

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL ASSEMBLY

TUESDAY, 16 NOVEMBER 2010

1. The House met at 14:03.
2. The Speaker took the Chair and requested members to observe a moment of silence for prayers or meditation.
3. The Speaker announced that the vacancy which occurred in the National Assembly owing to the passing away of Ms M A Rantsolase had been filled by the nomination of Mr K A Moloto with effect from 9 November 2010.

Mr Moloto, accompanied by Ms N D Ngcengwane and Ms M L Dunjwa, made and subscribed the oath, and took his seat.

4. [14:06] Notices of motion.
5. [14:11] The Chief Whip of the Majority Party moved without notice: That the House -
 - (1) notes that South African artist William Kentridge has been awarded the 2010 Kyoto Prize for Arts and Philosophy, becoming the first African recipient of Japan's highest private award for global achievement;
 - (2) further notes that the awards, now in their 26th year, are regarded as Japan's equivalent of the Nobel Awards, with prizes awarded each year in three categories, namely: Arts and Philosophy, Advanced Technology and Basic Sciences;
 - (3) recognises that these prizes honour "significant contributions to the betterment of humankind" and each comes with a cash award of 50-million yen; and

- (4) congratulates William Kentridge on winning this prestigious award and for flying the South African flag high.

Agreed to.

6. The Chief Whip of the Opposition moved without notice: That the House -

- (1) notes that today marks the 150th anniversary of the arrival of the first people of Indian origin to South African shores to work as indentured labourers in the sugar plantations of Natal;
- (2) further notes the celebrations and festivities planned to commemorate this event;
- (3) acknowledges the influence of Indian traditions and customs that not only significantly contributed towards our shared cultural identity but also shaped the vibrant South African socio-political landscape;
- (4) recognises the sacrifices made by generations of Indians to preserve their heritage and ethnic identities; and
- (5) wishes all South-African Indians a memorable celebration of this event.

Agreed to.

7. The Chief Whip of the Majority Party move without notice: That the House -

- (1) notes that in 1996 the General Assembly of the United Nations invited member states to observe the International Day for Tolerance on 16 November, with activities directed towards both educational establishments and the wider public;
- (2) further notes that this action came in the wake of the United Nations Year for Tolerance, 1995, proclaimed by the General Assembly in 1993 and that the year had been declared on the initiative of the General Conference of UNESCO on 16 November 1995;
- (3) acknowledges that tolerance is one of the foundations of democracy and human rights;
- (4) supports international efforts to promote tolerance through educational programmes, especially in conflict ridden countries;
- (5) calls on all South Africans to practice tolerance and to live together in peace with one another.

Agreed to.

8. Mr M J Ellis moved without notice: That the House -

- (1) notes the signing of a multilateral memorandum of agreement between six African universities on African University Day, 12 November 2010;
- (2) further notes that this agreement hopes to ensure the development of the next generation of African academics and professionals and the reinvigoration of African scholarship;
- (3) acknowledges the importance of this partnership for the next generation of African academics to stemming the brain drain in Africa and in creating new opportunities for collaborative research and exchange among institutions;
- (4) recognises the importance of higher education in the fight against poverty and the need for continental collaboration; and
- (5) congratulates the University of Stellenbosch for the success of its Hope Project, and its contribution to this continental agreement.

Agreed to.

9. The Chief Whip of the Majority Party moved without notice: That the House-

- (1) notes with enthusiasm the launch of the 17th World Festival of Youth and Students (WFYS) on Thursday morning, 11 November 2010, in Johannesburg, by the Minister in the Presidency, Mr O C Chabane;
- (2) further notes that the festival, organised by the National Youth Development Agency (NYDA), will be hosted in South Africa for the first time from 13 to 21 December 2010, at Nasrec, and is expected to attract about 30 000 local and international delegates including heads of state;
- (3) recognises that the festival is a platform that will bring together young people from across the globe, to work together to build a world of peace, solidarity and social transformation, free of human rights abuses;
- (4) recalls that South Africa will be joining countries like Cuba, Venezuela and Korea who had successfully hosted the WFYS in the past; and
- (5) welcomes this initiative and believes that once again this is the indication of the confidence the international community has in South Africa as well as in our ability to host big events successfully as shown by our hosting of the FIFA Soccer World Cup.

