

**TUESDAY, 26 NOVEMBER 2019**

**[No. 20/2019] FIRST SESSION, SIXTH LEGISLATURE**

# **KWAZULU-NATAL LEGISLATURE**

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## **MINUTES OF PROCEEDINGS**

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**TUESDAY, 26 NOVEMBER 2019**

The House met at 09h12.

1. 09h13 Members were given an opportunity for silent prayers or meditation.
2. 09h14 The Deputy Speaker made announcements, including the passing away of: -
  - 2.1 Mr Thami Mchunu;
  - 2.2 Ms Amelta Dlamini; and
  - 2.3 Ms Busiswa Dlamini.

The House observed a minute of silence.
3. 09h20 The Speaker read into the record the tabling of the following reports: -
  - 3.1 KwaZulu-Natal Legislature:
    - 3.1.1 Budget In-Year Monitoring Report [IYM] for the month of October 2019; and
    - 3.1.2 Second Quarter (July – September 2019) and Mid-Year Performance Report (April – September 2019).
4. 09h21 The following reports were tabled:

- 4.1 Mr N Ntombela tabled the following reports of the Standing Committee on Oversight:
  - 4.1.1 Report on the Unauthorised Expenditure Bill;
  - 4.1.2 Report on the 2018/19 Legislature Audit Outcomes; and
  - 4.1.3 Report on the 2019/20 Legislature Mid-Term Report.
- 4.2 Ms M Govender tabled the following reports of the Standing Committee on Public Accounts:
  - 4.2.1 Hearings on 2018/19 Reports of the Auditor-General; and
  - 4.2.2 Report on the adoption of the KwaZulu-Natal Unauthorised Expenditure Authorisation Bill, 2019.
- 4.3 Ms P Mbatha-Cele tabled the Report of the Standing Committee on Quality of Life, Youth, Children, Women, Senior Citizens and People with Disabilities on the 16 Days of Activism for No Violence against Women and Children Campaign.
- 4.4 Mr S C Nkosi tabled the following reports of the Portfolio Committee on Finance:
  - 4.4.1 Report on the Division of Revenue Amendment Bill, 2019 [B15 – 2019]; and
  - 4.4.2 Report on the 2019/20 Mid-Year Budget Performance Hearings.

5. 09h23 The following Members gave notice of their intention to move motions on the next sitting day of the House:

**5.1 Ms N Dube-Ncube, ANC, to move:**

**This House notes:**

That the proliferation of invasive alien plants in KwaZulu-Natal is a cause for concern;

This phenomenon threatens to have dire consequences for humans, animals and biodiversity; and

We are gearing up to make a huge effort in fighting the *Parthenium hysterophorus* (famine weed), indigenously also known as “umbulalazwe”, to protect communities in the province.

**This House therefore resolves:**

To continue supporting efforts by our environmental unit and Ezemvelo KZN Wildlife to combat the incursion of these plants; and

To create jobs for our local people while doing so.

**5.2 Ms M C Frazer, ANC, to move:**

**This House notes:**

The Bill of Rights enshrines the rights of all South Africans, including consumer rights; and

The Consumer Protection Act outlines consumer rights, which all South African consumers should be aware of, including –

- the right to choose;
- the right to disclosure of information;
- the right to fair and honest dealing;
- the right to fair value, good quality and safety; and
- the right to accountability by suppliers.

**This House therefore resolves:**

To welcome the closure of dubious foreigner-owned shops in Loskop (Inkosi Langalibalele Local Municipality), which were found to be selling expired merchandise to unsuspecting communities during a random inspection yesterday.

**5.3 Mr P Govender, IFP, to move:**

**This House notes:**

The increasing number of male educators who are involved in romantic and/or sexual relationships with female students;

These students are minors who are trusted into the care of adults responsible for their education; and

Such immoral behaviour could be the cause of school violence, teenage pregnancies and students' poor academic performance.

**This House therefore resolves:**

To call on the MEC for Education to fully investigate any and all allegations of affairs between educators and their students, even at primary school level, and to take harsh action against any educators found guilty of immoral behaviour.

**5.4 Mr H U de Boer, DA, to move:**

**This House notes:**

That the preservation of biodiversity is a core mandate of Ezemvelo KZN Wildlife and contributes significantly to the KZN GDP and job creation; and

Up to 60 % of all wildlife and nature parks under the management of Ezemvelo have fences that are not up to specification, allowing poaching and the escape of animals.

