation,

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 46

transportation, logistic and aviation matters, lacked solid and stable regulatory framework. Due to gaps in legal framework, people ended up not knowing what ACSA's job was, accept leasing of business offices.

This Bill therefore amends Act 44 of 1993, which is the Principal Act and also strengthens the economic regulatory framework, and explains the roles and functions of regulating committees and appeal procedure. Of prime importance to us are the laws that deal with job creation, ending of poverty, good governance and consequence management. It is also important to align the Principal Act with the Companies Act 71 of 2008. ACSA like other government entities has the responsibility to open new opportunities to our youth and women Small and Medium Enterprises, SMEs. ACSA must be managed by people qualified in aviation, finance, law, economics, engineering and other technical skills. Even regulatory committees must show these scarce skills. We support.

Thank you very much.

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 47

Mr L RAMATLAKANE: Deputy Speaker, I would thank hon members that participated in support of the amendment of ACSA Amendment Bill, particularly the scope that had to be looked at, the Principal Act and the challenges that we have come across. Thank for the support. Of course the ANC supports this amendment, because it's important for the transformation agenda that ANC continues to drive. The transformation agenda that continues to make sure that the state-owned enterprises, SOEs in terms of the participation in the economy is opened up; it allows for participation by all South African.

That is why the ANC has brought this amendment before Parliament for it to be amended. The important part of it is that we making sure that there is a participation as required by the Constitution, that the participation of communities in the amendment and in the law making process. That is why we are going back to republish the Bill, for public comment and public participation, to make sure that people are at the centre of the law making process.

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 48

It is important to make sure that in this process that...; I hear the DA speaks about what they are going to watching as a dominant party. Let me just say this in reply, because it is the ANC who governs this country, the ANC is the governing party, ANC will be the governing party after 8 May, and ANC will continue to drive the agenda. Anything that you are talking about the dominance that is going to ...you can talk about it, but this is the people's decision. People will decide that the ANC comes back after 8 May. You watch the space you will see.

For the fact the ANC continues to say let's transform these institutions. The ANC government is driving the transformation of state owned enterprises; it is the ANC that is doing that, nobody else is doing it, not at the instance of anybody or the opposition saying do it, we do it because it is the task of that we have been given by the electorates to do it. So we will continue to that, whether you like or not.

Let me end this by saying that, is nice to hear the ANC got 62 %; will continue with that percentage in terms of

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 49

domination in the coming election. Wait and see, you will see that happen, so forget what you going to do about the dominance, because the ANC is going to continue to govern as a dominant party. You can shake your head, ANC supports this Amendment Bill. We are on the road to govern again.

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON JUSTICE
AND CORRECTIONAL SERVICES ON DRAFT REGULATIONS MADE IN
TERMS OF SECTION 23(1) OF LEGAL AID SOUTH AFRICA ACT,
2014 (ACT NO 39 OF 2014), TABLED IN TERMS OF SECTION 23
(2) OF THE ACT**

Ms M R M MOTHAPO: Deputy Speaker, hon members and fellow South Africans, this is a report of the Portfolio Committee on Justice on draft regulations made in terms of section 23(1) of Legal Aid South Africa draft regulations tabled in terms of section 23(2) of the said Act dated 13 February this year.

The Portfolio Committee on Justice and Correctional Services having considered the draft regulations made in

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 50

terms of section 23(1) of Legal Aid South Africa Act 39 of 2014 recommends that the National Assembly approves the regulations.

The committee further reports as follows: The regulations to the Legal Aid South Africa 39 Act of 2014 came into operation on 22 August 2017. The committee when considering the approval of the regulations during 2017 requested the Minister to consider a review of the means test.

Consequently, Legal Aid South Africa considered the impact of inflation on the appropriateness of the current means test and recommended an increase on the means test. The committee is of the view that the revised means test will further increase access to justice for poor people and close the gap between the rich and poor in terms legal aid assistance.

We therefore request this honourable House to consider the report of the Portfolio Committee on Justice and

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 51

Correctional Services as tabled. Thank you, Deputy Speaker.

Declarations of vote:

Adv G BREYTENBACH: Hon Deputy Speaker, we rise in support of changes that are to be made to the legal aid regulations. The aim of providing legal aid through public funds is fundamentally intended to broaden access to justice but also to harness fairness in our judicial system, specifically in our criminal justice system.

The proposed amendments to regulations relate only to the criteria in terms of which an applicant may qualify for legal aid and more specifically the means test. While members of the portfolio committee were at first apprehensive about the possible exclusionary effect of an increase in a monthly income applicants must enjoy in order to qualify for legal aid, we were assured that the increase is purely based on inflation and were still ensured that roughly 70% of South Africans will qualify for legal aid based on the current income levels.

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 52

In addition, it must be noted that the means test is not the final criteria determining whether an applicant qualifies for legal aid, as the Constitution requires that applicants should be assisted if they cannot afford the cost of their own legal representation and will suffer substantial injustice in absence of legal aid.

In this regard, we must warn though that whether this discretion is to be exercised in favour of those who would hopefully stand accused in the near future based on a proper investigation to the allegations and revelations before the state capture commission is something that will have to be carefully considered.

We cannot allow that those who have plundered the fiscus and in the process nearly brought our country to a fall to now come and plead that they should not pay for their own defence because the costs are so high. I thank you.

Mr T E MULAUDZI: Deputy Speaker, for a very long time legal aid in South Africa has been governed by the legal aid guide prescribed in terms of the now repealed Legal

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 53

Aid Act of 1969. The legal aid guide has undergone a number of changes to make justice more accessible to the majority of those who do not have means to procure independent lawyers for themselves when in court, but it remains an apartheid era piece of legislation inherently antagonistic towards black people.

We welcome therefore the promulgation of the Legal Aid South Africa Act 2014 which came into effect from 01 March 2015 and which prescribed the regulation we are now here to adopt.

Section 25(2)(c) of the Constitution states that everyone who is detained or appear in court has a right to have a legal practitioner assigned to the detained person by the state and at the state expense if substantial injustice would otherwise result and to be informed of this right promptly.