Agreed to.

10. Mrs J D Kilian moved without notice: That the House -

- (1) notes with great pride the appointment of Tanzania's first female parliamentary speaker, Anne Makinda, on Friday, 12 November 2010;
- (2) further notes that this is the first time in the history of Tanzanian politics, since Chama Cha Mapinduzi (CCM) came to power in 1961, that a woman has taken up such a position;
- (3) recognises that it is in a year that has also seen the first albino woman, Benedict Mahaka, elected to parliament early this month in spite of the prevailing discrimination against albinos;
- (4) acknowledges the significant strides that women on the continent are making especially in those positions of power that were previously male-dominated on account of traditional practices in conservative Africa; and
- (5) congratulates Speaker Makinda warmly and encourages her to allow opposition parties to play their role effectively, to give support for meaningful debates on a new constitution and to ensure that the executive is fully accountable in line with modern democratic practices.

Agreed to.

11. [14:20] The Chief Whip of the Majority Party moved: That the House –

- (1) in terms of section 2(1) of the Remuneration of Public Office Bearers Act, 1998 (Act No 20 of 1998), and having due regard to the criteria listed in that subsection, determines the salary payable to the President of the Republic of South Africa at two million three hundred and sixty seven thousand four hundred and sixty six rand (R2,367,466) per annum with effect from 1 April 2010; and
- (2) in terms of section 2(1) of the said Act, determines the amount of hundred and twenty thousand rand (R120 000) per annum as that portion of the remuneration of the President to which section 8 (1)(d) of the Income Tax Act, 1962, shall apply.

Agreed to.

12. [14:20] The Chief Whip of the Majority Party moved: That the House extends the deadline by which the Ad Hoc Committee on Protection of Information Legislation has to report to 28 January 2011.

Agreed to.

13. [14:20] The Chief Whip of the Majority Party moved: That the House extends the deadline by which the Ad Hoc Committee on the Commission for Gender Equality (CGE) Forensic Investigation has to report to 28 January 2011.

Agreed to.

14. [14:21] The Chief Whip of the Majority Party moved: That the House, subject to the concurrence of the National Council of Provinces, extends the deadline by which the Joint Ad Hoc Committee on the Code of Judicial Conduct and Regulations on Judge's Disclosure of Registrable Interests has to report to 28 January 2011.

Agreed to.

15. [14:21] Members' statements.

16. [14:56] The Minister of Women, Children and People with Disabilities made a statement on 16 days of activism for no violence against women and children.

Debate concluded.

17. [15:40] The Minister of Defence and Military Veterans, with leave, made a statement on the final report of the Interim National Defence Force Service Commission.

Debate concluded.

18. FIRST ORDER [16:16]

Second Reading debate - **Regulation of Interception of Communications and Provision of Communication-related Information Amendment Bill** [B 38 – 2010] (National Assembly – sec 75).

There was no debate.

Bill read a second time.

19. SECOND ORDER [16:17]

Consideration of Request for Approval of **Accession to the African Charter on Democracy, Elections and Governance** in terms of sec 231(2) of Constitution (Report of Portfolio Committee on International Relations and Cooperation, see Announcements, Tablings and Committee Reports, 10 November 2010, p 3789).

Mr H T Magama, a member of the Committee, introduced the Report.

There was no debate.

Declaration of vote made on behalf of the Democratic Alliance.

Accession to the African Charter on Democracy, Elections and Governance approved.

20. THIRD TO FOURTEENTH ORDER [16:22]

Consideration of Budgetary Review and Recommendation Report of the Portfolio Committee on Mining on **Performance of the Department of Mineral Resources for 2009/10 financial year** (Announcements, Tablings and Committee Reports, 25 October 2010, p 3100).