**This House therefore resolves:**

To call upon the MEC for Economic Development, Tourism and Economic Affairs to urgently intervene and take firm leadership in guiding Ezemvelo to unlock capital, and to budget appropriately to repair fences and tourism facilities.

**5.5 Ms N L Mpayipheli, EFF:**

***This motion was ruled out of order as it had exceeded the maximum length of 100 words, as laid down by Rule 98 (1) of the Standing Rules of the KwaZulu-Natal Legislature.***

**5.6 Mr S W Mshengu, ANC, to move:**

**This House notes:**

The recent welcome rains which brought much-needed relief to draught-stricken areas, and especially to farming communities;

The drought has negatively affected livestock, plants and animals in our conservation parks; and

Excessive rains may negatively impact communities living on the borders of conservation parks, and animals may escape through loose fences caused by erosion.

**This House therefore resolves:**

To urge our people to be cautious of wild animals in their areas and to report any uninvited wild guests to the authorities

**5.7 Mr M B Gwala, IFP, to move:**

**This House notes:**

The initiative by IFP President Emeritus, His Excellency Prince Mangosuthu Buthelezi, and IFP President, hon V F Hlabisa, for taking a stand against women and child abuse by signing the pledge to fight gender-based violence.

**This House therefore resolves:**

To commend the IFP President, hon V F Hlabisa, who has taken the initiative by embarking on a campaign, encouraging all people to fight gender-based violence;

To challenge all government departments and the private sector to present detailed plans on how to eradicate gender-based violence, and

To urge everyone in this province to stand up against gender-based violence.

**5.8 Mr L M Meyer, DA, to move:**

**This House notes:**

That the Speaker has finally followed up on repeated requests by the DA from all levels of government to host an engagement with the LGBTIQ+ community; and

That the LGBTIQ+ community in KZN still faces various challenges on a daily basis.

**This House therefore resolves:**

To call on the Speaker, following her engagement, to allow a debate in this House to debate the challenges of the LGBTIQ+ community, as well as steps to be taken by the provincial government to assist this community.

**5.9 Mr S E Manqele, ACDP, to move:**

*This motion was ruled out of order as it had exceeded the maximum length of 100 words, as laid down by Rule 98 (1) of the Standing Rules of the KwaZulu-Natal Legislature.*

**5.10 Ms S Thakur-Rajbansi, MF, to move:**

**This House notes:**

The high teenage pregnancy rate, along with an equally high abortion rate. .

**This House therefore resolves:**

To protect women's health and women's rights in equal measure; and

To call on the Premier to organise an imbizo on planned parenthood so that more funds can be steered towards teenage pregnancy prevention programmes, and increased access to critical reproductive and sexual healthcare.

**5.11 Mr T S Mtshali, ANC, to move:**

**This House notes:**

The international award recently accorded to the Dube Trade Port Corporation (DTPC) for the sterling work done by Edtea;

DTPC recently scooped the coveted 2019 UN Investment Promotion Award in Geneva for attracting huge investments like Mara Electronics, and

In the same week the DTPC scooped the Femoza Award for Best Practice in Free and Special Economic Zones.

**This House therefore resolves:**

To congratulate the CEO, Mr Hamish Erskine, and the board Chairperson, Dr Bridget Gasa, for continuing to be a beacon of light in the midst of investment challenges; and

To continue supporting their sterling work.

**5.12 Mr S Moodley, IFP, to move:**

**This House notes:**

The alarmingly high rates of suicides and murders that have plagued our province in recent weeks;

That the Department of Social Development works closely with relevant stakeholders to offer a lifeline to individuals suffering from depression;

That counselling should be readily available; and

That social workers should be capacitated to assist so that we may see a reduction in this scourge that has claimed innumerable lives.

**This House therefore resolves:**

To call for a change in the narrative around the stigma of depression, and

To create awareness and make help available by working closely with faith-based organisations and other role players.

**5.13 Mr C J Pappas, DA, to move:**

**This House notes:**

That the majority of land reform projects in the Middelrus area have collapsed;

That millions of Rands have been spent on farms that are now unproductive, thus jeopardising food security and economic transformation; and

That serious allegations have been made against officials in the Department of Agriculture and Land Reform.

**This House therefore resolves:**

To support the establishment of an investigation into the failed land reform projects in the Middelrus area, which investigation should include:

- an independent forensic investigation;
- multi-party oversight; and
- a meeting between the affected communities and the portfolio committee.