So, ideally we should be welcoming any attempt to reform the legal aid guide which was at most an inherently inadequate measure to provide access to justice to

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 54

everyone. But the draft regulations are not fundamentally different either; there is nothing in the draft regulation that seeks to deal with the problem of the equality of the legal aid provided by legal aid.

Often these services provided by legal aid have been of such poor quality and have led to the incarceration of people who would otherwise not been incarcerated had they had access to good quality lawyers.

This then justifies the widely held view by society that justice is only for those who have money to afford good lawyers. We also do not agree with the manner in which some of the sections of the regulation have been written which may suggest that granting of legal representation is conditional.

We demand that access to justice must be open to everyone and no restriction such as the one mentioned above should be placed on people. We also demand that Legal Aid South Africa desist from employing inexperienced lawyers but

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 55

must employ quality experienced lawyers to represent our people.

The regulations are not sufficient to deal with the changes of the legal representation but we think that there are steps forward in resolving these challenges.

Deputy Speaker, as EFF we would like the Legal Aid Board to be financed or be empowered in terms of financial resources because it lacks financial support that can allow them to acquire very expensive or very knowledgeable senior council to represent the poor. The EFF supports this report.

Mr X NGWEZI: Hon Deputy Speaker, I am making this declaration on behalf of Inkosi E M Buthelezi. The IFP supports the Report and the recommendations of the portfolio committee. Access to justice which is enshrined in our Constitution must be made provision for in our framework legislation, as our citizens have the explicit right to have disputes heard before the court of law.

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 56

This right ensures that the rule of law is upheld and should be applied fairly to all citizens. The sad fact remains though, that the current high costs of litigation translate into justice only being accessible by those who can afford the high prices of lawyers and advocates. Therefore, legal aid carries a constitutional mandate to help our poor and vulnerable to receive fiscally funded assistance. By revising the means test, access to justice will be increased and IFP is therefore in full support of the Report of the portfolio committee. Thank you very much.

Mr S C MNCWABE: Deputy Speaker, the legal aid was established to ensure access to justice and the realisation of the right of a person to have legal representation as envisaged in the Constitution of South Africa. It is the duty of Legal Aid South Africa Act to give legal advice and to provide education and information to those who cannot afford legal expenses.

The Legal Aid South Africa Act provide that Minister must, after receipt of the recommendation from the board,

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 57

make regulations relating to amongst other things, the requirements or criteria that an applicant must comply with in order to qualify for the legal aid as well as the terms and obligations in which such legal aid is made available to the applicant. The Act further provides that before any regulations can be published, it must first be tabled before this Parliament by the Minister responsible for approval.

The NFP therefore, supports the Report of the portfolio committee. We also share the same sentiments with the committee that the review of the means test by increasing its scope will open more legal assistance to those of our people who cannot afford legal expenses of private law firms. Our people will then have more access to justice that before. The NFP accordingly supports this Report. Thank you.

Mr M S A MAILA: Deputy Speaker, let justice be done, though the heavens may fall. From the onset, the African National Congress declares its support for the Report of the Portfolio Committee on Justice and Correctional

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 58

Services on the draft regulations made in terms of section 23(1) of the Legal Aid South Africa Act 39 of 2014.

Throughout its existence, the ANC has promoted human rights justice and human dignity. From the days of Pixley ka Isaka Seme, we advocated for the right to a fair trial, courts which are representative of all the people and equality before the law. We advocated for access to justice for all. We understood very well that there can be no access to justice without the legal representation before a court of law. Legal Aid South Africa provides legal representation to persons, particularly, the indigent at state expense.

The concept of access to justice denotes the situation where state legal systems are organised to ensure that every person is able to invoke the legal processes for legal redress irrespective of social or economic capacity. Again, for that every person should receive a just and fair treatment within the legal system. For the

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 59

ANC, access to courts and legal representation should never only be available to the elite.

The Regulation 27 provide for the means test to determine whether a person qualifies for legal aid. This test is necessary to assess the affordability of a person in order to qualify for legal aid. An applicant's net monthly income and their assets are taken into consideration when making the determination. The proposed regulation increases the qualifying monthly net income from R5,500 per month to R7,400 per month for an applicant in a criminal matter. It increases from R5,500 to R7,400 in a civil matter in a case of an applicant who does not have a spouse or a member of a household.

If the applicant for a legal aid in a civil case has a spouse or is a member of a household, the qualifying monthly net income increases from R6 000 to R8 000.

Assets and property are taken into consideration.

Regulation 30 gives Legal Aid South Africa the discretion to grant aid when a person exceeds the means test in certain circumstances. This discretion having taken the

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 60

relevant circumstances into consideration, allows for more people to access legal representation. The impact of this regulation is that access to justice by way of legal representation would be enhanced. No one should be denied their right to legal representation simply because they cannot afford.

As the ANC we call for an amendment to the Act so far as regulations regarding the Ministers are concerned. We move that it should be mandatory that the regulations should be reviewed every two years. Why we say this? It is because the regulations were last reviewed more than five years ago. So, we feel that it should be mandatory that these regulations be reviewed every two years. The ANC remains committed to the people of this beloved country. We will continue to champion for their rights. In the spirit of justice, the ANC supports this Report. Deputy Speaker let me go out of order and say ...

Sepedi:

Re tšea sebaka se ...

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 61

English:

... from the justice fraternity ...

Sepedi:

... gore re thekge kgadi ya masogana.

Ngwanenyana wa go tšwa kua Moletši Mabokanyane, kua Moletši Ga-Mmasehloko. Kgadi ya masogana. Caster Semenya sa MmaMasai, theko ya mahlo a makhubedu. Kgadi ya Bakgalaka!

Re a leboga.

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON SCIENCE
AND TECHNOLOGY - STUDY TOUR TO REPUBLIC OF KOREA AND
JAPAN FROM 15 TO 25 JUNE 2018**

The DEPUTY SPEAKER: I see the chairperson is here. What I have here is a different name. Hon members, can we have order? Give me the correct names of people who come here. It's better that way. Come, hon chairperson.

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 62

HON MEMBERS: Malibongwe! [Applause.] [Interjections.]

Mrs M R M MOTHAPO: Deputy Speaker, my T-shirt is on for Caster, and we support her.

