

TUESDAY : 21 OCTOBER 2008

Sitting No. 19

[No. 19 - 2008] Fourth Session, Third Legislature

REPUBLIC OF SOUTH AFRICA

**LEGISLATURE OF THE
NORTH WEST PROVINCE**

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10H00

HON. DEP. SPEAKER:

Honourable Members, we will now observe a moment of silent prayer and meditation.

Honourable Members may get seated, next item.

Before we proceed to the next item, let me take this opportunity to welcome Africans in an African continent, a delegation from the Kwara State of Nigeria, the Kwara State of Nigeria Moruti. I would want to introduce the leader of delegation from the Kwara State of Federal Republic of Nigeria:

- Honourable Ishola Balogun Fulani. Honourable Fulani is the leader of the delegation, the leader of the majority party and Chairman of Finance and Appropriation Committee.
- In that delegation again we have Honourable Prince Taiwo who is the Chairman, House

Committee on Works and Transport.

- Honourable Liman Saidu is the Chairman of House Committee on Water Resources and Rural Development.

- We have Honourable Abubaker Sukababa, a Member of Select Committee and deputy majority leader.

- Honourable Salami, Chief Whip of the majority party in absentia, who got sick along the way and is somewhere in Johannesburg where he is getting an urgent treatment.

- We have also Idries Sunaboro who is Chairman of House Committee on Education. Moruti will have some discussion with him to compare this education system of South Africa and Nigeria.

- And lastly we have Honourable Babatunde, Chairman of House Committee on Local Government and

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Chieftaincy Affairs, your counterpart Ntate Mahlakeng.

Having welcomed our delegation we then proceed to the next item.

**SECRETARY: ITEM NO 2:
MINUTES OF THE 23rd SEPTEMBER 2008**

HON. DEP. SPEAKER:

Honourable Members, I put before you one set of minutes of the 23rd of September 2008 for adoption. Are there any corrections from the minutes? In the absence of any corrections, does the House adopt the minutes? We proceed, next item.

**SECRETARY: ITEM NO. 3
MOTIONS**

- a) Motions without notice
- b) Notices of motions

HON. DEP. SPEAKER:

Honourable Hattingh.

HON. HATTINGH:

Thank you Honourable Deputy Speaker. I have a motion without notice. The Democratic Alliance moves that this House acknowledges and congratulates the former President of

Botswana Republic for being awarded the \$5 million Mo Ibrahim Prize for African leadership on Monday. He received this extraordinary reward for steering Botswana along a stable prosperous path and leading the fight against AIDS.

Former President Mogae is regarded internationally as an exemplary African leader who ensured that the tenet of democracy flourished under his rule, making Botswana a rare political and economic success story on the continent.

Mogae handed over power peacefully earlier this year in what political observers described as a smooth transition after nearly a decade in power. That prize is awarded to a democratically elected former leader of a sub-Saharan African country. I thank you.

HON. DEP. SPEAKER:

I can see that the House concurs with the motion. Honourable Mampane, Honourable Mahlakeng, Honourable Kekesi, Honourable Molema, Honourable Groenewald, Honourable Matladi, Honourable Moalusi, in that order.

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HON. MAMPANE:

Thank you Honourable Deputy Speaker. The ANC rises to place a motion without notice to inform your House about the Khutsong minibus tragedy that left seven (7) dead.

On the morning of Sunday 12 October 2008, seven pupils from Carlton Jones High School in Khutsong died after the minibus they were traveling in overturned. The pupils were traveling back from attending a matric farewell after-party held at Potchefstroom Dam on Saturday the 11th October 2008.

Nine (9) other pupils were injured and are now receiving treatment in various medical centres in Potchefstroom.

A joint funeral was held for three (3) of the girls at Khutsong Community Hall on Saturday 18th October 2008. The African National Congress sends its heartfelt condolences to the families of the seven pupils. I thank you.

HON. DEP. SPEAKER:

Does the House adopt that motion? Yes. Honourable Mahlakeng.

HON. MAHLAKENG:

Thank you Honourable Deputy Speaker and good morning. The African National Congress place a motion without notice to inform your august House on the emergent racist group at the North West University, Potchefstroom campus, which has surfaced on the Facebook social network site recently.

The investigation at the university has revealed that the Facebook group called: Ek laaik nie ? houtkop nie, so what, also has racial abuse words and comments posted by members. The ANC calls upon the university to take stiff action against those found guilty of perpetuating these racists' acts. We further call on all South Africans to reject racism in all its manifestations. I thank you Deputy Speaker sir.

HON. DEP. SPEAKER:

I hope the House adopts the motion. Honourable Kekesi.

HON. KEKESI:

Thank you Honourable Deputy Speaker. Honourable Deputy Speaker, the African National Congress herewith rises to place a motion without notice to

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inform your House about the recent community projects at the villages near Zeerust

On Tuesday the 14th October 2008 some five hundred (500) protesters barricaded roads in the Welbedacht and Motswedi village, including the N4 road to Botswana. The community was protesting over the alleged poor service delivery in the area, particularly the lack of drinking water.

As the ANC we are satisfied that the areas concerned are calm after a violent protest and urge our communities to conduct their protest within the framework of the law. We also applaud the Ngaka Modiri Molema District Municipality for the intervention as it has assured the communities of Dinokana, Ntsweletsoku and Welbedacht, that four additional diesel power generators will be on site to pump water from the six boreholes by Thursday 16th October as an interim measure to alleviate water shortage in the areas. I thank you Honourable Deputy Speaker.

HON. DEP. SPEAKER:

I also hope that the House

adopts this motion. We proceed. Honourable Molema.

HON. MOLEMA:

Thank you Honourable Deputy Speaker. Honourable Deputy Speaker, the ANC rises to place a motion without notice about water problems being experienced by the residents in Mafikeng.

On Thursday morning the 16th October to date, residents of Unit 1, 2, 7, 8, 9, 10, 12, 13, 14, and 15 woke up to the sight of dirty water flowing from their taps. The water is said to be dirty looking with an unpleasant smell. Water tanks were provided for the residents in those areas. Residents were told that water was for drinking and cooking purposes only.

Honourable Deputy Speaker, the ANC would like to urge the Mafikeng Municipality to get to the bottom of this problem. In terms of Section 27 of the Constitution Act No. 108 of 1996, states that everyone has a right to have access to water. As such it is a basic human right. I thank you Deputy Speaker.

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HON. DEP. SPEAKER:

I hope the House concurs. We are proceeding to the next motion. Honourable Groenewald.

HON. GROENEWALD:

Thank you Honourable Deputy Speaker. I was waiting for the ruling party to take this motion but it seems to me they would not do it. So I will do it.

The Democratic Alliance moves that this House, acknowledges and congratulates the achievement of the Executive Mayor of Cape Town, Helen Zille, for being unanimously awarded the 2008 World Mayor Prize. World Mayor, a project organized by the urban affairs think tank City Mayors, aims to raise the profile of mayors worldwide, as well as to honour those who have made long-lasting contributions to their communities and are committed to the well-being of cities nationally and internationally.

World Mayor stated the following in their announcement on the 14th of October 2008.

"Helen Zille, Executive Mayor of Cape Town and leader of South Africa's opposition Democratic Alliance, has been awarded the 2008 World Mayor Prize.

Commentators supporting the nomination said that in the country devoid of present-day role models, this amazing lady was making a difference in giving people there hope: "Her only equals are Desmond Tutu and Nelson Mandela in Southern Africa." I thank you.

HON. DEP. SPEAKER:

We proceed having adopted that motion. The next speaker in the line is Honourable Matladi. Honourable Hattingh, you are noted.

HON. MALOYI:

Deputy Speaker, we agree with the motion. The only problem is the last part. I do not think that Honourable Helen Zille is equal to Nelson Mandela. It cannot be. So I think what we must then do, is to acknowledge the contribution, the award she received and so on and so forth, and appreciate all those things, but not equal her Nelson Mandela. If he can remove that part, we will agree with the motion.

HON. GROENEWALD:

Thank you Honourable Deputy Speaker. That is not what the DA said. That is what the media

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said, and we just quoted. So that is not part of the motion. Thank you.

HON. DEP. SPEAKER:

Honourable Members, I am on motions without notice. Now I am speaking about a motion without notice tabled in this House, not the one in the newspaper, because you are referring to that one.

Honourable Groenewald, Honourable Maloyi says, "I agree with the motion, except the last two points where your motion, not the motion of the newspaper, where your motion equates Helen Zille to Nelson Mandela and Desmond Tutu. Now Honourable Maloyi says he agrees with the whole motion, except the two areas. It is then up to you to agree on the motion and remove the two points so that the motion gets adopted, or indicate whether you still insist that it must be part of the motion.

HON. GROENEWALD:

Thank you Honourable Deputy Speaker. From the DA side I do not agree but for the House I withdraw that last paragraph. Thank you.

HON. DEP. SPEAKER:

Thank you very much. We proceed. Honourable Matladi.

HON. MATLADI:

Thank you Honourable Deputy Speaker. Honourable Deputy Speaker, the United Christian Democratic Party hereby tenders a motion without notice to the House.

It is with sadness to table this motion without notice whereby the UCDP wishes to convey its condolences to the family and friends of Tebogo Samuel Jack, the son of Mr Monnapula Joseph Jack, an employee in the Provincial Legislature in the Office of the United Christian Democratic Party, and the secretary to the leader of the official opposition. He lost the fight against illness after a period of 16 years. He was laid to rest on the 18th October 2008. Tebogo Samuel Jack was born on the 4th August 1992. May his soul rest in peace.

HON. DEP. SPEAKER:

I see the House concurs with the motion. We proceed to the last person, Ntate Moalusi.

HON. MOALUSI:

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Thank you Honourable Deputy Speaker. I have got two motions to make. The first one: UCDP hereby table a motion without notice of an accident that occurred on the road between Primosa and Dassierand in the Greater Tlokwe Municipality, where seven students died, seven left critical, injured and hospitalized. These were the students from Carleton Jones High School and one from Carletonville Hoërskool. It seems the driver lost control of the vehicle and it rolled several times.

We caution the relevant department to put control measures in place to prevent the occurrence of this type of accident. We wish to extend our sincere condolences to the families of the deceased and wish the injured a speedy recovery.

The second motion [INTERUPTION]

HON. DEP. SPEAKER:

Ntate Moalusi, before you proceed to the second motion, I see the House concurs with the first motion. Honourable Vilakazi and followed by Honourable Hattingh.

HON. MEC VILAKAZI:

Honourable Deputy Speaker, the motion is full of inaccuracies. The Honourable Member refers to road as the contributing condition to the accident and I think we should be very careful to accept a memo with a none scientific accident reconstruction report or result, you know, containing there in our report an assertion that the road has got something to do with the accident, because that can open government to serious litigation.

I therefore request that that part of the motion should not be entertained because I am sure the Honourable Member does not have the accident reconstructed, scientifically tested, and therefore concluded that the road forms part of the contributory factors towards that fatal accident. We are currently undertaking an accident reconstruction scheme and sketch of that accident in order to also inform the process that will unfold as a matter of a court process.

HON. DEP. SPEAKER:

I would want Members to abstain from discussing what is not in the motion. The motion

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has been tabled. Honourable Vilakazi is contesting that you cannot attribute the road condition to the accident and that is the part of the motion. Maybe I must allow Honourable Moalusi to check whether you agree or disagree with that part of the motion, not the entire motion, the part that relates to the road condition of some attributing factor to the accident.

