

THURSDAY, 05 SEPTEMBER 2019

[No. 15/2019] FIRST SESSION, SIXTH LEGISLATURE

KWAZULU-NATAL LEGISLATURE

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MINUTES OF PROCEEDINGS

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THURSDAY, 05 SEPTEMBER 2019

The House met at 10h05.

1. 10h06 Members were given an opportunity for silent prayers or meditation.

2. 10h07 The Deputy Speaker made remarks and announcements, including the passing away of the following persons:

2.1 Miss Uyinene Mrwetyana; and

2.2 Four young children from Wyebank.

The House observed a minute of silence.

The Deputy Speaker read into the record the tabling of the following reports:

2.3 Office of the Premier:

2.3.1 Office of the Premier: Annual Report 2018/19; and

2.3.2 Royal Household Trust: Annual Report 2018/19.

2.4 Department of Community Safety and Liaison:

2.4.1 Department of Community Safety and Liaison: Annual Report 2018/19.

2.5 Department of Economic Development and Tourism and its entities:

2.5.1 Department of Economic Affairs: Annual Report 2018/19;

2.5.2 Moses Kotane Institute: Annual Report 2018/19;

2.5.3 Trade and Investment: Annual Report 2018/19;

2.5.4 Gaming and Betting: Annual Report 2018/19;

2.5.5 ADA: Annual Report 2018/19;

2.5.6 KZN Tourism Authority: Annual Report 2018/19;

2.5.7 Liquor Authority: Annual Report 2018/19;

2.5.8 KZN Sharks Board: Annual Report 2018/19;

2.5.9 Dube Trade Port: Annual Report 2018/19;

2.5.10 KZN Film Commission: Annual Report 2018/19;

2.5.11 Richards Bay Industrial Development Zone: Annual Report 2018/19; and

2.5.12 Amafa aKwaZulu-Natali: Annual Report 2018/19.

2.6 Department of Agriculture and Rural Development and its entities:

2.6.1 Department of Agriculture and Rural Development: Annual Report 2018/19; and

2.6.2 Mjindi Farming: Makhathini Annual Report 2018/19.

2.7 Department of Education:

2.7.1 Department of Education: Annual Report 2018/19.

2.8 Department of Co-operative Governance and Traditional Affairs:

2.8.1 Department of Co-operative Governance and Traditional Affairs: Annual Report 2018/19.

2.9 Department of Sport and Recreation:

2.9.1 Department of Sport and Recreation: Annual Report 2018/19.

3. 10h22 Ms N Simelane-Zulu, on behalf of the Premier, made remarks and announcements.

4. 10h26 The following Members gave notice of their intention to move motions on the next sitting day of the House:

4.1 Bishop E V Dube, ANC, to move:

Le Ndlu iyakunaka:

Ngokukhulu ukudumala izezo zokhlukumezeka ngokudlwengulwa kwabafundi bephakathi ezikhungweni zemfundo ephakeme.

E-UKZN kuvele ukuthi kunomalugaju ohlasela abafundi besifazane ephindelela; kanti e-DUT kuhlupha amaphara akhuthuza abambe inkunzi abafundi abaphuce izinsiza zokufunda.

Lokhu sekwenze abafundi abaningi babe nemikhankaso yobusuku la bezama ukuxwayisa ngale nkinga yokhlukumezeka ababhekene nayo.

Ngakho-ke le Ndlu inquma kanje:

Ukuba amalungu ahloniphekile ale Ndlu azibandakanye nemikhankaso eqhubekayo ezikhungweni zemfundo ephakeme, nokuthi izwi lethu lizwakale njengabaholi abakhethwa ngokwethenjwa abantu.

[This House notes:

The hugely disappointing acts of abuse and rape of students within tertiary institutions;

That there is a serial rapist at the University of KwaZulu-Natal who has repeatedly attacked women; and that “whoonga” addicts regularly pickpocket and rob students of their study material at the Durban University of Technology;

That these incidents have led to students embarking on a nocturnal campaign to try and warn others of the abuse that they are facing.

This House therefore resolves:

To call on Members to involve themselves with campaigns that are being held at tertiary institutions, and to make their voices heard as leaders who have been entrusted with leadership positions by the electorate.]

4.2 Mr M B Gwala, IFP, to move:

Le Ndlu inaka ngokushaqeka:

Unya nesihluku sokubulawa kowesifazane iqulu labesilisa bamdwengule kuhle kwezinja zinephula inyamazane.

