

**THURSDAY, 07 MARCH 2019**

**[No. 04/2019] SIXTH SESSION, FIFTH LEGISLATURE**

# **KWAZULU-NATAL LEGISLATURE**

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## **MINUTES OF PROCEEDINGS**

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**THURSDAY, 07 MARCH 2019**

The House met at 10h09.

1. 10h10 Members were given an opportunity for silent prayers or meditation.
2. 10h11 The Speaker made announcements.
3. 10h13 The Speaker read into the record the tabling of the:
  - 3.1 KZN Treasury: Consolidated Financial Statements for Public Entities for the year ended 31 March 2018; and
  - 3.2 KZN Treasury: Consolidated Annual Financial Statements for KwaZulu-Natal Province for the year ended 31 March 2018.
4. 10H14 Mr S Zikalala, on behalf of the Premier, made announcements.
5. 10h16 The following Members gave notice of their intention to move the following motions on the next sitting day of the House:
  - 5.1 **Mr S Zikalala, ANC, to move:**

**This House notes:**

That the people of KwaZulu-Natal held peaceful by-elections yesterday, reflecting the deepening of democracy and political tolerance as a hallmark of the people's will.

**The House therefore resolves:**

To congratulate parties which contested by-elections and applaud the people who voted;

To congratulate the IFP for returning Nongoma (Ward 3), while the ANC's support increased

To congratulate the ANC for returning eThekweni (Wards 88 and 91), as well as Newcastle (Ward 22); and

To congratulate the ANC for winning uMhlabuyalingana (Ward 7) and eNdumeni (Ward 3) from the IFP.

From now on eNdumeni Municipality will be under the full control of the ANC.

**5.2 Mr B M Zuma, ANC, to move:**

**This House notes:**

That amakhosi play a crucial role in the government's efforts to empower rural communities through the opening up of government procurement to rural communities so that they can be a part of the formal value chain.

**This House therefore resolves:**

To applaud the Department of Co-operative Governance and Traditional Affairs which, in conjunction with amakhosi from uMkhanyakude District, hosted a summit earlier this week with the aim of providing a platform for discussions about ways in which rural communities within this district could take advantage of these opportunities.

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

**This House notes:**

The importance of sound financial management at all municipalities in KwaZulu-Natal to ensure that every cent

of taxpayers' monies is accounted for at all times.

**This House therefore resolves:**

To welcome the meeting between the Department of Co-operative Governance and Traditional Affairs and members of audit committees from all provincial municipalities which was designed to address the underlying causes of poor audit outcomes at some municipalities and to ensure that municipal audit committees exercise their oversight mandate more robustly.

**5.4 Mr Z M Mncwango (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.*

**5.5 Mr M J Mazibuko, IFP, to move:**

*The motion by Mr S J Gcabashe (ANC) was ruled out of order in terms of Standing Rule 98 (2)(b).*

**5.6 Ms P H Khuzwayo (NFP):**

*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.*

**5.7 Mr V Ndlovu, EFF, to move:**

**Le Ndlu iyakunaka ukuthi:**

Ngokugxeka izenzo eziyihlazo nesibindi esibi sikaKhongolose nabanye abasebenzi bakahulumeni abaxhaphaza izinsiza kanye nezimoto zikahulumeni uma kunokhetho lohulumeni basekhaya.

Ukuthi kuWadi 3 kuMasipala waseNdumeni, imoto ewu-KZN 73574 ibiletha amaphasela kwi-ANC.

Ukuthi kuWadi 91 eThekwini imoto kamasipala ewu-NDM

16599 nezinye bezithwele amavolontiya zikhankasela i-ANC.

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

Ukunxusa oNgqongqoshe ukuba balufakele izibuko lolu daba lokuxhaphaza imali yabakhokhi bentela. Ayiphele inkohlakalo kuhulumeni obusayo.

**[This House notes:**

*And condemns the disgraceful and daring actions of the ANC and certain government officials of abusing state resources and vehicles during local government elections;*

*That in Ward 3 of eNdumeni Municipality, a vehicle with registration number KZN73574 was delivering parcels for the ANC;*

*That in Ward 91 of eThekwini Municipality, the vehicle with registration number NDM16599 and other vehicles were ferrying volunteers campaigning for the ANC.*

**This House therefore resolves:**

*To call on MECs to look into this matter of abuse of taxpayers' money;*

*To call for an end to corruption by the ruling government.]*

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

**This House notes:**

That the Minority Front successfully launched its election manifesto launch on Saturday; and

That some people burned T-shirts of parties they had previously belonged to, thereby indicating their wish to join the MF.

**This House therefore resolves:**

To accept that the MF categorically distances itself from such distasteful acts as our party has always advocated political tolerance.