HON. MOALUSI:

I withdraw only that part.

HON. DEP. SPEAKER:

That part is withdrawn.
Honourable Hattingh.

HON. HATTINGH:

Honourable Deputy Speaker, you will know that I do not agree with debating on this issue, but this is a very tragic incident and I wish to bring the House's attention that it is not only seven, and also Honourable Mmamateya Mampane referred to that. Two more children died afterwards in the hospital. So the total number succumbing to this tragic accident in the early hours of Sunday morning is actually nine, and I agree with Honourable Vilakazi and I really have got empathy with and sup-

port what they are doing.

The facts are that it was in the early morning of Sunday after an incident at Potchefstroom Dam. It was a dangerous curve on the road which needs to be there. You cannot build roads without curves, but it is raw emotions of people, tragic incident and I support the motion and I support what Honourable Vilakazi said and Honourable Mmamateya has said on this and I think we should, without going into the depth of this, support this motion. It is really a tragedy.

HON. DEP. SPEAKER:

Motion supported. Any other further motions without notice?

HON. MOALUSI:

Thank you Honourable Deputy Speaker. My second motion reads as follows: I hereby table a motion without notice of the continuing accidents on our roads. On the 14th October 2008 a bull was injured with the death being the end result. The accident occurred between Carletonville and Fochville. Cattle and goats roaming this busy double road everyday amongst enormous amounts of

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traffic have become a norm. We caution the relevant department to put control measures in the place to prevent the occurrence of this type of accident. I thank you.

HON. DEP. SPEAKER:

The House adopts the motion. Honourable Vilakazi.

HON. MEC VILAKAZI:

Honourable Speaker, I just appeal that the Honourable Member, in saying that we must put control measures to avoid stray animals encroaching the road, I must mention to him that on that specific road, there is a parameter fence, which fence periodically gets cut by shepherds and it happens in many parts of our roads. A case in question is the road between Mafikeng and Stella where this fence was put there more than twelve times in one year and the fence gets cut.

So as he says that the department must engage more years to ensure that there is no encroachment of the road, I think he must simultaneously say we as the community must take responsibility that whatever government puts as a resource

to ensure that there is no encroachment on the road, we must guard that these things do not get destroyed by ourselves, which then leads to this unfair kind of encroachment of the road.

So I am saying that the motion is okay but you need to add the part of the community being part of that process because if we leave that motion as it is tabled, it presupposes that the department has not done anything to make sure that there are no stray animals on the road, yet the department has been doing quite a lot, together with the Department of Agriculture, to fence our roads and make sure that there are no stray animals encroaching the road. So that must be that kind of an addition that you must put onto that memo. Thank you.

HON. DEP. SPEAKER:

Let me check with Honourable Moalusi. My reading of the motion was that when Honourable Moalusi referred to mechanisms or measures taken, to me he was referring to the owners of animals, not to the department. Now I want to check with him whether he was

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saying the department or owners of the animals.

HON. MOALUSI:

I am referring to both, the community and the department. It is the duty of the department to teach the people. Thank you.

HON. DEP. SPEAKER:

If it is to both, then the motion is in order, according to Honourable Vilakazi, because you say the blame must not only be put squarely on the department. It must also go together with the community and this is what it is included in the motion.

HON. MEC VILAKAZI:

Honourable Speaker, English is not my mother tongue, but that statement is very ambiguous and therefore would land itself to interpretations by people reading it, and that is why I request humbly that the House must be explicit in its determination about how we must solve the problem, because if he says the relevant department must do what it is supposed to do, then it leaves that to government alone, and I am saying that the responsibility of government is to fence roads, but once those roads are continuously cut, we

cannot spend money on putting fences everyday and they are cut everyday.

It therefore means that the community must then play its part and I am saying that let us be explicit about that assertion, so that whoever reads the memo does not say because the fence was cut here, therefore government is responsible. We have got six million litigations arising from stray animals, as government. Our budget for the year is less than R1.5 billion. We have got R6 billion worth of litigations.

So I am saying that we must be very careful about how we structure our own resolutions in the House because these resolutions can then be used to litigate the state. That is just my appeal that we must apply a balanced approach on matters such as this one and I think the additions I have made creates that balance, that it is not only the responsibility of the state to ensure that roads are fenced. It is the responsibility, both of government and also of the communities because I can assure you that in most cases, these animals belong to people

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[INTERRUPTION]

HON. DEP. SPEAKER:

Honourable Vilakazi, please take your seat. That is why earlier on I said Members must refrain from saying things which were not said in the House.

Honourable Moalusi agrees with the amendment that you have proposed. That is my reading. He says the responsibility of animals on the road must not only be of that of the department. It must be both the department and the community, which in my view it covers your concern.

Now I think it is now clear. We are proceeding now to the next item. Honourable Hattingh and then Honourable Thibedi.

HON. HATTINGH:

Honourable Deputy Speaker, I am sorry, I thought you did acknowledge my hand a bit earlier. I need, actually in support and perhas put the following motion in support of Honourable Mahlakeng's motion.

The Democratic Alliance rises to move that the Legislature congratulates the North West University, Potchefstroom campus, for their swift and decisive action taken about racist

Facebook publications involving a few students. Thank you.

HON. DEP. SPEAKER:

I think the House agrees with this motion, next item. My apology, Honourable Thibedi.

HON. MEC. THIBEDI:

Thanks Honourable Deputy Speaker. Let me take this opportunity to inform your honourable House that 90 years ago today the 21st of October, Mrs Albertina Sisulu was born. Mme Sisulu is one of the giants who played an important role to bring about the democratic none racial, prosperous society. She is a role model and indeed she was driven in her career by determination, commitment and discipline.

She was in 1983 elected as President of the United Democratic Front. She is a health worker by profession and I rise before your House to say let us join the entire country in celebrating the birthday of this giant, Mme Albertina Sisulu. Thank you.

HON. DEP. SPEAKER:

The House adopts the motion. Is there any objection? No

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objection. We proceed.

Honourable Members, there are four notices of motion on the Order Paper, but the last one will be deferred to a later date because MEC Africa is not available today. Let me start by calling Honourable Serfontein to respond to the motion by Honourable Hattingh, but before you proceed Honourable Serfontein, the last Sitting went through this matter and I hope you were given transcripts to go through it. When the House was about to take a decision, we then said we must suspend the decision because we have got to apply the audi altrum partem rule, that we abstain from taking a decision on a matter that affects Honourable Serfontein in his absence, without affording him an opportunity to respond. I was just updating you to understand where we are on the matter, and I hope which matter we referred to on notices of motion. Honourable Serfontein.

HON. MEC SERFONTEIN:

Honourable Deputy Speaker, this House debated notice of motion tabled by Honourable Hattingh on the 16th of

September 2008. This motion was discussed by the House on the 23rd September 2008. The debate was deferred to allow me an opportunity to present my input on the matter.

As I understand the motion, it relates to my response to question (080805-W41) from Honourable Hattingh in which I responded that, "The resolution of the Public Accounts Committee remains the resolution of the committee and not of the House, even if such a resolution was accepted by the House."

Honourable Deputy Speaker, the written correspondence from the Public Accounts Committee to the department states that the resolutions are the resolutions of the Public Accounts Committee. There is nowhere it states that it is the resolution of the House. This is in admission by the committee itself in its correspondence with the department.

Secondly, there exist no correspondence between the House and the department regarding the resolution. The department has requested a copy in writing from the Secretary of the House

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as well as from Honourable Hattingh, of this resolution and to date none is forthcoming. This is what led to my interpretation on this matter.

As Members would recall, the DED was established as a public entity to perform mainly the following functions:

- Offer financial assistance, e.g. Mafisa to secondary value adding agriculture, conservation and environmental projects at lower rates than the Land Bank.
- Promote transformation of the agricultural sector through AgriBEE.
- Ensure access to markets for emerging farmers.
- Financial support on capacity building in business management.

These, and various other matters of the DED, have been discussed with the Portfolio Committee. The Portfolio Committee at one stage during May 2008 recommended the budget of the department but did not support the transfer of funds to the DED until such time where a plan for revamping the entity exists. This plan was presented to the Portfolio Committee and this committee having satisfied itself of the situ-

ation, resolved on the 19th of June 2008 that transfers now be made to DED. The Portfolio Committee also accepts the reasons for the retention of the DED.

I however recognized that my interpretation is incorrect and accordingly withdraw the above-mentioned part of my response to the House. Given the discussions at the level of the Portfolio Committee on the DED, I propose that this matter be referred to the Portfolio Committee for deliberation and an appropriate recommendation. Thank you Deputy Speaker.

HON. DEP. SPEAKER:

I think the bone of contention was on the decision or resolution of the committee viz-a-viz resolution of the House. That matters is resolved. Honourable Serfontein has withdrawn that part, but on other details, I do not think there was contestation around other details. Other details would then be referred to the committee. Honourable Hattingh.

HON. HATTINGH:

Honourable Deputy Speaker, Honourable Serfontein has now

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attempted and apparently succeeded to confuse the House. The motion did not address anything, any merits or demerits about DED. That is a separate issue. It only focused on two issues, nothing else, and that is a generic statement by Honourable Serfontein that a resolution of the Public Accounts Committee remains only that, even if it is accepted by this House.

That statement in itself undermines the functioning of this House, and I am very happy that he has now seen the light after 14 years of serving at this level, that he has withdrawn that very outrageous statement, but Honourable Deputy Speaker, it may be referred to the committee and whatever.

There are now only two things that must happen following his withdrawal. Firstly, the question that became the property of this House now remains unanswered. It was not answered. In that question, and then it comes to DED, so Honourable Deputy Speaker I put it to you that the question he has now admitted as not being answered, because that was the only answer that he provided.

Secondly, if the Honourable MEC wants to pursue with the route, then first what needs to happen is that the MEC through the Executive should come to this House and table a motion to rescind the decision of this House that the DED should be disbanded and should function as account or a programme within the department. Until that decision is taken by this House, the decision stands.

Now it is not my obligation and my duty to provide the Member of this House with a decision of this House. That is why we have, and it is not also the function of the Public Accounts Committee to provide any Member with decisions of this House. That is why we have Hansard and the Member sat in this House when that decision was taken. Now to plead ignorance is simply also not acceptable.

So, Honourable Deputy Speaker, I think the MEC supports my motion that it is unacceptable for any Member to state here that a decision of the committee, even if it was accepted by this House, just remains a piece of paper and is

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not impossible. I thank you for his support for my motion. Thank you.

HON. DEP. SPEAKER:

I am sure why Honourable Members are complicating this thing. There was an area of contestation, the resolution of the Portfolio Committee viz-a-viz resolution of the House. That matter is clear, because Honourable Serfontein has withdrawn that part.

Now, if having withdrawn that part means the question was not answered, it is another matter outside the motion, which must be taken outside the motion. It is not part of the motion, and if there is any work that needs to be done further, it must also be done, but it cannot be done within this motion because it is not part of the motion. Honourable Mokaila.

HON. MOKAILA:

Deputy Speaker, just for the record, now that that point has been made by Honourable Hattingh, I think we should agree that the responsibility to make laws, including the responsibility to repeal an existing law is not the responsibility

of a department. It is the responsibility of this House if this House agrees that that should happen.

