

**THURSDAY, 02 JUNE 2022**

**[No.10/2022] FOURTH SESSION, SIXTH LEGISLATURE**

**KWAZULU-NATAL LEGISLATURE**

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**MINUTES OF PROCEEDINGS**

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**Thursday, 02 June 2022**

The Hybrid House met at 09h00.

1. 09h01 Members were given an opportunity for silent prayers or meditation.
2. 09h02 The Speaker made announcements, including the passing away of the following persons:
  - 2.1 Dr Deborah Fraser;
  - 2.2 Mr Mpho Moerane; and
  - 2.3 Mr Alex Hamilton;
  - 2.4 Sixteen people who perished in a horrific multiple car crash on the N3 between the Peter Brown and Chatterton off-ramps in Pietermaritzburg.

*The Hybrid House observed a minute of silence.*

3. 09h09 The following Members gave notice of their intention to move motions on the next sitting day of the House:

**3.1 Ms NP Nkonyeni, ANC, to move:**

**This House notes:**

That a renewed effort is needed to eliminate the proliferation of various categories of crime in the Province of KwaZulu-Natal.

**This House therefore resolves:**

To inform Members that the provincial Executive Council will host a two-day crime prevention summit from 3 to 4 June 2022 at the Olive Convention Centre in Durban with the main purpose to find lasting solutions to eradicate crime in our province.

**3.2 Ms M Govender, ANC, to move:**

**This House notes:**

That June is celebrated as National Environment Month;

That 5 June is World Environment Day;

That there are serious concerns about contributors to climate change, such as toxic chemicals, the depletion of the ozone layer, desertification and global warming; and

That the impact of climate change in South Africa include changing rain patterns and increased evaporation, both of which increase the likelihood

of extreme droughts and severe natural disasters, such as the recent floods in KwaZulu-Natal.

**This House therefore resolves:**

To deepen environmental awareness among our communities on an ongoing basis, and particularly during National Environment Month.

### **3.3 Mr MB Gwala, IFP, to move:**

**This House notes:**

That according to the amended Standing Rules of the KwaZulu-Natal Legislature, the amaZulu King should not be given a guard of honour by the SA Police Service at the Official Opening of the KwaZulu-Natal Legislature as the salute is not constitutional and only selected dignitaries, such as the President, can be ushered in with a guard of honour.

**This House therefore resolves:**

To call upon the KZN Premier and Cabinet to add the King's salutation to the *Ministerial Handbook* as this will absolve the government from any accusations that it is undermining uBukhosi.

### **3.4 Mr LM Meyer, DA, to move:**

**This House notes:**

That severe storms and floods ravaged KwaZulu-Natal during April and May 2022;

That provincial and local governments were overwhelmed by the severity of the floods and their aftermaths; and

That NGOs, NPOs and community groups went out to assist and rescue residents in danger, providing support, safety, shelter and food where the government failed to do so.

**This House therefore resolves:**

To officially thank all NGOs, NPOs and community groups who assisted residents in our province during the floods and their aftermaths.

**3.5 Dr I Keeka, DA, to move:**

**This House notes:**

The late Speaker of Amajuba District was slain;

The Dannhauser Speaker is recovering after being shot;

An ANC councillor from eThekweni was arrested for allegedly killing his predecessor to take his place;

Yesterday's by-election in the DA-led Johannesburg Ward 53 was the result of a political assassination;

It is extremely disturbing that former President Mbeki publicly suggested in a viral video that Newcastle Municipality allegedly had hitmen on its payroll during the tenure of a senior member of the "Taliban" faction.

**This House therefore resolves:**

To call upon the Premier, who promised to implement the Moerane Commission's recommendations, to honour his word.

### 3.6 Ms CM Shinga, NFP, to move:

#### Ukuba le Ndlu iyakuqonda futhi iyakuqaphela:

Ukwehluleka kokusebenza ngokubambisana kwamaqembu ezepolitiki koMasipala okugcina kukhinyabeza ukulethwa kwezidingo ngqangi nentuthuko.

Ukuthi oMasipala abaningi ababuswa ngokuhlangayela kwamaqembu (coalition) akusebenzeki, kugijinyiswana ezinkantolo, kubangwa ukuphatha.

Kwabanye omasipala abaphethwe yiqembu leNkatha, njenge-Zululand noNongoma kuphucwa amanye amaqembu izwi namandla okumeleleka kwi-Exco.

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

Ukuthi oNgqongqoshe bakwa-Cogta (national and provincial), abachibiyele benze umthetho ozovikela ukusetshenziswa kwemali yomkhandlu emacaleni.

