

TUESDAY, 9 NOVEMBER 2010

***PROCEEDINGS OF THE
LEGISLATURE OF THE PROVINCE OF THE
EASTERN CAPE***

The House met at 14:15.

Mr Speaker took the Chair and requested members to observe a moment of silence for prayers or meditation.

**CONSIDERATION OF FINAL MANDATE ON DIVISION
OF REVENUE AMENDMENT BILL**

The CHAIRPERSON OF PORTFOLIO COMMITTEE: Hon Chairperson thank you very much. My report on the Division of Revenue Amendment Bill is very brief. We seat as a Committee to consider the Bill initially to give a mandate, a negotiating mandate which was done last week. And this afternoon we seat to consider the final mandate which is not different from the negotiating mandate. And as a Committee we are recommending that the Amendment Bill be passed without any amendments regarding the contents. So we asked the House to support the Bill.

Thank you hon Speaker. [Applause.]

Mr SPEAKER: Siza kucela ke iNdlu ibuze imibuzo kumalungu eKomiti, alapha phakathi kwenu. [Interjections.] Kubonakala ke ngathi akukho mibuzo mhlawumbi there was a caucus. Sizakube ke sele sicela uhon Dunywa we-Cope.

Ms T P DUNYWA: Hon Speaker, the Premier, the MECs, my colleagues. Mine for Cope is to support the Bill, but with caution.

We know that they say that the Bill was too technical to be taken to the public. We hope that this does not happen again. Indeed we also need the views of the public also in consideration of this.

I thank you very much. [Applause.]

Mr R S STEVENSON: Hon Speaker, hon Premier, MECs. The Democratic Alliance also supports this Bill but there are few points that we would like to make. If one looks at the allocations to national departments there is an increase of R7 billion to Provinces in general R4 billion and to Local Government an increase of R0,3 billion generally across the country. In the Eastern Cape the provincial equitable share increases this year by R655 million which we welcome.

As far as the equitable share to municipalities is concerned there is an increase of R2.94 million which largely goes to four municipalities. If one looks at the schedules here you will see that our equitable shares in the Provinces increases roughly by R2 billion each year over the next two financial years which is in the region of 5% ; whereas the increase in equitable share to municipalities in the schedules increases over the next 2 years by 10%. So it shows where the drift of funds is moving to.

What is welcome though is the healthy projected increase in the infrastructure grant which moves over the next two financial years from R2 billion to R2.5 billion in our Province. The school nutritional grant, there is a massive jump on that going up from R702 million to R845 million and this is also welcome together with the big jump in projected budget for the Human Settlements budget which goes up to R2.5 billion in 2012 financial year.

There are a couple of points that concern us. The one is under schedule 5, conditional grant of Agriculture Disaster Management which is to provide relief to farmers from the affect of draught. There is nothing budgeted in those schedules for this year or the next two financial years. We are experiencing one of the most horrific droughts in the Eastern Cape and it is unacceptable that there is nothing budgeted for that. On that score as well there does not appear to be anything budgeted for the drought relief request from the Nelson Mandela Metropole of R1.6 billion. I know that the Premier is now looking into that matter and I trust that money will be found from the National Contingency Reserve. Because one of the biggest cities in our Province now has probably 10 months of water supply left if nothing is done. So it is extremely urgent that this issue is addressed of the R1.6 billion that the Nelson Mandela Metropole needs to implement drought relief measures.

While we welcome the increase in some of the grants, we asked ourselves the question: Are we getting value for money? This means that the resources we get need to be spent efficiently and effectively. And we need to ensure that every cent that this Province gets ends up going to service delivery. And one of the major problems we have with the utilization of public funds in this Province is the whole problem surrounding cadre deployment where people are put in positions for political reasons and not so much for their ability to do the job. And this results in inefficiency and the wastage of public resources.

We also need to ensure that our whole tender process is very, very closely monitored. If one looks at the goods and services budget and the capital budget for this Province of about R13 billion - if 10% of that is lost to overpricing and inefficiencies, you are losing R1.3 billion. If 20% is lost to inefficiencies and overpricing and corruption 20%, you are losing R2.6 billion, which is more than the entire budget for our housing in this Province this year. So how we spend money, who spends that money is very, very important if we are serious about service delivery that we have the right people administering these funds. Otherwise we are stealing resources from the poor. Maladministration eats up resources that should be going to improve service delivery for the poor people of this Province.