I am not aware I sit in both the Public Accounts Committee and the Committee on Agriculture. There is no process set in motion by this House to repeal the legislation that has established DED, not to my knowledge. No resolution to that effect exists in this House. If such interpretation exists, I think it exist in Honourable Hattingh's understanding.

So I think the department cannot be blamed that they have not repealed or established DED in any other forum until this House repeals the legislation that has founded that entity, and until that happens, no such resolution exist in this House.

HON. DEP. SPEAKER:

It is true Honourable Mokaila, that laws are made by this House. Now I do not want us to bring that point in. I think you must bring it later because it is a separate matter from the motion, particularly the area that was contested. The area that was contested was resolution of

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the committee viz-a-viz resolution of the House. That area is clarified.

Other processes that relates to this motion will be dealt with outside these motions in a question form, in a process form of disestablishing the DED, follow proper processes, but it cannot be followed within the context of this motion. The matter is therefore closed. We are proceeding to the next point. The next notice of motion is Honourable Mangqo and she will read and lead the debates on her notice of motion. Honourable Mangqo.

HON. MEC MANGQO:

Thanks Honourable Deputy Speaker. Let me take this opportunity to lead the debate on the motion without notice which was turned into a notice of motion, in relation to the recall of the State President of the country, Mr Thabo Mbeki.

The past few weeks in our country have, as most would argue, been some of the most difficulty in the history of this country. We have stood before this House sometime earlier and explained with pain and sadness the decision the African National

Congress has taken to recall its comrade of 52 years of service to the ANC and South African people, a loyal cadre of the organization, a patriotic son of the soil and one of the greatest leaders our nation will remember, the former President Thabo Mbeki from the presidency of the country.

Honourable Members, pains and element of life and we cannot avoid that it will always occur. What we need to focus on though are the convictions that drove the ruling party to take a decision to recall its state president.

The statement issued by the President of the ANC, comrade Jacob Zuma on behalf of the National Executive Committee of the ANC explains clearly the reasons behind the decisions to recall President Thabo Mbeki, a statement and decision which three days later, the then state President Thabo Mbeki agreed and respected to the comradely point where he was prepared to resign than force a motion-of-no-confidence vote.

He was requested as state president and deployee of the ruling

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party to abide by the decisions of the party, however painful they might be, and in the best interest of the country put our individual desires aside. The African National Congress has explained that the need to consolidate the gains of the past few years, which undoubtedly have good under the leadership of comrade Thabo Mbeki, had to be considered within the context of preparing for a new government leadership at the helm, preparations for the 2009

National Elections and ensuring a smooth and well orchestrated transition to the next term of governance.

The former president has agreed with the matters that have been raised and we would like to thank our fellow countrymen South Africans across all social spectra for having shown a high level of discipline in handling this sensitive matter, given the relative youthfulness of our democracy.

I am sure most would agree that South Africa has once more shown the degree of its growth and commitment to the political principles that have given birth to its standing amongst the nations.

If you remember the historic occasions similar to the one that we are currently successfully with, you would agree that we are indeed very mature in our approach. When Margaret Thatcher was recalled by her party in 1990, the legacy of what she stood for and delivered was almost threatened overnight as opinion polls across Britain, mocked what she had stood for in the eleven years of her premiership.

Mikhail Gorbachev's recall was preceded by the failed coup attempt and after tendering in his resignation on the 25th of December 1991, a day later the world witnessed the dissolving of the Soviet Union, a total collapse of the country. The National Party's recalling of PW Botha in 1989 had its own drama through the lies and counter lies that were fed the nation across media, but ultimately FW De Klerk and other leaders managed to calm the nation down.

Now we have not witnessed the collapse of the state as in the case of the Soviet Union and the former state president is not clouded by negative opinion

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polls as in the case of Margaret Thatcher. We are managing the situation and in fact systems are in place to propel our nation forward.

Political parties have political lieutenants they trust with the political work and to say one has been appointed to carry out this or that task, does not exclude others from the ability to carry out those exact tasks. The ANC deploys its cadres in political positions in government and they hold the democratic right to reverse their decision on any of their lieutenants. There should thus be no ambiguity or perceptions of crisis around this matter.

We take this opportunity once more to thank the former president Mr Thabo Mbeki for the great service he has been to our people and applaud the mediation role he continues to play, to find a lasting solution to the challenges in Zimbabwe. Knowing the committed patriotic African that he is, we know there are many more roles which comrade Thabo Mbeki will continue to play on the African continent, South to South countries and the rest of the develop-

ing communities and third world.

We congratulate the current State President, His Excellency, Honourable Khalema Motlanthe and his cabinet for having settled well and hope we will pledge our support as Honourable Members, to ensure that once more government functions are carried out for the benefit of our people in South Africa, and I thank you Honourable Deputy Speaker.

HON. DEP. SPEAKER:

Are there any Members who would want to take part in the debate? Honourable Hattingh.

HON. HATTINGH:

Honourable Deputy Speaker, I will respond to some of the issues stated by the Member, but the first problem that I have is that that lengthy statement does not contain any elements of a motion and motion will contain something like, this House congratulates, for instance, and acknowledges the services of former President Thabo Mbeki in, and then that is it, that is a line, and then there is a lot of motivation. It does not contain that. It is not a motion.

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So therefore I firstly request that it should be rejected as such. What was said here, those utterances does not have a single element that should be contained in a motion. There is nothing that we can accept. That is a political statement that should have been handled under statements where there is an opportunity. Unfortunately I cannot train the MEC to distinguish between motions and statements. That she must learn at another level, not here. Then, secondly, the MEC, and it is in our minutes, deviated totally from what was tabled in this House. Yes, the outlines are the same but we have here a few lines. Now she presented three pages here. She deviated from what was put on the table and this is what should have been debated in the motion today, and I think Honourable Deputy Speaker, you should demand an explanation from this Member for misleading this House, by putting a motion and then come here and presenting another so called motion. This is not a motion, there are no elements of that, but let me respond briefly to that political statement which actually should be better at home at ANC rally or ANC meet-

ing if it is not disrupted by disgruntled members.

Honourable Deputy Speaker, the Honourable Member did not use those words again today and I am happy that she did not use that. The words that she tried to sneak into this House the previous occasion, which actually should only be heard behind closed doors in a smoke filled ANC meeting room are the words, "national democratic revolution".

Honourable Deputy Speaker, a revolution is something that is against the constitution, and that is exactly what many people in this country are now saying, that elements within the ruling party have hijacked the party and they are acting in contrary to the constitution. A revolution is undermining a constitution. So the essence of why I objected the previous round to the attempted motion of this Member, which was never a motion, was about bringing into this House, in this respected House ANC slogans that should not be heard actually in public, because it is undermining our constitution.

Now I do not want to go into pol-

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itics uttered by this Member, I do not know actually who wrote it for her, when it is actually written as such, I do not believe, I think she is very intelligent, I believe somebody else wrote it, but she referred to lies and counter-lies, and the recalling of the former president.

Honourable Deputy Speaker on this past Saturday, exactly one week ago a Member of the Provincial Executive Committee went on record, on television, on tape, stating that the Provincial Executive Committee decided to recall our Honourable Premier. I heard it.

The following day now we are talking about lies and counter-lies. The following day the Secretary of the ANC in this province denied that there was ever such a decision, but behind this all was the same onslaught against our Premier and difficult situations that was melted against the former President of this country, undermining our country and exactly that is at the core of where we are today. That is why we have got splinter parties being in formation. That is why people in the townships are protesting. That is why they are burning tyres on our roads

because infighting has superceded delivery, and political commentators during the weekend stated that the delivery has reached an all time low in the past 14 years. So is the democratic election.

So Honourable Deputy Speaker, I reject this [INTERRUPTION]

HON. MALOYI:

Deputy Speaker, the point of order.

HON. HATTINGH:

Let me just finish Honourable Deputy Speaker.

HON. MALOYI:

On a point of order, you cannot finish. This is a point of order, sit down.

HON. DEP. SPEAKER:

Let me take a point of order Honourable Hattingh.

HON. MALOYI:

Now the motion was on the resignation of former President Thabo Mbeki. Now the matter is about the resignation of former President Thabo Mbeki. Now the Honourable Member from the Democratic Alliance decides

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to parachute certain issues into the statement on the resignation of the former president of the country. He includes in his response to what Honourable Nikiwe Mangqo was saying, issues around service delivery, issues around the statement of the spokesperson of the ANC in the province and so on and so forth, things that are not related to the motion before this House.

Now Deputy Speaker, can you allow this House to sit and listen to this statement which is not related to a motion. So I am saying we cannot do so. If the Honourable Member wants to debate a matter he must debate that matter and not include any other matter. If he has a motion without notice to raise in this House let him to do so. We will then prepare for that debate. Today we did not prepare for new debates. It is on the resignation of the former President.

HON. DEP. SPEAKER:
Honourable Hattingh, please proceed but confine your self to the notice of motion which was tabled in the last Sitting.

HON. HATTINGH:
You see Honourable Speaker,

let me just respond. I understand that it is very embarrassing for the Chairperson of the ANC in the province to hear the truth, but that is the truth.

Honourable Deputy Speaker I must say he did not get up on his back feet to say but PW Botha in his great has got nothing to do with the resignation, forced resignation of the former President. Why did he not get up if it is fair, and say that Member brought in PW Botha. What does it have to do with this House? Honourable Speaker I want to conclude.

HON. DEP. SPEAKER:
Honourable Hattingh?

HON. HATTINGH:
Secondly Honourable Deputy Speaker.... [INTERRUPTION]
....

HON. DEP. SPEAKER:
Honourable Hattingh, with all due respect, I am saying if there is an intention to give a notice of motion for debate on the issue of the Premier, let us do that, but let us not mix the issue of the Premier with the motion tabled because we are here tabling, we are here debating

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the motion that was tabled in the last Sitting. Please let us confine our self to that motion.

HON. HATTINGH:

Certainly, I will do that Honourable Speaker. May I then ask whether you allow the same ruling about tabling a motion about the resignation of PW Botha, because the Member introduced that and to be fair, you need to do that now as well Honourable Deputy Speaker. PW Botha has got nothing to do with this House.

HON. DEP. SPEAKER:

I will make a ruling on that. Proceed.

HON. HATTINGH:

I will appreciate that, and then I must also say I object to the Chief Whip, misleading this House, pretending to put a point of order. A point of order relates to our rules of order. It was nothing like that. It was his attempt to disrupt this debate, interrupting me. I want to appeal to you Honourable Deputy Speaker, do not allow the misleading statements from a person, like the Chief Whip, who pretend that he is putting a point of order to this House. A

point of order relates to rules order.

I want to conclude Honourable Deputy Speaker. I still need to find, and I think you will agree to that, there is a motion tabled. What was put here today does not relate to this and it does not have the line. I want to know what we will have to vote for or against, where is the line because this is a political statement. I need to get the line that contains the essence of the motion that we need to accept or reject. We do not accept or reject statements, but I need that this House or the ANC moves that we do the following: I do not find it so therefore I cannot see what I am debating for or against because we need that one sentence that we must accept or reject. If I can have that I will appreciate that. Thank you Deputy Speaker.

HON. DEP. SPEAKER:

Honourable Members, I am going to afford you an opportunity Honourable Mangqo, because the rules requires us to do that, but let me remind you that we just adopted the minutes of the previous Sitting. You might have not gone through

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those minutes.