Informing the visit was Vision 2030 of the National Development Plan, NDP, that seeks to transform the South African economy and the livelihoods of all citizens. The NDP assessed that science, technology and innovation, STI, are crucial for development, since countries that have efficiently alleviated poverty by growing their economies have done so by investing in and developing strong STI environments and capabilities.

Against this background, the committee chose the countries of South Korea and Japan as countries which could provide beneficial learning experience for the South African scenario. Both South Korea and Japan have, in a relatively short period of time, transformed their economies and the wealth of their nations by integrating science, technology, and innovation into every aspect of their development.

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 63

The purpose of the visit was also to understand and learn from these countries how STI policy planning and co-ordination was conducted; to learn best practices with regard to integrating STI into all sectoral development plans; to identify possible policy approaches that could be used to increase the level of research and development investment; to learn about the areas of STI co-operation with South Korea and Japan; and how successful co-operation projects could be expanded and/or be continued to identify opportunities for human capacity development; and gather information on how Parliament, through its oversight function, can ensure that STI is wholly integrated into all sectoral development plans and adequately resourced.

All the organisations visited by the delegation expressed a strong desire to further expand the collaboration effort already in existence between the two countries, be they South Africa and South Korea, or South Africa and Japan. This extends to student training and exchange programmes. Both South Korea and Japan, at the time of their configuring their economies through STI, had an

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 64

already highly skilled workforce in place, created by the importance that their cultures place on education. South Africa has the added difficulty of creating a highly skilled workforce while it stays abreast of and develops its own strategic areas of expertise within the global technology development sphere.

The lesson is that both South Korea and Japan managed to rapidly transform their economies through the integration of science, technology, and innovation into every aspect of their development trajectory. These two countries have worldwide leading experience rates in science, technology, and innovation, notably the 5% Korean national budget which was allocated to research and development, compared to South Africa's approximate 0,9%.

Both South Korea and Japan have STI policy formulation and the co-ordination of their science and innovation system located within Cabinet offices under the president, and led by the prime minister. This configuration ensures that all Ministries that receive a budget allocation for research and development implement

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 65

their research and development mandate, as dictated by the national STI plan. Both countries place a strong emphasis on human values, ethical development, creativity, care for others and the environment, and the value of change as the drivers behind the use of implementation of the STI.

On opportunities for South Africa, South Africa is rich in natural resources and biodiversity that are in demand in high-growth economies, such as Japan and South Korea. In addition, South Africa's extensive infrastructure development programme divides investment opportunities for Japanese or South Korean companies for new research and innovation, and will attract high-level skills. Energy and water are a particularly important focus for South Africa, and Japan is a world leader in energy and environmental technologies.

There is a critical skills shortage in South Africa, while Japan has a highly skilled, yet declining population. The latter has a relatively low retirement age of 60 for most companies and institutions. South

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 66

Africa has an expanding population, while Japan has an ageing population. However, in Japan, the importance of teaching experience means that several professors with long careers remain in their institutions past the official retirement age.

The recognition of the importance of science, technology, and innovation to economic growth and challenges, such as the environment and energy security, especially in the wake of major global challenges, including climate change, is reflected in the countries' respective national plans aimed at strengthening innovation. Both recognise the importance of human capital, international networks between knowledge economies through research and co-operation, and the importance of open economies and societies.

The ANC supports this report. Thank you very much. [Time expired.]

Declarations of vote:

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 67

Ms C V KING: Chair, to the Deputy President, in his absence, the Fourth Industrial Revolution is characterised by the fusion of technologies, blurring the lines between the physical, digital, and biological spheres, and breaking into a number of fields, such as robotics, artificial intelligence, AI, and nanotechnology.

South Korea and Japan are considered as two of South Africa's most important and strategic co-operation partners in the areas of science, technology, and innovation. Both have significantly advanced in their countries' development trajectory through the active inclusion of STI in their national development policies.

South Africa is striving to do the same, albeit from a significantly lower base in terms of education standards and investment in research and development. The purpose of this study tour was to establish how policy decisions around science and technology have an influence on economic growth and skills development in these

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 68

respective countries, and how they incorporate the advancements of Industry 4.0 into their societies.

South Korea's economy is driven by export-led growth. Given that South Korea does not have significant natural resources, its human capital is its most important resource. Education is therefore highly regarded by Korean societies. Emphasis is placed on the importance of having a diverse, well-educated workforce, and during the past few years, the South Korean government has concentrated on the potential challenges and opportunities of the Fourth Industrial Revolution and what skills would be needed for the country to best take advantage of the opportunities and mitigate potential threats.

The Korea Advanced Institute of Science and Technology, KAIST, South Korea's most elite, STI-focused research university, was established to produce the high-level STI human capacity needed to support South Korea's industrialisation drive and to conduct both the short- and long-term basic and applied research that enabled

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 69

South Korea's strategic technological advancements. South Korea's total research and development investment as a percentage to GDP is the highest in the world, at 4,23%. South Africa's research and development investment in relation to its GDP is 0,8%.

Japan and South Africa have a long-standing and well-established STI co-operation programme, which Japan is keen to expand. However, issues stemming from bureaucracy, IP ownership, modalities within joint projects, and the death of high-level skills in South Africa are all hampering efforts to realise greater degrees of collaboration between the two countries. Japan, being the world leader in catalysis research but lacking the platinum reserves and solar energy for the production of hydrogen, is therefore an important partner for South Africa, in terms of advancing the country's ambitions of being part of the hydrogen economy.

While South Africa's Deputy President and the ANC are still figuring out Industry 4.0, Japan's broad objective of the fifth science and technology basic plan, Society

THURSDAY, 28 FEBRUARY 2018

Page: 70

5.0, is guiding Japan to become the most innovative-friendly country in the world.

What have we learnt from the trip? Participation in the sectors of science and technology for South Africa is more on basic research than in applied research. Research and development investment by government in South Africa is below 1%, compared to South Korea and Japan. This curbs research and knowledge generation in science and technology. A well-educated workforce in Japan and South Korea allowed them to absorb new technologies. Investing in education at all levels is critical in laying the foundation for technical capabilities and industrial development.

Cross-cutting Ministries are linked together to ensure science and technology innovation is central to economic growth and human resource development. They agree, as does the DA, that the Ministries of higher education and science and technology should be combined as one Ministry, cutting costs and synergising skills development with future demand.

