

TUESDAY: 18 NOVEMBER 2008

Sitting No. 22

[No. 22 - 2008] Fourth Session, Third Legislature

REPUBLIC OF SOUTH AFRICA

**LEGISLATURE OF THE
NORTH WEST PROVINCE**

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09H00

HON. DEP. SPEAKER:

Honourable Members, we may now observe a moment of silent prayer and meditation. You may get seated. The next item!

**SECRETARY: ITEM NO 2;
MINUTES OF THE 13TH
NOVEMBER 2008**

HON. DEP. SPEAKER:

Honourable Members, I put before you a set of minutes of the 13th of November 2008 for adoption. Honourable Baloyi.

HON. BALOYI:

I do not know if I will be wrong, but there is a wrong spelling there in the minutes, and I think if I am correct we are in the minutes.

HON. DEP. SPEAKER:

Honourable Baloyi we are on the minutes. I said is there any corrections? For your conven-

ience and easy reference, minutes start on page 81, feel free Honourable Baloyi to speak on the minutes. Are you covered? Now I take it that the House adopts the minutes. Next item.

**SECRETARY: ITEM NO. 3;
MOTIONS**

**(a) Motions without notice
(b) Notices of Motions
(c) Matter of urgent public
importance**

HON. DEP. SPEAKER:

Honourable Members are there any motions without notice? Honourable Moalusi, Honourable Madoda, Honourable Groenewald.

HON. MOALUSI:

Thank you Honourable Deputy Speaker. Honourable Deputy Speaker may I on behalf of UCDP place a motion without

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notice whereby we wish to congratulate the MEC for Transport and Community Safety on achievement of staff of the department.

The award ceremony, which was held on Thursday the 13th November 2008, was a motivation for the staff to perform to maximum level. It also encourages steps to empower people morally and spiritually. It is hoped that other departments will follow suit and they too will reward their employees in the same manner. I thank you Honourable Deputy Speaker.

HON. DEP. SPEAKER:
Honourable Madoda.

HON. MADODA:
Honourable Deputy Speaker, the ANC moves to place a motion without notice to condemn the killing of a Coligny farmer. An innocent farmer was stabbed to death and one robber was shot dead during robbery at the farm near Coligny.

Three involved robbers' men broke a window and stabbed him several times and he died on the scene. His wife, who had been sleeping at the sepa-

rate bedroom at that time woke up on hearing the noise and fired randomly killing one of the robbers.

The wounded robber collapse about 150m from the house and died at that point. As the ANC we vehemently condemn this crime, we hope and trust that our police service will work day and night to ensure that these criminals are behind bars for a very long time.

We, accordingly send our heartfelt condolences to the bereaved family. Thank you Deputy Speaker.

HON. GROENEWALD:
Thank you Honourable Deputy Speaker. The DA would like to congratulate Honourable Chris Hattingh on his re-election as a leader of the Democratic Alliance in the North West Province. These elections took place on Saturday the 15th November 2008 in Lichtenburg. I thank you.

HON. MAMPANE:
Thank you Honourable Deputy Speaker, the National African Congress moves to place a motion without notice regarding

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the employment of visual impaired persons. November month is a disability awareness month. We would like to commend the Department of Health and Umsobomvu Youth Fund, for their joint initiative to train about 40 young people to become orientation and mobility instructors.

The successful beneficiaries will receive accredited National Diplomas from the College of Orientation and Mobility. It is said that some of them will be absorbed by government departments and others will remain as peer councilors in various health facilities across the province. I thank you.

HON. DEP. SPEAKER

Honorable Members I take that the House adopt motions as tabled, but from the chair may I also take this opportunity to congratulate Honourable Hattingh for his election as a leader of the party from the North West Province.

Now Honorable Members, you would recall that there has been a long outstanding notice of motion on the Order Paper, standing over from previous

Sittings. I would necessarily want to draw the attention of Honourable Africa precisely because this notice of motion has stood over I think for the previous three Sittings and it was precisely because of the absence of Honourable Africa that we could not proceed with this matter because it is a matter that falls within the ambit of his department. Now that Honourable Africa is present, I would therefore call upon Honourable Hattingh to read the motion and will take it up from there.

HON. HATTINGH:

Thank you Honourable Deputy Speaker, I would also like to extend our welcome back to South Africa of Honourable MEC Africa from his visit I hope that they are in a position to remain longer in South Africa than in the past. We really enjoyed his presence in South Africa and in the Legislature.

Honourable Deputy Speaker, the motion I would like to read in this House, is that this House registers its serious concern about irregularities in the North West Parks and Tourism Board that happened over an extend

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period of time as it was reported by the Auditor General and calls for the immediate replacement of the North West Parks and Tourism Board.

Now I would like to motivate that, taking well into account that there was a new Board appointed not so long ago, but Honourable Deputy Speaker we have sat here, confronted with the situation that irregularities and which the previous Board should have been able to if they fulfill their duties in terms of Public Finance management Act, as the Accounting Officer of this Public Entity, they should have foreseen what is going on there.

In fact they grossly neglected their responsibilities in the previous term of office, and in fact the new Board still having members of the previous Board continuously neglecting their duties as required by the Public finance Management Act. May I point out that it is an obligation of the Board of such Public Entity that they are accountable, they should actually see what is going on, they should actually ok each and every expenditure of the Public Entity which has

not happened and is still not happening.

Now I do not want to go into all the details of all what transpired in the AG's report and the other investigation into the North West Parks and Tourism Board. But it appears that and I would just like to highlight some of it, and these all happens under the previous Board and the salary still continues under the new Board because none of the recommendations that have actually been implemented by the money that employees and Board members actually declare their interest in CCs' and companies.

There are employees of the North West Parks and Tourism Board that did not declare their interests in companies and CCs and did not have approval to perform other remunerated work. Six entities are connected to employees of the North West Parks and Tourism Board that were doing this were the Parks Board. In two instances there was a possible conflict of interest between and directors of companies and possible preferential treatment with the appointment of these companies to render services.

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Various payments were made in contradiction with the procurement policy as at least 3 quotations were not obtained and attached to payments.

Quotations were only obtained from the employee related entities which is an indication of preferential treatment, 72 employees of the Parks Board have an interest in one or more of 107 companies at close cooperation and this is a very small Public Entity.

The CEO Mr. Charles Ndabeni had an interest in 7 companies or close cooperation's that only become his interest in one. A company called ...CC in which the former CEO had an interest which was not ok'd spent R3.5m out of the coffers of the North West Parks and Tourism Board. No written consent by the Board of Directors for the accusation of the interests of Charles Ndabeni that could be obtained.

It extended through the whole of public entity that even gate attendance, the grader operator, the housekeeper and a general worker had interest in companies or close cooperation's and some of this were actually deal-

ing with the North West Parks and Tourism Board.

Payments were made to affected companies, close cooperation's in contradiction with the procurement policy. It was also found that this has been conducted between Parks Board and the CEO and some members of the Board excessive involving millions. Payments to Atlantic Cooperate Travel amounting to R7.2 m should be regarded as irregular expenditure. Payments of R711 000 were made to a company called Pilanesburg Diesel and Auto Electric is exactly the same company registration number on the invoices as well as Pilanesburg Resorts which is a subsidiary company to the Parks Board.

The CEO and some members of the Board are Directors of Pilanesburg Resort, 64 payments amounting to R258 000 were made to this company Pilanesburg Diesel and Electric in conviction with the procurement policies, an addition that was charged but Pilanesburg Diesel and Auto Electric was not registered on SARS data base.

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So it continues and there is a long list, but I think the writing was even on the wall and there was no action from the MEC at that stage when the Chairperson of the North West Parks and Tourism Board Professor I.Botha resigned and in his letter of resignation he said the following the into earlier, as you are all aware that I have been a Director of NWPTB serving as a chairperson of its audit committee for more than 6 years. After I have given serious thought to this matter, I have decided to terminate resignation from the Board with immediate effect. I wish that it be noted that my reason for leaving is my loss of confidence in the management particular in the CEO. I know and believe that he has ability to lead the organization. The failure to achieve a break even on JAH despite repeated serious to embark a trial to the event and a lost of almost R2m into the costs in a court action, is an examples of his incompetence.

However it should be noted why NWPTB lost money on JAH. The CEO owns special company faction media derived revenue format. On further serious concerned to me is manage-

ment failure to comply with policies and procedures on the overriding of controls. There were instances where the CEO committed the Board to expenditure and only requested his approval retrospectively and the AGs stated management did not convey the message that integrity and values must not be compromised. Another issue is a request by the management to certain amounts reflected as staff debts to be written off, and this was an amount of R26 000 owed by the CEO which by the end of March accumulated to R86 000 and the request was that it should be written off.

The PFMA states and this is very important that the Board is the accounting authority and is assigned various responsibilities including the following.

" Ensuring that the entity has an appropriate procurement system in place which fair, equitable and transparent and competitive.

" Ensure that irregular fruitless and wasteful expenditure is prevented.

" Board members are not in the position to fulfill their culture without the support of the part managing including the CEO.

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Honourable Deputy Speaker the CEO has now resigned and he is now employed in the similar position in Mpumalanga, but the fact is that there is now a new Board, some of the members remained. At the Public Accounts Committee we could not attain any evidence that they have changed their ways, yes there were promises of new policies coming into place. This has happened all the years and furthermore the same Board with some of the previous Board members in it, then decided to launch a Forensic or Commission of Forensic Investigation into all of this, but the members who are implicated, the Board members who are implicated in not fulfilling their duties in the previous Board did not recuse themselves from that decision or from that discussion but they pardoned it, you cannot be a player and the referee at the same time.

So I want to put it to you Honourable Deputy Speaker, that the Forensic Investigation that was commissioned by this Board standing in the accused bench because of some of their members being implicated in the previous Board and their

neglecting of the duties and still those members of the Board still neglecting their duties, is not competent to drive such an investigation and should be relieved of that, and in fact if that happens, I think it lacks total legitimacy and I believe that another body, independent body even the Public Accounts Committee should be taken over and be given the responsibility to drive this Forensic Investigation because of the implication of the Board members in this.

Obviously we have our serious concern about the failure of the MEC to act directly on the date when he received this very damning resignation letter of the Chairperson of the audit committee Professor AA Botha. With those words Honourable Deputy I request that this House support the DA's motion. I thank you.

HON. DEP. SPEAKER:
Honourable Africa would you want to respond to the motion?

HON. MEC. AFRICA:
Chair, I think this is unprecedented free riding, may the member, and I just want to say

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a few things, and I will indicate my position formally because I have had a discussion with him.

The first thing that we need to clarify is that Professor Botha did not resign. His letter may suggest that he resigned, but he did not resign and I communicated with him, I hope the Member should have brought the letter that was communicated to Professor Botha. At the time that Professor Botha was a member of the audit committee, I held several meetings with them, the Board in his presence where I raised a number of issues. One amongst them is the issue of JAH.

I have asked them specifically whether they are in charge of the process for JAH, Professor Botha was there. I asked them whether the Board has approved all the initiatives and we had taken a view that JAH is a good thing and that JAH with what we suggested needed to be done to change the profile of JAH could work to improve or to attract people and then bring close order or cross border solidarity with the dias border.

In all the meetings that I have

held with the members of the Board and Professor Botha not once, it is a pity he is not a member of this House I have preferred not to use his name, not once did he raise any of the matters that he purportedly raised when he resigned, and I have records to that effect, to the meetings that I have held with them and the issues that raised with them.

When Professor Botha realized that the term of the Board had ended and at that time we have not made a selection on who to appoint, he decided to resign. I wrote to him, back and said you are resigning when actually you are no longer a member of the Board because I as the MEC responsible had appointed reappointed members or extended that on the monthly basis their term.

There was no justification what Professor Botha wanted to do, and I want to repeat this I do not want to use the privilege of the House to attack the integrity of any individual of his stature. But he decided to resign when he himself as a chairperson of the audit committee for 6 years has been unable to say and do any-

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thing and you must remember it is 6 years before he resigned, do anything with regards to that. All the things that were done and approved by the Board were done in the presence of Professor Botha.

When Professor Botha resigned, he did not write to me directly. He wrote to the chairperson of the Board and the chairperson of the Board spoke to me. I then said to the chairperson, it is very funny Professor Botha was never appointed by the chair of the Board, he is appointed by the responsible member and he is a highly educated person. It would be obvious to him, that when he wants to resign he must resign from, and writing to the MEC which was subsequently done. There is therefore no basis that it was out of conscienc that he resigned because he was there all the time. So to use the letter from Professor Botha as a basis to free ride on a matter that was subjected to a process for investigation is unprecedented opportunism by the Member.

Member Hattingh would be aware that the members of the Board appeared before the com-

mittee, he was present and it is very funny, he calls other people referees and judges but himself trying to play that role. He is concerned about no charge there. He is so concerned about matters that he wants them to be investigated, but before he even knows who the company that is going to investigate is, he is already trying to tarnish their image, why? Why does he have a choice on who must investigate, and not allow the Board to proceed with the investigation?

Now let me come to the matter that Honourable Hattingh was there. The Board presented and it was based on the Auditor General's Report. The status of the Auditor General's Report is clear. It is not a judgmental document, neither, is it a document that confirms without any doubt that there can be no further investigations. It does not say that. What it says in the introduction, it says this is a discussion document, and it further continues to implore the same Board which he has no confidence in, yet the Auditor General in whose report he has confidence, he has confidence in the same Board and implores

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that Board to implement recommendations that are specific to the staff. It is clear the report is with him there.

What the Board is supposed to do, which is what the Board told the committee it is doing. And the Board appeared before the committee, there were two processes that had unfolded. The one process was the internal institutional processes to check and confirm whether as the Auditor General's Report claims which he says by the way is a discussion document, whether all the people mentioned there will conform because we must give them the right to respond, will confirm and the Board will confirm what is in the report and the Board has initiated that process through the acting CEO.

The Board on its volition decided long before the report was debated either here or they appeared before the committee, that it would be appropriate, they issue a statement to that effect, a press statement to that effect, to say that the Board considers these matters very seriously and I also in engagement with the Board indicated

that it would be appropriate to further investigate these matters so that the report of the Auditor General which indicates that those matters, it is a discussion documents, can then be validated by a process of a reputable form of Forensic Investigators, and I have no doubt and I said so to Mr. Hattingh I do not want to preempt the process because it is free riding, this matter has been there all the time and every time there is a choice of Mr. Hattingh to recycle the matter in this House or in the media..