**5.14 Mr N Ntombela, ANC, to move:**

**This House notes:**

That *Amabhokobhoko* won the Rugby World Cup;

They are the first team to do so on three continents – Africa (1995), Europe (2007) and Asia (2019); and

They also won the Castle Lager Rugby Championship and World Cup in the same year.

**This House therefore resolves:**

To congratulate Siya Kolisi for being the first African Springbok captain to lift the Webb Ellis trophy; he wore the historic jersey number 6, just like Francois Pienaar and Madiba had done; and

To congratulate the World Rugby Team of the Year who had the second highest score in the history of a Rugby World Cup Final: 32-12.

**5.15 Mr T P Mthethwa, IFP, to move:**

**This House notes:**



That the KwaZulu-Natal Department of Education has fired seven teachers and an administrator for sex-related violations against pupils; and

That eight former staff members had been subjected to disciplinary hearings before they too were expelled by the department.

**This House therefore resolves:**

To commend hon Kwazi Mshengu, MEC for Education, for taking action against perverts in our schools who prey on young girls;

To name and shame sex perverts as they have no place in the education profession; and

To urge teachers to lead by example by being professional and to refrain from behaving like sexual perverts.

**5.16 Ms E Rabe, DA, to move:**

**This House notes:**

That highly disturbing newspaper article about the HOD for Social Development, Ms Khanyile, who completely disregarded the Premier's instruction for her to vacate her position; and

That the HOD is implicated in kleptocracy, self-enrichment and the intimidation of service providers and officials, amongst many other allegations.

**This House therefore resolves:**

To request that the HOD for Social Development be suspended from her duties with immediate effect; and

To urge the Premier and MEC to take this matter very seriously and to ensure total accountability in this department.

**5.17 Ms N Simelane-Zulu, ANC, to move:**

**This House notes:**

The ANC government has started the process of

implementing the NHI [National Health Insurance] which will ensure that poor people in South Africa will have equal and universal access to health, in line with discussions by the World Health Organisation and the United Nations, as well as the ANC's document which is titled *Ready to Govern*;

The DA's stance against the NHI, in line with capitalist ideology; and

The DA will be the biggest losers as the Bill will curtail the abuse of our people by medical aid schemes.

#### **5.18 Ms N J Nkwanyana, IFP, to move:**

##### **Le Ndlu inaka:**

Ngokukhathazeka isenzo esingalungile esenziwa abahlengikazi kanye nodokotela ezibhedlela kanye nasemitholampilo sokuthula bangabiki ngokulimala noma ngokushona kweziguli uma bebona ukuthi yibo abasephutheni ngoba besaba ukuthwala icala;

Isigameko sakamuva sikaMnu Bongani Zwane (46) oshonele KwaMashu Poly Clinic ezandleni zendodana yakhe ngenxa yokuthi abahlengikazi nodokotela behlulekile ukumsiza ephethwe yi-*asthma* kodwa baze bamnikeza usizo ngoba sebebona ukuthi useyashona vele.

##### **Ngakho-ke le Ndlu inquma kanje:**

Ukunjusa uNgqongqoshe Wezempilo KwaZulu-Natali uMhlonishwa u-Nomagugu Simelane-Zulu ukuba enze uphenyo olunzulu ngalesi sigameko ngoba umndeni wakwaZwane ufuna izimpendulo ngokushona kwelungu lawo nokholwa ukuthi lashona ngenxa yobudedengu bodokotela nabahlengikazi.

Ukuthi abasebenzi bezempilo abafihla izigameko zobudedengu babo kumele bathathelwe izinyathelo ezinqala okubalwa nokuxoshwa uma betholakala benecala.

##### **[*This House notes:***

*With concern that nurses and doctors at our hospitals and clinics do not report patients' injuries or deaths when they*

*realise that they are at fault for fear of being charged with those incidents;*

*The latest incident related to the death of Mr Bongani Zwane (46) who died in his son's arms at KwaMashu's Poly Clinic due to the fact that nurses and doctors had failed to assist him when he suffered an asthma attack; they attended to him only when they realised he was about to lose his life.*

***This House therefore resolves:***

*To call on the MEC for Health in KwaZulu-Natal, hon Nomagugu Simelane-Zulu, to institute an urgent investigation into this incident because the Zwane family wants answers about the death of their family member whom they believe died due to the negligence of doctors and nurses; and*

*To call for drastic measures, including dismissal in the case of a guilty finding, against all healthcare workers who hide incidents that involve their own negligence.]*

**5.19 Mr J S Nxumalo, ANC, to move:**

**Le Ndlu inaka ukuthi:**

Sekuzoqala amaholidi kaKhisimuzi.