Hon Speaker with these few points in mind the Democratic Alliance supports this Legislation. I thank you. [Applause.]

Mr M M MHLATI: Hon Speaker, hon Premier, members of the Executive and hon members. The UDM supports the passing of this Bill which will necessitate additional funding to be allocated to provincial governments and also to municipalities. The plea of the UDM is that although we want additional funding we must also take steps to put our controls in place. Because the issue affecting us in the Eastern Cape is financial management. We may get additional funding, but if *ingxowa yethu iyavuzisa asizokuyibona into eyenziwa yila mali*. So *ke kungcono sizame ukuqoshelisa sivale yonke imithunja evuzisa imali esiyifumanayo*. *Eli gama lithi value for money malinga-ekzisti nje phaya kwi-Legislation masiyibone isenzeka ukuba nyani-nyani imali esiyichithileyo siyakwazi ukuyikhomba sithi nantsi into esiyenze ngale mali*. Enkosi. [Applause.]

Mr X A PAKATI: Hon Speaker, hon Premier, members of the Executive Committee. The African National Congress supports the Bill without any conditions. However, we want to be cautious on matters related to financial management particularly the transfers to municipalities. It is a matter that we must take care of. But also hon Stevenson there is no reason for you to call for draft relief funds for Nelson Mandela because it is raining outside. [Laughter.]

Thank you very much. The ANC support the Bill. [Applause.]

The MEC RESPONSIBLE FOR FINANCE, ECONOMIC DEVELOPMENT AND ENVIRONMENTAL AFFAIRS: Hon Speaker, the Chair and members of the Portfolio Committee, members of the Executive Council and members of the House. It is very clear I think from the spirit of the discussions both in the Portfolio Committee and the comments that have been made here that there is general consensus that the Bill does in a broad and fairly in-depth way reflect the priorities of the ruling party.

The second point that I think is very clear probably that we would want to highlight is that most of the figures demonstrated in the Bill do not necessarily point to a major jump in the allocations to Provinces or local authorities or departments they do show that public services are likely to be more robust than it is as we speak. So it does show that the important challenge that we will all be going to face is how we manage these resources moving forward.

I would support the idea that most of the initiatives that the provincial government is taking at the moment need to be strengthened in order to ensure that we protect expenditure in key delivery areas like infrastructure, education, health and all the priorities that have been identified. A failure to manage resources and ensure that we protect expenditure in those areas we spell doom to the development in the country and growth generally within our economy.

The Bill is in line with our strategic thinking as Government and it does reflect, by and large, what the people voted for. I thank you. [Applause.]

Report adopted.

CONSIDERATION OF FINAL MANDATE ON HIGHER EDUCATION AND TRAINING LAWS AMENDMENT BILL

Mr M MRARA: Thanks hon Speaker, the Executive Council, hon members, the staff of this Legislature, we are extending on behalf of the Committee our greetings this afternoon. Both the Bill and the report is at your own disposal mine is to highlight key elements and processes that we have followed thus far.

Terms of reference

The Education and Training Law Amendment Bill (B26B-2010) was referred to the Portfolio Committee on Education by the office of the Speaker for consideration. The terms of reference for the Committee were to consider the Bill and prepared negotiating and Final Mandate on the Bill and report to the House.

The method of work is set out in paragraph 2. Mine is to highlight that after the receipt of the Bill we took a decision as a Portfolio Committee to conduct Hearings across the length and breadth of this particular Province. I will just highlight venues as they are contained.

We held hearings in:

- Lusikisiki Town Hall;
- Msobomvu Hall - Butterworth;
- Metro District- Uitenhage;
- Metro-Port Elizabeth;
- Ikhala FET College - Aliwal North;
- Mdantsane Sun – East London;
- Grahamstown;
- Queenstown Indoor Sports Centre;
- Mthatha Town Hall;

We believe and we are convinced as a Portfolio Committee that a wide range of communities were touched during consultation process. And we believe that on average our people participated in the whole process that we were conducting. And therefore mine is to go directly to page 440, number 12.