Ngesintu sakithi umuntu wesifazane kabekwa isandla noma nini noma ngabe kwenzekeni;

Empeleni nxa kulwa abesilisa omunye abaleke angene esixukwini sabesifazane bekuba ukuphela kwempi kanti uma omunye wesilisa eselele phansi ubexolelwa uma esexamalazelwe owesifazane.

Lokhu okwenzeka kule mini kuhlaza iNdlu yabansundu nokuthi impilo yesimanjemanje inyundela isikompilo lethu lakudala nokucindezelwa kwamasiko esintu nendlela yokubusa yamanje kwelikaGondwane inomthelela emuncu empilweni yesizwe.

Ngakho-ke le Ndlu inquma kanje:

Uhulumeni obusayo kazinuke amakhwapha ngokukhamandela amandla phezu kwamasiko esintu.

Imithetho eshawayo ngabe inabo yini ubulungiswa

Uhulumeni akenze manje kubonakale ayeke ukubabaza.

[This House notes:

The shockingly cruel and brutal killing of a woman by a group of men who ripped her apart in the same way that a frenzied pack of dogs would rip a buck to pieces;

In African culture, a woman may not be beaten under any circumstances;

In fact, if men are fighting and one of them runs away to find refuge among a group of women, that fight is considered to be over and done with; and if a man is struck down by his opponents and women straddle him, his opponents would stop beating him;

What happened on the day in question is a disgrace to [the image of] black people; this new-fangled way of living undermines our good traditional way of life; the modern way of governing in the land of Gondwane suppresses our traditions, leaving a bitter taste in the mouth of our nation.

This House therefore resolves:

To call on the ruling government to do some introspection about its tendency to abuse power at the expense of our African traditions;

To call on government to enact laws that will see justice being served; and

To call for more action and fewer words by government.]

4.3 Mr H U de Boer, DA, to move:

This House notes:

That Ezemvelo KZN Wildlife rangers, after recently killing 32 buffalo, have now killed an additional 10 lions in the Hluhluwe/uMfolozi Park;

That two professional hunters were engaged to kill an additional two lions that had escaped; and

That Ezemvelo and this province may be in breach of a Public Protector report on escaped animal and attacks in the Hluhluwe region.

This House therefore resolves:

To call on the MEC for Economic Development, Tourism and Environmental Affairs to place an absolute moratorium on the killing of any animals classified as the Big Five by Ezemvelo KZN Wildlife, unless it is done in self-defence.

4.4 Ms M C Frazer, ANC, to move:

This House notes:

That Tshwane's DA Mayor Stevens Mokgalapa and officials took a trip to China where they were hosted, wined and dined by company giant Huawei;

That back at home officials were busy preparing a R1 billion tender which, according to IT experts, will suit Huawei products; and

That the same DA, which prides itself on clean governance and that wants everybody to believe they are best, designed this tender in such a manner that no SMME will pass through the compliance stage according to structured specifications.

This House therefore resolves:

To call on the Tshwane Council to institute an investigation into this controversial DA mayor.

4.5 Mr M J Mazibuko, IFP, to move:

This House notes:

That several road surveillance cameras along the N2 and N3 have been damaged in recent weeks;

That thieves, who allegedly vandalise the cameras, are also stealing their batteries and converters which apparently are very powerful conductors of electricity; and

That the cameras are managed by the SA National Roads Agency Ltd (Sanral).

This House therefore resolves:

To urge Sanral to urgently devise new strategies to safeguard the cameras on our roads; and

To call on the police to leave no stone unturned to investigate this crime and ensure that criminals, who put road users lives at risk, are arrested.

4.6 Mr L M Meyer, DA, to move:

This House notes:

That the provincial Department of Public Works owns properties that are not optimally used; and

That there is lack of safe spaces for women and victims of abuse in this province, especially in rural areas.

This House therefore resolves:

To call on the Department of Public Works, in association with the Department of Social Development, to identify buildings owned by the Department [of Public Works] which that can be used by NGOs in rural KwaZulu-Natal to provide safe spaces for women and victims of abuse.

4.7 Ms N M Khoza, ANC, to move:

This House notes:

The barbaric and gruesome killing of four Wyebank children by someone who was supposed to protect them – their father.

This House therefore resolves:

To debate gender-based violence as a matter of urgency;

To congratulate the SA Police Service on its swift response in arresting the perpetrator; and

To send its heartfelt condolences to the affected family.

4.8 Mr S W Mshengu, ANC:

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.

4.9 Mr S Moodley, IFP, to move:

This House notes:

That politicians, regardless of party affiliation or designation, should emulate the vision and values which late President Nelson Mandela espoused and advocated;

That we commemorated former President Mandela's birthday yesterday; and

That corruption, nepotism and poor governance should no longer be commonplace if we are to celebrate this great icon and son of Africa.