I said it would be good if we can allow the process of the implementation of the recommendation to proceed, one, and two, it would also be wiser to allow the investigation to proceed so that we do not preempt the outcome by already prejudging the outcome will not be appropriate for the reasons that he might have mentioned.

It is very unusual in any process for anybody to want to predetermine the outcome. It is very unusual, we have confidence in all the processes when the Auditor General's started the process I wrote to the Auditor

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General a letter in February to say, we would suggest that over and above the investigation on the conflict of interest, we would suggest that this investigation be extended to all the subsidiary and we even quoted a date from 2000 to date that the investigation must cover all aspects based on various reports which unfold he knows he should brought them here.

The Gobodo report, the Sekela report and many other reports that constituted the basis for further investigation, and I wrote and said to the Auditor General it would be good that you have a complete and global picture of what is happening that is happening in the Parks Board and its subsidiary, so that we do not need pick a particular area but we know what is happening and that is exactly what we wanted the Auditor General to do which is an independent body as Mr. Hattingh has indicated.

The Auditor General's response was that they do not have the capacity even up to now they have not started the investigation. Long ago in February, and we then decided, I said it would be better if we could make sure

that before the end of the term and before the end of the month or before the end of the year we have initiated a process which will validate what the Auditor General's task or survey and investigation is based on what they got, not what they probed they were given information, and they went to the data base of the registry of companies and that is what they got. They did not probe. What we want is a comprehensive probe and this is what would be to the best interest of this House, to the best interest of the Member who raised the matter, to the best interest of the people who are allegedly mentioned in the report, to the best interest of SCOPA as well.

It is my view Chairperson, that when a process of this magnitude with matters as indicated by Mr. Hattingh is underway it is wise to allow that process to be completed and then we can judge the credibility and the validity of the outcome, rather than judge the outcome before the process has been completed. Members of the Board are a mix which is a requirement of the Act, and they are a mix on the basis of the criteria, one,

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continuity which is a requirement in any institution whether it is party which has reappointed in as, its leader despite the fact that they had their own dynamics, that's continuity. Similarly in organizations like this there is also continuity. Let us not impair the integrity of Members because we already have the outcome of a process who is leading principal investigator we did not know, and whose integrity we are already saying is suspect, yes we do not know because we already have an outcome.

My appeal to the House is that the matter has been overcome by circumstances. A process is underway; SCOPA has requested the Board to send them terms of reference. The terms of reference are keys to any outcome of a process, not the personality of the individuals. If the committee is not happy with the terms of reference on whose basis they suspect an outcome that might not be satisfactory, it is in the power and authority of the committee to recommend a change of those terms of reference.

With all these opportunities, with

all these possibilities, with all these power of the Committee why cant we allow the process to proceed so that we leave free riding for opportunistic and other reasons.

Let him quote the date on which Professor resigned. Perpetually relevant reference. The date is long ago, even when this report was instituted or this investigation was instituted the Professor was no longer a member of the Board and I want to put it in record to the House that the Professor did not resign when he was a member of the Board. He resigned when he was not a member of the Board which was after his term was expired and he started to raise this matter to justify his position.

There is another report which report make d reference to all members of the Board, long before his resignation including Professor Botha which accuses the Board of negligence, we, also want that investigation that is going to be undertaken to extend to all members of the Board including the Professor because he was a member of the Board at the time that this determination was made.

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Chair I do not think it is going to serve any purpose to try and preempt the outcome of a process which was outlined before the committee of which Mr. Hattingh is a member. Let us allow the process to continue. If I was a member of the committee, would have said it must be concluded as quickly as possible, that is what I would have said if I was a member of the committee, unfortunately I am not, but where I sit I also believe correctly that when a Board which is a legal entity has identified a reputable firm whose reputation the member does not know, we must first get to know who that committee is or that firm is, what the terms of reference are and which we are unhappy that the terms of reference are inadequate, only then can we say we have reason to believe that the outcome will not be satisfactory. Thank you.

HON. DEP. SPEAKER:

We have taken a long time on this matter and only two Honourable Members spoke, maybe is because this motion has been postponed from the past three Sittings, so Honourable Members have been very eager to engage into

a debate on the matter. I am now not going to allow Member to exceed the time that I am going to allocate on this subject. Is there any other Member that would want to speak before I go to Honourable Hattingh to close the debate? None. Honourable Hattingh.

HON. HATTINGH:

Thank you Honourable Deputy Speaker and I would like to thank Honourable Africa for the support that he has given me in this motion indicating that he really supports me. But I must also point out that I do not think it is fair to discredit Professor Botha, I think is grossly unfair. I had quoted his letter basically supporting what was found by the AG, further Honourable Deputy Speaker; I really want this motion should be concluded as soon as possible.

What we say is that the ownership of that investigation should shift from the Board whose credibility at this stage is not very clear in this whole matter, and I say that Honourable Africa come here and say you need to continue, yes a whole range of investigations and the reports and Honourable Members ask

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anyone of you Honourable Deputy Speaker, do you know about these reports, have you seen them and Honourable Africa comes from a legacy, the last Forensic Audit that he tabled in this House was in 1996.

Reports from Forensic Audits do not see the daylight it gets hidden in their desks. The last report that he tabled in this House, was the Motemele Commission into municipalities in the province. Never, ever since that he came to this House with the Forensic Audit Report we tabled it here, not even after the Scorpions walked out of his office with boxes of files into housing. Housing is still in a mess because we do not see those reports. That is exactly the problem.

We want legitimacy, we want it to be hold in independent manner and we do not see the MEC and the Board at this stage being independent and with their hands clean to those situation. That is a bottom line Honourable Deputy Speaker. That is why I say, yes I do not even discuss, I do not know who the investigating authority is, I

do not care, I believe that they are legitimate to their work. What I am saying is that, that report should see the light of day and it should be taken away from the control of the Board and of the MEC to come here because of the lengthy period of ...[Inaudible]... under the control of this MEC and under control of the Board, that is all I am saying.

Let them continue if they are Public Accounts Committee wishes to change the terms of reference by explaining it, fine let it be and they should hasten if they want to do that, but what I am saying is that the investigations should not be under the control of the MEC or the Board. It should have some independency, it can go to the Premier or Public Accounts because simply of the history and the legacy of Honourable Africa by not bringing the reports to this House but not bring it to his Portfolio Committee. Thank you Honourable Deputy Speaker.

HON. DEP. SPEAKER:

No, it does conclude a debate in terms of the Standing Rules of the Legislature, but it is unfortunately that the person who indi-

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cates that it should be closed is not a correct person to do that. Honourable Members we are proceeding to the next item. Does the House accept the motion?

HOUSE: NO

HON. DEP. SPEAKER:

Motion falls off; we are proceeding to the next item. Let me just recap because the item we are going to engage in now, it is a continuation of the debate in the last Sitting. In the last Sitting we had notices of motion on a matter of urgent public interest presented by Honourable Hattingh, and this matter it was a matter on a media report on financial irregularities in the Department of Agriculture, Conservation and Environment. It is important for me to repeat this; I am saying a matter of media report on financial irregularities in the Department of Agriculture, Conservation and Environment.

You see there is a purpose why I am repeating this, so that Honourable Members and the public know exactly what the House is debating, because there is a confusion whether this

House would be debating this matter or this House would be debating personalities. Now the House is debating a matter of public interest in the Department of Agriculture.

Now Honourable Members would recall that there has been a debate around this matter. In the last Sitting, I presented to the House the summary of the discussion, now having presented the summary of the discussion, today what we need is to action the summary of the decision, so that Honourable Members leave the House with the clear understanding what the House intends doing.

One of the summary from the previous Sitting because is a continuation of the debate, we are not starting from the beginning. One of the summaries which has been put into action of the previous debate is that the Legislature takes a responsibility of an investigation which must be conducted on the Department of Agriculture led by the Office of the Auditor General, and that the investigation initiated by the MEC should no longer proceed that is the first summary.

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Now Honourable Africa you may not understand because you were not part of the previous Sitting, but what I am presenting in the House here is generally views presented by Honourable Members of the House to say Legislature takes care of the process of the investigation.

That investigation must be conducted by the office of the Auditor General on the affairs of the Department of Agriculture and the initiative taken by the MEC of the investigation on the same matter should stop. The one that must proceed is the one sanctioned by the House. Do we agree on that one?

HOUSE: Yes

HON. DEP. SPEAKER:

Yes. Now the Honourable Members knows what the decision of the House is, that is decision number one. Decision number two, this House is mindful for its legal of constitutional mandates derived and contained in the Constitution. The House therefore says some legal people here are saying, Members should avoid acting the ultra verus. Now in that context, the House concluded that this House must recom-

mend to the Premier to put in abeyance the Head of the Department of Agriculture for the period of the investigation in that department that I referred to in recommendation number one at the beginning, do we agree? Honourable Maloyi.

HON. MALOYI:

What is putting in abeyance, can you just explain putting in abeyance what does that mean?

HON. DEP. SPEAKER:

Maybe I was avoiding using, there was a word used in the House. By the way I am presenting summary of the House. The word that was used is that the House recommends to the Premier to suspend the Head of the Department of Agriculture for a period while investigation is conducted and out of the discussion the view was that the investigation runs smooth from the beginning up to the end unhindered and it must be speeded up so it is concluded on time, is that a fair summary, I have clarified abeyance now.

HON. MALOYI:

No I thought the first summary Deputy Speaker is that, the HOD must be on extended

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leave pending the outcome of the investigation.

HON. DEP. SPEAKER:

Honourable Maloyi says we must recommend the Premier that the Head of the Department be on extended leave for the duration or until the completion of the investigation. Is that the first summary? Does the House agree? Honourable Hattingh and Honourable Hantise on this matter and Honourable Serfontein.

HON. HATTINGH:

Honourable Deputy Speaker, I think it is not really a direct summary of what happened there but I think it is the fairly the intention of the House, it was perhaps differently worded but we want some distance between the investigation, office data, the HOD and the MEC.

HON. DEP. SPEAKER:

No I think Honourable Hattingh has it, the spirit of the discussion in the last Sitting, was that you give the Head of Department an extended leave so that there is a distance between the Head of Department and the process of investigation. Honourable

Hantise.

HON. HANTISE:

You know re tshwanetse re ne re tshameka ka sekgowa see, we would like to play with words further.

HON. DEP. SPEAKER:

Can you move closer to the mike we can't hear you.

HON. HANTISE:

My Chair kene kere your first summary its 100% correct, but coming to the second one, it is where you really put it almost the same but with very nice words. You are not reflecting what we said in this House, but Chair on the period ya this extended leave, these new words extended leave because what we said is that the suspension should be implemented with immediate effect. Now unless you really explain between the two words suspension and extension or extended leave. What really brings you to that nice words because ga o buwe what we said here.

HON. DEP. SPEAKER:

No Honourable Members, my summary covers the letter and the sprit of the discussion in the

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House. The discussion is Honourable Hantise, the House recommends to the Premier that the Head of Department goes on extended leave which is the Premier who has got a prerogative to attend to that area not the House, that is why the House is recommending to the Premier for the period of the investigation. Now Honourable Hantise me and you say the same thing.

The only difference is that you have the problem with my nice words, but I was not intending to use nice words. I was trying to capture the summary of the discussion of the House and I am convinced that what I am presenting covers the essence of the discussion. If it does, I am now giving in the last Honourable Member to speak on this matter and we proceed to the third recommendation. Honourable Serfontein.

HON. MEC. SERFONTEIN: Honourable Deputy Speaker, I speak of the last recommendation has already been implemented has already been implemented.

HON. DEP. SPEAKER:

The second recommendation has already been implemented, the one of the extended leave. Ok.

HON. HATTINGH:

Honourable Deputy Speaker, I think we should not deviate from it because the person who granted the extended leave could seemingly just terminate it again, I think it should still go to the Premier at least for the rubber stamping.

HON. DEP. SPEAKER:

you see Honourable Hattingh I learn everyday, what I have learned is that out of this House I communicate the decision of the House irrespective of what has happened. Whether the Head of Department is already on extended leave or not, I will certainly communicate the decision of the House that is my job, and part of my responsibility is that once that decision has been implemented in the context of the decision of the House, the Head of Department would not come back until the process is completed because that is the decision of the House. Now I move to the third and the last recommendation, in fact summary of the House which we

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now convert into a decision and by the way decision of the House is the law. Now the third one is, if it found that the MEC Member of the Executive responsible for Agriculture is implicated on the matter, the Premier should do what is required of her in terms of the provisions of the Constitution of the Republic of South Africa. I do not want to get into details, do we agree?

HOUSE: Agrees.

HON. DEP. SPEAKER:

Honourable Members this now concludes a heated debate that started from the last Sitting which for the first time in the history of this House ever since I have been a preceding Officer that the House was adjourned twice in the same Sitting. Honourable Members I am now going to the proclamation. I have now a pleasure of inviting the Chip Whip to place a motion on a salary adjustment of the Premier. Honourable Chief Whip.

HON. MALOYI:

Honourable Deputy Speaker I move that the Legislature in terms of Section 6 (3) (b) of the

remuneration of Public Office Bearers Act 20 of 1998 determine the salary and allowances of the Premier as indicated in the Order Paper.

That the total remuneration package should include the following elements,

(a) Basic salary component

(b) An amount of R120 000 per annum which is an amount which Section 8 (1) of Income Tax Act 58 of 1962 applies.

(c) Pension benefits, and lastly a flexible portion that the determination of salary allowance be effect from the 1st of April 2008. Thank you very much.

HON. DEP. SPEAKER:

Can I get a seconder to that motion, Honourable Makume if o batla go buwa tsholetse le tsogo, Honourable Mahlakeng do you second.

HON. MALOYI:

No if they do not want a salary increase is fine.

HON. MADODA:

Honourable Deputy Speaker may I volunteer to second.

HON. DEP. SPEAKER:

Does the House adopt the

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motion?

HOUSE: Yes.

HON. DEP. SPEAKER:

You have to. Honourable Members we move to the next item.