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 71

South Africa's low education and skills ability are aggravated by the unclear policies of the ANC. This leads one to wonder: Do they really learn from the best practices when going on these study tours?

[Interjections.]

Afrikaans:

Ons aanvaar hierdie verslag. Suid-Afrikaners, stem DA op 8 Mei vir duidelike ekonomiese, onderwys-, kommunikasie-, en regeringsbeleid. Stem vir een Suid-Afrika! Stem DA!

[Tyd verstreke.] [Applous.]

Mr T E MULAUDZI: Chairperson, the purpose of the study towards the South Korean Japan was primarily to learn from the experiences in using science technology and innovation to develop and grow their economies. Both Japan and South Korea have effectively used science technology and innovation to repeatedly expand and develop their economy in a short space of time. But, our government is blinded by lack of vision, disabled by incompetent and corruption and is foolishly committed to mere liberal economics.

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 72

The reality is that the economies of South Korea and Japan grew because of strategic intervention and support by the state of the science and technology sector and the economy as a whole. Many of the observations made during the tour, what we as the EFF have laid out in our manifesto.

South Korea's total research and development budget for 2108 was R990 billion, meaning total investment in research and development represent 4.23% of their GDP. In South Africa it is not yet at 1%, with government departments being required to spend specific percentages on the research and development along with the incentives for the private sector.

In South Korean Japan data is cheap and is accessible to all citizens which helps cultivate a culture which is engaged and creative in their internet use. In South Korea in particular the state has supported the development and the growth of companies like Samsung and have promoted and internalised industrialisation through

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 73

intervention such as tariffs, subsidises and the provision of state infrastructure.

In both countries, the basis however for their large and developed science, technology and innovation sector has been education. Students are exposed to technology and trained how to use it from primary school right through to the university all of which is heavily subsidised by the state. What is also important to note and is something that we as the EFF keep on emphasising is that technology and innovation are not end in themselves but meets to an end which is the development of the economy and improved standard of living for our people.

As the EFF we have long been aware of the policies and programmes of actual develop and implemented by the countries like South Korea and Japan and they find expression in our manifesto. We support the said report, thank you.

Mr N J J V KOORNHOF: Chairperson, it is important for portfolio committees of parliament to travel abroad. This

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 74

visit to Korea and Japan has inspired us and cemented the importance of science and technology in South Africa. When you arrive in Korea you realise what can be done, what is possible after you've had a war and within 60 years after hard work, discipline and focus you have changed your country.

To have visited some of the Korean universities specialising in science and technology, was an absolute eye opener. The Samsung digital city is an experience beyond the Fourth Industrial Revolution. While we in other countries worry about job losses the Fourth Industrial Revolution might bring, Korea citizens think they will have better jobs when robots take over jobs that is repetitive and not stimulating. That is a positive attitude but then you must be ready for it.

When you arrive in Japan, you are astonished by the discipline and politeness of that nation. During the last Summer Olympics in Japan in 1964, they introduced the bullet trains; it took over the world since 1964. On this visit they introduced to us hydrogen as the new energy

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 75

for transport. In the 2020 Summer Olympics in Japan, all athletes will travel in busses driven by hydrogen. Will it take over the world like bullet trains? I think so. But, for hydrogen there is a good opportunity for partnerships in South Africa and we will look in to that.

South African and Japan relations are good, we do have the highest number of Japanese companies invested here than any other African country. Japan can be an enormous partner for South Africa in future. But, all these incredible successes come with a human price. Both countries have the world's highest number of suicides per capita. How is that possible? If you are young and you fail at school level and you do not see a future and decide to leave this world, it's a cruel world, no doubt, South Africa is the most advanced country in Africa as far as science and technology are concerned.

The emphasis by the President in his SONA speech addresses the importance of that and it must be welcomed. His emphasis to equip our young learners with technology is an important step to prepare all of us as well as

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 76

those who cannot afford it for the Fourth Industrial Revolution.

With Square Kilometre Array (SKA) and Meerkat development, South Africa is already running with leaders. Now South Africa has been asked to join Pan-European consortium comprising of nine European countries. This will be finalised in June. South Africa will become a regional centre and therefore an important role player for the space where the infrastructure provision to aviation in Africa. Another milestone for science and technology and the ANC. Let's hope that party the best for the 8th of May and they will come back to take this country to higher milestones. The ANC supports this report.

Motion agreed to.

Report accordingly adopted.

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 77

CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON POLICE

- STUDY VISIT TO PEOPLE'S REPUBLIC OF CHINA FROM 8-15

OCTOBER 2017

Mr F BEUKMAN: House Chairperson, hon members, fellow South Africans, the Portfolio Committee on Police embark on a study visit to the People's Republic of China at the invitation of the Internal and Judicial Affairs Committee of the National People's Congress, which is the equivalent of the Portfolio Committee on Police in South Africa.

I must indicate that this parliamentary term is one of the highlights of our activities as a portfolio committee. The aim of the visit was to provide the delegation with a first-hand opportunity to interact with their counterparts of the NPC as well as other relevant institutions and organisations and share ideas on best practices and innovation in the areas of police training, municipal policing, technology, transnational crime and the involvement of citizens in curbing crime.

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 78

We had a meeting with the Standing Committee of the NPC that took place at the Chinese People's Congress. The Vice Chairperson of the NPC, Mr Ling jianguo welcomed the delegation and expressed his appreciation for the delegation's visit. He assured the delegation of the NPC's commitment to strengthening and deepening the bilateral relations between the two countries, not only at the level of the executive, but also between the NPC and the Parliament of the Republic of South Africa. The NPC viewed the Brics membership by the two countries, the Forum of China-Africa Cooperation and various many other platforms as presenting our opportunity for strengthening and further deepening of the ties between the two countries.

As the highest organ of state power, the NPC has powers to legislate, oversee the operations of government, the power to elect major officials of state and most importantly the power to amend the Constitution and to oversee its enforcement.

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 79

We also met with the Ministry of Justice as well as members of the Supreme People's Court officials. One of the important interactions we had was with the Judicial Service Commission of the NPC. They briefed us on the core of police training in the People's Republic. They also indicated the importance of high standard set for Chinese police to observe and adhere to in carrying their duties.