This House therefore resolves:

To honour his legacy, now more than ever before, by articulating the values he lived for and fervently believed in;

To become living examples that Madiba would have been proud of; and

To work towards attaining a South Africa that will engender patriotism and pride.

4.10 Ms M Ntuli, DA, to move:

This House notes:

That the high-level panel on land reform and agriculture has recommended that –

“Either the Ingonyama Trust Act must be repealed and the Trust disbanded entirely, or land governance must be devolved to the local level, with rights vested in occupiers and governance functions resting with Traditional Councils”.

This House therefore resolves:

To engage with traditional leadership on a process which will release the asset value of this land to the occupiers.

4.11 Rev S E Manqele, ACDP, to move:

This House notes:

That the Department of Basic Education is about to introduce Comprehensive Sexuality Education (CSE) in schools next year;

That the ACDP believes that the programme will, *inter alia*, encourage the acceptance and exploration of diverse sexual orientations and gender identities among children aged 5 to 10 years old at schools; and

That the ACDP also believes the programme will be concentrated on sexually grooming children.

The House therefore resolves:

To call on the Department of Basic Education not to continue with its introduction of Comprehensive Sexuality Education (CSE) at schools.

4.12 Mr N B Mthethwa, ANC, to move:

This House notes:

The ever-increasing cross-border crimes, especially between South Africa and Mozambique; and

The rise in vehicle theft, especially 4x4s and bakkies.

This House therefore resolves:

To acknowledge the strides made by the SA Police Service in that vehicles are now being recovered before they cross the border; and

To request all community members to work with the police and to report crime or perpetrators of crime.

4.13 Mr P N Msimango, IFP, to move:

Le Ndlu:

Yethukile futhi inamahloni ngezenzo zobulwane bokubulawa kwabantu ngesihluku, ikakhulu abesifazane nezingane, okubonakala kukhula ngesivinini kuleli zwe.

Lesi simo sidweba isithombe esithi iNingizimu Afrika ibhekene nenhlekelele uqobo lwayo. Uma kungekho zinyathelo eziphuthumayo ezithathwa nguHulumeni ukunqanda lesisimo, lelizwe lizoba sezandleni zemigulukudu ezizophendula abantu abathobela umthetho iziboshwa ezigcinwe ezindlini ngokwesaba ukuthi uma beke baphumela phandle bazoba ngokudla kwezigcwelegcwele.

Ngakho-ke le Ndlu inquma kanje:

Ukunxusa uMhlonishwa uSomlomo ukuba aqoke usuku ngokuphuthuma lapho amaLungu ale Ndlu ezobhunga khona ngalolu daba ngenhloso yokwakha amaqhinga okubhekana nale nhlekelele.

[This House notes:

The shocking, shameful, inhumane and heinous murdering of our people, especially women and children, which seems to increase at an alarming rate in this country;

That this situation paints a picture of a country that is facing a real crisis. If the government does not take urgent steps to stop his scourge, our country will be at the mercy of criminals who will turn law-abiding citizens into prisoners in their own homes for fear of falling victim to these thugs.

This House therefore resolves:

To call on the Speaker to urgently set a date for Members to debate this matter, with an aim of devising strategies to deal with this crisis.]

4.14 Ms E Rabe, DA:

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.

4.15 Mr N Ntombela, ANC, to move:

This House notes:

That Thor Chemicals, a British-based multi-national company, imported thousands of tons of mercury waste

into South Africa after being forced to shut down its hazardous operations in the UK during the 1980s;

Thousands of barrels containing mercury waste remain in warehouses and sludge ponds at Cato Ridge where medical researchers have found high levels of mercury in people's hair, in fish and in soil samples around Inanda Dam;

Mercury is an extremely powerful neurotoxin which can lead to blurred vision, tremors, brain damage, coma and death.

This House therefore resolves:

To call on the Portfolio Committee on Environmental Affairs to urgently investigate this matter.

4.16 Ms T P Mthethwa, IFP, to move:

Le Ndlu iyasinaka:

Isigameko esenzeke eMandlethu Secondary School, eJozini lapho khona abafundi beshaye bakhapha iso uThisha esikhuluma nje usesibhedlela. Kodwa abafundi bona bayaqhubeka bayafunda engathi akwenzeke lutho. Kunezinsolo zokuthi lolu daba lunyathelwa ngamabomu aboMnyango wezeMfundo.