**SECRETARY: ITEM NO 4;
INTERPELLATIONS AND
QUESTIONS**

HON. DEP. SPEAKER:

Now Honourable Thibedi, I wish to draw your attention that we are now on question paper and question 1 of the question paper is interpellation posed and tabled here for the third time, interpellation requesting Member of the Executive Council responsible for Education from Honourable Gerber.

HON. MEC. THIBEDI:

Honourable Deputy Speaker, in relation to the interpellation by Honourable Gerber to the MEC for Education, the response is as follows, the interpellation actually seeks information around Mr. G.S. Marks pension pay out delay Deputy Speaker.

HON. GERBER:

Point of order Honourable Speaker, should I not be the first one to speak in this interpellation?

HON. DEP. SPEAKER:

Our approach to interpellation Honourable Gerber is like a question which you have posed and the Member of the Executive Council responsible for Education is responding and after his response will the revert back to you to check whether what is your view on the response, or you wanted to reintroduce the interpellation, I thought he must be given time to respond and then you have an opportunity to assess the question whether it answers the question posed. Honourable Thibedi.

HON. MEC. THIBEDI:

Thanks Honourable Deputy Speaker, the interpellation indicate that: Kindly give full details about a pension of Mr. G.S. Marks, persal number 14103737, pension number 98085887 who resigned with effect from the 31st of August 2007 including the days where it has been reported to the departments, offices in Brits and Rustenburg what steps have

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been taken that personnel responsible for Rustenburg for pensions including when they received it and when it was forwarded to finance.

The second interpellation says, what steps will be taken by the department to assist that the pension of Mr. Marks will be immediately paid out?

The response is as follows: Mr. Marks was employed at Hoorskool Wagpos Bojanala District. The manager Mrs. Mokhutle was approached for a detail response why the termination of service is not finalized yet.

The response of the district is as follows:

" The Bojanala District encounter the problem of files not received from the former Bojanala East.

" Mr. G.S. Marks file was received on the 27th June 2008 from Tshwane West and referred to salary division for audit on the 11th of July 2008.

" Due to pension backlog at salary division, this file was only audited on the 1st of September 2008 referred to Mmabatho salary division for verification on the 27th of September 2008 and

back to the district salary division on the 14th of October 2008.

" It was signed from salary division on the 16th of October 2008 for processing to National Treasury.

" The process of file searching and auditing caused the expiry of date stamps on the forms.

" The district tried to contact Mr. Marks on the telephone numbers written on the forms but it seems as they were not working. For your information the phone number where he was contacted is 073 693 9630 the land line is (012) 255 5929.

" The department requested Mr. Marks avail himself to complete the new forms for processing to the National Treasury on or before the end of the 1st of November 2008.

" The district spoke to the principal of Wagpos Mr. Natheline and he promised to assist by Monday the 20th of October 2008.

Now the following is a short summary of the facts that I have just outlined.

Mr. Marks was employed at HS Wagpos. He effectively

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resigned on the 21st of July 2007; his resignation was only implemented on persal on the 05th of May 2008 almost one year later. He received up to 31st March 2008, 8 months salary after resignation.

His salary for the months of April and May was reversed on persal. His file was forwarded to the district salary division for auditing purposes on the 11th of July 2008 more than two months his appointment was terminated on persal.

His file was referred to head office salary division to assist with audit on the 27th of September 2008 two months later. Audit completed and files were received at Bojanala on the 16th of October 2008.

Now in terms of intervention in this process, I need to make the following comments:
Conducting of audit to determine actual backlog in collaboration with the National Treasury and pension administration is one of the intervention process that unfolded.

In terms of the present statistics from district, I want to indicate

as follows:

- " That Bojanala represent 181,
- " Dr. Modiri Molema represents 20,
- " Dr. Kenneth Kaunda represents 92 and
- " Dr. Ruth Segomotso Mompoti represents 36.

Now the department developed the strategy in collaboration with all role players which will include the following:

- " Prioritized cases according to age analysis
 - " Strengthen support on or established partnership at district level, for example assistance from head office salary division to auditing files.
 - " Monthly monitoring by Human Resource Forum
 - " Compilation of monthly progress reports
 - " Target base for clearing of backlog by the 31st December 2008
 - " Retraining of staff by National Treasury Provincial Pension Administration Office.
- We believe that these interventions will play a great role in terms of fast tracking processes of the remaining cases and ensuring that this backlog does not recur. Thanks Deputy Speaker.

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HON. DEP. SPEAKER:

Now as we go through questions and interpellation, I would want to refer Members to Rule 139 so that in future we do not have confusion. Honourable Gerber.

HON. GERBER:

Thank you Honourable Deputy Speaker, I just want to say that I did put a request on this interpellation to put the MEC in the bad light. The MEC for Education usually assist me when I really have a problem. Now my problem today is a problem with the district office in Rustenburg. I have tried to speak with them, I spoke to officials there, I have tried to contact the head of the office Mr. Gradwell, only then I put this interpellation on the Order Paper.

Firstly I contacted the Brits office, there was no problem sir and the papers were sent to Rustenburg last year in 2007. Secondly I spoke to the person in Rustenburg responsible for pensions, she gave me some information, I then contacted the office of Mr. Gradwell and as always when I try to contact him he was not available.

The telephone rings in his office as nobody answering the phone there and it was on working time and I left a message for him to contact me urgently. As twice before he just ignored my message on many occasions, I even left a message on his cell phone but he never responded. I was having no other choice as to request this interpellation. Mr. Gerald Marks terminated his service as teacher in August 2007 and he went to the office in Brits and presented his resignation. His resignation with all the documents was sent to Rustenburg. It was told to me at the Brits office. The person who is responsible for pensions in Rustenburg I think her name is Rishma had the documents in her position for almost a year before she forwarded it to finance in Rustenburg.

I think that the Honourable should agree that it is not fair and that it is not service delivery, with the Honourable MEC or Honourable Members here in this House be satisfied if they retire next year and their pensions are not paid out after a year. This interpellation is not about Mr. Marks, it is about all teachers who are currently in

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this position. I want to hear what the department is going to do with the Rustenburg office. Thank you, Honourable Chair.

HON. DEP. SPEAKER:

Honourable Members please take note and I am requesting please read Rule 139 when it comes to interpellation because it is clear that there has been a gross violation of that rule by Members on this subject. I will not allow that in future, Ntate Mahlakeng Rule 139 interpellation the rule says when the Chair table the interpellation, the response must not exceed 3 minutes, it says that, and it says even the interpellant when after the answer is presented, when he respond to the answer there is also time limit. I am simply saying Members must stick to time. Yes, he was in time Honourable Gerber. Ntate Africa le tsala ya gagwe ba re tseetsi metsotso e mentsinyana mo nakong e efeteleng.

Let us proceed. Question 2 is also interpellation, ntate Thibedi on the first interpellation I think you have even addressed the concern of the Honourable Gerber, to say there are systems in place to avoid the recur-

ring of this problem and I think as Honourable Gerber's normal approach is that, out of this discussions he may want to take the discussion further with the acting MEC for Education to make sure that these small problems get resolved, but the MEC says there are systems in place, as you said it is not only a matter of Mr. Marks it is a matter for all many teachers who are standing there and I agree with you that in the context of service delivery, you cannot have forms lying in an office for a year, it is completely unacceptable, but I think the MEC has addressed that and he says he has put systems in place to make sure that this problem does not recur. Can we move to the next interpellation, and it is an interpellation of Honourable Thibedi acting for Education to Honourable Gerber again.

HON. MEC. THIBEDI:

Well thanks Honourable Deputy Speaker, to save time let me not read the interpellation itself and simply indicate that it is about subsidies to CVO Skool Sannieshof and Akademie vir CVO Onderrig in Derby. In general terms, subsidies are paid according to the prescribed

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norms and standards which set out the formula to be used.

The budget for the department then dictates how many qualifying schools can be subsidized. The basis to be used is R4300 per annum for primary schools and R4500 per annum for Secondary schools. With specific reference to the two schools, Sannieshof CVO Skool an application was received and based on the current level of actual school fees charged. The school does not qualify for subsidy.

In terms of Akademie vir CVO Onderrig in Derby, an application was received and based on a current level of actual school fees charged, the school qualifies for a subsidy of 15% of the basis R4.300 which is R645 per annum per learner. The department could however not afford to subsidize this school due to the limited budget provided in this program.

Attempts are made to have the budget increased for 2009/10 financial year to accommodate more schools to be subsidized. I hope and anticipate you will find this question to the satisfac-

tion of what you needed to know. Thank you Deputy Speaker.

HON. GERBER:

Thank you Honourable Deputy Speaker, yes earlier this year I requested the Honourable MEC to think about better subsidization for independent schools, and firstly I want to emphasize that most of the pupils in independent schools are black children and the language of instruction is English.

There are only a few as far as I know only 5 independent Afrikaans schools in this province. The facts are as follows:

" If all independent schools in the North West should close the doors the budget for Education would rise by 4% that is R275million rand.

" The department subsidizes independence school by only R7.3 million a year at the moment.

" 80% of pupils in independence schools come from the lower and the middle class.

" Why the Free State subsidize almost every independence school in their province, the North West only subsidize 19

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out of 50 independent schools

Even if I heard what Honorable MEC said I make a plea for subsidization for all independence schools in our province, but especially for these two whose names are represented to the Honourable MEC. They presented their applications year after year but never received anything and one of them according to the Honourable MEC qualifies for that subsidy. It is not that they do not qualify, they qualify but nothing comes to them.

I urge the Honourable MEC not to see the independence school as a risk for the department. They should be seen as partners involving better education in South Africa. It is not a threat in the department or to government it assists to produce people with skills to build a better South Africa. But thank you that the one school or at least next year will receive something from the department. Thanks.

HON. DEP. SPEAKER:

And I know that there is a good working relationship between Honourable Gerber and the Department of Education. Other

matters can be followed up on the issue of subsidies of this public schools, independent schools, could be followed with the MEC either the substantive MEC or the acting MEC. It will be a matter which can be easily resolved. Honourable Members we proceed to question 3 on the question paper. A question of the Honourable Matladi to the Premier.

HON. THIBEDI:

Honourable Deputy Speaker, in terms of the question by Honourable Matladi to the Honourable Premier, I wish to table this response on behalf of the Premier. The first question, the resolution of the sale of the flats were passed by the Legislature on the 14th September 2007 but they were never implemented which led to the recent eviction of tenants in those flats. It does have two sub questions

1. Why did EXCO failed to implant resolutions of the House?
2. Why did EXCO continue to sell the flats against the advice of the flats?

Now the answer is as follows:
We would like to take this

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opportunity to point out that the North West Housing Cooperation is owned by the North West Provincial government and fully managed by legal persona with legally prescribed judiciary duties as in the Board of Directors who consult the EXCO only on matters that the Board is described to do so by the Act.

Once the flats were auctioned and the bidding prices were accepted by the Housing Cooperation, legally binding contract of sale came to existence.

To suspend and or to reverse the transaction would entail the repudiating of the said binding contracts, opening up litigations for damages against the cooperation and any person both natural or juristic who may have been seen as interfering with these transactions.

The fact that transfers had not taken place did not mean that the contracts were not binding, especially if the guard is hurt could affect that the purchasers had complied with the terms of the sale agreement. We understand the recommendations of this august House not to be suggesting that we must be obli-

ous of the law then attempting to comply but rather to do all that was necessary within the confines of the law.

To reach this end we source several legal opinions, warning against taking the steps of suspending and or reversing the transactions. We could not advocate to anybody including the cooperation to put itself to the risks of litigation or contravention of among other things, other laws the PFMA.

In respect of Ad Hoc Committee resolutions which state that the excess status of the disposal of the flats needed to be determined.

The sale must be immediately suspended so that complete investigations of the disposal can occur.

The MEC for Finance should therefore stop the sale and ensure that she possesses all the necessary and relevant information, to decide whether the sale should go ahead or not. Should any payments have been made, they should be kept in the appropriate trust account pending the outcome of these investigations.

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In reference to these above quotation from the Ad Hoc Committee report, the MEC for Finance seems even at this stage able to disapprove the sale as it appears to have been below market value. There is a risk to this however as the purchasers may seek to enforce their contracts or else claim damages. This claim could perhaps rightfully be for the account of the individual Board members. Now the MEC for Finance had received all the information she needed before the transaction was concluded as required by Section 54 of the PFMA and satisfied herself that the properties were sold at the price above evaluations report as well as the highest price that could be fetched at auction.

This was determined in the meeting and discussions of the then MEC for a Developmental Local Government and Housing and the MEC for Finance both reported these progress to the Premier.

Again quoting from the Ad Hoc Committee report, the sale of significant assets of the NWPL has invoked serious problems. The heist of the disposal, the

action of the North West Housing Co-operations subsequent to the sale and the price attained raised serious questions. It maybe wise to unpack this, to unpack it further as the problem seems wide spread.

Obtained Forensic Report of previous mismanagement of the North West Housing Cooperation is a crucial first step in this process. The matter is subject to further investigation and it contains some suspicion that requires thorough investigations. The Executive Council in the North West Housing Cooperation Board of Directors seems to have been a subject of this investigation and could therefore not investigate themselves.

Upon rejection of a need for a full blow on commission of enquiry as was to inform on several occasions by the Honourable Deputy Speaker that the relevant state security forces have been asked to investigate this matter and report to Legislature. We are still keenly awaiting this august House to table a report on criminal investigations that is sought to embark on.

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We implore this House to allow us to set up a commission of enquiry with commissioners selected by the Honourable Speaker or Members of the House but in vain. To us this sounded like an appropriate steps to take given the nature of allegations made about some Members of the Executive Council. We still hope that those against whom allegations are leveled will either be charged or cleared sooner than later. Again here just quoting from the Ad Hoc Committee report it state that, the MEC for Housing and for Finance should track the proceed of the disposals of the flats and other sales or disposal and establish exactly who stood to benefit from this sales, who did benefit and whether any conflict of interest existed.

Now the MEC of Finance has dully written to the Secretary of the Legislature and clarified that she could not investigate this matter as it falls within the mandate of another MEC and more importantly a public entity falling under the same MEC. She stated her legal limitation in this regard. The assumption we could draw from non response

to her submission was that the Secretary of the Legislature accepted this explanation.