Consideration of Budgetary Review and Recommendation Report of Portfolio Committee on Women, Children, Youth and People with Disabilities on **Performance of the Department of Women, Children and People with Disabilities for 2009/10 financial year** (Announcements, Tablings and Committee Reports, 25 October 2010, p 3118).

Consideration of Budgetary Review and Recommendation Report of the Portfolio Committee on Public Enterprises on **Performance of Department of Public Enterprises for 2009/10 financial year** (Announcements, Tablings and Committee Reports, 25 October 2010, p 3130).

Consideration of Budgetary Review and Recommendation Report of Portfolio Committee on Agriculture, Forestry and Fisheries on **Performance of Department of Agriculture, Forestry and Fisheries for 2009/10 financial year** (Announcements, Tablings and Committee Reports, 1 November 2010, p 3524).

Consideration of Budgetary Review and Recommendation Report of Standing Committee on Finance on **Performance of National Treasury for 2009/10 financial year** (Announcements, Tablings and Committee Reports, 1 November 2010, p 3548).

Consideration of Budgetary Review and Recommendation Report of Portfolio Committee on Co-operative Governance and Traditional Affairs on **Performance of the Department of Co-operative Governance and Traditional Affairs for 2009/10 financial year** (Announcements, Tablings and Committee Reports, 2 November 2010, p 3585).

Consideration of Budgetary Review and Recommendation Report of Portfolio Committee on Tourism on **Performance of the Department of Environmental Affairs and Tourism for 2009/10 financial year** (Announcements, Tablings and Committee Reports, 3 November 2010, p 3623).

Consideration of Budgetary Review and Recommendation Report of Standing Committee on Finance on **Statistics South Africa** (Announcements, Tablings and Committee Reports, 9 November 2010, p 3722).

Consideration of Budgetary Review and Recommendation Report of Portfolio Committee on Sport and Recreation on **Performance of Department of Sport and Recreation for 2009/10 financial year** (Announcements, Tablings and Committee Reports, 11 November 2010, p 3855).

Consideration of Budgetary Review and Recommendation Report of the Portfolio Committee on Home Affairs on **Performance of Department of Home Affairs (DHA) for 2009/10 financial year** (Announcements, Tablings and Committee Reports, 26 October 2010, p 3199).

Consideration of Budgetary Review and Recommendation Report of Portfolio Committee on Police on **Performance of Department of Police for 2009/10 financial year** (Announcements, Tablings and Committee Reports, 26 October 2010, p 3239).

Consideration of Budgetary Review and Recommendation Report of Portfolio Committee on Labour on **Performance of Department of Labour for 2009/10 financial year** (Announcements, Tablings and Committee Reports, 26 October 2010, p 3280).

There was no debate.

The Chief Whip of the Majority Party moved: That the Reports be adopted.

Motion agreed to.

Budgetary Review and Recommendation Report on **Performance of the Department of Mineral Resources for 2009/10 financial year** accordingly adopted.

Budgetary Review and Recommendation Report on **Performance of the Department of Women, Children and People with Disabilities for 2009/10 financial year** accordingly adopted.

Budgetary Review and Recommendation Report on **Performance of Department of Public Enterprises for 2009/10 financial year** accordingly adopted.

Budgetary Review and Recommendation Report on **Performance of Department of Agriculture, Forestry and Fisheries for 2009/10 Financial Year** accordingly adopted.

Budgetary Review and Recommendation Report on **Performance of National Treasury for 2009/10 Financial Year** accordingly adopted.

Budgetary Review and Recommendation Report on **Performance of the Department of Co-operative Governance and Traditional Affairs for 2009/10 financial year** accordingly adopted.

Budgetary Review and Recommendation Report on **Performance of the Department of Environmental Affairs and Tourism for 2009/10 financial year** accordingly adopted.

Budgetary Review and Recommendation Report on **Statistics South Africa** accordingly approved.

Budgetary Review and Recommendation Report on **Performance of Department of Sport and Recreation for 2009/10 financial year** accordingly adopted.