On page 60, which is the first page of set of minutes I have tabled and we have adopted. Under item 3, motions (a), motions without notice, point 1 says Honourable Mangqo placed a motion without notice on behalf of the ANC regarding the resignation of the State President, Honourable Thabo Mbeki. Now this is the subject of the motion, and of course we obviously expect details of that subject.

Now that is my reading that that is the motion that is being debated, and I am taking queue and guidance from the official documents that we have adopted, which is a set of minutes. On the basis of this, I will now give Honourable Mangqo an opportunity, or before I give Honourable Mangqo, because ... [INTERRUPTION] ...

HON. HATTINGH:

A point of order. Honourable Deputy Speaker, I asked the question. What is the line that we have to accept? You actually refer to the whole motivation, and then you referred to the subject of the motion. Do we

have to vote on the subject of the motion or where is the paragraph or the line that contains that the House accepts or congratulates or whatever. We cannot vote on the subject of a motion.

So we have a motivation in here but what is the actual motion, the essence of it. We cannot vote on the motivation. We need to vote on the motion itself, which is not in here and also not presented today, and we cannot vote on the subject of a motion, and requested that it be provided to me because I cannot participate in a vote if I do not know what I vote for. I cannot vote on the subject of a motion. That is a point of order. So I need the motion please.

HON. DEP. SPEAKER:

Honourable Members, I am going to give Honourable Maloyi an opportunity, Honourable Thibedi, Honourable Matladi and then Honourable Mangqo, in that order.

HON. MALOYI:

Deputy Speaker, just two things. The motion was a motion without notice. There was an objection to a motion without notice.

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That motion was then converted into a notice of a motion, which suggests that in the next Sitting what we will then do is to debate that particular motion.

Now what has been happening today in this House is to debate that motion.

Now when you debate a motion you do not have to just read what you presented before. It is to debate with an intention of convincing others to understand why is it necessary for them to agree with the motion as tabled before the House. That is the intention. Now we cannot expect Honourable Mangqo, when she debates a motion, to simply read a motion which she presented in the last Sitting, because what she was doing today was to motivate for people like Honourable Hattingh, to understand why is it necessary for us to adopt this particular motion. I think that is the understanding.

Now when we go to vote we will be voting on what is on the Order Paper, what is before us, not what have been debated in the House and so on and so forth, unless if there is somebody who will insist that in terms of the motion which is before the

House, which is on the Order Paper, we must add some additions or make some amendments.

That should be the understanding of each and every Honourable Member who is sitting in this honourable House to understand all these things. If they do not understand it is not our problem but the Office of the Speaker will attend to these matters, to ensure that each and every Member understand procedures and proceedings of the House, etc. etc.

So we will have to do so but we do not have time now because we are preparing for elections. If Honourable Hattingh comes back next year we will start that process. So Honourable Mangqo was correct. This is how matters are supposed to be dealt with.

Now the Oxford Dictionary Chair, which I think Honourable Hattingh do read, because I do not want to go to the politics of what is a revolution. Let us just see what the Oxford Dictionary says. It says revolution means total transformation. Now what is unconstitutional about total

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transformation? It cannot be.

Now Honourable Hattingh should not mislead this House and anybody, to try to tell people that revolution is against the constitution of the Republic. That is silly, because in this country we are talking about transformation. The only thing is that we do not put the word revolution, but revolution means total transformation.

So Honourable Hattingh, if he does not read his own Oxford Dictionary he must do so because I do not want to begin to argue and teach him the politics of revolution, but I just want to focus on the Oxford Dictionary, and I think you should be having it in your office. So go to your office and read that Oxford Dictionary. It will tell you what is revolution..

Now the last part Honourable Deputy Speaker [INTER- RUPTION]

HON. HATTINGH:

Point of order. Sit down. I have got a point of order.

HON. DEP. SPEAKER:

Honourable Hattingh.

HON. HATTINGH:

I have got a point of order.

HON. DEP. SPEAKER:

Point of order but you did not have a right of telling a Member to sit down.

HON. HATTINGH:

Honourable Speaker.

HON. DEP. SPEAKER:

I only have the right to say so.

HON. HATTINGH:

I want a point of order.

HON. DEP. SPEAKER:

Yes. Honourable Maloyi, please stand up. You will only sit down when I order you to sit down because I am the Presiding Officer.

HON. HATTINGH:

Well, then do your job Honourable Deputy Speaker.

HON. DEP. SPEAKER:

Honourable Hattingh, sit down.

HON. HATTINGH:

I have got a point of order.

HON. DEP. SPEAKER:

Honourable Hattingh, sit down.

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HON. HATTINGH:
Okay, I sit. Point of order.

No, you cannot interrupt me when I [INTERRUPTION]
....

HON. DEP. SPEAKER:
Honourable Hattingh, sit down.

HON. DEP. SPEAKER:
Honourable Hattingh please, I have given you an opportunity to speak on a point of order.

HON. HATTINGH:
I am sitting. Point of order please.

HON. HATTINGH:
Yes.

HON. DEP. SPEAKER:
I have noted your point of order. Can you stand up and raise your point of order. You remain standing.

HON. DEP. SPEAKER:
Only on a point of order.

HON. HATTINGH:
Normally, in any respectable House only one Member stands at a time, but Honourable Deputy Speaker, I object to the Honourable Member addressing me directly and not through you. One would have thought that [INTERRUPTION]

HON. HATTINGH:
Yes.

HON. DEP. SPEAKER:
Not on interruptions. You said point of order. I have given you an opportunity. Speak on point of order. What is out of order?

HON. DEP. SPEAKER:
Honourable Hattingh?

HON. HATTINGH:
Honourable Deputy Speaker you are an expert on the rules. No Member is allowed to address any other Member directly. They need to address a Member through you. I object to the way that the Member addressed me directly. So I will request that you put him to order and let him withdraw that part. Thank you.

HON. HATTINGH:
I want him to withdraw the statement.

HON. DEP. SPEAKER:
Honourable Hattingh please?

HON. HATTINGH:

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HON. DEP. SPEAKER:

Honourable Maloyi, stand up and proceed, but please, when you address the House, please address the House through the Presiding Officer, please.

HON. MALOYI:

This is what I did. I was quoting a speaker and that speaker happens to be Honourable Hattingh, and I was advising that the speaker must read certain important documents. The last one Deputy Speaker, I must indicate to you and to Honourable Hattingh that I am not a smoker, I do not smoke, and the majority of ANC members do not smoke.

Now Honourable Hattingh should not say a smoke filled room of the African National Congress, as if in the ANC we go to meetings and smoke. By the way I will die if I get into such a room. If there is smoke in the DA he should not think that we are doing the same in the ANC, because we respect in the ANC, the laws of this country and the laws of this country says amongst others that there must be designated rooms for those who smoke. So in our meetings we do not smoke. If

you want to smoke you go to a designated area where you can smoke.

Now in the DA you say it is unfortunate. So you must talk about the DA, not the ANC. Thank you very much.

HON. DEP. SPEAKER:

Honourable Thibedi?

HON. MEC THIBEDI:

Honourable Deputy Speaker, just to amplify the point made by the Chief Whip. The word revolution does have two meanings. The first meaning is the use of force and violence to change an existing government or political system, but this meaning is irrelevant in terms of our discussion because the ANC itself is in power and it cannot overthrow itself.

The second meaning is the one that says revolution means a complete change in doing things. I think that is the explanation that the Chief Whip gave. It simply means that you have to change things in a more radical way. So I therefore say the use of the word national democratic revolution is in order. It is not violating the constitution, for the

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record.

HON. DEP. SPEAKER:
Honourable Matladi.

HON. MATLADI:

Thank you Honourable Deputy Speaker. Honourable Deputy Speaker, I want to refer to the page that you referred us to, of the minutes. It is page 60 (i), and it continues up to page 61. It includes as well (ii) and at the bottom of (ii) there is a sentence. I will read it. It says: Both motions were objected to and converted to notices of motion. So I believe Honourable Speaker, both Honourable Mangqo and Honourable Moalusi have to present the very same motions that were converted to notices of motion during the Sitting that is dated in these minutes, not to come with anything new.

I am coming to what the Honourable Chief Whip was saying when he says Honourable Mangqo was motivating the motions that she has written. When you ordered Honourable Mangqo to stand up and present, you did not ask for motivation. You requested that the motion must be read, and

she stood up to read the motion, not a debate, not a motivation to anything, which was totally different to the conversion that we expected.

So I stand as a UCDP Member Honourable Deputy Speaker to say let Honourable Mangqo go back and present the motion that was converted to the notice of motion, not something new. If she has got something new, it would be presented as a new thing. I thank you Deputy Speaker.

HON. DEP. SPEAKER:

Honourable Members, let me reiterate what I said, when this debated started, and please, with all due respect I want Honourable Members to listen and listen carefully. I said, and I repeat, the next motion is from Honourable Mangqo and I invite her to read and to lead the debate on the motion. So I did not request her to read the motion only. I requested her to read and lead the debate because there was a notice in the previous Sitting. Now there is no confusion around that matter.

The second issue, you know

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when this House takes decisions, the House must not forget, when two Members of the House raises the same motion, that motion cannot be written twice, if it is the same motion. There is that decision which you have taken. I am just reminding about the decision you have taken.

Now what we are doing here, we are simply practicing the decisions of this House, that if Honourable Groenewald raise a motion, later Honourable Mokaila raises the same motion, those motions will not, because it will be the same motion tabled by two different Members of the House.

I must also remind the House that Members of the House must acquaint themselves with what the Presiding Officer can do and what he cannot do. Now I am going to allow Honourable Mangqo because I think I have given everybody an opportunity to speak on this matter. In fact Honourable Hattingh was number one to speak on this matter. Let me afford you another opportunity Honourable Hattingh.

HON. HATTINGH:

I really appreciate it Honourable Deputy Speaker, seeing that you allowed the Chief Whip some more opportunities than one, and I just want to focus, I just want to make the point firstly before I continue with those, that I still do not know what is the motion. A motion cannot be a three pages document. There is no line in it that says this is the motion, but I want just to respond to what was said about revolution, national democratic revolution, and to respond to that.

HON. MALOYI:

On a point of order. Deputy Speaker on a point of order.

HON. DEP. SPEAKER:

Let me listen, point of order.

HON. MALOYI:

This thing has never happened in any House.

HON. HATTINGH:

That you speak four times.

HON. MALOYI:

I am rising on a point of order. This thing has never happened in any House, that when people debate, a person will come with

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his debate and so on and so forth. At a later stage he wants to come in again to respond to people. A person who must respond is a person who proposed a motion. Honourable Hattingh got his opportunity. We all of us got our opportunity. We cannot have this opportunity again. It has never happened in any debate and in any House in the country, by the way, except here which he is trying to do. I am saying he is out of order.

HON. HATTINGH:

Honourable Deputy Speaker, I need to respond to some misleading statements put to this House and I thank you for giving me the opportunity.

HON. DEP. SPEAKER:

Honourable Hattingh, just give me a minute to explain something. Honourable Maloyi has spoken once on this motion, except at that one stage when he was given an opportunity, he was interrupted.

HON. HATTINGH:

On a point of order.

HON. DEP. SPEAKER:

But he never spoke twice on a motion. Now Honourable

Hattingh, please, I know that at some stage you really disrespect other members, but I was just saying for the record....
[INTERRUPTION]

HON. HATTINGH:

On a point of order Honourable Deputy Speaker.