Again taking two from the Ad Hoc Committee report it states that any such proceeds which are recovered should be placed in the provincial revenue fund and the MEC of Finance report to the North West Provincial Legislature in relation to such funds. Now concerning the opening of trust account, an opinion was sought by the MEC for Finance and she was in that regard also advised that the move was not lawful and was contrary to the provisions of the PFMA.

The MEC for Finance has fully investigated how she can place the proceeds recovered under the provincial revenue. Once again given the legal contract that the North West Housing Cooperation has already entered in with the new owners made it impossible given that such funds were already committed to part payment of the original R60m that of North West Housing Cooperation to the PIC, which was already amounting to some R120m before negotiated settlement.

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The other committee report states once more that the rationale behind the establishment of HIDCO was that it would replace the North West Housing Cooperation. Both the staff and the assets of the North West Housing Cooperation were earmarked to be transferred across to HIDCO. The Minister of Finance has however indicated that all co-operations such as the Housing Cooperation and HIDCO should be ...[Inaudible] ... up and their assets absorbed by the Department of Housing. The MEC for Housing and for Finance should follow up the status of HIDCO and ensure that this transfer to the Department of Housing is effected and explained to the North West Provincial Legislature the exact status of HIDCO.

Payments of fees for work performed by HIDCO and any transaction by HIDCO needed to be investigated as these would appear to be irregular or unauthorized expenditure in contravention of the PFMA. Any such funds should also be transferred to the appropriate provincial revenue fund.

Now HIDCO was established to

be a legal successor of the North West Housing Cooperation in a completely new form of a public company and of the parastatal or public entity. HIDCO has never been functional since its theoretical establishment and never received any funds nor proceeds from government in as far as EXCO is concerned and informed.

This matter is presumably to be made subject to investigation as per the Honourable Deputy Speaker's task given to the state security urgencies. The Ad Hoc Committee report again quotes the PFMA confers specific powers due to the responsibilities on Treasury. In light of these powers, duties and responsibilities, the MEC for Finance must be encouraged to take a more active role in preventing future violations of the provisions of the PFMA and guarantee that the acquisition or the disposal state property is dealt with in a manner envisaged by the PFMA.

The Treasury sought to perform their task. There is need should such situation rise in the future for them to perform their role

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with more vigour aware of the authority they do indeed possess. The Provincial Treasury should have taken a more assertive stance in this matter. Had they done so, these problems could possibly have been avoided. The North West Provincial Legislature is encouraged to hold the MEC of Finance to account for this oversight and clarify the MEC's role."

The Treasury has tried to do its level best in this regard and undertake to do even better in future. Now finally in terms of the committee the Ad Hoc Committee report, it says the socio economic rights of the tenants of the flat appeared to have been violated. The committee files that both the North West Housing Cooperation and the MEC for Housing appear to have had some role in allowing this violation. The municipality and tenants themselves possibly by not paying for services also simply have played some role in contributing to this violation.

Now the resolution of the sale of the flats were past by the Legislature on the 14th September 2007. The auction took place on the 07th of

December. We must point out in this regard to this question that there seems to be widespread misconception that by the time when the Ad Hoc Committee produce a report that the sales on such as were not concluded and therefore not binding.

The truth of the matter is that the legally binding contract existed, at the ...[Inaudible]... of the harmer even though transfer had not happened. The transaction between the corporation and the purchasers had already been concluded. In short legally binding contract were in the existent and to try to force the corporation to cancel them when they had already accepted the bid would amount to breach of contract exposing the cooperation to costly litigation.

We would like to believe that it has never been the intention of this House, to cause the corporation to break the law in this regard, again legal advice was sought and we found our hand tight the agreement particularly because the purchasers had complied with their side of the contract. The legal opinion would be attached to this report.

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Now regarding the tenants that have been evicted from the flats, what would become their future homes for residents. It would be difficult for any person to provide all answers for this question. However we must indicate that the new owners have already shown their intentions to sell the properties to anybody who will be willing to buy and preference would be given to the registered tenants.

With regard to the category of indigent tenants, we have made arrangements to accommodate them at the newly constructed houses situated in site 38 in Mafikeng. We have made specific announcements in this regards for qualifying persons to come forward and register their names so that houses can be allocated to them. Those who are unable but willing to purchase units of flats have an option to rent and conclude lease agreements with the new owners of the properties.

The flat remain available for anybody who is interested to occupy subject to signing either lease agreement or concluding sales with the owners. Who will pay for the cost of their damage

property? Matters of this nature always have to be taken through relevant legal procedures that may be available. No legal claim has been raised formally at government level. No Member or official of government participated in an official capacity in the eviction process. The matter of eviction is between the new owners and the tenants and therefore beyond us as government.

Finally, according to EXCO how should this case be resolved? A short answer to this question is that residents have now been given opportunity to either purchase or rent the properties from the new owners. They must start to be encouraged by all of us to not miss this opportunity to purchase units of flats for themselves and those who are unable to purchase should lease from the owners. All those who can upon application be confirmed as indigent will readily be accommodated as a section alluded to earlier in these responses. Thank you Deputy Speaker.

HON. DEP. SPEAKER:

Now those Honourable Members, Honourable Moilola

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who have been listening very careful, the response to this questions particularly question 1 and 2 are the same, because the first two questions say why, why did EXCO sell, why did EXCO continue? Honourable Matladi. No before you speak Honourable Thibedi on behalf of the Premier says part of the reason is that they are avoiding litigation.

Secondly they wanted to comply with the PFMA, provisions of PFMA. They did not want to act unlawful. They wanted to comply with the legal contract and avoid contravening the PFMA, but in Honourable Thibedi's response, there is one thing I must correct because that is the matter that bothers in the House. The resolution in this matter was not taken on the 14th of September 2007. It was on the 13th of September 2007 for purposes of records because we did not have a Sitting on the 14th.

Now there is an important point that arises out of Honourable Thibedi's response and I take it that MEC for Finance has taken note of that. Part of the response says the MEC for

Finance must take an active part to avoid future violations of the PFMA. Honourable Matladi o na le Moeti

HON. MATLADI:

I was already surprised that you might be answering on my behalf Honourable Deputy Speaker, alright. I thank you for correction on the date because when we picked it up also maybe in the question instead of writing the 13th, you have written the 14th.

Honourable Deputy Speaker, I have listen to the response although some of the issues that Honourable Thibedi was talking about are not written in this document as he was racking through them, the document has separate things or specific ones and others left out. He might have the reason why he separated those matters, but I have got a problem and my problem is all the answers that the Honourable MEC has given on behalf of the Premier, why, these matters were not raised in this Honourable House during the time when the Ad Hoc Committee report was tabled and during the time when Members were given a chance

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to debate it, because I believe during that time the House would have realized some of the issues that Honourable Thibedi is pinpointing today, but these matters were not there, where did they come from now after we have faced the problems that I have referred to in the question. That is my first concern.

The second concern is when the Honourable Thibedi says this entity is on its own, it has got nothing to do with EXCO. I was thinking that EXCO is taking care of the interest of all departments, parastatals, whether private, whether you call them legally or whatever, but it is the responsibility of this government, of this EXCO to see to it that things run properly. That is why we are addressing EXCO not the entity, not a certain private group that has bought the flats, but them because they've got to be responsible of all of us. So I do not accept such a response.

The third matter Chair, I would like to refer to question 1(a) on page 2 where it says that they were warned against taking the step of suspending and or reversing the transactions, and

my question is, was this communicated to the august House? because if it couldn't be communicated to the House rather the Speaker's office should have been written a letter to say here we are, we have been trying to address the resolutions but the advise we get is a,b,c but contrary to that the report we receive from the Speaker Office is the office has written several letters to EXCO reminding them of the implementation of the resolutions, but what EXCO kept on doing was to reply and say we acknowledge receipt of your letter.

Why couldn't this important information of the advise from the legalities be communicated to the Office of the Speaker, it is very much surprising. I also underlined one issue; the one that says, we have got the misconception that says that the contract of the sale was not complete before the Ad Hoc Committee could be put into place. What are they written is to say who was told about the complete contract because it was also the responsibility of EXCO to have said to the Speaker, to have said to whoever was discussing the matter

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with them there is nothing that can still be done, bit it is very clear that we said put holds and no hold was put.

Honourable Deputy Speaker, I came to the end of my input and this end is on question 1.5 which Honourable Thibedi has numbered number 6 when I said how should this case be resolved? I like what is written here, the options that are given to the residents of the flats and that this information according to me is something that could have been done initially by EXCO communicating with the people who have bought the flats so that they could have given the residents first priority according to the terms as presented today.

So it comes at the end when problems have already been faced. So we are reacting instead of pro-acting to the issues of service delivery in our communities, and I sit down Honourable Chair and as I do so, I am still not convinced that there is something that EXCO could have done to help the residents of Gatholo Heights, one, for paying the costs of their personal damaged properties that Honourable Thibedi says he

does not know off.

Also that these our people who do need accommodation could have been helped like the people from Pomfret who just came to Mmabatho and have houses from nowhere in these units which were allocated to them because it was a problem and then it said when a person does not have a roof over his head or her head the government has to provide and what is the difference between these people and the indigents flat residents, cant they be treated the same because there are still houses in Mmabatho, in Mafikeng that could have still been allocated to these people who need accommodation, and then Chair it is very difficult to be short when you are discussing this matter on the flats because it is a very, very serious matter, but I wish we should still have time to sit and chew it further than it is, so that in future things of this nature should not happen in our province. I thank you Honourable Deputy Speaker.

HON. DEP. SPEAKER:

Honourable Duma this morning Honourable Hattingh says to Honourable Africa is welcomed to

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South Africa and the Legislature and he wishes that Honourable Africa stays here for sometimes, Honourable Matladi says this matter would need further debate at some stage and I hope that a Member knows that if you want to debate a matter what you need to do. You open the book of the rules they will guide you what you must do. Now we are going to question 2, MEC Finance.

HON. MEC. MODISELLE:

Honourable Chairperson, I really cannot sit here when my name is been dragged in mud. I want to say that [INTERRUPTION].

HON. DEP. SPEAKER:

No, no Honourable Modiselle in this House we use rules, now let me tell you what the rules says. The rule says a question is posed to a Member of the Executive Council and once the person who have posed a question respond to the answer that closes the debate, no one any other person can speak after the person who has posed the question has spoken, so please help me not to violate the rules of the House, I do not have that intention. I note your concern, but your concern was supposed

to have been addressed before the response of the person who posed the question, and you know earlier on I drew your attention to Rule 139 precisely because I have realize that Members are not aware about provisions in that rule in relations to questions and interpellation.

Now this one is another point that says to us, we are not sure how we handle questions in the House. Now you would have another opportunity of clearing some of the things that was said but unfortunately, for now I cannot give you an opportunity to speak. Because the rule says once the poser of the question respond, the matter is closed, my apology, but I cannot allow you to speak. Honourable Maloyi I hope you are not going to speak on the previous question because the debate on that matter is closed.

HON. MALOYI:

No, Deputy Speaker I have a responsibility working together with you assists. A question was posed to the Premier, an answer was given, and after an answer there must be a follow up question if there is any, not a

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debate, a follow up question and I take it that what Honourable Matladi was doing was a follow up question, therefore the acting Speaker must respond to a follow up question, after having done so you do not close and proceed to the next question, because this is not a debate is question time.

HON. DEP. SPEAKER:

Honourable Chief whip has no powers to overrule the Presiding Officer. We will be setting a very bad precedence. This debate is closed, ntate Mahlakang I have noted you for the next question. On this one the matter is closed. On a procedural issue ntate Mahlakang.

HON. MAHLAKENG:

Sir, it is my understanding that the Chief Whip of the majority party is not overruling you, however he is talking to you on the procedural matter, in this instance is that there was a question posed to the acting Premier, the follow up question by Honourable Matladi was made and therefore the acting Premier must be given an opportunity to answer the questions that were raised and then you close the matter. There is

no issue relating to the Preceding Office being overruled or not, that is the basis of my standing here, and I profusely apologize for rising on a procedural matter Deputy Speaker sir, thank you.

HON. DEP. SPEAKER:

I am going to allow Honourable Modiselle a rare opportunity, a very rare opportunity to clarify that matter is due that Honourable Matladi made follow up questions, then we will allow Honourable Thibedi to respond to those follow up questions and then from there we close the matter, and effectively came in defense of your ...

HON. MEC. MODISELLE:

Thank you very much Chairperson. I am going to be eternally grateful. Chair in the indictment on my integrity and competence in so far as the execution of my functions as the MEC for Finance in the report that was tabled just now in your august House by the acting Premier, I treat this with contempt that it deserves.

I want to make it clear, that for some reason or the other the report implies that I was part of

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the resolutions to sell the flats. This is a misnomer. The fact of the matter is that, I learned about the auction of the flats in a news paper the following Monday.

HON. DEP. SPEAKER:

Honourable Modiselle there is a point of order there let us firstly listen to a point of order.

HON. MAHLAKENG:

Deputy Speaker sir, on a procedural point, I do not understand the basis in which the Honourable Member is entering the debate. I was of the view that you are going to give the acting Premier to respond to the follow up question by Honourable Member Matladi, I thank you.

HON. DEP. SPEAKER:

Honourable Mahlakeng, the MEC for Finance says while Honourable Thibedi was responding on behalf of the Premier, she implicated her and her department. Now it is only fair to allow her space to clarify that matter because this is the only opportunity to do so, otherwise she would not have any other opportunity to correct whatever she had wanted to

correct, but unfortunately I am tempted to agree with you because Honourable MEC for Finance did not clarify what she wanted to clarify, she went on to raise almost a whole range of issues relating to the presentation. I had expected her to say I am correcting this, it was not the 14th of September, it was the 13th of September and sit down. Now I give Honourable Thibedi to respond to questions.

HON. MEC. THIBEDI:

Thanks Honourable Deputy Speaker, and Honourable Matladi for the questions that you posed. I indicated from the onset Honourable Deputy Speaker that, firstly let me say that the report that you have, I was reading on the latest report and I will make sure that I forward it to the table there so that it shall get me copies of the report I was reading from which I received from the Office of the Premier this morning.