The Committee considered the inputs from the Public Hearings and formulated a negotiating mandate on the Bill. A copy of the negotiating mandate for the Province is attached hereto for perusal by members of the House.

Attendance of meetings to consider the Final Mandate

The Chairperson of the Committee attended the meeting of the Select Committee on Education and Training in the NCOP, at which the negotiating

mandate of all the Provinces were considered and reported back to the Committee on the outcomes of the meeting. The Committee is satisfied that all the issues that have been raised have been adequately addressed.

Findings

The Committee finds that the Higher Education and Training Laws Amendment Bill as stated is necessary in order to align laws with the changes that have been brought about by the split of the former Department of Education into the Department of Higher Education and the Department of Basic Education.

Recommendations

The Committee recommends that the Legislature supports this Bill and confers a final mandate on the NCOP delegate to vote in support of the Bill. A copy of the recommendation final mandate is attached to this report.

It is important that members acquaint themselves with the contents of this Bill beyond this summary as reported in this particular House. Because I believe that is the beginning of a new era in Education system in the country. I therefore put this Bill or present this Bill to the House. I thank you. [Applause.]

Mr SPEAKER: Thank you. I will now allow hon members to ask questions for clarity from hon members of the Committee. [Interjections.] No questions. WE will now have inputs from political parties.

Ms A S WOODHALL: Good afternoon hon Speaker, Madam Premier, MECs, hon members and visitors. Primarily this Bill seeks to legalize the creation of a separate Higher Education and Training Ministry in a separate general education Ministry. There has been an amalgamation in cleaning up of the myriad of existing Legislatures. We do however wish to comment the policies around Further Education and Training Colleges and Adult Education Centres are still being formulated. And we do warn against putting the curl before the horse in creating a legal basis without fully developing how the changes will impact in practice.

The Bill does give the power to the Minister to formulate policies. Cope does have reservations the Further Education and Training Colleges will really benefit the students. From the view point of lecturers and other members of the staff they will be benefiting in the conditions of service same as if they will be rationalized. It is important to note however that educators in FET Colleges and ABET Centres will be employed by the Provincial Department even though the institutions will now also come under the National Department referred to Chapters 3(a) and 4 (a) of the Bill. The concept of FET Colleges offering vacation approach to Further Education is globally aligned and the concept of Adult Education and Training is a good one.

The rates of illiteracy amongst adults remain a stumbling block to progress not only for the individual but also for society as a whole. And a high levels of illiteracy among young learners is also of concern. Fast facts gives figures from 2008 the national illiteracy rate of those aged 15 and above is 88.9% which is good. The figure for the Eastern Cape is 86.5%. But what do we mean by illiteracy. We do need to focus as well in the remaining percentage. However, the national proportion of Grade 10's in 2007 with 2009 matric passes is only 30.8% and in the Eastern Cape 23.1%. So it remains valid to be concerned that FET Colleges and ABET Centres have educators who are motivated and skilled. The Congress of the People agrees that the employers of FET educators be clarified.

The new Legislation is an opportunity to improve the status on working conditions. But there is also a need to bear an opportunity to improve the status and courses of FET Colleges and ABET Centres. There is policies and curriculum need to be delivered and to the highest standard. There is also been concern express from the public that the Department is delegating the responsibility of quality assurance to Malusi. It is important aspect that we will need to be managed and Malusi only been an agent not a substitute for the Department. To date FET Colleges have been meddled with problems and this will not change overnight students are concerned nothing will improve in the courses they want would still not be offered.

If an FET College situated in a rural area the students want courses that would be suitable for a career in agriculture and rural development or for economic life in a rural town. There is great concern among us to constituencies the necessary changes in Higher and Further Education will not be delivered and this Legislation will not change the picture at ground level.