Budgetary Review and Recommendation Report on **Performance of Department of Home Affairs (DHA) for 2009/10 financial year** accordingly adopted.

Budgetary Review and Recommendation Report on **Performance of Department of Police for 2009/10 financial year** accordingly adopted.

Budgetary Review and Recommendation Report on **Performance of Department of Labour for 2009/10 financial year** accordingly adopted.

21. FIFTEENTH TO TWENTY-THIRD ORDER [16:23]

Consideration of Fourth Report of Committee on Public Accounts on **Report of Auditor-General on 2008/09 financial statements of Department of Labour** (Announcements, Tablings and Committee Reports, 2 September 2010, p 2604).

Consideration of Fifth Report of Committee on Public Accounts on **Report of Auditor-General on 2008/09 financial statements of Compensation Fund** (Announcements, Tablings and Committee Reports, 17 September 2010, p 2825).

Consideration of Sixth Report of Committee on Public Accounts on **Report of Auditor-General on 2008/09 financial statements of Council for Built Environment** (Announcements, Tablings and Committee Reports, 2 September 2010, p 2607).

Consideration of Seventh Report of Committee on Public Accounts on **Report of Auditor-General on 2008/09 financial statements of Boxing South Africa** (Announcements, Tablings and Committee Reports, 2 September 2010, p 2609).

Consideration of Eighth Report of Committee on Public Accounts on **Report of Auditor-General on 2008/09 financial statements of Department of Correctional Services** (Announcements, Tablings and Committee Reports, 2 September 2010, p 2611).

Consideration of Ninth Report of Committee on Public Accounts on **Report of Auditor-General on 2008/09 financial Statements of The Presidency** (Announcements, Tablings and Committee Reports, 22 September 2010, p 2868).

Consideration of Tenth Report of Committee on Public Accounts on **Report of Auditor-General on 2008/09 financial statements of Department of Public Works and its Property Management Trading Entity** (Announcements, Tablings and Committee Reports, 17 September 2010, p 2830).

Consideration of Eleventh Report of Committee on Public Accounts on **Report of Auditor-General on 2008/09 financial statements of Government Printing Works** (Announcements, Tablings and Committee Reports, 17 September 2010, p 2833).

Consideration of Twelfth Report of Committee on Public Accounts on **Report of Auditor-General on 2008/09 financial statements of Companies Intellectual Property Office in South Africa**(Announcements, Tablings and Committee Reports, 17 September 2010, p 2835).

There was no debate.

The Chief Whip of the Majority Party moved: That the Reports be adopted.

Motion agreed to.

Fourth Report on **Report of Auditor-General on 2008/09 financial statements of Department of Labour** accordingly adopted.

Fifth Report on **Report of Auditor-General on 2008/09 Financial Statements of Compensation Fund** accordingly adopted.

Sixth Report on **Report of Auditor-General on 2008/09 financial statements of Council for Built Environment** accordingly adopted.

Seventh Report on **Report of Auditor-General on 2008/09 financial statements of Boxing South Africa** accordingly adopted.

Eighth Report on **Report of Auditor-General on 2008/09 financial statements of Department of Correctional Services** accordingly adopted.

Ninth Report on **Report of Auditor-General on 2008/09 financial Statements of The Presidency** accordingly adopted.

Tenth Report on **Report of Auditor-General on 2008/09 financial statements of Department of Public Works and its Property Management Trading Entity** accordingly adopted.

Eleventh Report on **Report of Auditor-General on 2008/09 financial statements of Government Printing Works** accordingly adopted.

Twelfth Report on **Report of Auditor-General on 2008/09 financial statements of Companies Intellectual Property Office in South Africa** accordingly adopted.

22. [16:25] On the motion of the Chief Whip of the Majority Party, the House discussed the following subject: **Celebration of 150th anniversary of the arrival of the indentured labourers of Indian origin in South Africa.**

Debate concluded.

23. The House adjourned at 17:48.

Z A DINGANI
Secretary to Parliament