HON. DEP. SPEAKER:

Please respect the House.

HON. HATTINGH:

Point of order.

HON. DEP. SPEAKER:

Please respect the House.

HON. HATTINGH:

Honourable Deputy Speaker, point of order.

HON. DEP. SPEAKER:

Please respect the House Honourable Hattingh.

HON. HATTINGH:

Can I put the point of order before I continue please.

HON. DEP. SPEAKER:

Honourable Hattingh, please I am saying to you, respect the House.

HON. HATTINGH:

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May I respond to that in a point of order please.

HON. MEC VILAKAZI:

Honourable Hattingh is standing whilst you are speaking.

HON. DEP. SPEAKER:

Honourable Vilakazi please sit down, Honourable Hattingh please sit down. I'm pleading with you, can you switch that microphone? Honourable Members please every member here had an opportunity to participate in this debate. The Rule says after everybody has participated it is only fair to go back to the mover of the motion which is Honourable Mangqo. If you had other points that you did not say at the time you were given an opportunity to debate please accept that you did not raise those questions because once we are going to allow you Honourable Hattingh to come in for the second time it means we must allow the rest of other people who have participated in this debate their second chance as well.

And that is why I'm pleading that please lets respect the House. Now the only person who is going to speak on this matter

will be Honourable Mangqo. Any person who speaks on this matter without being given a platform will be disrespecting the House.

HON. HATTINGH:

Honourable Deputy Speaker a point of clarity.

HON. DEP. SPEAKER:

I'm not going to allow a point of clarity. Honourable Mangqo.

HON. MEC MANGQO:

Thank you very much Honourable Deputy Speaker, I really wish to apologize to Honourable Hattingh that the debate of today really agitated him to a point where I strongly feel that I'm debating on my own. I thought that Honourable Hattingh's rejection of the motion was based on fundamental matters that today they are not even arising. But I wish to indicate that the history of South Africa speaks for itself, the role that the former President of the ANC and the country comrade Thabo Mbeki have played in ensuring that he becomes part of the leaders and cadres who led a revolution to bring to befall the nationalist party government who have per-

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petuated divisions and the basis of colour and which gave white supremacy the rule over all its other people would not have happened if a revolution was not won by the people who were oppressed at that time. That revolution was necessary and it gave back to a new South Africa that we are talking about today.

The second wish that I want to put forward is that we must try at all times as human beings not to be driven by egoistic tendencies and continue to perpetuate statements that seek to undermine others as humans. Otherwise we will have to strengthen the liberation of the minds of the people of South Africa because in themselves they continued to be oppressed in their minds. And I strongly suggest that Honourable Hattingh will have to begin to find the difference between an ego and a reason so that we get into the actual in that discussion about matters that we are talking to today.

I'm satisfied that the resignation by comrade Thabo Mbeki who was one of the lieutenants that were sent to battle by the African National Congress was

correct and we welcome so his resignation and the continued race that the ANC to give him is an indication that together as a people we will continue to hold hands in ensuring that we continue to better the lives of the people of South Africa and beyond our own borders.

And we call for all members to support the mode this debate and its motion as it was earlier presented because it had no ambiguous aspects in it and today we must just continue and close the matter Honourable Deputy Speaker and I thank you.

HON. DEP. SPEAKER:

Honourable Members this concludes the debate on this matter. The third notice of motion is from both Honourable Moalusi and Honourable Groenewald and I will them to speak on this notice of motion. First, now you must listen what I'm saying; because earlier on there was a confusion, there shouldn't be confusion now. I'm saying I will allow them to speak on this notice of motion that is Honourable Moalusi and Honourable Groenewald we start with Honourable Moalusi.

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HON. MOALUSI:

Thank you Deputy Speaker, we feel that we are not going to pursue with the debate because the issue has been attended to but we would like to indicate that it is regrettably that the issue was attended lately. If maybe they started to attend the issue while it was still fresh or while it started, then this could have not happened. I thank you.

HON. DEP. SPEAKER:

I'm interested in the part that says we are not proceeding with the debate, Honourable Groenewald.

HON. GROENEWALD:

Thank you Honourable Deputy Speaker, from the DA side we carry on with this debate and must I read the notice of the motion?

I put a notice of motion for the last to condone ongoing disruption, vandalism and arson that appear to be rampaged at the North West University. It is unacceptable that this situation can be tolerated by Department of Education and the relevant authorities. Millions of rand are estimated in damage to various buildings, furniture and vehicles.

The DA is serious concerned as the normal academic authorities has been disrupted for the past three weeks now, it is more than a month now.

The DA calls on the Department of Education nationally and provincially the MEC Honourable Tselapedi to restore a climate conducive to teaching and learning on the Mafikeng campus. The DA strongly urge the necessary disciplinary action been taken against the perpetrators. Honourable Deputy Speaker, the DA visits the campus of the University of the North West and we were shocked to see how a building that any university could be proud of was just burned down by unhappy students. In one of the rooms, many years of history was destroyed and is gone forever.

The DA knows very well that the universities are under the jurisdiction of the Minister of Education but the MEC of the province has also a role to play and to monitor the situation in the province at universities. The DA believes that it is every individual's right to protest if they believe the institution took

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wrong decisions and harm the rights of human. But Honourable Deputy Speaker the DA will not accept the way some students took the law in their own hands and destroy property set aside to the benefit of lawful students. We also will not accept the disruption of classes and the way they take the rights of their fellow students away who want to attend classes and the write of exams.

The destruction of police vehicles and throwing of stones at police are of serious concerned. Students must also remember that these classes being destroyed must be rebuild and their parents who are the tax payers must help with this. Students must realize that although it is their right to attend a university it is also a privilege. According to Professor Dan Kgwadi, Rector of the university; said the political affiliation amongst students is a factor in the current instability at the campus. All stakeholders should work together to resolve this matter urgently. I thank you.

HON. DEP. SPEAKER:

There is only one Member who

is indicating to participate in this debate and that is Honourable Mokaila and Honourable Tselapedi.

HON. MOKAILA:

Deputy Speaker thank you very much, the cautiousness of the UCDP in this matter I think should have assisted the DA to understand that the National Minister of Education has established a task team whose responsibility is to go into deeper issues underlying reasons why the Mafikeng campus of the University of the North West reached a point that it did in the last three weeks or so. And until such happens; there would be no Member in this House who if I think qualified enough than members of that task team to actually to allude to the reasons why the situation at the university would have developed in the direction that it did in the last few weeks.

I think the action of the National Minister of Education assists in this manner that over years those of us who have had an opportunity to interact directly and to assist in resolving previous conflicts at this university have always argued that there

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are deeper lying systemic issues which relates to the administration and the running of the university which until resolved you would be faced with the issue each year any academic calendar starts. We are now at a point where the minister says let us go deeper into what is going on in this university that flairs up emotions and issues from time to time in each academic year.

But there is also a national debate that is emerging that says maybe we need to relook at the manner in which our universities has been amalgamated to reshape the current landscape of higher education. Maybe there are deep lying residual major issues which have not been resolved at the point where universities were merged which matters I think the DA would not want to deal with because those issues are at the heart of higher education transformation are at the heart of fundamental issues. One of those fundamental issues Honourable Groenewald is that higher education is not a privilege is a right that should be enjoyed by all the young people of this country and particularly the previously disadvantaged.

And until that mind set changes of depicting higher education or presenting it as a privilege to be enjoyed by the few and the privileged, you would always have this problem. I'm appealing chair that maybe we should apply the sub judicure rule and say this House may want to come back to this matter once the report of the national minister's task team is available because I think that report may actually assist us to lay matters at this campus to rest so that maybe we may not have this opportunity again in future to discuss this matter.

I think matters of legality or whose authority deal to preside over and to monitor situation at the university I think another here nor there, it may be matters again with that task team may looked into as to whether do we want to be strict on boundaries of who should come and who should not come when matters of such public importance happened in our public institutions.

HON. DEP. SPEAKER:

Before I go to Honourable Tselapedi, there is a proposal tabled there and I would want

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Members to entertain it. That it appears that we are entering into a debate prematurely on this matter, it would be better when we engage into a debate into a later stage when we have accumulated all information on this subject, ntate Tselapedi.

HON. MEC TSELAPEDI:

Motlatsa mmusakgotla ke dumela gore kgang e e direle gore e nne kgwage ke rre Groenewald. Ke dumela gore rre Moalusi one a e tshwere sentle jaaka wa mphato rre Mokaila a buile.

But you see Deputy Speaker and agree that we should not going to rule debate on this matter but there are things that he said that I will just need to highlight. He spoke about the importance of the provincial government to monitor and restore and Mr Moalusi spoke about why was this tussle not solved earlier. We want to speak on Mr Groenewald political subject as he heard from the Rector of the campus. I just want to say that it is very important to await the report from the Department of Education nationally. Until then, it is difficult to speak on relatively.

Indeed I wanted to assure the Member that as the provincial department we have met the situation all these clusters and monitoring the situation in that university. We have been engaged with them in trying to find ways or solving their problems that they have been having and I believe that it has been our wish to solve quiet a number of them in the past years. It has been monitored, we are involved in negotiations with them and we have been not forgetting that it is a national issue.

The issue that why could we not resolve earlier I believe maybe we do not have all the Solomonic wisdom all of us at the same time. So the right time, what I call the fullness of time, came and the solution has been found and the university is continuing. I would not try to go into the political affiliation of students; the equation must be balanced if you start doubling with words like political affiliation of students then you will have to look also at the political affiliation of the management also. I'm saying this with the experience of the five years that I have been looking at that institution. So, let us not throw stones

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when our houses are built in glasses. We will have to all wait and get something authoritative to deal with this matter. Until that time comes, this debate should not continue too far. Thanks.

HON. DEP. SPEAKER:

Honourable Ndleleni, followed by Honourable Gerber and then we go to Honourable Groenewald.

HON. MEC NDLELENI:

Thanks Deputy Speaker, I think we should agree that destruction of property should not be encouraged by all South Africans that we should no matter what our grievances are engage in a very constructive way in resolving the problems that we may face at various levels. And I think as ANC we have always been up front in saying whether people are angry they should not destroy property wherever that property may be located.

The second thing, I think one of the greatest revolutions that must happen in this country is on the educational front. That revolution must be entered by all South Africans black and

white and that revolution is about making resources available particularly to all children of South Africa. We know how resources have been distributed in a very squid manner in the last 300 years or so. And that history of squid distribution of resources is still here with us today, and in some parts of the country and in this campus of the North West University that problem of squid distribution of resources is still grapping this university.

I'm saying that revolution must happen so that all us should agree to make those resources available for the education of the children of this country. I think we should be forming partnerships particularly big business because in some stages big business is deciding where to invest resources to educate the young kids of this country. We are saying that partnership with business should be allocated resources where they are needed most and it is in rural areas in the previously disadvantaged institutions.

I think not only big business in this country but big business particularly in those countries

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that have colonized Africa, some of those countries are very rich today and I think they have got huge resources at their disclosure. Some of the resources they are using them to wage wars in some part of the world, in the Middle East and in other countries of the world. I think those resources should not be made to build major arsenals of war by the rich countries. I think those partnership should be with poor countries and particularly be challenged towards the education of the young kids everywhere where we are colonized.