Having said that let me indicate that the issues that you raised in terms of some factual issues you pointed out from the report, I think is only fair for the Office of the Premier to go back and respond accordingly at these

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particular matters and once such report is prepared, it can be brought back to the House so that it can then be entertained by the House, because I think it is important that at the end of everything in relation to this matter, everyone of us must be satisfied that the matters had been dealt with professionally in the best interest of everybody. Thanks Deputy Speaker.

HON. MATLADI:

Honourable Deputy Speaker, I do understand the request by Honourable Thibedi that the response would come in the next Sitting on the follow up questions. How I would have liked to listen to Honourable Modiselle's objections so that also in the next Sitting it be clarified, because it already says that the response that I have is full of or might be having some points that Honourable Members of EXCO, some of them do not agree with.

So if we could have allowed Honourable Modiselle to raise her objections, it would have been, no Honourable Mahlakeng you are not the Deputy Speaker, I am talking to the Deputy Speaker, so we

would be able to say in the next Sitting as well what she has raised would be addressed, because obviously the Honourable Premier and EXCO will know that Honourable Modiselle objected. Thank you Honourable Deputy Speaker.

HON. DEP. SPEAKER:

Honourable Matladi you know the rules gives you an opportunity to speak because you posed a question but in this book there is no rule says you must use that privilege incorrectly, you are using it incorrectly.

The rules allow you to ask follow up questions, not to take the question of Honourable Modiselle and make it your question. It does not. You will receive a response to follow up question that you posed and you only Honourable Member you will not ...[Inaudible]... answers for follow up questions posed by other persons because the rule does not make that provision.

The rule makes provision for you to pose follow up questions and you get the response to that. Honourable Members we proceed to question 4,

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Honourable Groenewald do you want to speak on this matter?

HON. GROENEWALD:

Thank you Honourable Deputy Speaker, I want to put a question of privilege on Rule 106 in terms of Rule 106, I would like to ask the MEC of Finance, what is the response of the indications in the acting Premier's response.

HON. DEP. SPEAKER:

You see Honourable Groenewald you are doing exactly what I have just requested Honourable Matladi not to do, but let me not respond, let me give an MEC for Finance an opportunity to respond to that question.

HON. MEC. MODISELLE:

I am not sure really of the question am I expected to respond to what was raised in the Premier's report.

HON. DEP. SPEAKER:

Now Honourable Members please we are now proceeding. Question 2 it is a question of Honourable Madoda, yes

HON. HATTINGH:

Honourable Deputy Speaker a

question of privilege was put by a Member, it cannot just be swept aside, the question of privilege was in terms of Rule 106, our rules about the MEC for Finance was asked what is her response on the allegations contained in the acting Premier statement, that is a question of privilege, you cannot sweep it under the table.

HON. DEP. SPEAKER:

Now Honourable Members before we go there Honourable Hattingh I want us to read Rule 106, because I am convinced that it is not properly applied. It is deliberately misconstrued, and I say deliberate. The question of privilege is granted. That is Rule 106, to the Premier, a Member of Executive Council, the Chief Whip or the Deputy Chief Whip, as the case may be, the Whip of every party in the Legislature and in the absence of the Whip, a member nominated by the party as an alternate, provide such alternatives, shall be nominated in writing.

The rule in essence in short, it says this Rule 106 can be used in the House but the Member must notice us prior the Sitting. It says prior the Sitting. Such

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alternative shall be nominated in writing, which nomination shall be submitted to the Presiding Officer prior the Sitting.

Honourable Hattingh, you know even if you are correct, your correctness does not give you a right to behave in the manner in which you are behaving.

HON. HATTINGH:
Honourable Deputy Speaker I object. You accuse me of deliberately misleading this House. I suggest that you withdraw that.

HON. DEP. SPEAKER:
I have given Honourable Modiselle an opportunity to respond to your question, and she has responded. She has responded. Responding does not mean giving the answer you expect.

HON. HATTINGH:
Honourable Deputy Speaker?

HON. DEP. SPEAKER:
Honourable Modiselle Honourable Hattingh, has responded.

HON. HATTINGH:
Point of order please.

HON. DEP. SPEAKER: She said ...[INTERRUPTION] ...
HON. HATTINGH: She asked a question. "Must I now continue"? That is what she asked. My I put a point of order please.

HON. DEP. SPEAKER:
Honourable Hattingh?

HON. HATTINGH:
May I put a point of order please?

HON. DEP. SPEAKER:
No, I am not giving you a chance to speak on a point of order.

HON. HATTINGH:
Why not?

HON. DEP. SPEAKER:
I am not giving you an opportunity to speak on a point of order because [INTERRUPTION]

HON. HATTINGH:
You are messing up this House.

HON. DEP. SPEAKER:
Because I have given Honourable Modiselle an opportunity to respond to the question, and she did respond. The only thing that was not there is

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that Honourable Modiselle gave a response that you did not expect, but there was a response, whether correct or incorrect, but the response was there.

HON. HATTINGH:

What was the response?

HON. DEP. SPEAKER:

I am not sure because she responded. It is your responsibility to listen when Members respond. Honourable Members we proceed to Question 2.

HON. MATLADI:

No. Honourable Deputy Speaker?

HON. DEP. SPEAKER:

Honourable Members we are proceeding to Question 2.

HON. MATLADI:

Honourable Deputy Speaker, maybe we missed something. When Honourable Modiselle stood up, she asked a question if she should be responding to what Honourable Thibedi said, and I expected you to say yes to her. That is when you said let us continue. So I just wanted to draw your attention to that. Thank you.

HON. DEP. SPEAKER:

For purposes of order and to minimize disruption in the House, Honourable Modiselle, did you get the question posed by Honourable Groenewald, because I want that if you did capture the question, I must again afford you an opportunity to respond, so that those who did not hear you should have a second opportunity to hear you. Did you capture the question of Honourable Groenewald?

HON. MEC MODISELLE:

Quite frankly I am so confused now, but all I can tell you is that my ...[INTERRUPTION]

HON. DEP. SPEAKER:

Honourable Modiselle, did you get the question of Honourable Groenewald? If no, I want to request Honourable Groenewald to repeat the question.

HON. MEC MODISELLE:

No.

HON. DEP. SPEAKER:

Yes. Honourable Groenewald can you repeat the question?

HON. GROENEWALD:

I will do so. Thank you Honourable Deputy Speaker. In

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terms of Rule 106, I would like to ask the MEC of Finance, what is her response of the implication contained in the Acting Premier's response. I thank you.

HON. DEP. SPEAKER:

Now you have captured the question. Can you please respond.

HON. MEC MODISELLE:

Thank you, I am going to repeat because it provokes me to repeat what I said, that I take serious umbrage on the comments that were made in the report that was tabled because it challenges my integrity and competence, in so far as the execution of my functions are concerned. I treat this with contempt that it deserves. I want to make it clear that for some reason or the other, the report implies that I was part of the resolutions to sell the flats. This is a misnomer. The fact of the matter is that I learned about the auction of the flats in the news the following Monday, after the auction had taken place the previous Saturday. There is history to this imbroglio which is very well documented. I thank you.

HON. DEP. SPEAKER: Now there is Honourable MEC Finance to the response given by Honourable Thibedi on behalf of the Premier, which answers the question that Honourable Groenewald has asked. Now you have the answer. We are now proceeding to Question 2. Honourable Vilakazi, you see question tabled for the 5th time, referred to Honourable Premier for written response. No, no, Honourable Vilakazi, this question must be answered by the Premier.

Now you are not the Premier and not even Acting Premier. Now in all fairness, the only people who can respond to this question is the Premier or the Acting Premier on behalf of the Premier. Otherwise I will be breaking the rules.

HON. MEC VILAKAZI:

Honourable Speaker, I was not going to talk about the follow-up question. I simply want to draw the House to the attention that whatever MEC Modiselle has said, actually by implication means I must respond because I was the Presiding MEC at the time.

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HON. HATTINGH:

A point of order Deputy Speaker? Point of order.

Executive Council where it belongs.

HON. MEC VILAKAZI:

No, I am not going to respond. I would keep the integrity of the Executive Council, and not respond in this House.

HON. HATTINGH:

Honourable Deputy Speaker I have got a point of order.

HON. DEP. SPEAKER:

Honourable Vilakazi, please. Honourable Hattingh please, can you just sit down. No, no, can you just sit and I will give you an opportunity.

HON. MEC VILAKAZI:

Hattingh is not the Member of the Executive. He cannot even speak on that.

HON. DEP. SPEAKER:

Honourable Hattingh?

HON. HATTINGH:

Thank you.

HON. HATTINGH:

I have got a point of order.

HON. DEP. SPEAKER:

Honourable Vilakazi?

HON. DEP. SPEAKER:

I will give you an opportunity, please. I will give you an opportunity. You know, Honourable Members, you see Honourable Vilakazi, please I will not allow you to disrespect the House like you are doing. You have a right to speak but you do not have a right to speak even when you are not given a platform. To defy a Presiding Officer when he ask you to sit down is not correct, and I think Honourable Hattingh was right when he was calling order. That is the reason that I did not want to give you an opportunity. I wanted to deal with this situation first, which is

HON. HATTINGH:

Honourable Deputy Speaker, a point of order. I have got a point of order.

HON. DEP. SPEAKER:

Honourable Vilakazi?

HON. HATTINGH:

I have got a point of order.

HON. MEC VILAKAZI:

I am not going to respond to her. I will take it to the

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unacceptable. Now you see, Honourable Members please, I am requesting Honourable Members to behave because this behavior is unacceptable. I gave Honourable Modiselle to speak in terms of Rule 106. Which rule are you speaking on Honourable Vilakazi?

HON. MEC VILAKAZI:

Honourable Speaker, you have said, Honourable Groenewald asked a question of privilege because whatever the Acting Premier has read implies a certain action or inaction on the part of MEC Modiselle, which I hold the view it is a misinterpretation.

MEC Modiselle stands up, makes the statement that she saw this thing on the media. I would respond to that because immediately when she says that, I was the Presiding MEC, it implies on me. That privilege applies to me as well. I do not want to go there. I am saying that it will go back to EXCO. We will have to deal with it as EXCO Members. I do not want to open it in the public domain. I have a right, when an action is implied on me, just like it is

implied on her, I have a right as a Member of the House to respond.

I am saying I am not going to ask you a privilege to respond. I sit down, I take the matter to the Executive Council, come back to the House probably and deal with this matter, and I think I am simply begging for that privilege, and I am saying that it should be recognized because Honourable Deputy Speaker, when you allowed that to happen, it has opened a lot of people who would claim privilege on that subject, in the manner that it is dealt with. Actually I find it [INTERRUPTION]

HON. DEP. SPEAKER:

You see Honourable Vilakazi

HON. MEC VILAKAZI:

But let me sit down and say that I will revert back to the Executive Council.

HON. DEP. SPEAKER:

Honourable Vilakazi, you see, Honourable Groenewald says Deputy Speaker, I want to pose a question in terms of Rule 106. He poses a question to Honourable Modiselle. I did not know what the response of

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Honourable Modiselle is going to be. I did not know. You did not know either. You stand up, you speak. You do not stand up and speak in terms of the rule like Honourable Groenewald is doing.

Now you see this problem we are dealing with here, it is a problem of Executive Council. It does not belong here. I allowed it in terms of the rules. I am not going to decide whether to give you a chance or not. If the rule says I must give the Member a chance, I must do that. I am controlled by rules. I am not making my own discretion here.

The rule says if the Member requests a question in terms of Rule 106, I must afford an opportunity. This problem that messes proceedings in the House is a mess that comes from the Executive Council. Please take it back there. It does not belong here. Take this mess to the Executive Council where it comes from. Do not bring it in this House. It does not belong here.

Honourable Thibedi, are you going to respond to Question 3, because this question, there are

only two people who can answer it. It is the substantive Premier and the Acting Premier, only. Do you want to answer the question?

HON. HATTINGH:

No, I want to put the question to you Honorable Deputy Speaker.

HON. DEP. SPEAKER:

Yes.

HON. HATTINGH:

You were last at Question 2. It was not tabled. You asked a question whether Acting Premier will be tabling it and then we got this unlawful, irregular appearance of this person, Honourable Vilakazi. I would like to know what is the status of Question 2, was it tabled or was it not tabled?

HON. DEP. SPEAKER:

The question you are referring to. No, I was saying Question 2. Question 2, I said it is a question that must be answered by the Acting Premier or the Premier herself. Acting Premier, do you have an answer for Question 2?

HON. MEC THIBEDI:

The answer is so tabled.

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HON. DEP. SPEAKER:

We proceed to Question 3. Can the MEC Agriculture give an oral, it is a question tabled for the second time.

HON. MEC SERFONTEIN:

Deputy Speaker Question 081111-010. What steps have been taken to rehabilitate the dumping site and if not, why not? An application for a closure permit in terms of Section 20 of Environmental Conservation Act 73 of 1989 as amended was submitted to the National Department of Environmental Affairs and Tourism (DEAT) for the closure of rehabilitation of the site.

A closure permit is still awaited from DEAT before the actual closure of the site can happen. The permitting of landfill site is still the function of DEAT. The actual closure of the site can happen and rehabilitation can legally carry out after the permit has been issued. A joint site inspection was conducted with DEAT and the municipality with regard to rehabilitation of the site.

However, the action management of waste disposal site is

the responsibility of municipality in terms of Schedule 5 B of the Constitution of South Africa. The department with the City of Matlosana is currently negotiating with the National Department of Minerals and Energy to capture and beneficially use the methane gas that is produced as part of the natural decomposition process of the waste. This gas has potential value as a source of energy.

The capture of the gas is undertaken through the introduction of a series of gas waste drilled into the landfill material along the underground pipe network. This will eliminate the uncontrolled discharge of gas to the atmosphere. The gas can then be used as fuel and can be converted into an alternative energy source such as electricity.

When will the dumping site be rehabilitated? The actual rehabilitation of the dumping site is subjected to the environmental authorization permit issued by DEAT in terms of Section 20 of the Environmental Conservation Act 1989. At this juncture no permit has been issued.

What steps have been taken to prevent the spreading of plastic

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material to nearby farms? The site has a front end logo which applies cover soil to the waste on a daily basis. There is 6 litter pickers assigned to the site to pick up the litter around this site. The Klerksdorp Region waste disposal site will start its operation by the end of November 2008, which will receive waste from the surrounding towns, including Orkney. By December no waste will be dumped in Orkney landfill site.