Ngakho-ke le Ndlu inquma kanje:

Ukunxusa uNgqongqoshe Wezokuphepha Nezokuthutha ukuba aqinise umkhankaso wokuqwashisa ngokuphepha emgwaqeni ukuze kuphephe abantu abaningi abalimala ezingozini zomgwaqo ngesikhathi samaholidi;

Nokuba izaphulamthetho zithathelwe izinyathelo zomthetho.

**[This House notes that:**

*The festive season has begun.*

**This House therefore resolves:**

*To call on the MEC for Transport, Community Safety and Liaison to intensify the road safety campaign to avoid road*

*accidents that claim so many people's lives during this period; and*

*To call for the law to take its course in response to those who disobey the rules of the road.]*

**5.20 Ms G N Swartbooi, ANC, to move:**

**This House notes:**

That the Portfolio Committee on Social Development visited the Nkululeko Project in eNdumo, Mkhanyakude District, on 22 November;

Some R47.6 million was invested in this complex which houses centres for early-childhood development, the youth, elderly and disabled persons, SASSA and Home Affairs;

Building of the Youth Centre started in 2015, but has not been completed; and

SASSA and Home Affairs offices are not yet fully equipped.

**This House therefore resolves:**

To encourage the MECs for Social Development and Public Works to visit the project; and

To call on the Department of Social Development to supervise and monitor the project.

**5.21 Mr N M Sibiya, ANC, to move:**

**This House notes:**

That citizens of eNquthu are disgusted and embarrassed by their dirty town;

Water leaks are everywhere and there are no skips for waste disposal;

The municipality has failed dismally to keep the town clean, and

Ratepayers of Nquthu Township have resorted to dumping waste all over the place because no-one cares anymore.

**This House therefore resolves:**

To urge the people of eNquthu to rethink their decision to vote for the party which currently leads the municipality because that party has failed them, and

To urge them to use 2021 to bring progressive change to Nquthu kunalezi zahluleki ezikhona ezilibele ukwakha ama-ground [*to rectify the current failures by those who are constructing sports fields.*]

6. 10h51 The Deputy Speaker made announcements.
7. 10h52 Debate on the Division of Revenue Bill [B15–2019] commenced and was concluded at 10h26.

*Question put:*

That the KZN provincial delegation to the NCOP cast a vote in favour of the Division of Revenue Amendment Bill [B15–2019] at the relevant NCOP Select Committee; and

That the head of the provincial delegation to the NCOP casts a vote in favour of the Division of Revenue Amendment Bill [B15–2019] at the NCOP Plenary.

*Agreed to.*

8. 10h28 Debate on the Report on 16 Days of Activism against Gender-based Violence and Child Abuse commenced and was concluded at 11h49.
9. 11H50 The Deputy Speaker made remarks.
10. 11h51 The MEC for Finance tabled the KZN Adjustments Appropriation Bill, 2019. The debate commenced and was concluded at 12h37.  
  
The Deputy Speaker referred the KZN Adjustments Appropriation Bill, 2019 to the Portfolio Committee on Finance and the Standing Committee on Oversight.
11. 12h33 The Deputy Speaker made announcements.
12. 12h34 The business of the House was suspended and resumed at 13h30.

13. 13h31 Debate on the 2018/19 KZN Provincial Audit Reports commenced and was concluded at 14h54.
14. 14h55 Debate on the Unauthorised Expenditure Authorisation Bill, 2019 commenced and was concluded at 15h20.
15. 15h21 Debate on the Reports of the 2019 Mid-term Budget Performance Reviews commenced and was concluded at 16h38.
- Question put.
- That the Reports of the 2019 Mid-term Budget Performance Reviews be adopted.
- Agreed to.
16. 16h40 Voting on the KZN Unauthorised Expenditure Authorisation Bill, 2019 commenced and was concluded at 16h40.
- Question put.
- That the KZN Unauthorised Expenditure Authorisation Bill, 2019 be adopted.
- Agreed to.
17. 16h41 The Deputy Speaker made announcements.
18. 16h42 The Acting Premier made announcements.
19. 16h45 The Deputy Speaker further made announcements.
20. 16h46 The House was adjourned until Thursday, 28 November 2019 at 09h00.