HON. GERBER:

Dankie Agbare Adjunk Speaker, ek ondersteun die mosie van die agbare Moalusi. Ek wil net aansluit by wat die, die agbare Duma gese[^] oor die vernietiging van infrastruktuur veral wat onderwys aanbetref. As ons nou sou moet wag tot die verslae uiteindelik uitkom beteken dit ons moet ons monde snoer hier in die wetgewer en niks se oor wat ons buite met ons eie oë sien gebeur en daarom dink ek nie ons kan die debat uitstel tot dat die verslag inkom uiteindelik en ons kan dit dan weer bespreek, maar daar is talle sake wat ons vanoggend wat

ons al onder mosies sonder kennisgewing gehad het wat nog nie afgehandel is nie, die gebeure by Potch kampus wat almal aanvaar het die rassisme wat daar plaasgevind het op n webblad so ek dink om dit nou uit te stel tot ? volgende geleentheid agbare adjunk-speaker ek sal vir hierdie mosie sal ek stem. Dankie.

HON. DEP. SPEAKER:

Now Honourable Groenewald and this closes the debate on this matter.

HON. GROENEWALD:

Thank you Honourable Deputy Speaker, for a start I want to thank all the speakers who participated in this debate I think the two MECs that they said it is valuable. The DA haven't got the problem to continue with this debate at a later stage and I think we must do it, it is for importance if we look into the situation the education is in our country. I am aware of the task team and also acknowledge the work of this task team. And also believe that they will get resolution very soon.

The DA agrees with education revolution because the educa-

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tion in South Africa is in big chaos and that will be good for black and white to participate in this revolution. I want to bring to the attention of Honourable Mokaila that I've said although it is the right each and every student have got the right to attend a university, that is their right but also a privilege to attend a university. I thank you.

HON. DEP. SPEAKER:

Thank you Honourable Groenewald, this brings us to the end of the debate. Are there any notices of motion? Now we proceed to the next item. Honourable Hattingh.

HON. HATTINGH:

I would like whether on the side that you failed to put my motion to the House.

HON. DEP. SPEAKER:

Honourable Hattingh, my apology but when I started the sitting I indicated that we will not proceed with the notice of motion which relates to Honourable Africa's department because of his absence I indicated it from the beginning maybe you did not hear me. I indicated that because it would not really assist us to proceed

with the debate in the absence of the Member of the Executive Council responsible for that.

HON. HATTINGH:

My apology I didn't here that and I think it will give for the same type of fatal debate that we experienced in the previous time with the DED issue. Thank you.

HON. DEP. SPEAKER:

I indicated that the matter is deferred but if you don't want the matter to proceed then it is fine.

HON. HATTINGH:

I appreciate the ruling that it be deferred to the next sitting perhaps it is the next term I don't know.

HON. DEP. SPEAKER:

No, it would certainly not be next term it would certainly this term when it is a matter to the Office of the Speaker. Honourable Members in the absence of any other notices of motion we proceed to the next item.

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

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HON. DEP. SPEAKER:

Honourable Members I refer you now to the question paper and the first question is the interpellation of Honourable Gerber to MEC Education and this interpellation for the first time.

HON. MEC TSELAPEDI:

I'm ready to debate it, I don't know do you start or do I start?

HON. GERBER:

Honourable Deputy Speaker, it should be referred to the next one. I have all the information in my office but don't have it with me now.

HON. DEP. SPEAKER:

Honourable Gerber says the matter must be deferred and it is correct because it is tabled for the first time of course. We are in question 2, question of Honourable Hattingh to a Member of the Executive Council Local Government & Housing question tabled for the third time.

HON. MEC YAWA:

Thank you very much Deputy Speaker, the question by Honourable Hattingh says; Kindly indicate in which municipalities in the North West

province Section 139(1) of the Constitution Act 108 of 1996 interventions occurred during each of the following financial year:

- a) 2006 - 2007
- b) 2007 - 2008

The answer no Section 139 intervention took place in 2006 and 2007.

1a) no Section 139 intervention took place in 2007/2008. The current 139 intervention has been evoked on Ditsobotla local municipality May this year.

The second question says provide the dates in each case in which Section 139(2) (a) (i) Constitution Act 108 of 1996 have been complied with.

Answer, written notice to the Minister for the DPLG was issued on the 26th of June 2008 and approved accordingly. And question 3 is provide the dates in each case in which Section 139(2) (a) (ii) Constitution Act 108 of 1996 have been complied.

The answer is a written notice to the Provincial Legislature was and the National Council of Provinces was issued on the 26th June 2008. That is the answer to the question

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Honourable Deputy Speaker.

differ with that.

HON. DEP. SPEAKER:

We are proceeding to question 2 of Honourable Hattingh to MEC Health.

HON. HATTINGH:

May I ask then the MEC why they proposed and the notice of intervention was not tabled in this House by the Executive and why it was not tabled in the National Council of Provinces as required by the Constitution. It not been tabled there makes it illegal and of no legal standing?

HON. MEC YAWA: What the department was supposed to have complied fully. Writing to the Speaker of the House informing the Speaker Section 139 intervention as well as writing to the Minister as well as the chairperson of the National Council of Provinces was in compliance with the Constitution. The NCOP has up to date not yet confirmed they agree with the Section 139 however, that indicated that they are coming down to Ditsobotla to deal with the matter. I do not think whether the Member in his accession since we have violated the Constitution of the Republic of South Africa I beg to

HON. HATTINGH:

Honourable Deputy Speaker I want to read on the Constitution and you decide whether there is a deviation or from the Constitution. If a Provincial Executive intervenes in municipality in terms of Section 139 (1) or 1(b) it must submit a written notice of the intervention also to the cabinet member responsible for local government and relevant Provincial Legislature and the NCOP within 14 days after the intervention began.

And the past weeks seeing that the NCOP actually had public hearing in our province, it was serious interventions; nothing has happened not the single member of this House was informed, it was not tabled in this House and notice to the Speaker is actually cannot be regarded as a notice to this House. It should be tabled in this House I believe it is oversight from the department and I request that we fulfill in the legal obligations regarding interventions and a request that it be tabled in this House outlining and referred to the relevant portfolio committee as well as

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National Council of Provinces. The MEC in his response then mention the tabling in the National Council of Provinces. Thank you.

HON. DEP. SPEAKER:

Honourable Members I'm going to avoid this one on one discussion which I think it can still take place outside the House. The discussion in the House it should be for members.

Honourable Hattingh is sitting with the view that the department did not follow procedure which is supposed to follow when it invokes Section 139 that is what he is saying. The department is saying no, we have complied. It would be the matter for the department to prove that we have followed all the processes and procedures that is suppose to follow and that cannot be done now in here.

Can we close that matter with that understanding that at some stage the department would come back and say this is the procedure we had followed so there is no violation?
Honourable Mokaila.

HON. MOKAILA:

I don't have a problem in that, I'm just surprised why Honourable Hattingh in his motivation quotes a section which is not contained in his question unless he object that his question is not captured correctly because he quoted (b) and his question only says (a) why his motivation will quote a part that is not contained in his question?

HON. DEP. SPEAKER:

Honourable Members I'm closing this matter and listen how I close this matter. Honourable Mokaila is right because the question in front of us says Section 139 (1) of the Constitution; I'm speaking about first question. Then the subsequent question it says Section 139 (2) (a). The other question says Section 139 (2) (a) certainly quoting subsection (b) would be irrelevant in this question. Because the question we are dealing with is not (a), (c), (d) or (h), its (a) the one that we deal with. So any quotation must arise out of Section 139 (2) (a) to speak to this question.

You can't speak to this question with a different subsection. But like I said it would be proper for the department to prove on the

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procedure they have followed.

HON. HATTINGH:

I confine my question to Section 139 (2) (a) I will give the member a lecture later on understanding of the Constitution and that refers only to the reporting of the MEC to the cabinet member responsible for local government affairs relevant Provincial Legislature and National Council of Provinces that contained. I think if you really have a deep understanding of the Constitution you would have actually supported my further questions.

I agree with you concluding this and taking this forward but I would also like if the MEC argued that by presenting the letter to the Speaker is sufficient. Perhaps we should get some clarity on that because my understanding of this there should be a tabling in this House with a motivation and then get referred to the committee. If that notice was regarded by a department as sufficiently and is in fact true that it is sufficient then there may be a sort of a gap in the Speaker's Office by not bringing it to this House. I would like you to look in that

aspect whether a letter to the Speaker and can be regarded as tabling in this House.

HON. DEP. SPEAKER:

This matter is closed in a sense that I said the department will go and bring back a response that says we have complied with all steps that we were supposed to have followed and here are documents to that effect. That will also include Honourable Hattingh answering the question of when you refer the notice the Office of the Speaker is it within the procedure or that notice must come to the House by the Executive Member responsible for that department, it will answer that question as well. We are now in question 2 tabled for the first time and it's the question of Honourable Hattingh to MEC Health.

HON. MEC RASMENI:

Next sitting.

HON. DEP. SPEAKER:

Question 3, question of Honourable Hattingh to roads, transport and community safety, ntate Vilakazi.

HON. MEC VILAKAZI:

Next sitting.

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HON. DEP. SPEAKER:

Question tabled for the third time question of MEC public works from Honourable Hattingh.

HON. MEC. THIBEDI:

I so table.

HON. DEP. SPEAKER:

The question is tabled Question 5, a question of Honourable Hattingh to MEC road, transport and public safety nstate Vilakazi.

HON. MEC VILAKAZI:

Honourable Speaker I have difficulty in answering this question. The police management has brought to my attention that the remarks referred by Honourable Member Hattingh happened to have been made in a confidential SAPS management national and provincial. Now we are at urge to know whether these remarks were part of the discussion looking at the crime statistics and so on. They are not in any minutes and Honourable Member refers us to that. I'm not able to answer that question say if when the member tells me it was at this meeting on this day then we can respond to that question.

HON. DEP. SPEAKER:

No, you see from question 4 our questions tabled for the third time. So these are the questions which must be answered in this sitting or else the question gets referred to the Premier in terms of Rules.

HON. MEC VILAKAZI:

But Honourable Deputy Speaker what I'm saying is that ...
[INTERRUPTION BY DEPUTY SPEAKER].

HON. DEP. SPEAKER:

No, no nstate Vilakazi please I'm saying according to Rules this question is tabled for the third time, it must be answered today there is no answer. What you are presenting you are supposed to be tabling that in writing to say in answering this question this is what we picked up the answer must be there not necessarily answering the question including the difficulty that you have in answering the question but you are not tabling that as you are supposed to. You want to explain and here it says it must be a written reply. In terms of the Rules this question must be answered today and if it is not answered we follow the Rules. I want us to close in that

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way, can we proceed to question 6 this one is tabled for the second time. At least the MEC has an opportunity here to still refer the matter agriculture, conservation and environment.

HON. MEC SERFONTEIN:
I table it.

HON. DEP. SPEAKER:
The answer is tabled Question 7 MEC roads, transport and community safety.

HON. MEC VILAKAZI:
I table the response.

HON. DEP. SPEAKER:
Question 8 MEC agriculture, conservation and environment from Honourable Gerber.

HON. MEC SERFONTEIN:
That question is not for my department it is referred to us but it is at national we wrote to national land affairs they haven't responded but also I can say to you that every question that has been asked there I have attended to and Honourable Gerber know things are happening. But when they get the answer back from land claims commissioner it will be tabled here.

HON. DEP. SPEAKER:
You know I will have to be very hard on this issue. What Honourable Serfontein is saying that he has dealt with everything here Honourable Gerber knows is supposed to be on paper and be tabled here because we are dealing with questions that need written replies not oral replies.