If any claims for the loss of live-stock after the consumption of plastic material or other items from the dumping site were instituted against the Department? There were no reported cases of loss of live-stock due to consumption of plastic material coming from the disposal site.

Thank you Deputy Speaker.

HON. DEP. SPEAKER:

That is the response to Question 3, and Question 4? Honourable Serfontein?

HON. MEC SERFONTEIN:

Deputy Speaker, I do table the answer.

HON. DEP. SPEAKER:

The response for Question 4 is tabled. Honourable Members, that brings us to the end of Questions and Interpellations. Can we proceed to the next item?

SECRETARY: ITEM NO. 5, STATEMENTS BY MEMBERS**HON. DEP. SPEAKER:**

Does any Member wish to make a statement? Honourable Mangqo?

HON. MEC MANGQO:

Thank you very much Honourable Deputy Speaker. I rise in my capacity as a leader of Government Business and I need to put it on record in this august House that the earlier discussion and the response by a Member of the Executive Council be recorded as such, which was tabled by Honourable Member Maureen Modiselle.

The Executive Council is individually and collectively responsible to protect the integrity of the Executives. Where I sit, both Members are protecting that integrity we are talking about and they may be arising from different approaches. The mat-

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ter shall be dealt with in the Executive Council, but I need to put it on record august House Members that the Members are equally not violating nor compromising the integrity of the Executive.

There may be gray areas that shall be clarified as part of implementing the work within and in the Executive Council. This must in no way be seen as an act of disunity or the act that seeks to undermine the important work of this august House. It could be matters of interpretation or matters that we will deal with in the Executive Council, but I must indicate that I will regard both Members as preserving the integrity, the collective responsibility and individual view about the work that goes on in the Executive Council. I thank you Honourable Deputy Speaker.

HON. DEP. SPEAKER:

In the absence of any comments and response from that statement, we proceed to the next item. Oh, sorry, next statement. Ga ke a go bona Rre Moalusi.

HON. MOALUSI:

Thank you Honourable Deputy Speaker. I rise to table the statement that residents of Khutsong live in fear because of unattended sinkholes near a house in Extension 4. The matter was reported to a certain municipal official who was allegedly in charge of these types of incidents. This respected municipal officer did not attend to the matter to date. The hole is about 5m from the house and there are cracks everywhere in the ground. The people live in fear because they do not know what is going to happen next, especially now that the ground is soft due to the rain. The UCDP urges the respected MEC to act expeditiously. Thank you.

HON. DEP. SPEAKER:

I think we are taking the statement which is a serious matter. Honourable Duma?

HON. MEC DUMA:

Just on that statement Chair, of the sinkholes in Khutsong. Those sinkholes have been occurring for the last 20 years and they are as a result of activities of the mining industry. Nobody today requests or at least makes an appeal to the

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mining houses in the country in that part of the world or that part of the country to ensure safety of the Khutsong residents. That matter is left in the hands of government and government alone and I want to implore Members of this House that the responsible people who are doing mining there, they have also a responsibility of housing and in safe environment the people of Khutsong, and therefore that responsibility should be properly placed to the people that are responsible for the unsafe environment in Khutsong.

HON. DEP. SPEAKER:

Thanks Honourable Duma. Honorable

HON. GROENEWALD:

Thank you Honorable Deputy Speaker. I just want to ask a question about Khutsong and that is, are they still in North West Province or in Gauteng?. Thank you.

HON. DEP. SPEAKER:

Ntate Mahlakeng, can you answer that question?

HON. MAHLAKENG:

Thank you Deputy Speaker.

The Honourable Member is the Member of the Portfolio Committee of which I belong and it would carry out the public hearing there if that area goes to Gauteng. So to my knowledge, that area belongs to the North West.

HON. DEP. SPEAKER:

So the answer by implication that Khutsong is still part of the North West, until you go and hold a public hearing there. Ntate Moalusi, your statement se extendilwe ke Honourable Duma just to say it should not only be business of government to take care of that problem, but we must involve other people who have also been part of the mining activity in that area, so that lives of people are safe. Honourable Maloyi?

HON. MALOYI: Deputy Speaker, before you allow somebody to make a statement, as the Chief Whip of this institution, I want to appeal to yourself as the custodian of the rules of this House, not to allow anybody to violate the rules of the House, and this has been happening since we started this Sitting today, including Honourable Groenewald posing a question when we are on item called

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Statements, and you allowed him to pose the question, a person to answer and so on. So I am going to appeal to you as custodian of the rules, to please not allow anybody to break the rules of this House.

HON. DEP. SPEAKER:

I agree with you Honourable Maloyi, and surely you would agree with me that from the beginning of this Sitting, I have been saying please help me not to violate the rules. Please help me not to violate the rules, but I am noting that point and indeed I will see to it that in future we stick to rules and then we do not violate any rule. Honourable Hattingh?

HON. HATTINGH:

Honourable Deputy Speaker, I would like to bring it under your attention that the former speaker, the Chief Whip, has misled this House. Honourable Groenewald never made any question of privilege under the item Statements but under Questions, but he is also allowed to do that question of privilege at any stage, and any debate or even as statements but it is misleading and unfortunately you agreed with them. I

think although he may be the Chief Whip of your party, you should not so easily agree with him. Thank you Honourable Deputy Speaker.

HON. DEP. SPEAKER:

Now Honourable Hattingh, I do not agree with the Chief Whip on a specific matter. I agree with the Chief Whip on a principle condition, that generally we must make sure that people do not, I wanted to use the word abuse or violate, the rules of the House. So generally I am saying that that should be the point, and all of us, that is why I have been saying I am drawing attention of Members to this rule, because I did not want Members to violate the rules. Thanks. Let us proceed.

HON. MALOYI:

Deputy Speaker, I would want to suggest that in the Rules Committee we must discuss the rules and get the common understanding of the rules, because I do not agree with these Members who are saying a question of privilege means that each and every Member must pose a question. A question of privilege means a person who holds a certain position has

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got a privilege to raise certain issues. So I am going to propose that in the Rules Committee we must sit down and understand the rules clearly.

HON. HATTINGH:

Honourable Deputy Speaker, may I say I agree and we support the statement of the Honourable Chief Whip, but I must also say that we have done this in this Legislature, the beginning of the term, but we will do it again provided he comes back. He may perhaps join us in the special sessions workshop on the rules.

HON. DEP. SPEAKER:

Now you see, these are the things that I do not want in the House. These are the things that we do not want in the House. Nobody ever said the rules are changed once and there are rules for ever. The reason why there is a Rules Committee, any Member may from time to time propose matters for the attention of the Rules Committee, and I think Honourable Maloyi is in order, to say I am proposing that in the next Rules Committee we must look at the following things. Any other Member may do so.

Please let us close this matter and proceed to the next ..., Honourable Moalusi?

HON. MOALUSI:

Thank you Deputy Speaker. Your comments are being noted, but we would like to urge the MEC as the leader or as the person responsible from the government, to take the lead. He cannot expect me to go to the mines and tell the mines that please do something about that. I thank you.

HON. DEP. SPEAKER:

Now Honourable Members, let me now proceed to ATC and invite Honourable Mahlangu to table the report of the Portfolio Committee.

HON. MAHLANGU:

Thanks Honourable Deputy Speaker. I table the report of the Portfolio Committee on Education and also the report on the Sports, Arts and Culture. Thanks.

HON. DEP. SPEAKER:

Now I also wanted to invite Honourable Moilola to table a report of his Portfolio Committee.

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HON. MADODA:
Honourable Deputy Speaker ...

debate on the scrutiny of the Annual Report of the Department of Education.

HON. DEP. SPEAKER:
Honourable Madoda, are you Moiloa?

HON. MAHLANGU:

Thank you Honourable Deputy Speaker. The committee on Education met and discussed the Annual Report for Education and then during the discussions certain issues were raised by the committee, which we will also be raising in this particular Sitting so that the department should take into account some of the concerns, challenges and problems that the committee would like to be addressed.

HON. MADODA:
No, he has requested me to table.

HON. DEP. SPEAKER:
Okay, you are standing in for Honourable Moiloa?

HON. MADODA:
Honourable Deputy Speaker, I see you are in a good mood today. I wish to table on behalf of Honourable Moiloa the report of the Portfolio Committee on the Department of Public Works for the Annual Report 2007/2008.

Firstly the committee raised the issue of the Auditor General in terms of the report which during the year under discussion, the department received a qualified audit opinion based on certain issues which were raised previously with the Department of Education. One of those issues was the issue of the capital assets and the Auditor General indicated that various instances were identified where physical assets could not be traced to the Asset Register.

HON. DEP. SPEAKER:
Honourable Members, the debates on these reports will follow later. Now we proceed to the next item, item 7.

**SECRETARY: ITEM NO. 7,
DEBATES ON ANNUAL
REPORTS 2007/2008**

HON. DEP. SPEAKER:
Honourable Mahlangu to lead a

These are some of the issues that we raised, including what

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the Auditor General has raised previously about departments not knowing or not having the Asset Register. We would like to request the department to address this matter as it is always raised during the previous financial years.

The other issues that were raised by the committee was the communication between the department, the regional offices where most of the time we have found that most of the issues which are supposed to be addressed between these structures of the department, the department could not implement certain issues because people were not aware of certain issues that were raised either at the hot office or in different regions.

The issue of scholar transportation: This matter has been raised in our previous reports and we would want the Department of Education and Transport also to look at this particular matter so that once and for all this matter is resolved, whether it should belong to the Department of Education or it should belong to the Department of Transport because every year this matter

is raised. There were crucial unfilled posts in the department which the department indicated because of financial constraints they could not address these particular matters.

We have raised the issue of discipline in schools, the use of drugs and this matter is also with the department that something must be done with disciplining schools, which include other learners and teachers. We have raised the issue of the availability of the reports of the headcount that was done by the department and the department also promised that they will also forward this particular report to the committee.

On the no fee schools, we raised an issue of how the department deals with this particular matter in terms of ranking them as to whether they are no fee schools or not. For example in one ward you would find that one school is a no fee school, the other one is not, something that indicates a problem in terms of the analysis of that particular ward and how the department decides which school becomes a no fee school or not.

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Based on the issues that we have raised as the committee, we resolved on certain things that the department should do so that by the next coming financial year the committee would be able to assess whether the department has implemented those particular matters.

Firstly we have said:

- that the department should provide financial support to these schools to avoid further qualified audit opinion, but crucial vacant posts should be filled by the department;
- that the report on the headcount that I have raised earlier should be with the committee within fourteen days;
- that the department should develop a good communication strategy between them, the area project office, schools and how also it monitor and support those particular schools;
- that the department should ensure that sanitation backlogs are addressed in schools, especially in rural areas even though there are budget constraints;
- that the department should ensure that the national school nutrition program is beneficial and service providers are moni-

tored;

- that the department should make sure that leave application approved, captured, to avoid leave application backlogs;
- that the department should coordinate the implementation of Kha Ri Gude and ABET in the province. This matter has been a problem because currently there is a program that is running with Kha Ri Gude and also the department has got the ABET running in the province. As much as these two are different but the coordination thereof was raised by the committee.

One of the issues that also we would like to encourage as the committee is that because the Department of Education in the province encourages the culture of learning and reading, we would like to also encourage Members of this House in the culture of reading, by making sure that they go through this particular report and make sure that when it is adopted we are able to implement resolutions that are taken by this particular committee.

We therefore would like that, as the committee, to move the acceptance of the annual report

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on Education and also the acceptance of the committee report. I thank you Honourable Chairperson.

HON. CHAIR OF CHAIRS:

Thank you Honourable Chairperson. The next speaker on the list is Honourable Matladi.

HON. MATLADI:

Thank you Honourable Chair of Chairs, the Honourable MECs present in the House today, my colleagues, members of the community, Honourable Chair of Chairs, I am already exhausted from the debates this morning. Nevertheless I would take part in the debate of the Department of Education.

The 2007/2008 financial year budget for the Department of Education was 36% of the provincial equitable share against the expected 51% based on physical commission formula. This has resulted in shortages reported by the department on learner support material at 133.8 million.

Shortage on occupation specific dispensation at 85 million and 169.7 million towards compensation of employees. Different

programs performance has thus been affected by this shortfall. The poorest learners in the North West Province could only be funded at R650.00 each, a figure lower than those of other provinces.

The Department of Education could be facing the worst results of grade 12 at the end of this financial year due to many changes made in the curriculum of schools. A fact exacerbating the situation is the poor training of educators on the new curriculum. Training sessions are too short, leaving educators with little information to impart to learners.

News reported that there are learners in South Africa in one school who have refused to write Physical Science subject paper 1 and 2 and their sole reason being that they are already doomed, they know that they have not been taught Physical Science. If teaching was done, they heard nothing, therefore they are already going to fail, whether they write or not.

Uncertainty regarding the number of educators in the province led to the 1.2 billion overspending of the department in the pre-

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vious financial year. Headcount was done as one of the strategies in the department, which has resulted in findings of some educators being paid erroneously. If this could happen there could be other anomalies in the management of finances in the Department of Education, and maybe the Portfolio Committee should look deeper into what is happening in this department, that could maybe lead to other investigations as we do have in other departments of the province.

Adult Basic Education and Training has challenges in the previous financial years to date. They include:

- A high number of learners registering for grade 12 in ABET centers, but not in public ordinary schools.
- Lack of proper and adequate administration and learning space for skills training and development program.
- Finally adult learners are not interested in the academic program but just register. Most of them would register and they would fail to sit for examinations.

A very closely related program

named Kha Ri Gude has been introduced nationwide. It is said to prepare learners who will enroll for ABET. As a Portfolio Committee we are not convinced that ABET junior levels could not have done or improved or laid a foundation instead of coming up with a complete new program. Service providers of this Kha Ri Gude program complain of late, if not none payments, unnecessary expenditure for unused material.

The report I received was, a learner would get a packet of 12 pencils with machines to sharpen these pencils, many, many rulers, a stack of books that the learners do not use, calculators that these poor learners do not even know how to use, even educators having many instruments and material that they feel could have been divided among ten learners, instead of being given to one.