**5.9 Mr Y S Bhamjee, ANC, to move:**

**This House notes:**

The opening of Ideal Clinics throughout KwaZulu-Natal, despite some challenges facing the Department of Health; and

The re-engineering of primary healthcare to provide quality medical services for all.

**This House therefore resolves:**

To call on leadership on all fronts of society to embrace national health insurance (NHI) and celebrate what it stands for; and

To call on the MEC to advise the Department of Health to strengthen its capacity to monitor and analyse healthcare services via regular SWOT analyses in order to identify potential shortcomings and negative perceptions about its capacity to implement NHI.

**5.10 Dr S M Dhlomo, ANC, to move:**

**Le Ndlu inaka:**

Ukuvumbuka kwabaholi namaqembu adukisa abantu ngokuqashwa esibhedlela esizovula eThekwini i-Dr Pixley ka-Isaka Seme.

Izixhangiso eseziphume okwamanje esika-CEO, CFO, Nurse Manager kanye no-Clinical Manager.

Nokuthi wonke amathuba emisebenzi azoba khona azokhangiswa emaphephandabeni afundwa umphakathi nakwiwebhusayithi yoMnyango;

Nokuthi ayikho imisebenzi kahulumeni ezokhangiswa ku-Facebook.

**[This House notes:**

*The emergence of political parties and leaders who mislead people about employment opportunities at the soon-to-be-opened Dr Pixley ka-Isaka Seme Hospital;*

*That so far only CEO, CFO, Nursing Manager and Clinical Manager positions have been advertised; and*

*That all job opportunities will be advertised in newspapers that are read by (accessible to) the public and the website of the Department [of Health], and*

*That no public service [government] posts will be advertised on Facebook.]*

**5.11 Ms W G Thusi, ANC, to move:**

**This House notes:**

The sacrosanct nature of the oath our councillors took when they were sworn into office, which requires them to always act in the best interests of residents who rely on municipalities for essential services such as water, roads, sanitation and electricity.

**This House therefore resolves:**

To welcome the swift action by the provincial government to place Abaqulusi Local Municipality under administration, following a series of governance failures which have threatened the financial viability of the municipality and hampered service delivery.

It was ultimately through councillors' sacrosanct oath that this intervention was upheld.

**5.12 Mr P N Msimango, IFP, to move:**

**Le Ndlu:**

Iyashaqeka ukuzwa ukuthi ziyanda kunokuba ziphele izikhalo zomkhuba oqhubekayo eMnyangweni Wezokuthuthukiswa Komphakathi lapho izibonelelo zabantu zintshontshwa ngabantu abangaziwa futhi zikhishwa ezindaweni ezahlukene ekubeni abanikazi bamakhadi bengazi lutho ukuthi lokhu kwenzeka kanjani.

**Le Ndlu inquma:**

Ukunxenxa uMhlonishwa uWeziwe Thusi ukuba aphuthume ajube ithimba elizophenya kabanzi libheke ukuthi lo mkhuba wenzeka kanjani futhi kukhona yini abangemuva kwalo mkhuba khona ngaphakathi eMnyangweni. Lo mkhuba unesihluku nonya ngoba

ulambisa izingane kanye nabantu asebekhululile; awemukeleki siwuchitha ngezandla zombili sithi awusukunyelwe.

**[This House:**

*Is shocked to learn that there are growing, instead of decreasing, number of complaints against incidents at the Department of Social Development where social grant payouts are stolen and withdrawn by unknown people at various locations when card holders have no idea how this happens.*

**This House therefore resolves:**

*To urge MEC Weziwe Thusi to institute a task team to investigate thoroughly and find out how this scam is happening and if there are any masterminds behind this scam inside the Department. This scam is cruel as it impoverishes children and senior citizens; it is unacceptable and we condemn it summarily; we call for urgent steps to address it.]*

**5.13 Mr F A Rodgers (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.***

**5.14 Mr S J Gcabashe, ANC, to move:**

**This House notes:**

That it is important that every citizen of KwaZulu-Natal plays an active role in keeping public spaces within their communities clean as it promotes healthy living spaces for the entire community.

**This House therefore resolves:**

To applaud the bold action taken by Ms Dube-Ncube, MEC for Co-operative Governance and Traditional Affairs, who led a recent clean-up campaign in uMlazi where she engaged residents on the importance of keeping their communal spaces clean in an effort to combat serious social ills which can partly be traced to the failure by individuals to dispose their waste in a safe and proper manner.

**5.15 Ms N M Khoza, ANC, to move:**

**This House notes:**

The series of deadly assassinations of municipal officials and councillors which threaten to destabilise the institution of local government in KwaZulu-Natal.

