
PROCEEDINGS OF THE SENATE

The House met at 14:32.

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

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS—see col 204.

INTERPELLATIONS, QUESTIONS AND REPLIES—see that heading.

PRECEDENCE GIVEN TO MATTER OF PUBLIC IMPORTANCE

(Draft Resolution)

Senator B T NGCUKA: Mr President, I move that precedence be given to the third item on the Order Paper, the Matter of Public Importance.

The PRESIDENT OF THE SENATE: Order! The Chief Whip of the Majority Party moves that precedence be given to a matter of public importance, to receive preference to the Orders of the Day. I put the proposal.

Senator J A JOOSTE: Mr President, I was not informed of this, but if the senators from my party will participate in that debate, we can proceed.

Senator B T NGCUKA: Mr President, may I indicate what happened? I was informed that when the President of the Senate granted permission for this matter to be debated, he had given an undertaking that the matter would be dealt with immediately after the questions. It is on that basis that we made the arrangements this afternoon. The Minister of Finance was here, and he was told that we would deal with that matter first. It was on the understanding that the President had said that this was the matter that would receive priority that I moved the draft resolution.

The PRESIDENT OF THE SENATE: Order! That is correct. The Chief Whip is correct in his interpretation of the verbal communication which took place prior to granting permission for this debate. Are the opposition parties in a position to proceed?

Senator J A JOOSTE: Mr President we are in a position to proceed, but there are some Ministers who are present who have followed the Order

Paper. They did not realise that the sequence of orders of the day had been changed. This disrupts the sequence of events.

Senator A VAN BREDA: Mr President, we are not trying to be difficult. We want to assist the hon the Chief Whip. However, the situation is that this Adjustments Estimate is very important to us. It seems to me that Ministers are now slowly vanishing. The problem is that when we want to put questions to the Ministers, they are not going to be present. This is the problem that we are up against.

Senator B T NGCUKA: Mr President, I understand this very well. However, the difficulty that we have is that the Minister of Finance himself has now been excused on the understanding that this is the matter we are going to deal with. So even if we decided to proceed with the first Order of the Day, we could not, because the Minister would not be here. The understanding was that we were going to deal with the Matter of Public Importance first. Therefore I request that my colleagues not persist with their objections and that we proceed.

The PRESIDENT OF THE SENATE: Order! When we proceed to the first two orders, will the Ministers be here?

Senator B T NGCUKA: I hope so.

The PRESIDENT OF THE SENATE: Order! As the presiding officer I must have solid confirmation that that will be the case. I can only put the question if I am satisfied that the Ministers will be here, as they are at the moment, when we proceed with the First and Second Readings of the Adjustments Appropriation Bill.

Senator A VAN BREDA: Mr President, with respect, on whose authority did the Minister of Finance leave whilst his item is next on the Order Paper?

Senator B T NGCUKA: Mr President, I indicated that acting on the discussions I had with you, I informed the Minister that this matter was to be dealt with as a matter of urgency and was therefore going to be given priority. I therefore requested that he return at 16:15.

Senator A VAN BREDA: Mr President, we were not informed about this. I believe that we are involved.

The PRESIDENT OF THE SENATE: Order! There has been ample time for parties to consult the Order Paper, negotiate and make arrangements. I therefore have no alternative but to put the proposal on the part of the Chief Whip. I want to indicate that parties had ample time to look at the Order Paper this morning after it was published. It was on the desk of each and every member and they therefore had to take the necessary precautions or make the necessary arrangements. Since I have seen Ministers here, I will now put the question on the assumption and with the guarantee that the Ministers will be present as they are now.

I therefore put the question as moved by the Chief Whip of the Majority Party that priority be given to the Matter of Public Importance in terms of Rule 129.

Senator J A JOOSTE: Mr President, we are not objecting. However, I just want to make it very clear that when the Order Paper has been printed, we expect that the Orders of the Day will be dealt with in that order unless there is a party which wants the order to be changed. We were not consulted and were therefore not prepared for this, but we will support the Chief Whip. Let us therefore proceed with this Matter of Public Importance. This is, however, a bit embarrassing to us.

Agreed to.

INTERCEPTION OF TELEPHONIC AND FAX COMMUNICATIONS

(Matter of Public Importance)

Senator J SELFE: Mr President, I am grateful to you sir, to the Leader of the House and to the Whips for making it possible to hold this debate this afternoon. I certainly do not raise the matter wantonly or lightly. I am obviously aware that there is a committee of members of Parliament that exists to deal with intelligence oversight. It is this committee which should take corrective action should this become necessary. But I raise it in open session, because it is a matter of public importance, a matter of public concern, and because it potentially raises issues which are constitutional and legal by their nature.

I raise it too because, as all hon members will be aware, the history of the interception of communications whether these were electronic or written has not been a happy one in South Africa. We all know how this power was abused in the old South Africa, particularly in terms of the old provisions

of the Post Office Act. It is fairly well known that while we were living in the era of total onslaught, the communications of many people were intercepted, in the alleged interest of national security, simply because the people whose communications were being intercepted were political opponents of the then government.

In time, the idea of the total onslaught was happily relegated to the dustbin of history. As a nation we increasingly accepted the concept of constitutionalism which eventually saw its expression in the bill of rights which lays down the rights of citizens and the obligations of government, and the relationship which should exist between the citizen and the State.

Even before this, Parliament passed a law which is still on the Statute Book, and many members will know I think it needs revision, regulating the circumstances under which the interception of communications could legally occur. This law is the Interception and Monitoring Prohibition Act. It was born, not only out of growing consensus around constitutionalism, but also out of the realisation that technology had advanced to such an extent that virtually every person could, relatively cheaply, acquire the means to tap other people's communications.

The law, therefore, outlaws the interception of communications except for specific purposes and under very stringent conditions. It lays down extremely heavy penalties in cases where persons intercept communications illegally. Interception may only be authorised by a judge on written application by senior members of the police or intelligence agencies, provided that the judge is convinced, and I emphasise "is convinced", that either the security of the Republic is threatened or that a serious offence, as defined, has been, is being or is about to be committed, and provided that the investigation cannot be properly investigated in any other way. Interception may, in terms of this law, only occur for three months after which a judge needs to authorise its extension.

Mr President, you, more than many, will know the way in which this law is phrased. For a law framed by the previous government it is unusual. It is firmly in favour of the individual. It limits the State. It demands that each application should be judged individually, on its merits, by a competent judicial officer on the basis of objective criteria and for a limited period. Because of these limitations, it is in line with the rights to privacy

which the Constitution confers and because of these limitations the law was supported at the time by my party. Given the stated adherence of the ANC to constitutionalism, I trust that it too cherishes and enforces the limitations laid down by this law.

It is for these reasons that the ordinary citizens of South Africa—the new South Africa—are upset and bewildered by the allegations in one of yesterday's newspapers that:

Thousands of international and local telephone calls and faxes are being intercepted—many unlawfully and unconstitutionally—by the South African intelligence community from a top secret facility.

This report was, according to the newspaper, unofficially confirmed by “intelligence officials”. According to this report, interceptions take place randomly, and the report quotes legal experts who state that:

The random interception of telephone communications or telefaxes is a practice which exceeds the limitations authorised by the legislature. As such, the practice is unlawful and illegal. What is more, the practice is an infringement of the individual's constitutionally recognised right to privacy.

In today's *Cape Times* we are informed that the National Intelligence Agency is “satisfied that what is happening with regard to domestic interception” was legal. With respect, this is confusing. What is domestic interception, and how does it differ from other types of interception? Is the NIA in a position to give us this quick and categorical assurance, particularly in the light of other recent allegations of bugging involving both the Police and senior ANC Cabinet Ministers? Is the Deputy Minister as sanguine as the agency he controls? In fact, can he give us the assurance that he actually controls the agency?

There are basically only two crisp questions which the Deputy Minister has to answer here, in Parliament and subject to the discipline of Parliament this afternoon. The first question is: Are large-scale interceptions of communications occurring, involving an element of random selection? The second question is: Does every interception of communication which occurs conform with the letter of the law and the spirit of the Constitution?

The Deputy Minister should ponder his response, lest it come to haunt him later on. We are all familiar with the circumstances in which the Interception and Monitoring Prohibition Act was applied until recently. That is why we had to pass an amendment to the Act last year. If the allegations in the newspaper report are even one-tenth true, it would be impossible in my view for any single judge, far less one who was very ill, to authorise individual interceptions on the scale suggested by the report, while simultaneously conforming to the conditions laid down in the Act. If the Act has been circumvented or ignored, we expect an answer from the Deputy Minister as to what corrective action he has taken or intends to take to rectify the situation.

I conclude by stressing that we understand the need for selective and judicious interception of communications. We would be foolish if we believed that there were not some who wished to undermine our Constitution and our new democracy. We would be naïve if we ignored the fact that South Africa is the operating ground of syndicates of drug smugglers, poachers of ivory and rhino horn, car hijackers and other serious criminals. Interception remains one of the weapons in the arsenal of police in combating these serious crimes.

However, precisely because interception remains at the same time a serious infringement of the rights of the individual, guaranteed by both the Constitution and by the law, we expect its use to be within the parameters laid down by the Constitution and by the law. To do otherwise would be equivalent to defending the Constitution by ignoring it. The question remains: Has the law been adhered to?