The lack of skills among the working population is of great concern, with industry demanding particular general skills. Some members of the various grades wants to go back to the apprentice system and they say from a business point of view they gain nothing by seeing a young person, learn a trade with their accompanying skills through them but then go elsewhere when they are trained. At least the apprentice system in conjunction with Further Education Centres will ensure that skills will be learned and applied for a certain amount of time. This applies to small and medium size businesses. And in the Province like the Eastern Cape small and medium size businesses they are dynamic stimulus to the economy ...

Mr SPEAKER: Two minutes hon member.

Ms A S WOODHALL: Thank you. So we cannot afford to ignore the concerns of these constituencies. Many of the suggestions they have made need to be taken into account and as reported by the Committee we in the Congress of the People support the recommendations of the Committee. And COPE and others say the Colleges of Education should be reopened. We trusted that this will be supported and other specialized Colleges such as in agriculture will also be developed and covered.

The Congress of the People calls for equity and access for all to a basic education as enshrined in the Constitution of South Africa. We also call for quality education to develop the well educated and skilled population. They will take us forward in innovation and progress.

Watch this space! [Interjections.] [Applause.]

Mr P E VAN VUUREN: Hon Speaker, hon Premier, members of the Executive, members of the House, departmental officials and dignitaries present. It is indeed a privilege to represent the Democratic Alliance's view point on the Higher Education and Training Laws Amendment Bill (B26B-2010). The President issued a proclamation in 2009 whereby the former Department of Education was split into the Department of Higher Education and Training and Basic Education. These proclamations resulted in these two separate departments falling under their own Ministries. The Higher Education and Training Law Amendment Bill seeks to align the Adult Basic Education and Training Act 52 of 2000 and ABET Act and Further Education and Training Colleges Act 2006 with a new dispensation.

The broader objective of this Higher Education and Training Laws Amendment Bill is to ensure that all provisions of the Adult Basic Education and Training Act and those of Further Education and Training Colleges Act which are scattered in other statutes are all transferred into one piece of Legislation for easy reference and to be more user friendly.

The purpose of this Bill is therefore not to affect any substantial changes in the current Legislation but to reflect the changes brought about by the Presidential Proclamation. This Bill does not seek to affect changes regarding the content of the provisions of the Adult Basic Education and Training Act and the Further Education and Training Colleges Act.

In essence all provisions of the Adult Basic Education and Training Act and the Further Education and Training Colleges Act will be removed from the legislation of the Basic Education Act and condensed within the Higher Education and Training Laws Amendment Bill, which will fall under the authority of the Minister of the Higher Education and Training.

The Democratic Alliance supports the Higher Education and Training Laws Amendment Bill in that the division or transfer of the affected provisions of the said Acts can only lead to better Government and administration of the two distinct Departments.

We support the Bill. I thank you. [Applause.]

Mr J BICI: Somlomo obekekileyo, Nkulumbuso ebekekileyo, abaPhathiswa ababekekileyo, amalungu ePalamente, iindwendwe zethu esizihloniphileyo. Umbutho i-UDM uyayixhasa lenkqubo. Uhlenga-hlengiso nolungiso nogocwa-goco, nojika-jiko lemfundo ...[Interjections.] ...hayi andizokuthetha ngoku ngani. Ugoca-goco lwenu lolwenu ayilo lam. [Interjections.] Oku kuhlenga-hlengiswa siyakuxhasa singumbutho i-UDM. [Interjections.] Hayi

okukwe-Adult Based Education nokwe-Further Education and Training not okuya, okuya baza kuzilungiselela ngokwabo. [Laughter.] [Interjections.]

Ndiza kuthetha ke Somlomo kuba unnumzana obekekileyo uGalo uthe ndize ndithathe nemizuzu yakhe emibini. [Interjections.] Ngoku ke ndiza kongeza nayo ke ningaliphelisi ixesha ndinemizuzu emithandathu ke ngoku. [Interjections.]

Siya zixhasa ezi nkqubo zonke kodwa ke likhona ithemba lokuba ezinguqu-
nguqulo zilapha zizakwenza into yokuba ibekhona inkqubela esiyibonayo
kwa-Education kuba noko u-Education unazo ingxakana zakhe. Kodwa sinalo
ithemba lokuba ngezi nguqulo izakubakhona into ezakutshintsha kubonakale
siqhuba sibheka phambili. Njengokuba benditshilo ke i-UDM iyayixhasa le
nkqubo. Enkosi. [Applause.]