**This House therefore resolves:**

To welcome the swift arrest of suspects who are connected to the recent murder of a technical director in the Alfred Duma Local Municipality; and

To plead with community members who have information about this issue to come forward so that more arrests can be made.

**5.16 Mr I S Mkhize, ANC, to move:**

**This House notes:**

That US President Donald Trump has extended sanctions against Zimbabwe for another year, saying that its new government policies continue to pose an “unusual and extraordinary threat to US foreign policy”; and

That this is a figment of the US President’s imagination since Zimbabwe has never been a threat to any country throughout history.

**This House therefore resolves:**

To condemn this senseless action by President Trump; and

To call for the lifting of sanctions against Zimbabwe.

**5.17 Mr H S Gumbi, DA, to move:**

**This House notes:**

That the MEC for Cogta, Ms Dube-Ncube, yesterday informed the DA that she would proceed with a R1 million lawsuit against our party and its leader;

That the lawsuit is in her own interest and not in the public

interest; and

That it was her husband and his company who had initially threatened to institute such a lawsuit.

**This House therefore resolves:**

To call on the MEC to use her personal ill-received wealth – and not public money – to pursue this case, and

To call on the department to rather focus on fixing Msunduzi Municipality's collapse instead of spending the public's money on personal litigation.

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

**This House notes:**

The horrific accident which claimed the lives of young girls in Newlands East yesterday; and

This should be the catalyst for taking tougher action against taxi drivers who flout the rules of the road with impunity.

**This House therefore resolves:**

To call on MEC Mxolisi Kaunda to sound a clarion call to end these senseless road deaths by forcing taxi drivers to heed the rules of the road; and

To call on the public not to simply accept the loss of these innocent lives.

The families are grieving and the death of their children should not be in vain.

**5.19 Bishop E V Dube (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.***

**5.20 Ms L C Bebee, ANC, to move:**

**This House notes:**

The death of many young women at the hands of their partners.

**This House therefore resolves:**

To institute stricter gun control measures in South Africa as more guns are in private hands than there are in the hands of the State, and it is those guns which contribute to violent crime.

**5.21 Ms Z M Ludidi, ANC, to move:**

**This House notes:**

That the SA Navy currently performs many functions that could be transferred to a coast guard service, such as Search and Rescue, to support the SA Maritime Safety Authority; to combat pollution by assisting the Department of Environmental Affairs; to support the Department of Agriculture, Forestry and Fisheries by chasing ships on the high seas which are engaged in illegal fishing; and to support law enforcement by helping to combat anti-piracy.

**This House therefore resolves:**

To applaud the establishment of a coast guard which will go a long way in protecting our environment and fight against illegal poaching.

**5.22 Mr B V Hlengwa, ANC, to move:**

**Le Ndlu:**

Ikhathazekile ngezenzo zokugwazisa okwenziwe umfundi waseMangosuthu obewusihlalo we-EFF, lapho ekhokhise umfundi obefika eMangosuthu ngenhloso yokumtholela indawo yokuhlala ngaphakathi;

Inaka ukuthi sekuyacaca ukuthi kuningi okwenziwa abaholi be-EFF ezikoleni ukunxenxa abafundi ukuthi kube sengathi bayabasiza kanti babaholela ophathe.

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

Ukunxusa ukuthi kwenziwe uphenyo kuwo wonke amanyuvesi ukuze kubanjwe la maqola e-EFF.

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

*Is concerned about bribery claims against a student who is a former EFF chairperson at Mangosuthu University of Technology. This student is reported to have solicited a bribe from a first-year student promising them accommodation on campus;*

*It is clear now that there is lot that EFF leaders do to lure students and pretend as if they are assisting them when in fact they are misleading them.*

#### **This House therefore resolves:**

*To call for an investigation at all universities in order to apprehend these EFF con artists.]*

### **5.23 Mr M R Sayedali Shah, DA, to move:**

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

The tragic incident in which a taxi struck learners on Dumisani Makhaye Drive, resulting in the death of three and critical injury to one; and

That the taxi driver had allegedly skipped a red traffic signal.

#### **The House therefore resolves:**

To extend our sincere condolences to the bereaved families and friends of the deceased;

To pray for the speedy recovery of the injured learner; and

To call on the SA Police Service or National Prosecuting Authority to investigate a charge of manslaughter instead of culpable homicide against the reckless driver.

The taxi industry must stop placing the lives of all road users at risk.

#### **5.24 Ms M M Ntuli, ANC, to move:**

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

Umlomo ongathethi manga uhulumeni ka-ANC ngokuthinta izimpilo zabantu njengoba uMphathiswa Wezamaciko Namasiko umama uBongi Sithole-Moloi ezovula uchungechunge lwemitapo yolwazi kulazi zifunda ezilandelayo – Zululand, iLembe, Ugu kanye namanye kungekudala;

Ukuthi leli yikhwelo likahulumeni wabantu njengoba izindawo zasemakhaya zihlomula ubuthaphuthaphu ngentuthuko eyayigcina emadolobheni.