THE DEPUTY MINISTER FOR INTELLIGENCE SERVICES: Mr President, the amendment to the Intelligence Services Act sought to restore the parliamentary character of the Joint Standing Committee on Intelligence by providing for the right of all parties represented in Parliament to membership of the Joint Standing Committee on Intelligence and, more importantly, for this committee to be composed of members of Parliament drawn from both Houses of Parliament. It is for this reason that the committee is called the Joint Standing Committee on Intelligence. Joint means it refers to a committee composed of members from both the National Assembly and the Senate.

Whilst not negating the value of or necessity for this snap debate, it does strike me as odd that a party, which is an active participant in the committee, chooses to call for an investigation into this matter by the committee and at the same time calls a snap debate in this august House on the very matter it wants the committee to investigate.

In many ways this confusion characterises all the media hype surrounding the sensational reporting on the goings-on of the intelligence services. Intelligence is a national asset and, as such, we as responsible representatives of the electorate have a special obligation to ensure that it is not used as a political football. The reality of the modern world is that even the most stable of democracies require intelligence, both to protect and to warn of threats to stability, as well as to provide opportunities to create the basis for stability.

Furthermore, the cold and harsh realities of the South African transition are that the country faces high levels of violence, espionage and crime, including cross-border smuggling of weapons and drugs by transnational criminal syndicates. In facing this reality the Government and Parliament have decided that the country needs an effective and efficient intelligence capability. In recognising the need for an intelligence capability, both the Government and Parliament were mindful to ensure that these services functioned strictly within the parameters of the Constitution and the law.

These provisions, which have never existed before, are as follows: Executive control and accountability over the services by way of a civilian Ministry and a Cabinet committee, the Cabinet Committee on Security and Intelligence Affairs; a parliamentary oversight mechanism, including members from all the parties in Parliament, with a specific brief to order investigations regarding any violation or complaint from the public, or any breach of human rights by the intelligence community, and an inspector-general appointed by a 75% majority of both Houses of Parliament, with specific powers to access any facility or any information held by members of the intelligence community, and to report on any breaches of human rights or proper procedures.

In addition, the new Constitution provides for protection against State abuse through the Public Protector and the Human Rights Commission. Added to that, the budget and budgetary

utilisation of the Intelligence Services are monitored by the parliamentary committee on State Expenditure and by the Auditor-General. As we have said in this House on a previous occasion, all of these provisions make the South African intelligence community one of the most monitored and accountable in the world, a fact which is vital both to the development of our democracy and to creating confidence in the security organs of the State.

The facility referred to in the *Spectrum* report of 21 February is part of the intelligence capability to which reference has been made and is a national asset utilised by all in the intelligence community. Although administered by the National Intelligence Agency and the South African Secret Service, the facility serves as a key resource for all agencies involved in security and in the Government effort to combat crime. The building up of this facility started in 1972 with a short-wave monitoring capacity, and it has been upgraded or modified on a regular basis since then.

Let me hasten to add that South Africa's possession of this facility is hardly sinister. Most developed countries and a few developing countries have more or less similar facilities. Although created under different conditions in our country's history, the Government is of the view that this asset is required by the new democracy to ensure stability.

It needs to be clarified that while the technical capability to intercept and monitor telecommunications exists, this does not imply that that capability is used randomly or without the necessary protective procedures. It can be stated categorically that the present capability of the State to intercept is not being used randomly or in violation of the law.

I give the House the assurance that the Ministry, in consultation with the Joint Standing Committee on Intelligence and the awaited inspector-general, shall revisit this issue and review the matter with the intention of ensuring that there is no abuse. A paranoia about technological intelligence-gathering plays into the hands of those intent on destabilising our society and those who thrive on criminality. It should be borne in mind that such technological intelligence-gathering is at the cutting edge of law enforcement and the combating of crime. In addition, major powers are using similar capacities in the region to spy on South

Africa and the region, and the country's own capacity in this regard is necessary to combat such intrusion.

In his Opening Address, the President of the Republic paid homage to the unsung heroes of the intelligence community who are playing a vital role in combating crime and violence. In his address the President gave the assurance that law-abiding citizens could rest assured that there were effective mechanisms in place to prevent and punish any rapacious invasion of their lives. He also emphasised, however, that those criminals seeking to undermine the welfare of citizens could not hide behind these protections.

Crime and violence must be stopped, and the capacity of the new democracy must be fully utilised in this regard.

In this context, it is necessary to emphasise that the Joint Standing Committee on Intelligence, comprising representatives of all parties represented in Parliament, has been quick to follow up and investigate any alleged breaches or irregularities brought to its attention. This is a healthy feature of our democracy. The Ministry welcomes such investigation and congratulates the committee for their timely responses.

In addition, in December 1995 the Joint Standing Committee on Intelligence visited and inspected the facility at the invitation of the Intelligence Services. While this is a sensitive facility requiring protection, it has not been maintained without the necessary accountability to those empowered by the Constitution to control such capability. I can add that I myself invited the hon the President of the Republic and informed him about this capability. I also invited the hon the Minister as well as Deputy President Thabo Mbeki. Deputy President F W de Klerk has already visited the place. Therefore, it is not a super-secret confinement of the Intelligence Services.

Given the sensationalism of recent media reports, it would appear that the Joint Standing Committee on Intelligence would be one of the busiest parliamentary committees with its work cut out for it. We welcome this investigation as a necessary feature of the intelligence dispensation. However, we must also recognise that no committee or piece of legislation is, in itself, complete. Experience and the lessons of reality will be our teachers. The Ministry would welcome any efforts that genuinely seek further to improve the legis-

lated regulations, the conduct of intelligence and the aim for greater levels of accountability and control.

Finally, it is necessary to caution against a situation where sensitive issues such as intelligence become political footballs or the focus of unsubstantiated sensationalism. While the important role of the press in exposing abuses of power and in informing the public on matters of national interest is recognised and welcomed, it is also necessary that the press acts responsibly with regard to matters of national security. In this context, intelligence needs to be treated with the seriousness and sensitivity it deserves. Sensationalisation of these issues undermines the serious mechanisms that have been put in place by the Constitution and Parliament to redress any wrongs, and these mechanisms should be allowed to pursue their tasks professionally and unhindered.

Senator G B BHENGU: Mr President, according to what has been said by the hon the Deputy Minister, the tabling of this matter before this House is a credit to this good House.

When South Africa moved into a era of democracy and the rule of law was re-established in our country, we all believed that the abuse of State power, the clandestine and surreptitious invasion of people's rights and the invasion of privacy were things of the past.

We were wrong. During the debate on the intelligence legislation, the IFP sounded a warning in this House on the limited and outdated nature of the legislation governing the interception of telephone and fax communications in this country and the ANC brushed them aside as unimportant.

When three draft Bills for restructuring the intelligence dispensation were presented before this House, the IFP joined the DP in expressing alarm at the lack of effective judicial oversight and control in the area of interception. The Bill left judicial oversight to a single judge rather than to a panel of concurring judges.

It is widely accepted that the previous government maintained an enormous infrastructure for the monitoring of all forms of communication, including the interception of mail, telephone and fax communications. This intrusion on the rights of the people of our country was subject to rudimentary control. The testimony of former

employees of Telkom has revealed that an intimate relationship existed between the security organs of the State and the employees of the Post Office. Three years ago, a Post Office attendant told me that my mail was being intercepted. This mechanism enabled the State to conduct both legal and illegal monitoring of communication, with an inadequate oversight and control mechanism.

My party expressed fears that the new intelligence legislation failed to address this problem. The drafters of the legislation, themselves members of the intelligence community, gave glib assurances that the fears of minority parties about the inadequacy of judicial oversight would be strictly addressed in amending legislation at a later date.

When the drafters were forced to bring oversight legislation before this House, due to serious shortcomings the promised amendments were once again not forthcoming and this House was once again treated to assurances by the Deputy Minister that the fears were unfounded and that the matter would be rectified.

My party warned of the dire consequences of the untrammelled use of State power in this regard, and our fears were dismissed by the Deputy Minister in this House. Quite frankly, the allegations which have surfaced in recent months come as no surprise to us. We believe that the widespread interception of communication does take place.

The mechanisms in place to ensure judicial oversight are wholly inadequate. Attempts by my party to get more information from the department about the extent of monitoring through parliamentary questions to the Minister of Justice have been wholly inadequate and, more importantly, information inappropriate in a democracy.

The wall of silence and the unwillingness on the part of the Deputy Minister's department to effect amendments to existing legislation, suggest that all is not well. It suggests that the allegations, surfacing in the media, of inter-departmental abuse of such capability have some substance.

The IFP recently discovered that a key party office suite in Durban was being monitored. On a previous occasion we were reliably informed that a senior intelligence officer in KwaZulu-Natal had given an instruction for the interception of telephone and fax communications of members of both the national and provincial parliaments.

We have no doubt that the IFP is being subjected to this kind of political interference and that the Intelligence Services are involved in this matter.

The information gathered is being supplied to certain political parties. This subversion of democracy has the potential to become a full-scale subversion of the democratic process and the crucial rights enshrined in the Constitution.

The PRESIDENT OF THE SENATE: Order! Senator M W Moosa.

Senator M W MOOSA: Mr President, will the hon Senator G B Bhengu take a question?

The PRESIDENT OF THE SENATE: Order! Senator G B Bhengu, will you take the question?

Senator G B BHENGU: Not at all, Sir.

Senator M W MOOSA: Why not?

The PRESIDENT OF THE SENATE: Order! The answer is apparently "no". [Interjections.]

Senator M W MOOSA : Mr President, I gather that the hon senator is not prepared to answer questions.