Ngakho-ke le Ndlu inquma:

Ukuyala uMhlonishwa woMnyango wezeMfundo u-Kwazi Mshengu ukuba enze isiqiniseko sokuthi luyaphenywa loludaba ngokushesha.

Ukwenxenxa abazali ukuba balekelele othisha ngokufundisa izingane zabo inhlonipho nokuziphatha. Sinxusa nezakhamizi zakithi ukuba ziqinise ukusebenzisana.

[This House notes:

An incident that took place at Mandlethu Secondary School in Jozini where pupils beat a teacher to a pulp, to the point where his eyes actually popped out. This teacher is in hospital as we speak; yet the pupils are continuing their schooling as if nothing has happened. There are

allegations that the Department of Education has deliberately swept this matter under the carpet.

This House therefore resolves:

To call on hon MEC for Education, Mr Kwazi Mshengu, to ensure that this matter is investigated urgently;

To urge parents to support educators by teaching their children respect and exemplary behaviour; and

To call on our citizens to strengthen working relations.]

4.17 Mr M B Ntuli, ANC, to move:

This House notes:

The welcome arrest of a man who killed four kids after their mother had left him.

This House therefore resolves:

To call for an urgent debate on gender violence;

To call on its Members to embark on a massive demonstration and march, directed at the Director of Public Prosecutions (DPP), in order to put pressure on the directorate not to grant bail to this man before he is prosecuted; and

To call on all religious leaders in this House to conduct night vigils.

4.18 Dr R Viranna, DA, to move:

This House notes:

The widespread xenophobic violence across South Africa, including the assault on foreign truck drivers and the burning of their trucks;

These brazen acts of criminality and violence are completely against the spirit of ubuntu; and

There is absolutely no excuse for communities to target foreigners because of their own socio-economic frustrations.

This House therefore resolves:

To strongly condemn the ongoing xenophobic violence;

To call on the SA justice apparatus to arrest, put on trial and enforce the harshest possible sentence on these perpetrators; and

To call on Members to work within their respective communities to rebuild the spirit of ubuntu and unity in diversity.

4.19 Ms B N Sithole-Moloi:

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.

4.20 Mr T V Xulu, ANC, to move:

This House notes:

The recent scourge of violent crimes against women and children across the country, the recent killing of four children who were hanged by their father in Pinetown; and the killing of Uyinene [Mrwetyana] in Cape Town.

This House therefore resolves:

To call on the SA Police Service to work tirelessly in ensuring that all perpetrators are brought to book; and

To call for the justice system to take its course to ensure that those who abuse and kill people in this country get the punishment they deserve.

4.21 Ms S Thakur-Rajbansi, MF, to move:

This House notes:

The violent strikes, fees protests and NGOs expressing their discontent about poverty and inequality; and

That corporate social responsibility is intended for social transformation in South Africa.

This House therefore resolves:

To call on the Premier to review CSR partnerships in KwaZulu-Natal, with special focus on the terms of reference of regulations 43(5) (a) (ii) (bb), so as to establish policies and standards for monitoring and reporting to all stakeholders on compliance, due to gaps in the Companies Act and the current CSR legal framework.

4.22 Ms N P Nkonyeni, ANC, to move:

This House notes:

That the ANC-led government must always demonstrate its responsiveness and caring character towards all members of society, without discriminating.

This House therefore resolves:

To commend the bold initiatives by the Department of Human Settlements, particularly on its radical departure from past practices as it embarks on a process of prioritising disabled persons in all its housing policy instruments, especially those with high impact, as well as its integrated residential development programmes, including catalytic mega projects, because these bold initiatives will ensure that disabled persons benefit from disabled-friendly housing units, along with attendant social amenities.

Where we live is where we play and pray.

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| 6. | 10h58 | The Deputy Speaker made an announcement. |
| 7. | 10h59 | Debate on the Report on Commitments by KZN Government Departments regarding 2019 Heritage Commemorations for the Province commenced and was concluded at 12h19. |
| 8. | 12h20 | Debate on the 1 st IFP motion for 2019/20 commenced and was concluded at 13h21. |
| 9. | 13h22 | The Deputy Speaker made an announcement. |
| 10. | 13h23 | The business of the House was suspended and resumed at |

14h05.

11. 14h06 Debate on the Unaudited Close-out Reports for 2017/18 commenced and was concluded at 15h27.

Question put:

That the Reports be adopted.

Agreed to.

12. 15h28 Debate on the 2nd ANC motion for 2019/20 commenced and was concluded at 16h26.

13. 16h27 The Speaker made announcements.

14. 16h32 The House was adjourned *sine die*.