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

Ukuba sibambisane sonke nemiphakahti yakithi siyivikele le ntuthuko kuze kuhlomule nezizukulwane ezizayo.

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

*The ever-spot-on government of the ANC for touching lives of the people as the MEC for Arts and Culture, hon Bongi Sithole-Moloi is about to officially open a series of libraries in the following districts: Zululand, iLembe, Ugu and other;*

*That this is a clarion call by the people's government, as rural areas are benefitting in numbers from development initiatives that were only done in urban areas in the past.*

##### **This House therefore resolves:**

*To call on our communities to work with us in protecting these facilities for the benefit of future generations.]*

#### **5.25 Ms H S Dlamini, ANC, to move:**

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

Umsebenzi omuhle owenziwa iminyango kahulumeni okhokhelwa ngu Khongolose.

UMnyango Wezempilo sewugijimise umkhankaso wokulwisana nokukhishwa kwezisukungaphephile esikubona kubhalwe emadolobheni kubhalwe kanje “*quick abortion and safe abortion*” kubhalwa izigebengu ezidlala ngabantu bakithi zibeka izimpilo zabantu engcupheni. Lokhu sikubonile e-Pinetown nase-Port Shepstone kuleli sonto.

Lo mkhankaso omuhle kangaka uphinde uhambise nombono kaNdunankulu uMacingwane kanye noMongameli wezwe ubaba u-Cyril Ramaphosa wokuhlaza amadolobha.

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

Ukunxusa omasipala ukuba bawukhathalele lo mkhankaso oxwayisa abesifazane ngezikhango ezingekho emthethweni, ezibulala isizwe, nokubeka phambili izinhlelo ezizokwenza amadolobha ahlale ehlanzekile.

**[This House notes:**

*The good work done by various departments under the ANC government;*

*That the Department of Health has rolled out the campaign to fight against unsafe termination of pregnancy practices that we see in small flyers around towns with the following writing “quick and safe abortion”;*

*That this is written by criminals who are putting the lives of the people in danger;*

*We saw this in Pinetown and Port Shepstone this week;*

*That this noble campaign also delivers the vision of the Premier [hon TW Mchunu] and President Ramaphosa to clean our cities and towns.*

***This House therefore resolves:***

*To call on municipalities to take up this initiative of warning women against illegal advertisements that are killing the nation, and to prioritise programmes that will make our cities and towns stay clean.]*

**5.26 Ms A M McDonnell, DA, to move:**

**This House notes:**

That the MEC for Economic Development, Tourism and Environmental Affairs is closing down businesses run by illegal immigrants in the province;

That the Premier of Gauteng has stated that illegal immigrants' use of state resources in the health and social

care sector is becoming unsustainable;

That our borders have become porous;

That corruption at Home Affairs enable many illegal immigrants to freely entry our province; and

That the failed ANC is unable to secure our borders.

**This House therefore resolves:**

To insist that the Department of Home Affairs secure our borders for the benefit of our citizens, economy and wildlife.

**5.27 Ms N J Nkwanyana, IFP, to move:**

**This House notes:**

Notes that a nurse in KwaZulu-Natal has won a lengthy battle against the Department of Health after being sidelined for a senior post at King Dinuzulu Hospital allegedly because she is coloured, even though she had met all the requirements.

**This House therefore resolves:**

To call for the appointment of individuals to positions on the basis of their competence and not their race; and

To redouble efforts to tackle race inequality in our country.

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| 6.  | 10h58 | The MEC for Finance tabled the KZN Second Adjustment Appropriation Bill, 2019 and concluded at 11h01.   |
| 7.  | 11h02 | The Speaker referred the KZN Second Adjustment Appropriation Bill, 2019 to the Portfolio Committee on Finance for consideration. The Portfolio Committee on Finance was excused from the proceedings so that it could consider the Bill which was to be debated later in the House. |
| 8.  | 11h03 | The MEC for Finance delivered the Budget Speech and concluded at 12h34.   |
| 9.  | 12h35 | The Speaker made announcements.   |
| 10. | 12h36 | The business of the House was suspended and resumed at 13h35.   |

11. 13h36 Debate and Voting on the KZN Second Adjustment Appropriation Bill, 2019, commenced and was concluded at 13h49.

*Question put.*

That the KZN Second Adjustment Appropriation Bill, 2019, be adopted.

*Agreed to.*

12. 13h51 The House was adjourned *sine die*.