Senator G B BHENGU : May I continue, Sir? I want to reiterate the call for urgent amendments to the existing legislation to improve oversight through the expansion of the system to three judges, with two of them concurring on the need for specific interception. This must be followed by a detailed application and must be subjected to a regular audit to ensure the efficiency of interception in ensuring criminal conviction in individual cases.

Mr President, our fragile democracy cannot flounder in this crucial area. We must have the courage to take on this issue and ensure that the evil is rooted out once and for all.

Senator Dr G W KOORNHOF: Mr President, I refer to the speech made by the Deputy Minister, Mr Nhlanhla. He talked about the capacity of the department. I will not quarrel with him about that. I agree with him.

The Minister of Justice, when he had a press conference this morning, talked about the need for intelligence capacity, the need for stability and also the need to deal with serious crimes, like drug trafficking, and especially organised crime.

I agree with the Deputy Minister when he says that the crime and violence must be stopped. We

must use the capacity of the department to the full extent. However, I do not want to talk about the capacity of the department.

*I think there are one of two approaches that we could adopt in this debate. We could adopt a holier-than-thou attitude or we must say what is in the country's interest. In this regard there are two important matters to bear in mind. The first is what is stated in the current transitional Constitution.

†Clause 33 is the limitation clause. The Constitution says it must be reasonable and it must be justifiable in an open and a democratic society. That is one point. On the other hand, we need an intelligence service.

*This intelligence service should have the capacity to do its job. This is an internationally accepted principle. This is done in America, in Great Britain and also in other countries of the world. We should be careful not to destroy and disparage the intelligence service in our debates. At the same time they are, however, entrusted with the responsibility of not acting recklessly in carrying out their instructions, because one of the most important functions of the department is to act against criminals in the interest of the country.

The important problem which we should try to solve is unite these two standpoints, namely what appears in the Constitution and what the department must achieve. We therefore require mechanisms to reconcile these two facts or truths.

Among of the mechanisms that we have to consider is, firstly, the establishment of the Office of the Inspector-General. Secondly, there is the appointment of judges who must give permission when calls have to be monitored. Thirdly, there is the Joint Standing Committee on Intelligence, which was established last year and is operational. Fourthly, the Cabinet Committee, under the chairmanship of Deputy President De Klerk, has an important role to play. Fifthly, there is the Public Protector and other mechanisms.

Our standpoint in this regard is very simple and very straight forward, namely that action should be taken within the legal bounds. For purposes of interception and monitoring in the case of a serious offence or if the security of the Republic is threatened, proper authorisation should be given. Last year we adopted the Interception and Monitoring Prohibition Act in this House, and the majority of the parties in this House agreed that

this Act was a good Act, namely that the functions of judges should be such that they are in a position to issue a directive authorising the interception of postal items and communications as well as the monitoring of conversations in the case of a serious offence or if the security of the Republic is threatened. We amended this Act on the recommendation of the hon the Minister of Justice in order to employ not only retired judges, but also serving judges, for this purpose, and we support this.

When an Act is contravened, the contravention should be investigated. In our view the correct procedure should, however, be followed in that case and the mechanisms to which I have just referred should be applied. When there is a political party that has its doubts about the extent of illegal monitoring it surely has a seat in this Joint Standing Committee on Intelligence, and it ought to raise the matter in that joint standing committee. If matters there are such that no satisfactory answer can be obtained, then this should be exposed. My appeal, however, is that we adhere to the correct procedure.

As regards the current events, which have been reported in the newspapers for the past two days, I think there has been a little bit of malicious reporting, and this harms the National Intelligence Agency. I do not think that it is our task to find the guilty party during this debate this afternoon. We should rather co-operate in strengthening national intelligence in the interest of the country.

We say, and with this I conclude, that there should be supervision and control. We are satisfied that this should continue, but should not go beyond the bounds, and we should not become paranoid about this matter. I think the Minister of Justice, in his reply, should give this House the assurance that all action taken by his department, and also by the NIA, will take place within the framework of the Act and that no improper monitoring will take place in this country. [Interjections.]

Senator M L MUSHWANA: Mr President, maybe I should start off by saying that at times when one is in the minority party, one tends to forever suffer hangovers. In the end one may try to use the press to popularise oneself. Today we are engaged here in a debate which is based on a press report, which has never been proven anywhere. This august House is engaged in a debate on an "if" - if it is the truth.

This is even so in the circumstances in which a committee has been appointed to look into this matter. The DP found it too late, or they might have thought they needed publicity now. They did not want to wait for that committee, which also consists of members of the DP, to investigate that matter. Now we must sit in this House and discuss things about which we are not even sure. Why did we not wait for that committee to finalise its investigations and then come and discuss the merits and demerits of the matter.

We must also be careful not to allow this Government to be run by the press. We are a responsible Government and we will only take appropriate steps when we have got the facts. The

members of the select committee and I have no doubt.

However, there was one problem. I suggested that two judges from a panel of three should be able to agree to any monitoring. However, it was decided by this House that one judge was sufficient.

The problem we have, is not a new one. However, we hoped that things would change. Some of the facts which have come to the fore in the press are alarming and shocking, and cannot be ignored.

Members of the FF have been monitored without their having committed any offence. Sometimes there was a purely political motive, sometimes their business interests suffered because of disinformation which followed on this, and such people were placed under suspicion. The consequence is that the rumours which are appearing in the media must be taken seriously, and we can therefore ask the following questions.

Is the permission of one judge sufficient to authorise monitoring? Secondly, and very importantly, must he not also have the ability to exercise control over what he has authorised? At the moment we have a problem, namely that the judge authorises monitoring, but after that he has no control over the monitoring which takes place.

Is unauthorised monitoring taking place? Here I am not referring only to the State's monitoring agencies, in particular. In other words, if it is done, who does it and what control is there over all forms of monitoring? It is a fact that modern means of communication have resulted in major invasions of the population's privacy, and the average citizen is not aware of this. This is one of our big problems.

For example, is the population aware that any telephone can automatically be monitored without their being aware of it? Are they aware that any cellphone can be monitored? Very expensive and complex equipment is needed for this, and as far as I know at present only the National Intelligence Agency has this capability. It is also only the USA, Britain and Germany which manufacture this equipment. Possibly Russia and Israel also do so.

Do hon senators know that by means of the available equipment the NIA can determine what a person's position is if his cellphone is in use? Do hon senators know that any fax can be tapped very easily with relatively simple equipment? [Inter-

jections.] At present it is so easy to do monitoring illegally that it is difficult to trace such activities. This is the problem with modern technology.

Do the voters know how many people's telephones are being monitored and what the scope of illegal monitoring is? Do they know how many private detectives are making use of illegal monitoring? I am aware that in the past intelligence agencies made use of the services of these detective agencies.

Do hon senators know that the American embassy in Pretoria, apart from the NIA, is able not only to monitor cellphones, but all communications making use of satellites or radio waves? Do they know that large corporations also frequently have sophisticated monitoring capability? We are not even referring today to the tapping of private computers, and this has also become a very big problem.

If we really want to be transparent, we can ask the following questions. Then we can ask how much money the intelligence agencies and the NIA in particular have spent in the past 10 years on monitoring equipment and facilities. We can ask how many people are at present being used for monitoring. It is not only the staff who do this, but also those persons who sift the information, process it and evaluate it.

We can ask how many people are at this very moment being monitored and how many have been monitored in the past year. We need not know the names. We can ask how many of these people have been prosecuted in any way, because this gives us an indication whether the monitoring was effective. How many of these people who were monitored are members of Parliament, how many are officials of the State, how many are citizens and how many are foreigners?

If these questions are answered, then we can determine whether or not anyone behaved irregularly. If these questions are answered, we can also ask whether or not a proper investigation should be instituted. Then we can also determine whether one judge is sufficient to carry out this task, and whether he must also have control over the authorisation he gives. Then we can determine what additional monitoring controls must be implemented. Then we can also determine whether there must be better control over the spying activities of foreign information agencies in South Africa.

I accept the assurance the Minister has given in this House today, and if the Inspector-General as well as the joint standing committee will research these questions I have put today, I am not asking the Minister to give replies to them today, but I accept that he will in all honesty have the allegations which have been made investigated properly and that he will in reality test the image of transparency which he has consistently presented to us and will implement it in this way.

Senator D V BLOEM: Mr President, let me take this opportunity to set the record straight on this issue. The DP is once again showing its opportunistic tendency. They know very well that the Joint Standing Committee on Intelligence is dealing with these matters. Whilst the member is a member of this committee, why are they looking for shortcuts? I do not think that it is right for the House to discuss this issue, because it is being scrutinised by the oversight committee.

I want to raise the following points on this issue: The committee visited the facility in December—Mr Kobus Jordaan of the DP was present—and they were given an opportunity for questions. They did not raise any issues and they did not put the item on the agendas of the many meetings that the Joint Standing Committee of Intelligence has held since then. The oversight committee received an assurance from the National Intelligence Agency that those facilities were not being abused, as was reported in the media.

One of the threats facing nations today is organised crime. All intelligence agencies, together with the police agencies, are shifting towards dealing with this issue. The relationship between the SAPS and NIA, through Nicoc, facilitates this co-operative working style. In this country we are faced with 179 organised crime syndicates which have international links. Most Western countries are also worried about South Africa being used as a conduit for drugs. The intelligence agencies have an obligation to secure this country. Western democracies, including America and Britain, have the same facility, and there is no way that we as a country can do without this facility.