HON. MEC SERFONTEIN:
Deputy Speaker what I meant is we are still waiting for the 100% correct answer from land claims, but what I did I also telephonically relate it to the land claims commissioner and she promised me she will attend to it. And what sms I got back from her I referred to him so we just waiting for her to put it in writing so that is 100% correct.

HON. DEP. SPEAKER:
That everything you are saying Honourable Serfontein must be on paper and must come here not sms. The sms is a private matter that you will deal with it outside the House. And this one is for the second time you still have an opportunity to respond to it. Question 9 tabled for the first time MEC education.

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HON. MEC TSELAPEDI:
I table it.

HON. DEP. SPEAKER:
Question 10 MEC local government and Housing.

HON. MEC YAWA:
Next sitting.

HON. DEP. SPEAKER:
Next sitting thank you, question 11 transport, roads and public safety.

HON. MEC VILAKAZI:
I will table it in the next sitting.

HON. DEP. SPEAKER:
Question 12, roads, transport and public safety.

HON. MEC VILAKAZI:
I will table at the next sitting.

HON. DEP. SPEAKER:
Question 13 health.

HON. MEC RASMENI:
Next sitting.

HON. DEP. SPEAKER:
Right and that was the last question.

HON. GERBER:
Regarding a question tabled by

Honourable Yawa 080805-W44 I received it and direct a letter to the Speaker that I request that this question be referred back to Honourable Yawa. It is obvious that it does not reflect the right facts. At the meeting with the Rustenburg municipality by the PPAC the presented different responses as were responses from the MEC. If I should therefore use this information in public, the Honourable MEC it would really badly reflect on me, the officials and even this House for this is a document from this House. I just ask that it be referred back I want to use the information but it is not correct.

HON. DEP. SPEAKER:
So the question of Honourable Yawa be referred back? And you are referring to question?

HON. GERBER:
Question 080805-W44 I want to refer it to the MEC just to give me the correct information.

HON. DEP. SPEAKER:
That's for information for Honourable Yawa.

HON. MEC YAWA:
Honourable Deputy Speaker ...

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HON. DEP. SPEAKER:

Honourable Yawa we check that information that Honourable Gerber is referring to which has been referred to the Office of the Speaker I will link up with yourself and Honourable Gerber. Honourable Hattingh.

HON. HATTINGH:

Honourable Deputy Speaker, I just want to bring under your attention and the House's attention that referring to question 080916-W61 with is also referred to as question 5. I was approached by the SAPS they were attempting to force me in giving the small affidavit revealing my sources of this question. I just want to record it that the integrity of members of this House is being attacked by SAPS members in their own they have embarked upon. I think it is outrageous that the MEC allowed junior officer of the SAPS to attempt to interrogate and extract a small affidavit out of that member.

HON. DEP. SPEAKER:

Ntate Vilakazi wena le Honourable Hattingh le be le le mo kae because ga le mo programme ya rona le mo go tse dingwe.

HON. MEC VILAKAZI:

Honourable Deputy Speaker I was just saying that I will respond to him. What he is explaining is that as I said the SAPS management meeting is not a public meeting they don't call a gallery and sit there and discuss criminals and drugs, they don't do that. In their close session meeting, one of the SAPS member goes to Honourable Hattingh says these remarks were made which were racial. Who would be interest in knowing who is that member because what are we chasing if the Honourable member is not able to say this member who we can then deposit an affidavit in a disciplinary process because where do we actually end.

How do we discipline Mr Moatshe without knowing who the complainant is because this matter has been brought in as a matter of complaint? If Mr Moatshe is a racist let somebody who can stand up and say he has made that remark to me, do so, so that we can pursue a case. Without the witness how do we discipline the member of SAPS? In this case it is the member of this Legislature who

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is made that allegation, it is not the member of SAPS who done so. We go to the member and say please tell us you were not in the meeting somebody told you from the meeting, tell us who that person is so that we can go to that person and say please lay a charge against this member for racial remark so that we can pursue a case.

He refuses to say he says we are forcing him to reveal a source. I must place it on record as well that meeting of the SAPS management are confidential meeting restricted to SAPS members documents that are circulated are marked "confidential". If the honourable member says he knows about that meeting, he should be ready to tell us who said racist remarks were made because if there is no person who said so we can't even pursue that matter because who is the complainant in this case? No one. Honourable Member Hattingh was not even in that meeting. I thought I would answer it a written form but he has prompted me to answer it now.

HON. DEP. SPEAKER:

You know we are at the point

where I've got to call for the next item. Mme Gaoretelelwe.

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

Waitse maloko a mangwe fa o sa a tlhokomele ba ka go ntsha mo tseleng. Honourable Matladi and Honourable Hattingh.

HON. MATLADI:

Thank you Honourable Deputy Speaker, lack of water supply continues to hit the communities of the North West province. The highly affected areas being Ramotshere Moiloa municipality in particular Welbedacht Unit 1& 2, Dinokana village, Gopane and Ntsweletsoku. Greater Maquassie Hills, Greater Ventersdorp and Tswaing municipality.

This has led to communities rioting and damaging properties, roads and burning some councilor's houses. In Welbedacht unit two the strike went on for three days from Tuesday the 14th of October to Thursday the 16th. The province lost a lot during these strikes. In a particular incidence, the woman Mrs. Esther Bokani Ndlovu was shot

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by police using rubber bullets at her own home on Wednesday. She has been hospitalized ever since at Lehurutshe Community Hospital yet she was not taking part in the strike.

She will be transferred to Bophelong Hospital to be decided upon by doctors if she has to lose two of her fingers on her left hand. The UCDP strongly condemns the injustice as well as the brutality that has befallen Mrs. Ndlovu. It also abhors violent actions of community members, especially the destruction of property, roads and buildings.

Funds have been quoted ever since 2001 to address the water shortage in Lehurutshe. Plans have been announced even in this House to address the problem, but to date as I'm standing here and presenting the statement to the august House there is no water at Welbedacht. The morning I had to go and draw water before having a bath and coming to work. Everything has failed even the engines that have been reported to have started pumping water from the 16th of October have failed, they have refused or have not been able to pump water as it

was expected.

The UCDP therefore, humbly appeals to the Honourable Premier and the Honourable MEC of Development Local Government & Housing to fast track whatever plan be it short term, be it medium term or long term to address the problem of water supply in the whole province including the Mmabatho Units water problem which was also announced in the radio.

Bagaetsho go mathata, setšhaba se a sotlega ka lenyora, re kopa thuso. Ke a leboga.

HON. DEP. SPEAKER:

Any member who wants to take part in this statement. Ntate Vilakazi and Premier.

HON. MEC VILAKAZI:

Honourable Deputy Speaker, I do concur with some parts of the statement made by Honourable member but there are some parts that are inaccurate, that are not factual. I will deal with those parts to the extent that they relate to the department and my two visits that I undertook last week to the area. Firstly, the Honourable member refers to unrest taking

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place in the area. I visited the area in the height of that unrest when no road could be used including an international road that links Botswana to South Africa.

That sort of an activity and action was undertaken by community members for which I will say today for a completely wrong and a major pre action to a problem that on Friday both the leadership in that community became to understand the problem area far from there is no water and all that kind of thing. I wonder if the Honourable member received a report from members of her party because there were part of the team of members representing the community that I met on Wednesday and I also further met on Saturday.

The problem area and MEC Yawa will deal with that part because it falls in his domain. I simply want to say that and we explained to the community and they understood. When there is riot situation, and that riot situation had a protest had developed into a violent means of protest, where roads are closed, barricaded with trees, burning

tyres and so on. The police are under strict instruction to remove such optical on the road because no one in demonstrating his/her right has got the right without expressed permission by a local municipality to occupy a road or a section of the road.

Therefore the police went there to remove the barricade on the road; they were pelted with stones and the police had had to use minimum force and the minimum force used by the police is the firing of tear gas and the firing of rubber bullets to protect the state property use in the execution of their duty but also to bring about normality and stability in the area. When everybody is running and the police are shooting, of course, this case that the Honourable Member refers to was presented to me that a certain lady was shot been at her house and therefore is due to loose two of her fingers.

That matter is now been investigated by the police themselves to determine the circumstances surrounding this particular shooting. We have many cases where people claimed to have been in the houses when they

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were actually part and parcel of people who were burning the tyres and all those kind of things on the road. So, we can't therefore when everybody goes to the police and been shot that person then says I was in my house and we take it at trace value that is what it has happened.

That particular case is currently being investigated by the Office of the Commissioner to determine whether in this particular case that is what has happened. Let me give a very simple example in that area, in Ntsweletsoku, Moshana people who had claimed that they were not barricading the road when we had first arrested them and we release them. When we did an arrest at the second occasion when the road was barricaded we actually found those people that we had initially arrested now barricading the road. That is the difficulty members of the community play the police in the execution of their duties.

I have been very vocal to say if members use peaceful means to demonstrate, the police will not use minimum force to intervene, they will use peaceful

measures to intervene in that kind of situation, but where there are burning tyres and roads barricaded and international trucks are been stopped and robbed of, the police are obligated to make that intervention. The last point I want to make, on Saturday we went to that community to address the public. When I arrived there in that community, having given away some of the responsibilities I had there were people who had gathered at the community.

I went in, as I was busy briefing the leadership in terms of what we have done with the leadership from Wednesday to Saturday, something the leadership had accepted that they actually had over reacted on the matter because as member says there is no water, the reservoir in that area is full. His own leadership on the ground went and inspected that reservoir is full of water. The challenge which Honourable Yawa would have explained accrues from a different matter. The pumps that she is talking about were inspected; those pumps were pumping water into the reservoir. So, she must not mis-

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lead the public about what is happening on the ground.

I woke up yesterday I have been waking up out of my house in Rustenburg for the past two weeks, I have not had water in my house, I'm drawing water like any other person who lives in the rural area, I have not gone into the street and close them and I'm not making it a big issue. We must understand that the rains have not been falling, our water tables are low and therefore there are some parts of the country that are not receiving water across the country not only in the North West province. Why should we condone people in the North West province who must break down roads then the tarred roads that might cost R4 million to replace when they are not happy about washing or not washing. I did not wash this morning I woke up in my house there is no water I had to clear my eyes and come to the Legislature, what is the difference between me and the Honourable member. Thank you very much Deputy Speaker.

HON. MATLADI:

I would like Honourable Vilakazi to be relevant in addressing the

statement that I have presented and he mustn't put words in my mouth. When he talks about people condoning the wrong things he must read the sentence that I say "the UCDP abhors violent activities and I don't know who he is talking to. He must be relevant to the statement. If you've got something to present, he must be relevant otherwise he is talking something else I don't know without responding to my statement.

HON. DEP. SPEAKER:

Honourable Vilakazi, I'm going to be forced to be very strict because I realized that if I don't do that, this House is going to be turned into a circus. Any member has a right to speak but please follow the Rules. The only person who have the right to say to a member please stop and sit down, is the presiding officer a person who will be presiding at that particular time. Please let's do these things, Premier you had indicated the intention to speak on this matter it is your turn.

HON. PREMIER:

Thank you very much Honourable Deputy Speaker,

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this thing a statement and a discussion on the statement I would also like to bring some factual issues to the discussion so that Honourable members should also appreciate the challenges that we face in this province with regard to water provision. But also become a greater part of the entire challenge and the problem itself. I have stood on this podium some time ago, I think was early last year and responding to this matter of Welbedacht and Ntsweletsoku water.