Over the years, the NPC Committee had approved the budget for Public Security Ministry, which played a major role in some of the reforms of policing in the People's Republic of China. Maybe just to indicate with regard to the findings and observations the committee found during our study visit to the People's Republic, there is a strong collaboration between the Ministry of Justice and the Public Service Ministry under the Chinese Police Service.

The delegation observes an overwhelmingly community involvement and partnership with the police in fighting against crime. We, as the portfolio committee also

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 80

believe that is a model that we can use in South Africa in ensuring that as the corporation of the public in fighting with crime.

There is also a very strong emphasis on professionalism, accountability and consequence management in the work of Chinese police. We believe that the SA Police Service should utilise the opportunity presented by the Chinese counterparts to engage in training exchange programmes in various aspects of training. The delegation also noted the strides which the Chinese government has undergone in the professionalisation of the police service through a combination of training, welfare and political party discipline.

The delegation noted the results of reliance on the usage of technology by the Chinese authority as a central pillar of policing and the prosecution of crime. There are a few recommendations that the committee made in our report. The committee recommends that the SA Parliament and the MPC should continue to interact and share ideas

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 81

on policing matters, in particular, the two committees on oversight of policing.

The SA Police Service should also utilise the opportunities that exist to learn from their Chinese counterparts with regards to best practices through exchange programmes that have been proposed by the People's Public Security University of China, PPSUC. We also felt that the SA Police Service should fast-track technology implementation as a force multiplier in fighting crime in the country and also that SAPS should embark on a benchmarking study with regard to the Chinese recruitment model and training methodology for police. House Chairperson, I thank you. [Applause.]

Declarations of vote:

Mr Z N MBHELE: The Portfolio Committee on Police undertook a parliamentary study trip to the People's Republic of China from 8 to 15 October with the aim of learning about the Chinese policing context and operational practice. The committee observed three key

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 82

distinctions which can assist with making our SAPS more effective and efficiency.

Firstly, we learned that there was strong emphasis on ensuring and maintaining a professional police service. It's actually quite difficult to become a police officer in China because a university entrance exam pass is a minimum entry requirement to become a police cadets.

Following that, the police training curriculum is four years long in contrast to less than two years we have in South Africa, resulting in police officers qualify with a bachelor's police degree. This is further reinforced with regular in service training to refresh and update serving police officers on development in the field. These two factors make a world of difference in cultivating the professionalism and discipline of the police.

This is the kind of approach a DA national government would implement for an honest and professional police service. [Applause.] Secondly, there was an emphasis on specialisation, where police officers can serve in

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 83

dedicated unit more suited to their interest and aptitude from household crimes to cyber crimes. The DA has long advocated specialisation as a policing reform pillar.

Thirdly, as we learn during our interaction with the Shanghai, a municipal police bureau, there was extensive use and application of modern technology in police work.

In the case of Shanghai, this has been spurred by the need more than anything else because the police force in that city is short-staffed, just 50 000 officers servicing a population of more than 30 million people. In contrast, South Africa has more than three times as many police officers servicing less than twice have been to people.

To compensate, the Shanghai police leverage a CCTV surveillance network linked to a computer system with automatic number plate and facial recognition software, artificial intelligence programmes and big data analytics in order to work smarter and be effective in spite of human capacity constraints.

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 84

However, Chairperson, the most fascinating observation from the study trip was concerning the discipline and accountability that has been maintained in political governance since the late 1970s in the absence of checks and balances on state power.

One would have expected the ruling elite of the Chinese Communist Party to a fallen victim to the corrupting influence of concentrated power, but human fallibility seems to have been constrained over the last almost 40 years.

Given that China is a one party state with the key political economic and social leavers are held in the hands of a few and control very tightly, I concluded that this phenomenon must have something to do with the leadership ethic and the coherence political will of the communist party elite.

My thesis is that, the country experience of the political economic and humanitarian disaster of ideological excess during the Cultural Revolution gave

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 85

the communist party leadership a deep resolve to adopt and adhere to pragmatism and meritocracy as core principles of governance. These seems to best explain why successful investment and trade policy and corruption curtailments have been implemented in China in the absence of checks and balances and independent judiciary, free media and free and fair multiparty elections.

Without the getting, the very serious issues of authoritarianism and human rights violation in China, this governance ethic founded on pragmatism and meritocracy and animated by a focused and resolute political will, a political will this ANC government lacks is probably the biggest lesson we can take as a live from Chinese book. A DA national government would have the political will to cut corruption, speed up service delivery, secure our borders and build one South Africa for all. [Applause.] So, on 8 May, vote DA for change, vote DA for a better future. I thank you.

Ms N V MENTE: House Chair, this is one of those study tours where South Africa was supposed to have implemented

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 86

everything they have learned there. The portfolio committee visited to the People's Republic of China and the EFF was represented by hon member, Phillip Mhlongo. It was very useful, educational and offered insight into what a well run, well trained and disciplined police force should look like. There were high standards to which police officers are held. As they are required to graduate from the central university for police in Beijing before they are put into action.

There were commanders that were given reports on how the quality of recruits allowing the Central University to make an adjustment in training programmes. In Shanghai we learned how the Chinese police force is using cutting edge, state of the art technology, including all to improve crime fighting with every suburb of the city under surveillance.

What was also interesting to note, was that the police were wearing cameras when on duty, allowing for greater accountability and capturing of incidences as they happen. But, the most lessons taken away from the tour

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 87

were the Chinese approach to corruption. In China, there is absolutely zero tolerance for corruption regardless of your position within government or the ruling communist party, with top officials being sentenced to death for corrupt activities.

There are many lessons that can be learned from the Chinese approach to policing, but I doubt that any of these observations or recommendations will find expression in the policies and programmes of actions of the South African Police Service under the ANC government.