*Now I want to come to Senator Selfe. [Interjections.] The DP speaks about the old South Africa where there was eavesdropping. They were never monitored, because they worked with the old people.

Now they come along today and say that people are being monitored. Who is being monitored? [Interjections.] It is not necessary to eavesdrop on people. That senator was one of the people who eavesdropped on us. [Laughter.]

Senator Selfe is quite right when he talks about what is in the Constitution, but the DP has a representative in this committee, and if they have any problems, Kobus Jordaan is there to raise them in the committee. This is not done here in the House. It is wrong to raise it here. [Interjections.]

The DP must understand very clearly today that it is through the magnanimity of the majority party, the ANC, that all parties enjoy representation in this committee. [Interjections.] We were not compelled to do it, but we did it to take everyone along in this process so that no finger could be pointed at the ANC, which is the majority party. We are not as undemocratic as the NP was in those days.

Senator Bhengu says that the IFP are being monitored. What can the NIA monitor of the IFP? They are doing things openly. They hit the newspaper reporters. They hit the police. Is there anything to monitor or to see on television? [Interjections.] There is nothing to monitor! [Interjections.] The NIA has never monitored the IFP, and I do not believe that they will monitor them, because the things that are being done, are obvious. [Interjections.]

*Senator C ACKERMANN: Why are you monitoring Hanekom? [Interjections.]

*Senator D V BLOEM: It is propaganda by the NP that Minister Hanekom is being monitored. That is not true at all. [Interjections.] Yes, I am coming to the NP now. [Interjections.]

*The PRESIDENT OF THE SENATE: Order! [Interjections.] Order!

*Senator D V BLOEM: I want to tell Senator Dr Koornhof that there is no evidence that can be tabled that the NIA has eavesdropped on anyone. It is merely reports in the media, and at this stage we cannot draw our own conclusions and say that they have really done it. That is clear.

Senator Dr G W KOORNHOF: [Inaudible.]

*Senator D V BLOEM: The senator said that there was concrete proof that these people had done this and so on. [Interjections.] There is no proof that these people did this. In consequence of

the type of work that we do in the committee, I do not believe that the intelligence agencies will ever do anything irresponsible, because they know that there is a committee keeping an eye on them. [Interjections.] It is not like in the past when Senator Dr Koornhof and his cronies sat here and then we were monitored and locked up. There is a committee that sees to this now. [Interjections.] Mr Danie Schutte is a member of the committee.

*Senator Dr G W KOORNHOF: But that is what I said!

*Senator D V BLOEM: Very well, the senator had his chance. He must not answer now. I do not want an answer or a question now. He must know that the NP did these things in the past, and the ANC Government will not do this to the inhabitants of South Africa. [Interjections.]

Lastly, I would just like to give the DP the following advice: The member whom they have in the committee, is irresponsible, because he could have gone to the party and told them that he was part of the committee, and that it was not necessary to take these things to the Senate, but that it should be discussed in the committee first. That is why the President of the Republic appointed this committee and had enough confidence in the DP to appoint one of their members to the committee. However, I am surprised today that we have come to discuss such a sensitive issue in this House.

The PRESIDENT OF THE SENATE: Order! Before I put the question, I would like to draw the attention of hon senators to a new feature of their immediate surroundings. Members of the media can now occupy the front bench on the main gallery, and we would like to welcome them to that position. We trust that the more comfortable seating arrangements will, hopefully, not only add to their powers of endurance, but will also make them more receptive to some of the very valuable contributions in the Senate.

Senator J SELFE: Mr President, I would in the first place like to thank all the hon members who participated in this debate. I believe that several important points were made in the course of the debate, and I think that South Africa is in a way enriched by the sort of debates that we can have in this House, on a subject which many people have said has been a very sensitive subject. It makes a difference being able to do it in this way, as opposed to the way it was done in the past.

I think the debate also has had some less inspired moments, but I will come to them in the course of time. I would like to thank the hon the Deputy Minister for his assurances in respect of the legality of the alleged activities. I think he went to some length to explain the relationship between the intelligence agencies, on the one hand, and the various constitutional and legal bodies that have been set up, on the other, and these are of course very valuable institutions.

I would like just to focus very briefly on the relationship between the parliamentary committee and Parliament, and that is a point that all the speakers from the ANC made. I believe that they do two fundamentally different things. The parliamentary oversight committee is there to provide oversight to make sure that the intelligence activities take place legally, and that they have the sort of resources at their disposal to be able to do what they need to do. But they are, when all is said and done, a committee of Parliament, and Parliament is still the institution that gives that committee its mandate. It is therefore the right and responsibility of every member of Parliament to come to Parliament with a matter of public importance. I will continue to do that, and I will continue to exercise that right and responsibility, and I do not care what any other hon member says about that.

In the second instance, I was disturbed by an undercurrent in the debate, particularly from some of the ANC members. That was that the press is all of a sudden irresponsible. This Government has been in power for two and a half years, and in that time they have discovered the advantages of wagging a finger like P W Botha used to do. Phrases like “the press must act responsibly”, “playing into the hands of the media”, “public media galleries” and all that sort of thing, are no different from the accusations of rumour-mongering that P W Botha used to have against the media.

The other point that was raised by Senator Mushwana and Senator Bloem—who is now absent, I am sorry to say—was that the DP was somehow not involved in intelligence monitoring in the past. That is absolute nonsense, hon senators. It is absolute nonsense. If they did a little bit of research, they would have seen that the DP’s predecessor, the PFP, actually had a debate in the House of Assembly on telephone interceptions which took place against Mrs Helen Suzman. At that time I was Mrs Suzman’s research assistant,

and I was responsible in part for drawing up her speech on that matter. On those occasions, we did a great deal of questioning around the intelligence agencies, and, believe it or not, we will continue to do that sort of questioning in this Parliament.

I would like to say once more that we have been enriched by this debate. There has been a good exchange of views and I look forward to listening to the Minister of Justice when he wraps up the debate.

*The PRESIDENT OF THE SENATE: Order! Before I ask the hon the Minister to reply to this, we have had a special request from the SABC Television Services that records the activities of Parliament, to start recording now. I ask the person entrusted with this task to move over and start recording the debate from another angle without wasting any more time because our debate must proceed.

*The MINISTER OF JUSTICE: Mr President, hon senators, I think that in a debate such as this we should not only act responsibly, but we as Government should reassure the public and this House that people's rights will be protected as well.

‡It is important on an occasion such as this that one should underscore and reiterate that we should respect the constitutional rights of all our citizens. Where the State finds it necessary in the interests of society, in the interests of fighting crime, in the interests of ensuring that democracy is protected, to exercise the powers allowed by law to intercept and monitor communications, this will be done in a responsible manner and only according to law. There should be proper accountability in this respect.

I want to give the House the assurance that our approach to the question of the interception and monitoring of communications must be within the framework of the law and the Constitution. We will do everything in our power to ensure that this is done.

This becomes particularly important in a situation of transition such as we are going through. It is important because, whilst we have enacted legislation which is consistent with the best in the world, the best that any democracy has to offer—one can judge that not only from what we ourselves say, but from what experts throughout the world say about our intelligence legisla-

tion—we must at the same time know that we come from a past. We have a history, as Senator Selfe pointed out, in which the intelligence services were used in order to ensure that a system of oppression and repression was entrenched and maintained in our country. Hundreds if not thousands of the citizens in our country suffered because of that kind of monitoring and interception.

An HON SENATOR: Prove it.

The MINISTER: I do not need to prove this. It is accepted; it is known. However, if it is necessary to prove this, there is plenty of proof around. I am actually surprised that a member of the NP would seek to obtain proof. He would be well advised not to ask for proof, because there is a great deal of proof available.

The other reality of the situation is that the birth of our new democracy did not bring about the birth of a new intelligence community. We took over the old intelligence community, and we took over the personnel and the culture of that old intelligence community. One of the important challenges of transformation in our country is to ensure that we change that culture, that all our citizens are taught to understand what the new constitutionalism means. We must not take human rights for granted and we must not assume that a human rights culture will arise automatically in our country or that it will be a spontaneous thing.

The past two years of our history—it is not yet two years, but nearly two years—have taught us that building a human rights culture and building respect for the rights of our people must be fought for. These things must be established. We need to be vigilant.

I accept that we need to be critical of our intelligence community. We need to ensure that there are proper mechanisms of accountability in place. I take seriously the suggestions which have been made in this House to ensure that we strengthen that accountability.

What I am saying is that when it comes to the intelligence services of our country, transformation is still important in terms of the culture of the personnel, so as to ensure that our intelligence community in fact reflects the laws which we have passed, and that it will respect the rights of our people. We have tried in this period to ensure, in other words, that our intelligence community does respect the rights of our people. The wonder-

ful thing about our country is indeed our constitutional dispensation and the various mechanisms which have been created. The hon Senator Koornhof drew attention to all those mechanisms and I need not repeat them. He is quite right when he draws attention to them.

In so far as interceptions are concerned, I would not criticise the media for publishing reports which have been made, but I do question the bona fides of individuals, whoever they may be, who are spreading false or distorted information with regard to what has been happening. I also question the motives of those who are spreading the kind of information which the media has published.

I respect the right of the media to publish news. If, for example, there has been an abuse by anybody in the monitoring an interception of communications, then I think the media is entitled to draw it to our attention, and to the attention of the public. I think that in that regard the media does us a service, and so I would defend the right of the media to publish the information which has been placed before it. However, as I say, I question the motives of those who maliciously place information before the media and the public so as to cause this kind of "paranoia" amongst the public.