Ms K C FIHLANI: Hon Speaker, hon Premier, iinkokheli zethu kulaNdlu inkulu nezi zalapha kuleNdlu yowiso-mthetho. INdlu enkulu ke kulapho kuphathwa i-power khona. Ndinibulisile ke bethuna nabantu abakhona phaya phezulu aba bazokumane besitsala bathi hayi noko ayikabiyiyo le besiyitsho. Naluya uluntu lwethu phaya phezulu, abanomdla ukumane bebona xa kuqhutywa iPalamente.

I-ANC iyayixhasa leBhili, masitsho nje zisuka. Kuba ke isazama nje uku-
alayina, isa-alayina akutshintshwanga zinto namithetho, nantoni we are still
dealing with alignment of the Laws so that they must relate to both Higher
Education zishiyeke ke mhlawumbi ezinye zakwa-Basic Education. When
you taking your FET, i-Further Education and Training literally FET not the
FET band, we are not talking about the band now le iyi-high school ke mama
uMvenya. Sithetha nge-FET not FET band. Ize kukwazi ukuya kwa-Higher
Education. Sithethe ngo-ABET. U-ABET where in the Bill is being proposed
as AET, as Adult Education and Training. And then we leaving out the basic
part size kukwazi ukudilishana ne-skills.

There is a lot ke we can talk about especially on the FET part. Historically
kuthi thina you will remember when you talking about izinto ezine-vocational
besikade ke kuzezi zinto sizijongele phantsi kakhulu but i-organization has
seen that i-skills and your artisans zokhiwa phaya especially on the FET side.
And when you talking of izinto ezino-engineering zonke ezi zinto
zinobucikobhede mama uThabaneng uzakuzifumana phaya.
Singazokufowukhasa kakhulu ngoku ebutishaleni ngoba xa unokutshekisha i-
profile ye-members apha hon Speaker ndiqinisekile uzakufumana inqwaba
yetishala, ufumane amanesi omama uVayola phaya, unompilo omkhulu
maninzi amanesi apha neetishala zininzi. Yilonto ke, yi-legacy because kuthi
thina besisazi xa sikhulayo ukuba uyakufundela ukuba yitishala, ufundela
ukuba yinesi. Ngoku ke ubonile ukungena kwakhe uKhongolose okokuba
abantu bakuthi mabakwazi ukuxhamla kwindawo zonke bangavaleleki,
kwindawo zobugcisa.

Uzakukhumbula hon Speaker ukhona umthetho opasiswe apha ngo-2000 lo
olawula i-FET apho uphele uphethwe zi-College Councils. Of which
zibonakele ukuba impatho yetishala, i-educators ezikula area azikwazanga

ukujongekeka kakuhle ingakumbi kwezi zinto zine-remuneration. So yilonto sithi ke noko, even nabantu abadilishana no-Adult Education and Training as proposed in the Bill baze kukwazi ukujongana ncasasana nayo. Kungazokuba nela xeshana umntu amane esiya kujonga i-hour okanye i-3 hours. Yilonto kanye ke siyixhasa.

Siphinda nakanjalo siyixhasa into yokokuba uMinister afumane lamagunya obungangamsha wokokuba athi apho abona khona kuyimfuneko enze ezi-transitional measures zize kukwazi ukukhawulelana nezinto ezifunekayo kuba ezinye zizakuphinda zilungelwe yeminye imithetho esizakuphinda siyipasise kuleNdlu ezakulungelelana nezinye izinto ukulungiselela kwezemfundo.

Siyayixhasa iBhili. Ndiyabulela. [Applause.]

The MEC RESPONSIBLE FOR EDUCATION: Hon Speaker, hon Premier, members of the Executive Council, hon members, ladies and gentlemen. Ndivile apha ukuba uMr Masualle kuthiwa ngunompilo omkhulu, bendibuza ukuba lento ayinasikhomokazi na nasikhoma. [Laughter.] Kuba bekufanele ukuba kuthiwa ngumpilo omkhulu.