I indicated that there is a big challenge of water provision in that area and this is not because government chooses not to supply people with water. Reiterating that, the local government both the district and the municipality as well as the Department of Developmental Local Government & Housing have been engaging on this matter for quiet a while now. We have said that there are several strides and steps that are being taken in that regard.

The first one was to ensure that we actually provide water short term because it is very clear and actually the truth that all the

water areas where water is available in the area particularly of Welbedacht Dinokana had run dry. Wherever we have dug the boreholes in a weeks time or so the borehole runs dry. In that period the municipality in particular Ngaka Modiri Molema took initiative to take water into those areas in tankers. The problem arose in that regard that the residents said they do not want to use these water in water takers because it is polluted somehow. They mention things that were very strange that there were some stuff in that water and so on. But we also said that in the mean time, we are looking for solutions to provide for medium term solutions and that medium term has been implemented. The medium term installation is this one that there has been in search as Water Affairs and all these institutions that I'm referring to have been searching, they found water in two other or three other farms in the area negotiated hard with those farmers until one gave permission for that water to be drawn from there.

Infrastructure has been erected just to cut the long story short; infrastructure has been con-

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structed by the municipality of Ngaka Modiri Molema also supported by the Department of Local Government with funding. Water has been drawn, the challenge new one emerged was that Eskom was not ready with electricity to pump water from there. That is where the matter of engines came in, again Ngaka Modiri Molema provided 4 engines this past week in that area to pump water. Water was been pumped as we did inspection this past week, again when the reservoir was over flowing wasting water already, we discovered that there is a big pipe that is leaking underground which does not allow water to reach those areas.

That pipe could not be put in over the weekend, it is pipe that was of special kind that is why it was put in yesterday bought from a special place and installed yesterday. I went also to check the inspection team that we sent over the weekend came back saying this and I also re-verified that. The pipe has actually been installed as we speak now, but we do know that in the next five years this is the medium term solution, there will be no water in that area in

five years if we don't manage water properly. There is a need to draw water from Midval that is the process we are embarking in. It requires more that R200 million to draw water from Midval where there is 50% capacity of usage.

That is not the only issue that we are dealing with; we are also currently now Water Affairs is conducting the study of the entire province about water management issues and how to manage water the tables and so on. I said there is a need for us to come in this thing, I want to plead again that let us be a part and parcel of talking to people in Ntsweletsoku and Welbedacht that if in case on any other day there is no water, let us please accept to use the water that come in tanker because the water is dry underground. It is not the fault of government, it is not the fault of anybody but we try to intervene medium term and short term. Again where we were yesterday with imbizo the same problem emerged but we believe that it will be resolved if all of us here campaign also about water management and lesser water usage for all of us and by all of us. Thank you.

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HON MEC YAWA:

Thank you Deputy Speaker, the Premier had said the mouthful. However what I just want to express is just we must be all cooperative on this matter work as the communities and the societies and also appreciate where the government has made some improvement and delivered because the government has so far really not folded its arms. I think the Premier has touched all the areas that I wanted to touch.

What I also wanted to say is that the water problem I'm sure that the Honourable Member Groenewald called me last week is begin to face the province, not only certain areas. Rustenburg when I was called, I called the mayor that problem is such a big challenge. In Ventersdorp is a different matter, it is not similar to the one of Ntsweletsoku because people were complaining about the regulation of the water because when the bills are not paid the councilor react. We have sorted that as the department with the municipality and the community leaders. I want us to work as a team staying in the communities educating our people never to break

the law because the law is there to be obeyed and it will be enforced. I want to appreciate and commend my colleague for acting.

HON. MATLADI:

Thank you Deputy Speaker, I do get the explanation as given by Honourable Premier and Honourable Yawa and from Honourable Vilakazi part of it, part of it irrelevant. From the Honourable members I have noted especially what the Premier says that there is a part that was broken, that was information that the community members were not aware of. We were just told the engines could not pull water but as she is saying it was installed yesterday, it means when we get home we would find water in the house and we appreciate that.

I would like to says as well as a community member I'm very responsible and I'm one person that do what Honourable Yawa says lets talk to the community members that they shouldn't riot. UCDP is not a violent party, we are always very humble and cooperative and our people are always responsible and they listen to their leader-

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ship. We also talk to them and show them these things even the plans that Premier is talking about the short, medium and long term I even announced in one of the community member's meeting when they were complaining about water that the government is doing a b c... We shouldn't be taking others for granted as we speak in the House as you want to point a finger or to blame some people for the problems of communities. I thank you.

HON. DEP.SPEAKER:

Is there any member who wanted to make a statement, Honourable Hattingh.

HON. HATTINGH:

Thank you for the opportunity. In light of the current developments in the South African politics I would like to make the following statement on behalf of the DA. Coming from the word revolution in Latin which means a turn around is a fundamental change in power and organizational structures that takes place in a short period of time. The Latin defined it as follows, a complete change from one constitution to another, secondly metrification of an existing con-

stitution.

Also looking at oxford, the following synonyms are there for revolution, provoked, uprising, up..... and riot. What is also interesting is the way that Jack Bolston in his book towards a five generation of revolution fury defines revolution. He said it is an effort to transform the political institution and the justification for political authority in societies accomplished by formal and informal mass mobilization and none institutional actions that undermines authorities.

The DA welcomes the announcement by former Gauteng Premier Mbazima Shilowa that he is to convene the National Convention first noted by Mosioua Lekota. The DA supports any initiative that will help to strengthen the constitutional democracy which recently increasingly came under threat by irresponsible coming from the far left. That is also referring to the National Democratic Revolution.

It was particularly encouraging that the convention will discuss ways to booster our constitutional institutions into this more

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stringent anti-corruption measure and reform the (inaudible) system. The DA has long championed this proposals, we are committed to realigning politics, challenge ANC for power, prevent the slide into a one party state and allow a vision of an open opportunity society for all to prevail over the ANC's vision of a closed chronic society. We will continue to work with those party organizations that aim to reconfigure politics in defence of the constitution. The National Convention may be an important step in a process of realignment.

HON. DEP. SPEAKER:

Any member who do wish to participate on this statement? None, do you want to reply Mr Hattingh?

HON. HATTINGH:

I just want to thank the gathering for the unanimous support. Thank you.

HON. DEP. SPEAKER:

As we are proceeding now we are on the next item.

**SECRETARY: ITEM NO.6
ANNOUNCEMENTS,
TABLINGS & COMMITTEE**

REPORTS**HON. DEP. SPEAKER:**

Honourable Members the Office of the Speaker has received an annual report on FFC for 2007/08 financial year which I now table in terms of Section 220(1) of the Constitution of the Republic of South Africa read together with Section 26 of FFC Act, Act 99 of 1997 and that annual report will be circulated amongst members. This report stand referred to the finance, economic development and tourism portfolio committee. I also table a report of the Auditor General in terms of Section 188 (3) of the Constitution of the Republic of South Africa read together with Section 21 (4)(a) of the public auditor Act 25 of 2004. This report also stand referred to the portfolio committee on public accounts committee.

Lastly Honourable Members I table before you the amendments of Rules of procedure as adopted by Rules Committee. Members are urged to study them carefully because they will be implemented as from today. Let me now invite Premier Molewa to table the report of the

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progress on service of flats.

HON. PREMIER:

Thank you Honourable Deputy Speaker, that report as you look at it there was a table that was incorrect and therefore we offered to table it in the next sitting. Thank you.

HON. DEP. SPEAKER:

The next item is the proceedings on Bills, introduction and the first reading. Let me invite Honourable MEC Rasmeni to table the North West Health Bill.

HON. MEC RASMENI:

Honourable Deputy Speaker and Honourable Members allow me to introduce the North West Health Bill, 2008 for first reading to this august House. The purpose of the Bill is:-

- To give effect to certain provisions of the comprehensive provincial health system
- to provide for the coordination and support municipalities in the provision of health services
- to provide for the repeal of certain provisions of the North West developmental social welfare and hospital governance institution Act 2 of 1997 and finally

- to provide for matter connect therewith

HON. DEP. SPEAKER:

Does the House agree that this Bill be read for the first time? Secretary please read the Bill for the first time.

SECRETARY:

This Bill shall be called the North West Health Bill, 2008.

HON. DEP. SPEAKER:

And this Bill stands referred to the Health Social Development portfolio committee for processing. We will proceed and invite MEC Vilakazi to table the North West Road Bill followed by the tabling of the North West Roads Agency Bill.

HON. MEC VILAKAZI:

Deputy Speaker I hereby table for the first reading the Roads Bill of the North West. This Bill seeks:-

- to provide for the planning, design, construction and maintenance of public roads
- to provide for the construction work
- to provide for the erection of certain structures
- to provide for the installation of services

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- to provide for water levels and storm water
- to provide for the advertising on public roads
- to provide for the resting places for persons and livestock
- to provide for the acquisition of an entry on land
- to provide for the liability and indemnification of the agency and claims procedure
- to provide for the enforcement of the Act
- to provide for certain prohibitions, offences and penalties and
- to provide for all matters connected therewith

Therefore, I would like the Honourable Deputy Speaker to allow the Department of Roads and Community Safety to table this Bill for the first time and I thank you.

HON. DEP. SPEAKER:

Does the House agree that this Bill be read for the first time? Secretary please read the Bill for the first time.

SECRETARY:

This Bill shall be called the North West Roads Bill, 2008.

HON. DEP. SPEAKER:

This Bill stands referred to transport, roads and community safety portfolio committee for processing. MEC Vilakazi you may now proceed with the tabling of the next Bill.

HON. MEC VILAKAZI:

Deputy Speaker, I now table for the first reading the Roads Agency Bill. This Bill seeks:-

- to provide for the establishment of the road agency as a public entity with legal persona
- to provide for the relationship between the MEC and the agency
- to provide for the powers, functions governance and financial management of the agency and
- to provide for ancillary matters.

Therefore, I would like the Honourable Deputy Speaker to allow me to table this Bill for the first time.

HON. DEP. SPEAKER:

Does the House agree that this Bill be read for the first time? If the House agrees secretary please read the Bill for the first time.

SECRETARY:

This Bill shall be called the

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North West Roads Agency Bill, 2008.

HON. DEP. SPEAKER:

This Bill also stands referred to the transport, roads and community safety portfolio committee for processing. Honourable Members, this brings us towards the end.

When you read your Rules of the House properly, there is one Rule that makes provision for the establishment of disciplinary committee for Honourable Members. I would want to draw the attention of Members to that Rule.

I would not find pleasure Honourable Modiselle to preside over a House that seems not to be respected. And for us to instill discipline in the House without intimidating members to participate in their democratic right and forces and debates of this parliament, we have to do that; but that must be done with-

in the Rules of the House. We need to consider that issue of establishing so that if there is some behaviour that is unacceptable here we know where to refer it.

I would not be proud to preside over a House that lacks respect and integrity that it deserves as well as House that makes laws in this province. I am just bringing attention of members to go and look into that Rule you will find in a book because we are about to apply it we can't have Rules and we don't use them we will certainly have to use that Rule.

Honourable Members this concludes the business of today the House is adjourned until further notice. Members are invited for lunch in the restaurant with our Nigerian brothers. Thank you very much.

THE HOUSE ADJOURNED.

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