What we have witnessed over the past two years, or thereabouts, is a movement away from the old security establishment into private firms. We have seen the establishment of a large number of private security firms, and we now see private intelligence firms coming into being. One does not want to interfere with legitimate economic activity, legitimate activity which can help to add to the security of our population and protect the interests of the public.

It is a fact, however, that there have been many complaints about interception and monitoring of communications, not by State agencies, but by the private sector. When people who used to be in State employ in the intelligence services in the security establishment, and who have many years of monitoring and interception experience during the past era, go into the private sector then one becomes concerned as to what is happening to that expertise and to what use it is being put.

We need to look at the way these firms are operating to ensure that they operate within the framework of the law. If it is necessary for us to revise our legislation to make provision for more stringent control and heavier penalties, then I

think that needs to be looked at as well, because I do believe that that kind of expertise can be abused in the hands of those who are not interested in democracy in our country.

I value the suggestions which were made by the hon Senator Groenewald. He asked a number of questions and he made a number of suggestions. One of these suggestions is that perhaps we need to look at the adequacy of a single judge. These are matters at which we need to look, and we will be looking at them.

I want to indicate to the hon Senator Bhengu that the Cabinet Committee on Security and Intelligence meets every fortnight, and members of the IFP are represented on this committee. The kind of matters which he has raised in this debate, have never been raised by the IFP in the CCSI. The representatives of his party are welcome to raise these matters. The CCSI is chaired by Deputy President De Klerk, and I can assure the House that the CCSI itself does not take any of these matters for granted.

Lastly, while giving the House the assurance that from everything that we have been able to learn, the reports of mass buggings are without foundation, I have tried to get figures of legal interceptions. We have asked the judge concerned to furnish us with details of the number of applications that were made, for example over the past year, and of the number that were granted.

According to the information which has just been handed to me today, the position is as follows: From 1 January 1995 to 31 January 1996—in other words these are the latest figures available—the total number of applications made was 410, the number approved was 350 and the number rejected was 60. These are the latest figures. The applications were received from the National Intelligence Agency, from the SA Police Services and from the Military Intelligence Services.

This is the situation, and I just want to give the House the assurance that the questions which have been put in this House and the suggestions which were made will certainly be taken up, because I do not believe that we must be smug about this kind of thing. I accept that there is a great responsibility upon all arms of the Government to ensure that we strengthen the mechanisms of accountability in respect of intelligence matters. [Applause.]

Debate concluded.

ADJUSTMENTS APPROPRIATION BILL

(First Reading debate)

The MINISTER OF FINANCE: Mr President, thank you for the opportunity to introduce this debate on the Adjustments Appropriation Bill. This is a very technical debate, in that a lot of figures are quoted and thrown around. Seeing that the documents have been tabled, with your permission I will deal with it in a summarised fashion.

The upshot of the outcome of this year's Budget is that while we started with an anticipation of having a 5,8% deficit before borrowing, it turned out to be 6%. This extra 0,2% is made up of excess expenditure of R4,2 billion, as against excess income of R3,1 billion. The R1,1 billion is the 0,2%.

The R4,2 billion excess expenditure is made up of a shortfall in the revenue income of the provinces of R1,5 billion, a transitional reserve that we created of R1 billion and additional interest costs as a result of the additional expenditure of a net R300 million. The total of those three figures is R2,8 billion, which leaves R1,4 billion to make up the R4,2 billion. This was made up of Constitutional Development which required an additional transfer of R100 million; Correctional Services which required an additional R110 million in additional expenditure; the SA Police Service, to which we allocated another R235 million, and a transfer of approximately R1 billion to the provinces for additional expenditure they had, specifically on the debt of local authorities and, basically, on education.

A lot has been said about the bad administration and the overexpenditure in the provinces. I think it is a situation which has been blown up out of all proportion. One of the major reasons for this perceived overexpenditure in the provinces is that we started from a bad data base. With the reallocation of the various regions, we did not have a sufficiently accurate data base on which to calculate their projected income. As it transpired, the data base we had was not only insufficient, but also inaccurate in that some of the items that were considered to be income turned out not to be income in the final analysis. That is really the reason for the R1,5 billion shortage in income.

I think the provinces have actually done very well to keep their total expenditure within the parameters that they have, considering the enormous

challenges they have flowing out of the transition. One must also keep in mind that the bulk of our expenditure is in the provinces. If we are going to have excess expenditure nationally, the bulk of it must be in the provinces. That is where most of the expenditure is.

Hon senators might have read the newspapers this morning and seen the headlines of the disclosure that the Auditor-General has made. I must say that the disclosure saddens me. It saddens me to the extent that this is information that the Auditor-General had available for some time before we delivered the Adjustments Appropriation. He did not consider it necessary to divulge that information to the Department of State Expenditure or the Minister of Finance. I have not yet had a discussion with him.

We were very surprised when that information was made available out of the blue in a standing committee, and somewhat embarrassed because our relationship with the Auditor-General is such that we have a free flow of information on a regular basis.

I am saddened, but not because I think it would have changed the figures much. I am saddened that it now leaves a perception in the minds of the public that the budget that was presented last Tuesday has a lot of question marks against it. I do not think, once the reconciliations of the bank accounts have been done, that the expenditure figures will change dramatically, but there is a great danger of undetected fraud if these reconciliations are not done.

The Director of State Expenditure, having heard this yesterday, took it up with the provinces at the monthly Minmec meeting this morning. It is hoped that, flowing from that, we will get accurate information regarding the state of the reconciliations.

Again I say I am very sad that the information was made available on that basis. It leaves a lot of question marks.

Senator C E GILLWALD: Mr President, Minister and members of the Senate, over the years tradition has accorded the tabling of the Adjustments Appropriation the heightened status of "major economic indicator", an accolade which is somewhat undeserved. This would explain the shrill and almost hysterical reception it has received in the press recently.

While the ANC has noted that the value of these appropriations is substantially larger than that of last year's appropriations, the Adjustments Appropriation remains well within the framework of prudent fiscal management.

Furthermore, the number of Votes affected by the Adjustments Appropriation has been marked as an area of concern, the sentiment being that the budgeting was inaccurate and structurally unsound in the first place. To my mind, however, the number of departments affected by the Adjustments Appropriation is a reflection of the transitional nature of public spending and mirrors the modifications departments are making to accommodate the changing demands that are being made upon them.

This is not to deny that the budgeting process requires attention or that the need for a systematic and thematic approach to budgeting is necessary. In fact, proposals with regard to reforming the budget process have been welcomed by the Joint Standing Committee on Finance and the Select Committee on Finance and Public Accounts.

In this regard, the tendency to judge budgetary performance by two limited and thematically non-indicative measures such as provincial spending and the size of the deficit alone, is a rigid and somewhat misleading approach.

Of the approximately R15 billion appropriated in the Adjustments Appropriation, R9 billion has been covered by savings, roll-over funds and State asset disposals. Furthermore, only R2,4 billion of the remaining R6 billion has been allocated to "unforeseen expenditure". While the low level of unforeseen and unavoidable expenditure is to be applauded, the ANC is concerned that Welfare accounts for the lion's share of these expenses. The Government must resolve the problem of civil pension disbursements as a matter of priority. In fact, so serious is the situation that R1 billion has been set aside in reserve primarily to counteract the uncertain civil pensions situation next year. It is a welcome fact that the allocation of these reserve funds will be subject to prior Treasury approval.

The telling measure of the crisis facing the Department of Welfare, is the resignation yesterday of that department's Minister, Mr Abe Williams. It is imperative that an integrated information system controlling pension payouts should be implemented without delay. We cannot wait for

the census to give us the information we require about pensioners to manage a system which is fraught with pitfalls and which suffers from corruption which has reached almost endemic proportions. Every month delays in instituting a sound pension payout formula cost the fiscus millions of rand and make a mockery of attempts to curb current expenditure.

To return to the question of unforeseen and unavoidable expenditure, the criteria defining such expenditure might need to be revisited. The current parameters might be providing departments with a loophole to gain access to additional funds, thereby resulting in additional spending. A reviewed and less permissive definition of unforeseen expenditure might enhance departmental prudence and contribute significantly to overall fiscal discipline.

Spurred by negative press coverage, concern has been expressed about the size of transfers to the provinces. These transfers are the result not of massive overexpenditure—this is the impression created by the press reports—but are due largely to a shortfall in revenue.

What does concern the ANC about provincial spending is the overexpenditure incurred in education. Given that the Education Vote represents the largest allocation on the Budget, this situation calls for swift corrective action to avoid a repetition of such patently uncontrolled spending.

To exacerbate the situation further, members are reminded that Education has been the beneficiary of RDP funding in the provinces. If these figures are brought into the equation, it is clear that the real extent of this overexpenditure has reached alarming proportions.

With regard to the RDP, the ANC has expressed concern about the parallel accounting that is required to accommodate the RDP Fund and allocations from that fund. Transfers from the RDP Fund, which are channelled via the Finance Vote, are not indicated in the overall figures of individual departments. This gives a false and understated indicator of the affected departments' proportional and relative position to the overall Budget.

Another aspect that further skews interpretations made of the Budget and, indeed, affects general macro-economic assessment is roll-overs. While the ANC recognises the importance of departments being able to roll over unspent funds to

avoid spree-spending at the financial year end, the magnitude of the roll-over funds indicated in the Adjustments Appropriation is alarmingly high.

There would seem to be a structural inability on the part of the departments to spend the funds apportioned to them. With the socio-economic backlogs which need to be redressed, there is a call for increased and focused spending in those areas which substantially affect the quality of the majority of people's lives.