Just like in China, under the EFF government, we'll ensure that all police stations are housed in properties that are owned by the state - that is for starters. No police station must rent for any infrastructure in order for the police to be accessed. Just like in China, under the EFF government all police stations will have proper raping kits. The Family Violence, Child Protection and Sexual Offences, FCS unit will have properly trained and equipped police and just like in China, all wards in

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 88

South Africa will have a satellite police station where there are no police stations. All the police will be sufficiently paid and there will be recruited in a proportional ratio to the community that they are serving. Not this thing we have today, that when you call a van in Cofimvaba and Ngcobo, Deputy Minister of Finance, it takes two days to get there because how you recruit the police today, you don't recruit them in a ratio of the community that they serve. When you are buying equipment and resourcing the police, you don't resource them according to the needs of the communities that they serve. Under the EFF government on 8 May that is all going to change. Thank you. [Applause.]

Mr A M SHAIK EMAM: Hon House Chair, allow me to deviate a little bit. [Interjections.] You know from the very outset, allow me to express my disappointment at the continued marginalisation of minorities in South Africa in this House. Now hon Chair, the smaller parties in this House only get three minutes to debate. [Interjections.] One minute of which they spend introducing themselves. Now what does it say? It clearly says that the large

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 89

parties are oppressing the smaller parties because not one single largest party in this House has ever entertained the concerns of the smaller parties to be given more time. [Interjections.] What we are forgetting is that the smaller parties also have people and followers behind them that they represent in this House. [Interjections.]

Now the same thing happened when this committee went to China. It went to China, but it left certain members out. However, the very same members are supposed to participate, conduct oversight, but you leave them out. [Interjections.] I think the system needs to be attended to. Otherwise, what the minority did before 1994, the majority is now doing to the minority in South Africa. So, I think, we need to look at that. We need to change it. [Interjections.] The rules of this House must change so that it benefits everybody.

Let me add, it will not affect the larger parties. We are not asking you to reduce your time, but we are asking you to increase the time by one or two minutes for the

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 90

smaller parties. We can also contribute meaningfully. Let us not be selfish. [Interjections.]

Ms M S KHAWULA: Who is selfish?

Mr A M SHAIK EMAM: The NFP as said before time and time again and the previous Ministers accepted this but nothing has been done. We said in order to professionalise the police force and to get the right kind of people who had a passion for policing; we must start including it in the curriculum at the school level, so that when they come out of school, you would have those people that have a passion for policing. What would they then do? They will then follow a career in policing ... [Interjections.]

IsiZulu:

Nk M S KHAWULA: Bengifuni ukwazi ngabe sekuqhume idivosi yini phakathi kweNFP ne-ANC.

English:

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 91

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, please, please! Continue.

Mr D W MACPHERSON: Chairperson, to your left.

The HOUSE CHAIRPERSON (Ms M G Boroto): Yes, hon Macpherson.

Mr D W MACPHERSON: Is the member prepared to take a question?

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, are you prepared to take a question?

Mr A M SHAIK EMAM: I only got 31 seconds, Ma'am.

The HOUSE CHAIRPERSON (Ms M G Boroto): Thank you, continue.

Mr D W MACPHERSON: Sorry, he didn't say no.

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 92

The HOUSE CHAIRPERSON (Ms M G Boroto): Okay, it's fine. He is not.

Mr A M SHAIK EMAM: Now, so we said those that are coming out of school if it's included in the curriculum will then choose a career in policing. You will have the right people, with a right passion rather than having thousands of people coming out of matric without a job and then going for any position that is advertised. But, we take note of the tour, your findings from the department and your recommendations. In light of that, the NFP will support the recommendations by the portfolio committee tabled here today, taking into consideration give the smaller parties more time. I thank you. [Applause.]

Mr L RAMATLAKANE: Chairperson, the ANC supports the recommendation of the committee and the ANC in supporting the recommendation that has been presented of the visit to China is that ... of course, as you know, China is part of Brics, Brazil, Russia, India, China, and South Africa. We are all working together in what we have learnt. We have learned in China for the purpose of the

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 93

implementation by the ANC, particularly when it deals with the issue of professionalisation of the police in terms of the training. So, this visit was not just a simple visit for a sake of visit, it was a visit for us to be able to learn and take what is an important lesson from China in terms of policing.

One of those lessons that we were able to pick upon is the issue about community policing. I think the importance of community policing in China is that every area where you go, you have community policing and volunteers. What is important, you have community volunteers that are working with the police in those areas. Minister of Police, Mr Cele is beginning to introduce community participation to be the centre of the policing, to say lets bring it back. In any case, the community is the best repository of information in so far as, policing is concerned.

We have learned and we are continuing to learn in terms of the visit to China. One of the things that we have learned as a community and as a recommendation going

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 94

forward is to make sure that the exchange programme takes place. The Chinese who had been talking about to have more exchange programme with South Africa, particularly in the field of the police because of the technology that they are using is a recommendation that we support. We would like to say it should happen.

The third issue that was raised that we also in support of is that China, as part of the Brics, it was obviously saying it wants more and more kind of interaction, including the permanent member representing South Africa in the police in China and that they don't have anybody there that they can talk to. This is the recommendation we support going forward. After 8 May, the ANC government of the people will make sure that these recommendations are implemented.

Chair, let me just say that in leaving the podium having supported this, I just want to clarify what is running in the media. Emam, we've just finished the long process with engagement in the committee. You did not have seven minutes. Everybody had equal time. There was a debate for

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 95

everybody; no minority had received little time.

[Interjections.] It was equal participation.

Let me end by saying, the strange part is, the opposition parties today give an explanation that they are going to have a caucus, they can't attend the portfolio committee when we finalise the recommendation. But guess what? In the media they said they boycotted the meeting.

[Interjections.] In fact, the apology is that they have a caucus. The media say they boycotted because they did not have sufficient participation. Actually, they had lots of participation, loss of input in the process. We have even take ... [Interjections.] ... the issue here is they are cry babies [Interjections.] Cry babies that do not want to see a party that is in government in numbers. 8 May is going to come and happen; you are going to continue to sit on the opposition. [Interjections.] You are going to be cry babies because your party is going to be down and down and down. [Interjections.] The ANC is going to continue to rule. Thank you very much. [Applause.]

THURSDAY, 28 FEBRUARY 2018

Page: 96

The Deputy Chief Whip of the Majority Party moved: House Chair, I move that the Report be adopted.

Agreed to.

