



**DRAFT MINUTES OF COGTA PORTFOLIO COMMITTEE MEETING HELD ON 07 JULY 2020 AT 09H00 ON MICROSOFT TEAMS**

**ATTENDANCE**

**HON. MEMBERS** : Nkosi, SC (Acting Chairperson)  
Buthelezi, PATN  
Chiliza, M A  
Govender, M  
Kunene, O B  
Manqele, E  
Ntuli, M  
Twala, M  
Zungu, MPP

**DEPARTMENT OFFICIAL** Hlomuka, S (MEC)  
Tubane, T (HOD)  
Joyi, Y (CFO)  
Dinga, T  
Duze, T  
Gumede, S  
Liptak, R  
Khumalo, Z  
Makhanya, F  
Mchunu, S  
Mgutshini, B  
Mzila, S  
Ndlovu, M

Ndlovu, N  
Ntyinkala, D

**LEGISLATURE STAFF** : Molefe, N (Committee Coordinator)  
Clinton-Parker, M  
Gasa, N  
Jansen, E  
Masondo, K  
Mpisane, D  
Mshengu, N  
Padi, T  
Ramnandan, R

**APOLOGIES** : Mthembu, NR (Chairperson)  
Mdadane, TA  
Sonjica, S

## **1. OPENING AND WELCOME**

The Committee Coordinator tabled an apology on behalf of the Chairperson, Hon. NR Mthembu and Hon. Sonjica who were not well. She further conducted a process to nominate the Acting Chairperson as per Rule 135 of the KZN Legislature Rules Book. Hon. Kunene nominated Hon. SC Nkosi as the acting Chairperson and the name was seconded by Hon. Govender. There were no other nominations, the Coordinator then handed over to Hon. Nkosi to Chair the meeting. Hon. Nkosi then welcomed all present

and declared the meeting opened. It was reported that Hon. Twala requested to leave the meeting at 10h30.

## **2. CONSTITUTION OF THE MEETING**

The meeting was properly constituted.

## **3. ADOPTION OF THE AGENDA**

The agenda was adopted with one amendment, the inclusion of the item on Salaries for Traditional Council Secretaries. The item on the municipal audit outcomes was deferred to a Special Meeting of COGTA and SCOPA which was going to deal mainly with that item. Hon Govender moved for the adoption, and she was seconded by Hon. Kunene

## **4. MEC's REMARKS**

The MEC began by thanking the Committee for its continued support to the department. He reported that since the last meeting of the Committee, the department had tabled its budget in the House on 05 June 2020 where Members engaged vigorously during the budget debate. He further stated that since then, the Covid-19 pandemic has necessitated a large-scale reprioritization of funding as articulated in the adjusted national budget tabled by the Minister of Finance towards the end of June.

He mentioned that at the provincial level, the departmental budget will have to be reprioritized accordingly. The MEC also reported that the 2018/19 Municipal Audit Outcomes were out and they show a slight improvement. The MEC reported that only one municipality received a clean audit while 32 municipalities received an unqualified audit opinion, 18 municipalities received a qualified audit opinion, one municipality received an adverse opinion and two municipalities received disclaimer.

He then reported that the HOD and the CFO will table the reports as per the agenda items.

## 5. ADOPTION OF THE MINUTES

The minutes were adopted with the addition of the following resolution which was omitted:

- That the department should present to the Committee the adjusted budget and the impact it will have to the APP.

Hon. Kunene moved for adoption of the minutes and was seconded by Hon. Zungu and Hon. Manqele

## 6. MATTERS ARISING FROM THE MINUTES

There were no matters arising from the previous meeting.

## 7. DEPARTMENTAL REPORTS

### 7.1 Expenditure to-date

The CFO tabled the expenditure to-date as follows:

She reported that the target for the 1<sup>st</sup> quarter was 25% and that the department's expenditure was at 20% as of the 26<sup>th</sup> of June 2020. The department had made roll-over requests amounting to R24 million and currently waiting for approval from Treasury.

**Programme 1-** The Department spent 23% of its budget in this programme

**Programme 2 –** There was 18% expenditure in this programme

**Programme 3 –** On this programme, there was 10% expenditure

**Programme 4 –** The expenditure for this programme was at 28%

It was further reported that the department anticipates budget cuts due to the contributions to be made by the department back to the National coffers for reprioritization because of Covid-19 pandemic. The CFO stated that COGTA is expected to cut its budget by R403 million. She further reported that due to the possible budget cuts there were projects that had been affected namely, the assessment of the state of infrastructure, the

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Amakhosi Rural Economic development and EPWP projects, Makhabeleni Electrification project for Abaqulusi and Jozini, Water project in Zakheni and Lightning conductors project.