Allocating increased funds to those departments is useless if the departments are unable to spend those allocated funds. The solution to this problem would, I think, be pivotal to solving the problems currently being experienced with delivery of services to the broader population.

To the Director-General and officials of the Department of State Expenditure, I would like to express the select committee's thanks for guiding it through the complicated maze of documentation which makes up the Adjustments Appropriation. I would, however, like to point out that the amount of time allocated to the committee to consider the Bill between tabling and debate is wholly inadequate and needs to be reviewed.

I would also call for the simultaneous tabling of the Adjustments Appropriation and the explanatory memoranda from the departments. To date our committee has still not received all the documentation required to make an unqualified report for the Adjustments Appropriation. This truly lamentable situation has to be addressed by parliamentary officialdom.

I stand to support the Bill on behalf of the ANC.

Senator C R REDCLIFFE: Mr President, under the Finance Vote in the Adjustments Estimate, provision is made for allocations to the respective provinces to assist them in meeting their deficits for this financial year.

The Western Cape has been allocated R602 714 000. I want to tell the hon the Minister of Finance that whilst we are grateful to the central Government for this allocation, the huge deficit arose primarily because of initial underfunding to the province, and not because of permissive management of its finances. On the contrary, I want to say to the hon the Minister of Finance that the Western Cape exercises extreme discipline in the management of its finances.

In spite of prudent financial management, indications are that the province might need additional financing, particularly in respect of health services, where there might be an underfunding of R60 million as a result of free medical care which, as the hon the Minister knows, was not specifically budgeted for. If additional funds are not forthcoming from the central Government, the Western Cape might have to utilise next year's allocations which, in effect, means that the province will start the new financial year with a deficit.

Therefore, the province is in a very difficult position. It is inevitable that the province will have to reduce its services, particularly in respect of education and health services. It is in these two departments that the province has its largest expenditure.

According to the *Financial Mail* of 19 January 1996, almost R520 million from an anticipated education deficit of R522 million relates to salaries. That means that if we wish to reduce our education budget, it will have to be in the area of teachers' salaries. This obviously means retrenching thousands of teachers in the province.

Last year President Mandela said that no teacher would lose his or her post. He reiterated this in his Opening Address to Parliament when he said that no teacher would be fired except under exceptional circumstances. Hon senators will allow me to quote the relevant part of the speech:

Today, I once more wish to reassure teachers that this Government is committed to re-deploy rather than retrench teachers. Any other approach would not make sense, given the needs in many parts of the country. This process itself will be the subject of extensive consultation, and only in extreme cases will the possibility of retrenchment be considered.

I want to say—and I do so with great respect—that this is very confusing. What is meant by “redeployment”? I think this needs to be defined. If we are talking about redeployment within the same province, this would not alter the Education budget at all. If we are talking about redeploying teachers by transferring them to outside the province, it makes sense. However, this obviously cannot take place within one month, or three months for that matter. By that time we will have entered the 1996-97 financial year, and the prospect of another huge budget deficit. I think

these matters need to be clarified urgently so that any uncertainty can be eliminated.

I wish to concede that historically the Western Cape has had high standards, particularly as far as education and health services are concerned. There is no doubt that the province will have to restructure. In fact, this is already happening. This type of restructuring cannot happen overnight, however. A longer period is required for scaling down, as is being proposed at present.

In the meantime the Department of Finance needs to set realistic budgets for the provinces, otherwise we shall have a repeat of these deficits in the next financial year. Therefore, I wish to ask the hon the Minister to take cognisance of the present deficits so that a higher provincial transfer will be catered for in next year's budget.

On the subject of deficits, I also wish to ask the hon the Minister to what extent the additional expenditure, as reflected in the Adjustments Estimate of R15 billion, will have an impact on the fiscal deficit of our GDP. Furthermore, I wish to ask whether the Financial and Fiscal Commission's recommendation for the 1996-97 fiscal year has been accepted by the Department of Finance.

The MINISTER OF FINANCE: Mr President, may I thank the two senators for their support and confidence, implied and stated, and may I thank Senator Redcliffe specifically for once again raising the issue of the provinces.

As far as the Financial and Fiscal Commission's formula is concerned, we are hopeful that we shall reach agreement on that formula this year so that it can be instituted as soon as possible. The authority and accountability in respect of running the provincial budgets can then be delegated to the provinces, as is intended in terms of the Constitution.

I should like to avail myself of the opportunity to remind hon senators that the milestones we set ourselves two years ago have all been met with the 6% deficit before borrowing, in the second year of a five-year term. I should like to highlight the fact that this was done during a period in which the gold price was low, in which we had a drought, in which we had no benefit from the inflow of funds as a result of the restructuring of assets, and in which we improved the funding of the pension fund from just over 50% to just under 60%. I really think the executive needs to be congratulated on that.

I should like to take this opportunity to thank my colleagues in the Cabinet and the Deputy Ministers for their support and their discipline in their respective departments. I should also like to thank the Director-General of State Expenditure, Hannes Smit, who has played a huge role in the administration related to containing the expenditure, both nationally and provincially. In addition, I want to thank Alec Erwin, who has played a vital role in providing leadership and exercising control and persuasion at provincial level. Finally I should like to convey my thanks for the input, support, discipline and control we have had from the Joint Standing Committee on Finance.

Debate concluded.

Bill read a first time.

Consideration of Schedule

Senator J A JOOSTE: Mr President, I just want to bring it to your attention that with the rescheduling of the orders on the Order Paper, only two of the Ministers my party requested to be present so that we could put questions to them this afternoon, are here. Under the circumstances, I feel I must ask the House whether we cannot postpone the Second Reading to some other day, so that we can debate it properly. We feel that it is very important for us to be able to put our questions to the Ministers. The Ministers to whom my party would like to put questions were given notice of that yesterday afternoon.

*The PRESIDENT OF THE SENATE: Order! The question was put on the basis of a guarantee that all the Ministers who were present then and were asked to be present, would be present. Can the Chief Whip help me please?

Senator B T NGCUKA: Mr President, I would request that we proceed with this Second Reading debate today. The request from my colleague, Senator Jooste, was conveyed to the relevant Ministries. Most of the Ministers they asked to be here today are here. We have made arrangements. For example, the Minister of Public Works was here this afternoon. He is one of the people who was requested to be here. The only one who was requested to be here but is not, is the Minister of Education. We asked him to be available as well. I therefore request that we proceed. Some of these Ministers have been waiting here all afternoon, and I request that we proceed for their sake.

The PRESIDENT OF THE SENATE: Order! We are engaged in the Consideration of the Schedules to the Adjustments Appropriation Bill, and not the

Bill itself. I must proceed on the basis that I had the guarantee, when I put the question that precedence should be given to the third item on the Order Paper, that Ministers who were then present, and had been asked to be present, would be present. I have no alternative but to proceed. If a Minister is not present, therefore, an explanation will be required as to whether he was here earlier, in which event the matter will have to be discussed in an appropriate forum. We shall therefore proceed.

Vote No 5—Agriculture:

Senator A VAN BREDA: Was the hon the Minister of Agriculture asked to be here? [Interjections.]

Senator B T NGCUKA: Is Senator Van Breda a presiding officer? [Interjections.]

Senator A VAN BREDA: Let us proceed.

Senator B T NGCUKA: Is Senator Van Breda the presiding officer? [Interjections.]

The PRESIDENT OF THE SENATE: Order!

Senator Dr S M MOTSUENYANE: Mr President, I did not ask the hon the Minister beforehand, but I thought that he was here. However, he has just left.

The PRESIDENT OF THE SENATE: Order! I suggest that the hon Leader of the House puts his question and the hon the Minister will be requested to reply to it in writing. I think that is fair.

Senator Dr S M MOTSUENYANE: Mr President, there is a substantial allocation in Vote 5 to what is called "Resource allocation" and I wanted some details as to what that entails.

The PRESIDENT OF THE SENATE: Order! The question will be recorded and the necessary arrangements will be made for transmission of the response.

Vote No 9—Constitutional Development:

Senator J SELFE: Mr President, I know the hon the Minister is in the House and I wondered whether I could ask him some questions. I noted from the explanatory memorandum of the department that an amount of about R0,5 million is being made available for an investigation into the seat of Parliament.

We all have our views about the seat of Parliament, and I think I know what the hon Minister's

view is on the seat of Parliament. I have wondered whether we should be spending an amount of R500 000 on a matter which is essentially political, which we as members of the CA need to decide. I also think one needs to ask when this report will see the light of the day in view of the time limitations we have in terms of finalising the Constitution.

The MINISTER FOR PROVINCIAL AFFAIRS AND CONSTITUTIONAL DEVELOPMENT: Mr President, my department only acted as the functionary on account of a Cabinet decision that such an investigation should be conducted. It is for that reason, and no other reason, that it appears on my department's Vote. The report has not been made available to Cabinet yet, and the investigation is still going on.

*The PRESIDENT OF THE SENATE: Order! Does Senator Selfe, as a Capetonian, want that question to be recorded in Hansard?

†Shall we just keep it quiet that the hon senator has asked that question? [Laughter.]

Vote No 12—Environmental Affairs and Tourism:

Senator Dr S M MOTSUENYANE: Mr President, a country at our level of development appears to be giving too much priority to Antarctic island research, and I have looked at the allocation that has been overbudgeted there. I do not believe that there is much justification for giving precedence to that kind of thing rather than development, training and education in the country itself. I would like to have a little more substantiation of the need for continuing this research at that amount of money and the benefit it brings to the country in the short term.