What makes matters worse is the lack of monitoring of Kha Ri Gude centres by the provincial department because they say it is the competence of national department, although they say there is a committee that has been established. It is lately

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done so and we believe that it is not even going to make any input as according to the reports they have provided to the Portfolio Committee.

Some schools in the province are no more safe for our learners. They have turned into battlefields where gangs are attacking each other, where there is high rate of alcohol and substance abuse. Cases of educators sexually abusing learners have also been reported. During the time for child grants payments, girls with their boyfriends are reported to absenting themselves from school to receive these grants, which they squander for their personal use, not for children.

The department has reported its difficulty in monitoring schools by district officials due to insufficient transport as well as a limited budget. No fee school policy has to be a good policy that places the burden of education on government, and at the same time relieving parents of this burden. Since its inception, a high intake of learners have been reported in the no fee schools. The policy however has the following shortcomings:

- One school in the same ward or village area would be declared a no fee school while the neighboring school would not.
- Some schools refuse to be declared as no fee schools as their annual allocation was higher than the departmental offer.
- Although School Governing Bodies principals and educator representatives were trained on financial management, there is still a need to conduct a follow-up and to support them in order to ensure that funds transferred to schools are spent accordingly.
- There is no monitoring and evaluation mechanisms to check whether the policy achieve its intended rewards or goals.

The department reported backlogs in sanitation provision. Out of 106 schools earmarked for sanitation, only 52 schools had toilets built. This report agrees with the admission by the department that its infrastructure backlogs are huge, amounting to over 4 billion. Out of the 250 planned mobile classrooms, only 149 were provided. Over 400 schools needed renovation. Only 28 schools were renovated.

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Presented with huge picture of infrastructure backlogs in the department, only 21% of the infrastructure fund was spent by the Department of Education by 30th September 2008. That is in monetary terms. Out of 289.7 million, only 60.4 million was used. Now analyzing this presentation we realize that the problem in the Department of Education is not lack of finances for infrastructure development, but rather how to use the allocated funds in infrastructure development.

Others challenges in the department are:

- Many schools not being provided for by NSNP, that is National School Nutrition Program;
- The high vacancy rate;
- Not all learners getting scholar transport;
- High turnover of staff, where we have also read in the report that 529 educators resigned during the year under review and also the low morale of educators.

As I conclude my debate Honourable Chair of Chairs, we advise the Department of Education to pay attention to

issues raised by the Auditor General on pages 70 to 79 of the departmental annual report, also to implement the resolutions of SCOPA adopted by this august House. The United Christian Democratic Party supports the adoption of this annual report. I thank you.

HON. CHAIR OF CHAIRS:

Thank you Honourable Matladi. The next speaker on the list is Honourable Groenewald. Honourable Groenewald?

HON. GROENEWALD:

Thank you Honourable Deputy Speaker, Honourable Members of the Legislature; officials of the department. The Department of Education must accept that after eleven years of Outcome Based Education there were a very few positive reaction regarding the curriculum. Many children do not have the basic skills of reading, writing and arithmetic. After all these years education was busy with Outcome Based Education.

Education must get back to the years where teachers taught learners the basic things in education. Teachers must know exactly what they must do and

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have the necessary training. Anything not working in the system must be thrown out. Learners are not literate because of the curriculum, where they must find their own resolution and that never happen.

The DA is worried about the damage caused over the years when OBE was the curriculum of Education. To get education on track again, forget about the policies and the framework of the system, but start with the teachers and make them positive into a new curriculum. Most of the teachers are not skilled enough to do their work in a proper way. Most of the schools do not have the necessary equipment to help learners to get literate in reading, writing and arithmetic skills.

Many schools have big problems with discipline and it is getting into a crisis. Teachers must get proper training, how to handle all the bullies in the school and the department must stop supporting these criminals in our schools. There are still too many unqualified teachers on board and if the public is interested in quality education, they

should know that one of its requirements is getting qualified teachers on board.

The DA wants to know what the department is going to do to get quality students to be trained in education. The results the department have with audit tells a story of a very little success. The way these institutions are managed, with no motivation to have any positive outcome seems to be the biggest problem at this stage.

It is not acceptable that institutions suffer and learners cannot get the opportunity to get further education and training because of mismanagement and the lack of funds. The DA also want to know, how can the department go with the enrolment of grade R learners in the province if schools do not have the necessary equipment, classrooms and teachers.

Honourable Deputy Speaker, at this very moment a very few grade R teachers are appointed by the department and the enrolment target for 2009 are already 24 926 learners, and that is in public schools, and 761 in independent schools. It

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is clear the department is busy creating new problems for themselves. They will have no answer for these problems because there is no money to resolve the problem.

There is never enough money to address the backlog in schools with no sanitation, and that is flash toilets, 134 of them. There are 106 schools with no electricity and 60 schools with no water, and if I remember correctly, the promises have been made by the department that all schools will be equipped in 2006 with abovementioned facilities.

HON. CHAIR OF CHAIRS:
Honourable Member wrap off.

HON. GROENEWALD:
Another concern rising in the Portfolio Committee is the provision of transport for learners. Although the budget for learners transport is with the Department of Transport, Roads and Community Safety, it remains the responsibility of the Department of Education to give the correct figures of learners who need transport to the Department of Transport.

To resolve this growing problem

of many learners walking next to the busy roads is to put scholar transport back to the Department of Education. The way the nutrition program was handled and controlled by the department is of a very big concern. With the economic situation in the country, more and more learners suffer without quality food for the day.

Therefore we cannot underestimate the importance of good controlled and well managed nutrition programs by the department. That is the only way to make sure that hungry learners are not suffering and get quality food for the day. Many schools are busy falling apart and in some cases are too dangerous to use the facilities for education on the school premises.

However Honourable Deputy Speaker, there is an under spending on the infrastructure. The maintenance backlog increase year by year. What the department is going to do with the plan for the future, I do not know. Is there a prioritized list to the schools needs? What are the control measures the department use on contractors working

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in schools? A huge upliftment in quality and speed is necessary to make an impact on these backlogs. Many schools in the province suffer because they are divided in wrong quintile and receive less money from the department as a need to manage a school in a better way.

HON. CHAIR OF CHAIRS:
Honourable Member your time is up.

HON. GROENEWALD:
Primary schools close to Ventersdorp, and that is Toevlug, it is the school's name. Honourable Deputy Chair I will finish now, Toevlug Primary School close to Ventersdorp is a quintile 4 school at this stage, and it is supposed to be a quintile 1 or 2. Most of the parents are jobless and cannot afford any school fee to support the school.

To get the Department of Education on track again and spend the money on projects that budget was set aside for, everyone in the department must work together. I thank you.

HON. CHAIR OF CHAIRS:

Thank you Honourable Member Groenewald. I will now invite Honourable MEC for Education, Honourable Acting MEC for Education, Honourable Jerry Thibedi. Thank you.

HON. MEC THIBEDI:
Thanks Honourable Chair of Chairs. Let me start by saying that in terms of the qualified audit opinion, the department will make sure that in terms of Capital Asset and Asset Register, a follow up is made and to ensure that in the next financial year we are able to deal with this particular issue, but of course the issue of Asset Register as you know is a challenge in most of the departments, but that should not sound as an excuse but to say that the matter will indeed receive attention.

In terms of scholar transportation, it is a matter that is seized between the Transport Department as well as Education, to find a better way of ensuring that all the learners who are in dire need of transport in the province are indeed catered for, of course the challenge always being the issue of the budget to deal with this par-

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particular matter, and of course there is an issue raised about the crucial unfilled posts, a matter which I will present to my colleague in Education, to see to it that it is addressed.

In terms of the poor training of educators and the learners who refused to write Physical Science on the basis that they already felt that they were out of chances in terms of making it. These are matters that I think the department will have to engage with, in terms of pages 70 -79, on the issues which were raised by the Auditor General and of course the school report also. These are the issues that I will also impress upon my colleague to ensure that they are addressed.

The issue around under spending in terms of infrastructure, it is a matter that is also receiving attention, and I know that in the meeting of the Executive Council tomorrow, these are things that the Executive Council will be seized with in terms of, especially under spending, on infrastructure projects in preparation for the adjustment budget which should be tabled in due course by the

MEC for Finance.

Of course the issue of discipline in schools is also a very critical issue. Members are saying that schools are no longer safe and I think that the Department of Education is doing everything it can in its power to ensure that it rids our schools of all these elements.

From what Honourable Groenewald is saying, which I do not quite understand, he says the department must stop supporting criminals in schools. I am not able to respond, the comment on that one, because I do not actually know the context in which the matter is been raised, but if he is suggesting that the Department of Education is actually in support with the criminals, I can stand here and say as far as I have known the department, and I have interacted with the department on many occasions, the department is doing its utmost to ensure that our schools are actually safe.

Finally let me also say that the issue of the Outcome Based Education is a matter that the Department of Education put in

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place for the first time this year during the matriculation examinations, and I think it will be advisable maybe to weigh and see the outcome of the results before we can actually put the cart before the horse, to proclaim it as a failure. I think it will be premature for now and I am therefore making a point and I think it is better to give it some kind of a chance and once we have received the results and those results have been analyzed, as to why they were either good or why they were bad, then I think we can begin to analyze as the success or otherwise, of the OBE.

All the other issues which have been raised will be referred to the department and I think proper responses will be formulated and will be actually forwarded to the committee to ensure that all the issues raised are actually responded to but of course the issue of the budget will remain as an issue, and I know Honourable Matladi was saying somewhere that the issue is not about the budget, especially in relation to infrastructure.

She made a point that the issue is about how actually the funds

are being managed. It is not about whether the funds are enough or not, she was making that point, but as I indicated earlier on Chair of Chairs, these matters will receive serious attention within the department itself, and the rest of the issues which I did not touch on, the department will forward a written response which deals with each and every question raised and concerns raised and hopefully we will put in place a program in terms of how they intend dealing with some of the challenges and concerns raised by Honourable Members. I thank you.

HON. CHAIR OF CHAIRS:

Thank you very much Honourable MEC Thibedi. This brings us to the end of the debate. Does the House agree? Thank you very much. I will now call Honourable Mahlangu to lead the debate on Sports, Arts and Culture. Honourable Mahlangu?

HON. MAHLANGU:

Thank you Honourable Chair. The committee met to discuss the Department of Sports and the Mmabana Cultural Foundation Annual Reports for 2007/2008. A number of issues

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were raised with the department which we are also going to raise in this particular Sitting.

Firstly the concerns of the committee relating to the Department of Education, firstly we would like, before we raise the concern, congratulate the department for achieving again the unqualified report from the Auditor General, but certain issues also were raised by the committee. Firstly the adverse audit opinion on the Klein Marico Recreational Centre. I think we have raised this matter with the department. We need the department to seriously address this particular matter, and secondly also the adverse audit opinion on the Donkervlei Recreation and Adventure Centre. We will also raise this matter with the department. We would like this matter to be addressed as a matter of serious concern.

The cheque that was drawn by Ms M Mabusa which amounted to R7 225.00 we would like this matter also to be addressed. The other issue is the limited usage of library, specifically the circulation of mother tongue books in our libraries. We have

raised this matter with the department. We hope this department will look at this matter seriously, and also the issue of the building of libraries without infrastructure connections, for example the Telkom or internet wireless connection in different libraries.

On the Mmabana Cultural Foundation, which received the qualified audit opinion, the issue of the Title Deed of Mmabana Foundation is still a problem. We hope it will be resolved in the next financial year. We also raised the issue of the expansion of Mmabana to other districts, the issue that was raised by the Auditor General, which we indicate that assets were incorrectly classified as operating business, understated by 346 248 and after deliberations from the concerns of the committee the committee recommends the following:

- That the department to develop a comprehensive strategy to attract more communities to use libraries and also circulate the mother tongue languages in our libraries;
- That Mmabana Arts, Culture and Sports Foundation to main-

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tain an effective, efficient and transparent system of financial risk management and internal control;

- That department also to submit an athletic report which shows each district representation to the committee within the next fourteen days;
- That the Department of Sports, Arts and Culture to monitor the financial operation of Mmabana Arts and Culture Foundation to avoid qualified audit opinions;
- That the department should also speed up the installation of wireless internet connection to community libraries because currently most of the computers that are in these particular libraries are not used.

The committee commends the Department of Sports, Arts and Culture on its presentation and asked them to address the Auditor General opinion to avoid future financial qualifications and adverse opinions on its entities. The committee recommended how to accept the Department of Sports, Arts and Culture Annual Report and the Mmabana Culture Annual Report for 2007/2008 respectively. I thank you Honourable

Chairperson.

HON. CHAIR OF CHAIRS:

Thank you Honourable Mahlangu. The next speaker on the list is Honourable Moalusi. Honourable Moalusi?

HON. MOALUSI:

Ke a leboga Mme Modulasetilo wa Ditilo. The Department of Sports, Arts and Culture was allocated an amount of R310 000 000.00 for the current financial year and managed to spend R302 000 000.00. Hence they received an unqualified audit opinion. The department has managed to achieve the following: They brought national and international events to the province. This included Telkom Charity Cup and the International Boxing Bout, activities such as Leopard challenge dance competition and the international Tumbling Championship between South Africa and France.

Coming to risk management the process has been made in the establishment of risk management structure and framework, but the function and the process was not implemented. Can you please Honourable MEC explain

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why.

Evaluation of financial statements: Honourable MEC, briefly outline the remarks made by the Audit Committee with regard to Audit general report.

Mmabana Foundation: They had the following challenges.

- The finalization of the salary restructuring process as they need additional funds;
- Dissatisfaction with remuneration;
- Management of performance management system which is in its infancy.

Library and information services: We would like to thank the department for the mobile libraries delivered in number of rural villages, 14 libraries connected and 100 computers and 62 colour printers given to the community libraries. In an effort to improve service delivery, 48 community libraries have been provided with suggestion boxes and visitors registers, the purpose being to get feedback continuously from the users and department workers.

Conditional grant: 68 jobs were created, 307 libraries and library assistants were trained, 113 000

volume of books were given to the community libraries.

Coming to Sports and Recreation: We would like to congratulate our province for the fourth time in a row to achieve the overall winners of the national indigenous games, 20 of our athletes and officials were chosen to represent South Africa in the international traditional games in South Korea.