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON TOURISM
ON VISIT TO TOURISM MONTH ACTIVITIES IN EASTERN CAPE
PROVINCE**

Ms L S MAKHUBELA-MASHELE: Chairperson, esteemed Members of Parliament, the Portfolio Committee on Tourism visited the Eastern Cape Province in Mthatha during September to observe the World Tourism Day celebration. The theme for the celebration was, Inclusive and quality growth of the tourism economy through digital transformation. The theme was meant to encourage travellers to explore the country, while fostering an awareness of the socioeconomic benefits of technological advances in creating opportunities to improve inclusivity, community empowerment and efficient resource management in the sector.

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 97

This augurs well with the demand placed by the Fourth Industrial Revolution on the tourism sector. The Fourth Industrial Revolution provides opportunities for the growth of the sector, but also signals stress, if the country does not adjust and adapt accordingly.

Mthatha, as a subdestination, is rich in history and biodiversity. One of the major attractions in the area is the Nelson Mandela Museum. The celebrations were held at the Mthatha Dam and it was observed that the dam is underutilised. There are many tourist activities that can be developed in the area.

There are prospects for developing picnic sites that can overlook the dam and it is an area with easy access to game. The real "African feel" of the Luchaba Nature Reserve makes it more than a viable option, particularly given its proximity to the Nelson Mandela Museum.

The Luchaba Nature Reserve is adjacent to the Mthatha Dam, which is home to a variety of wildlife, a series of wetlands and grasslands, and a wide selection of birds.

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 98

To improve the way in which world tourism is celebrated in the country, and in harnessing the true potential of Mthatha, as a subdestination, and in making it a world-class destination of choice, a number of interventions are needed. These interventions must be premised on two broad and crosscutting endeavours.

Firstly, the Portfolio Committee on Tourism recommended that the national Department of Tourism and South African Tourism, SAT, which is our key marketing entity, with the provincial management of the sector and the private-sector should enhance the tourism month experiences in provinces where the day is celebrated by organising local tours for old people and those that are excluded, to experience various destinations across the country. This will create more awareness of tourism, the tourism potential in local destinations and how it allows ordinary people to experience their surroundings and the area, at large.

Secondly, the national Department of Tourism, SAT as its entity, together with the Eastern Cape Province, through

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 99

the Eastern Cape Parks and Tourism Agency, must explore and exploit the unique biodiversity, heritage sites, recreational activities, wonderful wildlife and ensure that the coastline along the coast benefits the tourism sector.

It is important to note that the Eastern Cape, as the province of the legends, has the right tourism products to offer. We do encourage local tourism agencies to ensure that they harness and seize the opportunities that are within the tourism value chain.

We present this report to this House for adoption and to ensure that the resolutions that are tabled are taken and that the department does follow up on the recommendations and implement it. Thank you.

Declarations of vote:

Mr G R KRUMBOCK: House Chairperson, during the tourism oversight done in the Eastern Cape, it became clear that in an area where the DA governs, we govern better. Take

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 100

for example, some successes in the Nelson Mandela Bay area.

Firstly, the Trollip administration appointed community-based tourism forums to improve community awareness of tourism at grassroots level, designed to educate and empower small businesses and ordinary community members about the value of tourism.

Secondly, the Trollip administration appointed a Director of Tourism in 2017, after the position had been vacant since 2012.

Thirdly, the Trollip administration renewed the relationship between the Destination Marketing Organisation, DMO, Nelson Mandela Bay Tourism and the City. This led to a new board with extensive depth of experience.

Fourthly, the Trollip administration also saw an increase in crew ships docking in the City.

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 101

Fifthly, for those who are really fit and healthy, from all across the globe, the Trollip administration hosted the Ironman 70,3 World Championships.

What had basically taken place was a reinvention of tourism, which sowed the seeds of a bright new future for tourism in Nelson Mandela Bay. This would have taken just a few years to really make an impact. If this is what can happen in the space of two years, imagine what is possible if a province and cities in provinces are correctly run.

Just consider the DA-run Western Cape and the City of Cape Town. The Cape Town Air Access project, designed to unlock leisure and business tourism in the province, by attracting more direct international flights to Cape Town International Airport has had astonishing success. An extra 750 000 inbound seats have resulted from the 13 new inbound routs by mid-2018. There is a 20% increase in international arrivals in Cape Town in the past two years.

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 102

A quarter of all tourism-related construction nationally is happening in Cape Town. In fact, we don't have to imagine what tourism can contribute to our city and provincial economies; it is already happening in the City of Cape Town and the Western Cape. Under DA administration, dreams become a reality. I thank you.

Ms N P SONTI: Chairperson, the EFF views the tourism sector as the sector with the biggest potential yet to create jobs in a sustainable manner. We have, in the past, registered our appreciation for the critical role tourism plays in growing the economy and its potential for mass job creation.

It is currently unable to realise its full potential because of the nature and structure of the tourism industry itself. The industry operates like a mafia controlled by a few tourism players who have access to amenities such as hotels, bed and breakfast establishments and recreational farms. They absorbed the bulk of the revenue from tourism, appoint a few black people as labourers and pay them peanuts.

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 103

This is one of the reasons why the land question is so important. Without radically changing land ownership patterns, tourism will continue to benefit a tiny minority.

In the Eastern Cape, the situation is actually worse. With foolish and corrupt people such as the Eastern Cape Parks board CEO, the future of tourism in the province is very bleak and very dark.

If we are serious about the governance of the tourism industry in the Eastern Cape, we must hold that CEO accountable. He must tell us why the COO, a very competent black woman, left her position at Eastern Cape Parks.

The reality is that we allow the tourism industry in the Eastern Cape to be captured by idiots whose only interest is to amass as much wealth as possible for themselves.

We have obviously repeatedly asked these questions about the corrupt nature of Mr Dayimani, but we have been told

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 104

that it is not a national competency, but a provincial one. We reject this report because we know it is of no consequence and nothing will be done. Thank you.

IsiZulu:

Mr S C MNCWABE: Sihlalo, ilunga uSonti uyasishaya isilungu, ngiyamvuma. Yize noma besingeyona ingxenye yohambo olwaluya eMpumakoloni kodwa siwufundile umbiko wokomiti. Siyawesekela kakhulu lo mbiko esiwuthola. Kuyiqiniso ukuthi ezokuvakasha ezweni lakithi zifaka omkhulu umnotho kakhulukazi ngezikhathi zikazibandlela.