*The PRESIDENT OF THE SENATE: Order! Is the hon the Minister or the hon the Deputy Minister here to answer the question?

*Senator J A JOOSTE: Mr President, the Minister was here. He has sent a note to say that as a result of the change in the sequence of the orders of the day, it is impossible for him to be present because he has appointments to meet. I therefore ask that the question should be conveyed to him.

THE PRESIDENT OF THE SENATE: The same facility will be available to the hon the Minister to answer the question in writing.

Vote No 13—Finance:

*Senator C ACKERMANN: Mr President, in respect of point 7 under Vote 13, that deals with the provinces, I would like to ask the Minister of Finance whether the present amount, which is an adjustment, will be taken into consideration in the original amount voted for next year's budgets in respect of the provinces, or will we return to the amount voted as has been set out here?

*The MINISTER OF FINANCE: Mr President, in next year's budget we will naturally look at the real expenditure of the provinces and use this as a basis to see what they really need. Maybe I can take this opportunity to assure hon members that the R1 billion that has been made available in the temporary fund, will go through the same procedures and disciplines, also in respect of the Treasury Committee, as any other additional expenditure.

*Senator Dr P J GOUS: Mr President, the hon the Minister referred in his speech to the fact that there was an over-expenditure on transfers that had to take place in the local authorities. At what level were these funds utilised?

*The MINISTER: Mr President, unfortunately I do not have the details in respect of this at this stage. If it is acceptable, I will also make it available to the hon senator in writing.

Vote No 15—Health:

Senator C R REDCLIFFE: Mr President, I wish to ask the Minister for Health whether the amount of R20 686 000 in Programme 6 included the R14,27 million for Mbongeni Ngema's play on Aids, *Sarafina 2*. If it is not reflected on that programme, where is it reflected?

The PRESIDENT OF THE SENATE: Order! The question will be recorded and conveyed to the hon the Minister with the facility that she may respond in writing.

*Senator C ACKERMANN: Mr President, I also want to ask a question about health. The present position in the Western Cape is that our health budget needs to be cut by almost 27% in order to achieve equality between the provinces. International standards are between 3% and 4%, and a cut-back of 27% will result in the Western Cape having to close down some of its hospitals or engage in large-scale retrenchments. I want to request the Minister to allow this equalisation of the provinces to take place over a longer period.

To expect a cut-back of 27% in one year is a bit of a tall order.

Vote No 17—Housing:

Senator Dr S M MOTSUENYANE: Mr President, there is a very substantial allocation for housing support. Does this include the construction of housing, or is it just money given to help people acquire homes?

The MINISTER OF HOUSING: Mr President, housing support involves a lot of processes, one of which is to afford people within the low income group the opportunity to acquire houses. Those people have to be able to get into the system of a housing support centre, which is a new structure within our department. However, at the same time such processes involve the acquisition of equipment in order to get the process off the ground. It is, therefore, a broad-ranging process and support system for all aspects of housing acquisition.

The PRESIDENT OF THE SENATE: Order! Have we attended to the Home Affairs Vote? [Interjections.] If there are no questions, we will proceed. Some Ministers appear to be very fortunate.

*Senator C ACKERMANN: Mr President, on a point of order: I wanted to ask a question about housing when you went back to Vote No 16. I would like to know whether we may still ask questions on Vote No 17 and Vote No 18.

*The PRESIDENT OF THE SENATE: Order! I do not think that we will be rigid. No harm could be done by asking the hon the Minister whether she is prepared to answer another question.

†Will the hon the Minister please indicate whether she is prepared to take a further question? Yes, she will do so.

Senator C ACKERMANN: Mr President, in the memorandum it says that funds are suspended in respect of rural development for three provincial administrations. For the Western Cape, R22,7 million has been allocated. Could the hon the Minister explain why these funds have been suspended?

The MINISTER OF HOUSING: Mr President, we are going through a process of review in relation to our policy and the practical conditions on the ground. There has been a lot of communication between the Ministry of Housing, the Ministry of Land Affairs and the Ministry of

Agriculture. We are trying to integrate our efforts in terms of, firstly, making sure that we have one structure with which to deal with rural housing or rural development.

In the past rural housing was provided for under Agriculture. Within the agricultural budget we still have R50 million outstanding, which has to be transferred to Housing. Therefore, that is something that we are still looking at.

Secondly, through an integrated effort between THE Ministry of Housing and the Ministry of Land Affairs, we are attempting to try and link up our two policies vis-a-vis rural housing and rural development, because there is no way in which we can separate the two. Because of that process, we feel that we need to tie up the policy aspect before we start spending.

Thirdly, we have just received an amount of R50 million for rural housing from the German government. We had wanted to allocate the money to the provinces for spending. However, as one may well know there are different requirements for accounting in the different government systems. The German government system requires us to account for the money in a specific and particular manner.

We thus felt that instead of losing the money, because the German government has also to account to its own parliament, we should rather transfer that amount to our institution called the National Housing Finance Corporation which is due to start operating within a few weeks. So, because of these positive developments, we felt that we should rather administer the amount within a co-ordinated structure, since we do not want to run our funds and deal with aspects from different angles.

So there has been no co-ordination. We have been trying to get everything compressed so that there is proper accountability. If a senator were to come to me for rural housing and I were to refer him to Minister Kraai, it would not make sense. So, we are trying to integrate our efforts in that respect. Because of that we had to suspend our programmes temporarily.

Senator C ACKERMANN: Mr President, will the Minister give us the assurance that the Western Cape will get some of that R50 million allocated by the German government, even if it is put into another slot?

The MINISTER: We do not discriminate against provinces. We allocate our budget according to need and we ensure that there is equity. There is no discrimination against provinces.

The PRESIDENT OF THE SENATE: Order! I put Vote No 20 . . .

*Senator C ACKERMANN: Mr President, may I ask another question on Vote No 18?

The PRESIDENT OF THE SENATE: Order! Yes, I shall consider this an oversight on my part, having perhaps proceeded too swiftly. The hon senator may put his question.

Vote No 18—Improvement of Conditions of Service:

*Senator C ACKERMANN: Thank you, Mr President, I appreciate your sympathy.

As regards conditions of service, especially in the Eastern Cape, the Northern Cape and the Western Cape, we have provincially supported hospitals. These hospitals are subsidised by as much as 90% by the provinces and 10% by the communities. In this way we obtain community involvement with these hospitals.

The personnel of these hospitals are not provided for under this Vote. If they are not going to be provided for, these provincially supported hospitals, which render a very important service in the rural areas, will have to close down.

*The PRESIDENT OF THE SENATE: Order! Is this a question, or an announcement?

*Senator C ACKERMANN: The question is, Mr President, whether this personnel cannot be provided for under Vote No 18, in order to keep these hospitals in our rural towns operational.

The PRESIDENT OF THE SENATE: Order! The question will have to be conveyed to the hon the Minister, and will be treated accordingly.

Vote No 21—Land Affairs:

Senator A E VAN NIEKERK: Mr President, we have indicated that we were going to pose the question to the Minister, but he has not been here today.

The PRESIDENT OF THE SENATE: Order! I do not know whether the senator is happy with the sound system, but I would really like the sound system to catch up with the proceedings here in the Chamber.

*Senator A E VAN NIEKERK: Mr President, in various places reference is made to funds which have been rolled over to consultants, as in Programmes 5, 6 and 9. We would like to know if these are additional allocations, because it has now become important to know how much money per project has been spent on consultants, how much it is being esvissaged will be spent on consultants, what process is being followed in appointing these consultants and why the State departments of the State cannot be instructed to do this work, because we find ourselves in the position that people have been resettled, they are hungry and this money can be utilised there.

I also have a further question. The large amounts in this specific sector which have been rolled over to next year clearly indicate . . .

*The PRESIDENT OF THE SENATE: Order! Could we hear the question, please?

*Senator A E VAN NIEKERK: That is the question, Mr President, with all due respect. This indicates that the department has not achieved what it envisaged, or is there another reason? That, then, is the question.

*The PRESIDENT OF THE SENATE: Order! It seems to me Senator Van Niekerk has been here long enough to have become quite inventive! We shall look carefully at his next questions.

Vote No 23—National Defence:

Senator J SELFE: Mr President . . .

The PRESIDENT OF THE SENATE: Order! Senator Selfe, I would like the sound system to improve immediately. Not in a minute, but immediately. The hon senator may proceed.

Senator J SELFE: Mr President, my question concerns Project Dyson and the payments which are now eventually going to be made to the roughly 900 people who are affected. The hon the Minister will be aware that many of these people are in a desperate situation—many of them have had to sell houses, and so on and so forth—and I would like to know when the Minister expects to be able to make these payments, now that they have been approved by Parliament.

The MINISTER OF DEFENCE: Mr President, permission has now been granted by the courts and the Treasury for this money to be paid. We are taking steps. We are very concerned about the plight of those people. My Ministry will do everything in its power to expedite this process. We have already presented a budget to the

Treasury. There are funds that were not used last time which have been rolled over and I think the process will be speeded up.

Senator Dr G W KOORNHOF: Mr President, I would like to thank the hon the Minister for being here to answer questions. Firstly, I refer to the supplementary estimate of approximately R1,2 billion utilised to fund additional expenditure. Approximately R854 million has been rolled over from last year for the integration process. Why is there a delay in this process? Secondly, the balance of R214 million has been earmarked for “unpaid commitments”. What were these unpaid commitments?