Many recreation programs for senior active citizens, people with disability, community recreation and employee games took place regularly;

- 22 000 people participated in recreational events;
- 128 talented athletes were identified and placed in mainstream sport;
- 235 staff were trained in sports and administration;
- 142 coaches;
- 52 referees; and
- 235 people were trained in life skills;
- 79 000 learners participated in sport;
- 1 043 teams were active;
- 1 047 talented learners were taken into high performance structures.

In conclusion Mme Modulasetilo

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wa Ditilo I recommend to the House to accept this report. I thank you.

HON. CHAIR OF CHAIRS:

Thank you Honourable Moalusi. We will now call upon Honourable MEC Duma to respond. Honourable MEC?

HON. MEC DUMA:

Thank you Chair of Chairs. Let me start by thanking the committee to engage our department officials and ourselves as the office of the MEC regarding our annual report. It was an important experience for us as a department because we want the committee to keep us on toe to work with the committee, to take the suggestions of the committee forward so that we work together as a team. We continue to look forward for that collaboration and working together.

We also acknowledge the appreciation by the committee for the department to receive again an unqualified report. We promise the House that we will do everything in our power as a department to continue with that trend, to continue with that history of providing you with an

unqualified report. This is due to a diligent team of officials in the department who do not want anything but to ensure that expenditure in our department is done in a prudent and a diligent manner.

Regarding the issues that were raised by the committee on Klein Marico, Donkervlei, the management of those two centers was not complete. We have just appointed managers, people that are going to manage the two recreation centers and we believe that we have appointed competent managers that would ensure that the affairs, particularly the financial affairs on the two institutions are properly managed.

On the issue of the cheque for Mabusa, it was not our problem. It was the problem relating to the SAPS. SAPS instead of investigating the case together with us they investigated the case and decided to close the case without coming back to us. We have written to the investigating officer, asking the investigating officer to reopen the case because we believe there are no reasons, sufficient reasons why the case should be closed. We are confident that that case

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is being reopened.

On the issue of mother tongue in our libraries, it is a bit complicated matter because it relates to the support that fight us, particularly people that are writing in African languages are supported. There is a whole range of challenges that faces writers in the country and writers in the province. The infrastructure that they need to produce their material, both in terms of equipment and in terms of support, to publish their work. The publishing houses, the money that they need to do that, all of it needs a whole range of a chain reaction of support from government. We are not properly placed as a department to assist writers, particularly African writers to write in mother tongue.

You know, publishing houses would want to publish something that they think is going to be sold in the market, so that they get a return in their investment. We are not leaving this matter lying as a department. We have taken a decision to ensure that there is a publishing house that is established in the province.

We will do so working with the

private sector. It is not an issue that is going to be easy to accomplish but we are committed to ensuring that that publishing house is established in the province and largely assist people that would be writing in African languages and ensuring that the works of African writers reaches not only the libraries but also it is work that is taken by the Department of Education as prescription work.

The internet connection in rural libraries, the issue is a bit difficult one. We have discussed this issue between ourselves and a unit in the Finance Department that deals with internet connection in government. It is a matter that is lastly in the hands of Telkom. Telkom has not connected all the villages in the province. It does not stop us really from building libraries because books can be there and be lent out to the users. Connection is one of the issues that make our libraries to be efficient and we think as a department we must continue providing libraries even where we do not have internet connection, just to make sure that the reading awareness is intensified and

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that people are indeed getting into the culture of reading.

We have consulted broadly other methods of energy. We are looking at alternatives and we believe working together with the Department of Education, the Department of Health, education in the schools that do not have energy and clinics that do not have energy, we can adopt a system that would assist us to connect, to have energy in rural areas even if we are not using Telkom. We have spoken already to Treasury, to the Finance Department, to look at those other alternative sources of energy.

The issue of Mmabana Title Deed, we are working day and night to resolve that issue between ourselves and the Department of Public Works. Public Works is working on our behalf with the Land Affairs in Pretoria because the Title Deed is supposed to be finalized in Pretoria. The Department of Public Works and Local Government are ensuring that that is done. We are thinking that in the next annual report this issue would have been resolved.

The expansion of the activities of Mmabana to other areas where they are needed is something that we are looking at as a department. We have said in fact in our budget speech that we want to create these institutions in the 21 municipalities in the province. We believe it is something that can be achieved.

We believe that it is something that should be undertaken by the province because we, as a department, think that Mmabana assist us as a province to participate, particularly people in the deep rural areas, to participate in the creative industries, to participate in the dance, in the music, in poetry, to participate in the crafts, and we believe it is those activities that would assist people in rural areas to be active in the economy of the province to be active in taking part in the economy of the province in order to create jobs and to fight unemployment.

We have in fact said that we will ensure that community art centre, Mmabana, is one and the same thing and we have said we will build community art centers in all the 21 municipalities of our province. We have

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undertaken a study as a department. We think we would need about R160 million to build community art centers in the 21 municipalities of our province. We are not hoping to achieve this in one financial year or in five financial years. We think it is something that must be started even if it is completed after fifty years. We think it is something that we must undertake as a province because it has a huge contributing factor towards the creative industry that must assist us to participate in the economy.

About the asset classification in Mmabana, that issue is being attended by the management of Mmabana and we will bring a report to your House Chair of Chairs, indicating how far we are. We think by the end of January 2009 we should have developed a system that would put us in a better position to give you a report on the classification of Mmabana asset. It is not a difficult task to undertake.

To attract more people to use community libraries, we have agreed as a department that we will ensure that we promote reading awareness, that we will

do so. We are, through the conditional grant that we are receiving, we are employing more volunteers and the work of those volunteers in the libraries and part of their work would be to ensure the promotion of the culture of reading, but also ensuring that we use libraries to participate in the fight against illiteracy.

The issue of the use of mother tongue it is a matter lastly in the Department of Education. We will support the Department of Education and as we have indicated by ensuring that we will support people that are writing in African languages, people that are writing in languages that are spoken largely in the province, particularly Setswana, Afrikaans, and so on. We have committed ourselves to do so as a department and we are not going to go back to that commitment. In fact we have established writers associations in the four districts.

We are in a process of appointing a provincial writers association and we have said it is these associations that must take forward the work of writing in mother tongue languages. We are

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committed to that, and at the beginning of December 2008 we are hosting an indaba in literacy campaign. That literacy campaign in indaba would speak both to the promotion of African languages and promotion of the culture of reading through libraries.

The issue that relates to structuring of athletes in the four districts, four weeks ago we had a retreat as a department and in that retreat we agreed that all of our service point managers in the 21 municipalities, we have offices and that those offices would be equipped with computers and in each of those computers you will find a data that relates not only to athletes, but that relates to all types of activities that are taking place in that service point. We have agreed that indeed there would be athletes and a program not only a database for an athlete but a program that support the development of those athletes as part of talent identification, talent promotion and ensuring that we place that talent in the world stage and in the world map.

Monitoring of reports of Mmabana, we are holding quar-

terly meetings with both the management and the Board of Mmabana as a department, and they are reporting to us as a department on their activities. Parts of those reports include the funds that are given to them on how those funds are being utilized. We have already responded to issue of wireless connection.

The evaluation of the auditor's report, we have done so. We have evaluated that report of the auditor. The issues that the auditor is raising with us, with the senior management of our department, we have agreed that those issues that the Auditor General has raised with us are going to be part of our monthly management meetings and that we have developed implementation plans on how to turn them around so that in the next reporting the Auditor General does not raise those issues with us again. So they have become part of our management plans.

The issue of salaries in Mmabana, a year ago we have attended to that issue. We have had meetings with the unions that represent the workers there.

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We have had meetings with the management of Mmabana and we have indeed adjusted their salaries because they are way beyond what the Public Service is paying. We want to bring them to the level of Public Service salaries. There are of course challenges of funding but we are committed as a department and as Mmabana management to ensure that those salaries are attended to. We have not committed ourselves to a timeframe because of the challenges of funding.

The issues raised by the last speaker are issues that face us as a department. We are happy to be praised so that we are not beating our own drums. We are happy when members of this committee and Members of this Legislature see the work that we do as a department. We indeed want to use Sports, Arts and Culture, to contribute towards nation building, to contribute towards ubuntu, to contribute towards the economy of the province, in ensuring that we indeed attract major events together with the Department of Economic Affairs and Development, major events in the province, both of Sports,

Arts and Culture in ensuring that we contribute towards economic activity and the programs of ensuring that there is a fight against unemployment and poverty using Sports, Arts and Culture. Thanks Chair of Chairs.

HON. CHAIR OF CHAIRS:

Thank you Honourable MEC for your response. This brings us to the end of the debate of Sports, Arts and Culture. Does the House adopt the report? Thank you very much. I will now invite Honourable Moeti Moiloa to lead the debate of Public Works. Honourable Moeti?

HON. MOILOA:

Thank you Honourable Chair of Chairs. The Department of Public Works Annual Report 2007/2008 was tabled in the North West Provincial Legislature and referred to the Portfolio Committee on Transport, Roads and Community Safety and Public Works for scrutiny.

On the 15th October 2008 the Department of Public Works was asked to brief the committee on its annual report. The

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purpose of the meeting was to scrutinize the departmental overall service delivery in relation to priorities and planned outputs for 2007/2008. The department made a presentation highlighting the following key programs:

- Administration Public Works infrastructure
- Community based programs

The department received a budget of R494 880 million and managed to utilize R488 692 million. The amount that was not spent amounted to R6.1 million.

Madam Chair of Chairs, indeed this department has made a major turnaround. You would recall in the previous years it used to be called or compared to a dead wood in terms of the challenges which were there, but at least the department can register the following achievements. It received an unqualified audit opinion. It was able to implement most of its Capex, objects. It actually implemented most of its SCOPA's resolutions, and I think that is the most important thing that made the department to actually get an

unqualified audit opinion.

Nevertheless, there are very few issues that needs to be highlighted but from the R6.1 that was under spent, R1 million was approved for roll over. We hope the department will do more in the next financial year to ensure that it does indeed spend all of the budget allocated to it.

One of the challenges faced by the department is that most of the technical personnel are poached by the local municipalities and the private sector for better salaries. The department is also experiencing a vacancy rate of 23.8% with the majority of these being highly skilled critical occupation vacancies, artisans in the building, metal and machinery, architects town and traffic planners,. Autographic surveillance related technicians are actually virtually non existent.

The high staff turnover rate of 61% is a disturbing factor and should be afforded necessary attention. The number of women and people with disability appointed on senior positions is a matter of concern. Sick leave utilization for lower skilled

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and highly skilled production employees is very high.

Perhaps we may point out to some of the challenges experienced in that particular department, but the essence of the matter is that it is our honest belief that if more budget is put into this department, this department can actually help to address fully each challenge in self maintaining state property, because right now it is able to manage its finances. It needs more money so that they are able to attract the necessary people with the necessary rare skills so that they get focused, and it is our honest belief that we can make a major contribution again with regard to your expanded Public Works programs.

Based on the above, the committee has recommended the following:

- That the department should actually ensure that it employ more skilled personnel to handle the demand of maintenance;
- That the department to fortify their retention strategy and offer improved remuneration for technical personnel.

In conclusion Madam Chair of Chairs, the committee recommends the Department of Public Works and its Annual Report for having received unqualified audit opinion and the sterling work they have done. The committee supports the report.

HON. CHAIR OF CHAIRS:

Thank you Honourable Moeti. Honourable Members, I do not have the speakers' list. I take it for granted that Honourable Moeti was the only speaker for Public Works. I will now call upon Honourable MEC Jerry Thibedi, to come and respond to the debate. Thank you.
Honourable MEC?

HON. MEC THIBEDI:

Honourable Chair of Chairs, thank you very much for the opportunity. Let me take this opportunity also to appreciate the comments made by the committee in terms of the achievement that the department has registered. I will convey the message to the soldiers of the department also as a motivating tool so that they can continue to up their performance.

On issues raised, we take note.

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Some we cannot control, for example if you have your technical personnel being poached by local municipalities who actually offer better salaries. There is then little you can do but I also appreciate what Honourable Chair Moiloa is saying in terms of this honourable House in future considering giving more resources to the department so that it can be able to perform most of its function which can make a positive impact, especially in terms of the maintenance of buildings in the province.

On the issue of the vacancy rates of the highly skilled personnel in the sense of artisans and building metal industry, architects and so on, we are mindful of that fact. The challenge that we have in most instances with regard to this is how do we recruit these people, especially the issue of salaries and benefits that the Public Service is offering, is creating. It is serving as an obstacle to get better qualified people, but nevertheless we will not give up.

We will continue to search for these people and hopefully once we have, I think maybe we need

to find the better way of ensuring that the only way to retain the skills within the public service, even if we cannot match what the private sector is offering or what local municipalities are offering, we will be in a position to retain their skills and maybe as you move towards a situation of a one public service in the country, it also help us to address these anomalies between your provincial and your local municipalities in terms of categorization of different trades and professions and how these professions are actually remunerated. So we believe that these are matters that we have to be seized with as leadership of the department.

Yes, on the issue of women and people with disabilities appointed for senior positions, it is a matter we keep discussing in our management meetings because it is a requirement, it is policy that in your highest echelons of powers within the department we need to have these sectors of our community accommodated, and it is a matter that we will be seized with until such time that we are satisfied that we have addressed it in terms of how the policy dictates.

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On the issue of the sick leave, it is a matter that of course every time I keep raising with the senior management and I hope that we need to find better ways of finding out why are people getting sick in their large numbers. We need to find out and begin to address the root cause of the problem itself. So then we will of course employ more personnel to handle a demand of maintenance because it is more critical, but of course it will also be subject to the budget, the amount of money that we have in order to be able to remunerate these people.

Finally as I said Chair of Chairs, let me once more thank the committee under the chairperson of Ntate Moeti for the kind words they actually uttered towards the department. We

really appreciate it, and as I said it will serve as a motivation indeed to the staff in the department. I thank you.

HON. CHAIR OF CHAIRS:

Thank you very much Honourable MEC. Honourable Members, this brings us to the end of the debate of Annual Report of Public Works. Does the House adopt the report? Thank you very much Honourable Members.

Honourable Members, the Honourable Chief Whip of the ruling party humbly request ANC members to remain after Sitting. This brings us to the end of today's business. The House is adjourned up until the 20th, this Thursday. I thank you.

THE HOUSE IS ADJOURNED