Kuyasijabulisa ukubona ukuthi umnyango uyazama ukuba nezinhlelo ezicacile zokuthuthukisa lo Mnyango weZokuvasha futhi ke siyavumelana nekomiti ukuthi njengoba umhlaba wonke uthuthuka kwezobuchwepheshe kubalulekile ukuthi nezokuvakasha nazo kwelakithi izwe ziye ngokuphakamisa amasokisi kwezobuchwepheshe ukuze sikwazi ukuheha izivakashi zakuleli.

Okunye esivumelana ngakho nekomiti elikushile ngukuthi nabantu bakithi kumele sibagqugquzele ukuthi mabalazi

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 105

izwe labo. Masibagqugquzele ukuthi mabavakashela izindawo zale lizwe, balibone izwe labo ngaphambi kokuthi umuntu abeke imali yokuvakashela eMauritius. Umuntu akake abeke imali yokuya eKruger National Park.

Abantu mabayeke ukukhuluma amaphutha bakhale ngokuthi basaba amabhubesi, basaba izingwe bengakaze bayibone. Mabavakashela iziqiwu bayowabona lamabhubesi bangasho ukuthi baphuphe bejahwa amabhubesi into engakaze ayibone umuntu ngamehlo. Masibafake ke umoya abantu bakithi wokuthi mabasubkume. Umuntu angazalelwa kwaZulu-Natali aze afele kwaZulu-Natal, Makaphume ahambele ezinye izifundazwe alibone izwe lakhe

Ngake ngehlelwa ishwa ngiseNgilandi ngisafunda isikole, omunye wezakhamizi zaseNgilandi esixoxela ukuthi iMfolozi inhle kangakanani emaphakathi neKwaZulu-Natali, lapho athi babona isiqiwi kuthi sihle kangakanani kanye noMfolozi izindawo ezinhle kangakanani. Ngathelwa yihlazo lapho sekumele ngifakaze ukuthi ngempela isiqiwi kanye noMfolozi izindawo ezinhle kanjani kodwa ngibe ngingakaze ngiye kuzo.

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 106

Manje yizona zonke lezi zinto abantu bakithi okumele bazazi ngezifundazwe zale lizwe, sibacele abantu bakithi ukuthi makungabi ngabantu baseGoli kuphela abalokhu bayobhukuda olwandle lwaseThekwini, nathi akesisuke siye eGoli siyobona ezinto ezinhle zakhona, kanjalo nasezindaweni ezifana noMpumakoloni, Limpopo, oMpumalanga, oNyakathokoloni silibone izwe lakithi ukuthi lihle kangakanani, futhi umnotho sizakhele thina ngokwethu, umnotho ushintshe izandla zethu. Siyabonga futhi siyaweseka umbiko weKomiti Lezokuvasha.

[Ubuwelewele.]

English:

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Khawula, there is a speaker at the podium. Please, take your seat.

Afrikaans:

Mev P E ADAMS: Agb Voorsitter, ons doen toerisme. We do tourism. Siphucula ukhenketho.

English:

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 107

The tourism sector reflects the imbalances of the past. Through the NDP, the ANC-led government aims to eliminate inequalities and poverty by 2030. [Interjections.] Yes, really.

The national Department of Tourism, in collaboration with the Eastern Cape Province and other stakeholders, hosted festivities in celebration of World Tourism Day on 27 September 2018 at the Luchaba Nature Reserve in Mthatha in the Eastern Cape Province.

Afrikaans:

Provinsie van die legendes.

English:

Province of the legends.

IsiXhosa:

Ikhaya lamaqhawe.

English:

THURSDAY, 28 FEBRUARY 2018

Page: 108

The purpose is to raise awareness about the importance of tourism and its social, cultural, political and economic value.

Afrikaans:

Dis nie toevallig dat die feesvieringe in die Oos-Kaap provinsie plaasgevind het nie. In 2018 het die ANC die feesvieringe en die legacy [nalatenskap] van die struggleikone, tata Madiba and mama Sisulu gevier. Beide van hulle is boorlinge van hierdie provinsie.

English:

President Ramaphosa, in his state of the nation address, announced the establishment of a Presidential Commission on the Fourth Industrial Revolution. The tourism sector should be included in the work of the commission to evaluate the impact of the Fourth Industrial Revolution on the tourism sector. [Interjections.]

The Eastern Cape is an important destination in the product mix. The province, home of the legends, is rich in the history of the struggle liberation. The Eastern

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 109

Cape enjoys a steady growth of tourism. More can however be done to stimulate local economies and promote community beneficiation.

The national Department of Tourism has to focus on areas such as Mthatha and Luchaba Nature Reserve, which could easily be turned into tourism nodes. The Luchaba Dam has much potential and the department is urged to explore the development of the attraction, as a tourist destination.

The Eastern Cape Province must be assisted to exploit its unique biodiversity, heritage sites, wonderful wildlife and amazing coastline for the benefit of the tourism sector. Provincial and municipal authorities are also urged to ensure that their destinations are accessible to tourists and well maintained.

To celebrate the legacy of Madiba and mama Sisulu, South Africa Tourism initiated the Sho't Left Travel Week from 24 to 30 September 2018, which entails discount deals that include iconic tourism destinations that touched the

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 110

lives of these struggle icons. This was a Black Friday of travel deals.

Mzansi, honour your legends. Vote ANC on 8 May.

Afrikaans:

Mzansi, eer ons legends. Stem ANC op 8 Mei.

IsiXhosa:

Xabisani amaqhawe enu, votelani i-ANC ngomhla we-8 kuCanzibe.

The ANC supports the report. [Applause.]

There was no debate.

Mr P J Mnguni moved: That the Report be adopted.

Declarations of vote made on behalf of the Democratic Alliance, Economic Freedom Fighters, National Freedom Party and African National Congress.

UNREVISED HANSARD

NATIONAL ASSEMBLY

THURSDAY, 28 FEBRUARY 2018

Page: 111

Motion agreed to (Economic Freedom Fighters dissenting).

Report accordingly adopted.

The House adjourned at 16:24.

UNREVISED HANSARD