The MINISTER: Mr President, it is true that an amount has been rolled over. We have experienced a lot of problems in the process of integration. The process is much slower than was initially anticipated. The certified personnel register is now in the process of being finalised. Originally, it was planned to integrate 22 000 members in the 1994-95 financial year. However, only 10 000 members were integrated in 1994-95. That took time and resulted in some funds not being utilised. The process is continuing. After a long struggle we got permission from the Department of Finance to have this money rolled over so that we can address this problem.

There is also an amount of R208,086 million that has not been used. These were orders which were not paid for, because they were not supplied in time. Some were for uniforms which were meant for the integration process and various items related to integration which were not supplied. That is what resulted in this huge amount being rolled over.

Senator M G E WILEY: Mr President, I would like to thank the hon the Minister for being here. With regard to item 4(d), “Maritime Defence”, is that increase of 14,2% a result of the delay on the decision with regard to the purchase of the corvettes? Is that increase as a result of this delay in decision-making? Secondly, with regard to Project Dyson, I would like to latch onto what Senator Selfe said. I did not fully understand: Is the Minister saying that the funds are available, or that he is going to make use of bridging finance? In the event that the Minister is going to make use of bridging finance, will he kindly make sure that the junior ranks get paid first as they are the ones that have been most inconvenienced by this inordinate delay.

The MINISTER: Mr President, in my response I did say that some funds have been rolled over, and that we are going to address this matter very urgently. However, I think the order of payment will be decided by those who are going to do the payment. What was the other question? The issue of the corvettes?

Senator M G E WILEY: The increase under “Maritime Defence”.

The MINISTER: Well, naturally, I would have liked to have had those corvettes yesterday, if I had it my way. The history of the corvettes is well known. Some hon members in this Senate stood by my side, supported me, but the opposition was rather strong and understandably so. People have not understood this whole question of defence. Furthermore, the social conditions in the country compelled people to choose between houses, bread and butter, if you like, and the corvettes. Of course, what was not understood was that in order to provide those houses and bread, jobs must be created. Those jobs can only come from investments in this country, and no country will come and invest billions in a country when that country has no assurance that its investments will be secured.

The point I would like to make is that we have restarted the whole debate on the White Paper. We have started the debate on the review . . . [Interjections.]

The PRESIDENT OF THE SENATE: Order!

The MINISTER: . . . of the Defence Act. A few days ago we staged a very successful conference, and I am happy to report to this House that we are beginning to get consensus from the public. At that conference we had members of the Defence Force, the civilian public out there and the press. Out of this whole conference, consensus is emerging. In fact, at that conference, people were very enthusiastic. There were some issues which went unanswered, but they have called for another conference and we are going to move in that direction and get that conference going so that we end up with consensus.

I want to believe that in the very near future, we will get an agreement from our people that these ships should be purchased, because, if we do not, then the Navy will definitely go to pieces. If the Navy goes to pieces, it goes without saying that all the other areas that are affected will follow the same route. I am sure the Government of National

Unity would not want to see the Defence Force destroyed in their hands.

The PRESIDENT OF THE SENATE: Order! It therefore seems to me it is no longer a matter of “if” or “whether”, but a question of how many. [Laughter.] Does the hon the Minister wish me to put the question on how many corvettes? [Laughter.]

Vote No 24—Police Service:

Senator Dr G W KOORNHOF: Mr President, there is an additional R470 million allocated to the Police Service. I am asking this question in the public interest.

Within this increase there is a decrease of nearly R223 million in crime combating and investigation. My question therefore, since we are experiencing a wave of crime and violence, is why there is a decrease in crime combating.

The PRESIDENT OF THE SENATE: Order! Since the hon the Minister is not in the House, he will respond in writing.

Vote No 27—Public Works:

*Senator A VAN BREDA: Mr President, with reference to Programme 2, in which there is merely a cryptic explanation for the budget of more than R397 000 000, namely that it can mainly be attributed to funds carried over for capital projects and the promotion of job creation, I want to ask . . . And now the Minister is not present. The Minister had the courtesy to be here this afternoon when he had to speak, but now he is not here!

The promotion of job creation is part of that

priation in future, it does not make any sense for us to be here in session to discuss the Adjustments Appropriation.

If I were to take a guess, an additional R35 000 000 was budgeted purely for advisory services to create a work programme. This is additional money which is necessary. If this is so, the question is how much is available for job creation itself.

If one has a further look at the programme, provision is made for Government motor transport and other subprogrammes in the amount of R2,4 million. I do not know how much of that is for Government motor transport and I would have liked to ask the Minister that, because we want to know what the policy of the Ministry is with regard to the importation of cars as official vehicles for political office bearers, because every car imported means lost job opportunities because that car was not manufactured or assembled locally. These are questions which we would like to ask the Minister, but the Minister is not here.

I would just like to place on record once again that this is a hopeless situation for us in the Senate. It is a blot on the name of the Senate that the Cabinet is not present here, some of them have good reason because we change our programme in such a way without taking into account that Ministers also have responsibilities. I do not know whether I can expect an answer. No, I cannot.

*The PRESIDENT OF THE SENATE: Order! The same arrangement will apply here and I think the hon senator would be at liberty, within the framework of all other rules, to take this debate further by means of questions or an interpellation.

Vote No 29—Promoting the Reconstruction and Development Programme:

*Senator J A JOOSTE: Mr President, when I look at the explanatory memorandum and think of the question about the R82 million which has been made available for programmes of the National Assembly and the Senate of Parliament, I have a question about paragraph 2 of Programme 2 in this memorandum. I am referring to this section:

. . . overseas development aid to be utilised this financial year amounts to R123 million.

The question is whether this R82 million has possibly been incorporated into that amount, because there is concern at the moment about the fact that these funds were apparently promised but

are not being made available. The programmes are certainly already far advanced, and I would very much like the Minister to assure us that we can continue and that we will not find ourselves in a problem situation where funds do not materialise. [Interjections.]

*The PRESIDENT OF THE SENATE: Order! The question will be conveyed to the hon the Minister in writing.

Vote No 34—Transport:

Senator J SELFE: Mr President, I feel I must put a question to the hon the Minister since he has been sitting patiently in the Senate all afternoon. Unfortunately, I left the explanatory memorandum behind. I refer here to the amount that is made payable to Spyskor (Pty) Ltd. As I recollect from reading the explanatory memorandum, this has something to do with the recompensing for vehicles that have either been stolen or have been lost. I wonder if the hon the Minister could give us a little bit of the background on this matter.

The MINISTER OF TRANSPORT: Mr President, please bear with me for a moment so that I can trace it. The hon member seems to have aggravated the absenteeism by losing his documentation.

Is that in connection with the R10 million for vehicles?

Senator J SELFE: Mr President, it is done on the extra expenditure of R234 000 as I recollect it from the explanatory memorandum.

The MINISTER: Mr President, rather than hold the House up, could we go on to the other Votes and then come back to this one?

The PRESIDENT OF THE SENATE: We have been so lenient in so many ways that I think we can allow the hon the Minister that facility.

Vote No 36—Welfare:

Senator H J P LEBONA: Mr President, I want to find out if figures that fall under Welfare have any connection to the money that is being investigated. With all due respect, I want the NP to tell us where Mr Abe Williams is and why he is not here to answer a question.

The PRESIDENT OF THE SENATE: Order! I do not think that question can be allowed, because it is a question to the NP and not to the Minister. [Interjections.]

Vote No 34—Transport:

The MINISTER OF TRANSPORT: Mr President, thank you for your indulgence.

In view of the fact that the company Spyskor was not meeting its obligations in terms of the contract entered into with the department in respect of parking at the former Jan Smuts Airport, it was decided to terminate the contract with effect from 30 April 1995.

The State attorney immediately issued a summons in the amount of R367 668,50 which was later reduced by R141 668,50 to R234 000. The Department of Transport owed the money to the company for income from the sale of parking tickets to departmental personnel and organisations that use and operate the former Jan Smuts Airport. Therefore, there was a contractual obligation, and when the contract was terminated, we had to make the payment for tickets that had been issued.

Votes and Schedule agreed to.

Bill read a second time.

NEW MEMBER

(Announcement)

The PRESIDENT OF THE SENATE: Order! I have to announce that the vacancy in the representation of the Northern Province in the Senate has been filled by the nomination of Mr F Maserumule with effect from 15 February 1996.

OATH

Mr F Maserumule, introduced by Senators S L E Fenyane and S W Lubisi, made and subscribed the oath and took his seat.

The House adjourned at 17:50.

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

TABLINGS:

National Assembly and Senate:

Papers:

1. The Minister for Safety and Security:

Memorandum on Vote No 24—“Police Service”, Adjustments Estimate, 1995-96.

Senate:

Bills:

1. The President of the Senate:

Message from National Assembly to Senate:

Bills passed by National Assembly on 22 February 1996 and transmitted for concurrence:

- (1) *Plant Breeders' Rights Amendment Bill* [B 86B—95] (National Assembly)—(Select Committee on Agriculture and Land Affairs—Senate).
- (2) *Agricultural Research Amendment Bill* [B 89B—95] (National Assembly)—(Select Committee on Agriculture and Land Affairs—Senate).
- (3) *Parliamentary and Provincial Medical Aid Scheme Amendment Bill* [B 108B—95]—(National Assembly) (*Ad hoc* Select Committee on Parliamentary and Provincial Medical Aid Scheme Amendment Bill—Senate).