### **Deliberations**

The Committee wanted to know how the Department selects the projects which were going to be affected by budget cuts and which are those projects, based on the concerns by the Committee, it resolved that after the conclusion of the engagements on budget cuts, a report be tabled at the next meeting of the Committee. The report to include the impact of the budget cuts on the APP. When asked if there were any contraventions with the SCM processes when doing procurement for Covid-19, the response given was that the department had not contravened with any SCM processes. The Committee wanted to know how much savings had the department realized because of Covid-19, after deliberations, a resolution was then taken that the department should table a comprehensive report on the savings realized because of Covid-19.

On the issue of Traditional Council elections, the Committee asked if the department had recalled the funds for elections from IEC, the response given by the department was that there were engagements with IEC and the IEC requested to keep the funds if the elections were still going to go ahead. After lengthy engagement on the Traditional Council Elections, the Committee recommended that the Traditional Council elections should be put on hold due to the pandemic. It was proposed by the Committee that the issue of interest accumulated on the funds for elections should be dealt with by the department to ascertain whether recalling the money will not be of benefit the department.

### **8. REMUNERATION OF TC SECRETARIES**

The HOD reported that the TC secretaries are not employees of the department, they are appointed by Amakhosi directly. They get R1600 stipend from the department and that TCs can pay them some fee over and above the stipend. He further mentioned that in provinces such as Mpumalanga, TC secretaries are paid at level 5, and that is the

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decision of the province, and further stated that it differs with KZN because KZN has a large number of Amakhosi. He further mentioned that the standardization of the remuneration for TC secretaries accompanied by budget allocation will assist in resolving the matter as the department is unable to pay them more than what is currently paid. The DDG, Mr Gumede assured the committee that the matter was receiving attention even at the level of the National Minister of COGTA.

## **Deliberations**

The Committee deliberated lengthily complexity of the matter and resolved that the matter on payment of TC Secretaries must be included as an agenda item for the next meeting of the Committee.

## **9. RESPONSES TO THE 2019 WOMENS PARLIAMENT RESOLUTIONS**

Ms Makhanya presented the responses to the 2019 Women's Parliament Resolutions.

Ms Makhanya reported that there were only 2 resolutions that were pertaining to COGTA and when responding to those, she reported that on the issue of the establishment of gender focal point, the department does have a gender focal point established in 2018. On the resolution that talked to the establishment of gender committees in Traditional Councils, the department responded by saying that they will assist Traditional Councils in establishing Gender Committees and further reported that Traditional Councils will be encouraged during the TC elections to ensure adequate women representation in TC structures.

The Committee noted the responses given by the department.

## **10 COMMITTEE MATTERS**

### **10.1 THE RECOGNITION OF CUSTOMARY MARRIAGES AMENDMENT BILL**

Mr Makubela from the department of Justice presented the bill to the Committee as follows:

The presenter reported that the Recognition of Customary Marriages Amendment Bill aims to amend the recognition of Customary Marriages Act by further regulating the proprietary consequences of customary marriages entered into before the commencement of the RCMA in order to bring the provision of the Act in line with the judgements of the Constitutional Court which the Court found to be constitutionally invalid because they discriminate unfairly against certain women in customary marriages.

He then went to explain the proposed amendments clause by clause.

In conclusion, the presenter reported that the Constitutional Court in the Ramuhovhi judgement ordered that the remedial amendments must be put in operation by 30 November 2019. An application was made to court for an extension of the deadline but this was rejected by the Constitutional Court.

The Committee then asked questions of clarity which were responded to by the team from the Department of Justice.

## **11. RESOLUTIONS**

Committee **resolved: COGTA09/07/2020**

that after the conclusion of the engagements on budget cuts, a report be tabled at the next meeting of the Committee, including the impact that the budget cut will have on the APP.

Committee **resolved: COGTA10/07/2020**

that the department should table a comprehensive report on the savings realized as a result of Covid-19.

Committee **resolved: COGTA12/07/2020**

that the matter on payment of TC Secretaries be included as an agenda item at the next meeting of the Committee.

## **12. CLOSURE**

The Acting Chairperson declared the meeting closed after all the items on the agenda had be dealt with.

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**CHAIRPERSON**

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**DATE**