The reconfiguration of the Department of Education into Basic Education and Higher Education has necessitated the review of this legislative framework. Hence the two Bills, leBhili ye-ABET naleBhili inokwenza ne-FET Colleges. The current Bills were not empowering the Minister, they were empowering the MECs over the two functions. That is the ABET and also the FET Colleges sector. So hence the need to review the two Bills so that it empowers the Minister of Education over the two functions.

Currently we have an arrangement with the Department of Higher Education that the MECs have signed a MOU with the Minister of Higher Education over the FET Colleges and also on the issues of Adult Basic Education and heads of Departments have signed also the protocol that is Provincial Heads of Departments and also the Head of Department of Higher Education. They have signed the protocol to ensure the proper oversight of Adult Basic Education in the meantime and also the FET College sector up to the 31 March 2012.

These two Bills are also going to assist in terms of the fulfillment of outcome number 5. You will recall that the outcomes approach which has got 12 outcomes. One of those outcomes is outcome number 5 and that is the responsibility of the Department of Higher Education which is ensuring a skilled and capable workforce to support the inclusive growth path, and that is outcome number 5. It has got a number of outcomes phaya kuyo and those outcomes are related to the Adult Basic Education and other outcomes are related to the Further Education and Training.

Just to mention a few of those outcomes. The outputs under outcome number 5, output number 1 is talking about the need to establish a credible institutional framework and mechanism for skills planning. To ensure that i-database and information around the demand and supply of skills in the country uyakwazi

ukuyifumana ndaweni nye. Currently it is in different areas. U-Department of Higher Education does not have a consolidated information on the required skills and also the demand yazo ezo skills ezo. So that is the responsibility yokuqala of the Department of Higher Education in terms of those outputs.

The second one is to increase the access to programmes leading to intermediate and high level learning. Which is meant to provide young people and adults with foundational learning qualifications. And that is the reason why Department of Higher Education is now removing lento ka-“basic” to jack-up lento ye-adult education not to limit it to just basic education. But it must be linked as well to the skills development. And therefore is going to augment the kind of work that is being done in the FET Colleges and there will be linked between Adult Education and Training to the FET Colleges. It is also meant to create the second chance bridging programmes for those young people who have not been able to go beyond Grade 9, who do not have Grade 12 certificates.

The research that have been done by Department of Higher Education is that 2.8 million of young people in South Africa from 18 years to 24 years are not in education, are not in training, are not in employment, 2.8 million. And 71% of that 2.8 million has not gone beyond Grade 9. So this output is meant for higher education to respond to those kind of challenges. So the artisan training is one of areas also that has been listed in those outputs. The target of 10 000 per annum by 2014 is also one of the targets of the Department of Higher Education. So the two Bills are going to assist the Department of Higher Education in terms of reaching, entertaining those outputs as set out in outcome number 5.

In conclusion hon Speaker, the Department of Higher Education is working with Higher Education South Africa and Institutions of Higher Learning to address some of the issues raised in the report. Like for instance the articulation to Higher Education that allowing learners who have gone through the FET College sector to go to Institutions of Higher Learning after qualifying in the FET Colleges. Currently there is no policy in terms of the articulation. So they are currently working on that so that we allow FET graduates to move up to the Institutions of Higher Learning.

Secondly, they are also working on the training of college lecturers and that is piloted in the Eastern Cape through the programme called Vocational Education Orientation Programme which is piloted in the three Universities, University of Fort Hare, NMU and Walter Sisulu.

Lastly, there is also an audit that is being conducted through HSRC by Department of Higher Education in all the 50 colleges in the country. To look at the skills that are there, to look at the capacity problems, management financial and supply chain management problems, issues of infrastructure and hostels and all that. And that is meant to give guidance to planning of the Department of Higher Education to address the problems and challenges of the FET Colleges sector.

So the two Bills will assist the Minister and also assist the CEM, the Council of Education Ministers to give guidance in the two areas.

Hon Speaker I also support the mandate for the two Bills. I thank you.
[Applause.]

Report adopted.

The House adjourned at 15:20.