Ukuba amaqembu ezepolitiki, IEC, nesiShayamthetho kubambisane ekuletheni uzinzo komasipala abakhungethwe zinkinga; noma ukhetho luqalwe phansi (election rerun) kulabo Masipala.

#### *[This House notes:*

*The lack of co-operative governance among political parties in municipalities which inevitably affects service delivery and development;*

*Most municipalities that are governed by way of coalitions are dysfunctional because political*

*parties spend their time lodging court challenges against one another over who should govern; and*

*In some IFP-led municipalities, such as Zululand and Nongoma, other parties are denied seats on ExCo;*

***This House therefore resolves:***

*To call on the national Minister of Co-operative Governance and Traditional Affairs and her provincial counterpart to amend and enact laws to prevent council funds from being used for court cases; and*

*To call on political parties, the IEC and the KZN Legislature to work together in bringing stability to these municipalities, failing which to call for a rerun in those affected municipalities.]*

### **3.7 Ms S Thakur-Rajbansi, MF, to move:**

**This House notes:**

That the affirmative action policy had a 2014 sunset clause; and

That this policy was critical initially, but 2024 will mark 20 years since it was first implemented;

**This House therefore resolves:**

To call for a debate on the scrapping of the affirmative action policy as our “born free” youths, especially those from minority communities, are being sidelined when it comes to opportunities.

### **3.8 Bishop SE Manqele, ACDP, to move:**

### Le Ndlu inaka lokhu:

Ukuba kulekelelwe umphakathi waseMtubatuba ongundinga masipala izinyanga eziyisikhombisa;

Ukuthi selokhu lo mphakathi wavota ngoLwezi nyakenye awunawo umasipala;

Ukuthi kumaqembu akhona akukho ukubambisana ngendlela efanele futhi nomnyango wesifundazwe ubukeka ungenalo igalelo elingamava, Ukuthi inyanda nje izimukela nezibopho nempilo;

Ukuthi kukho konke lokhu utwayi lukhuhlakhuhla umphakathi wakwa [Inaudible]; alukho usizo olutholayo umphakathi.

### Ngakho-ke le Ndlu inquma kanje:

Ukuba kulekelelwe kuphinde kutakulwe abantu bakwaNkomokayixoshwa abangakwazi ukuzikhulumela, abadinga isandla salo Mkhandlu.

#### *[This House notes:*

*That the community of Mtubatuba has been without a municipality for seven months and needs our intervention;*

*That ever since this community held its elections in November last year, it has not had a municipality;*

*That there is no proper co-operation among the various political parties, and the province does not appear to have made any meaningful contribution, so for the community it is a struggle to survive; and*

*That it is invariably the community of [Inaudible] who bears the brunt of these circumstances, and they are not receiving any assistance.*

*This House therefore resolves:*

*To call for an intervention to rescue the residents of kwaNkomokayixoshwa village who are unable to speak for themselves and who need this council.]*

**3.9 Mr NM Sibiya, ANC, to move:**

**This House notes:**

That the ANC-led government is making progress in moving families affected by the April floods, especially those who are being accommodated in community halls, and

That despite government identifying parcels of land on which to build houses for communities living on riverbanks, some residents who belong to ratepayers' associations are happy to use them as cheap labour, but do not want them to live side-by-side with their workers.

**This House therefore resolves:**

To support engagements with ratepayers' associations and other stakeholders to enable government to use suitable state-owned land to build temporary residential units and houses for flood victims, including those living on riverbanks.

**3.10 Ms ZLI Cele, ANC, to move:**

**Le Ndlu inaka lokhu:**

Ukuthi uMongameli u-Cyril Ramaphosa, wamemezela ukuthi uhulumeni kazwelonke uzofaka u [Inaudible] KwaZulu-Natali ngemuva kwezikhukhula ezabulala abantu bakithi abaningi.



Uhulumeni kazwelonke uyabuya uthi leyo mali ayiphinde ithathwe esifundazweni.

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

Uhulumeni kazwelonke akafake imali ngokushesha futhi ingabe isaba u-R1 billion kodwa ibe u-R7 billion ngenxa yomonakalo omkhulu owenzakala emva kwezikhukhula kwingqalasizinda.

Le mali siyacela ifike ngokukhulu ukushesha ngoba abantu bakithi abanye basahleli emahholo nemizi yabo isabhodlokile futhi kumele kuphinde kulungiswe nezikole nemigaqo.

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

*President Cyril Ramaphosa's announcement that the national government would inject an amount of [Inaudible] into KwaZulu-Natal after the floods that claimed the lives of many of our people; and*

*That the national government, in an about-turn, has since stated that the money should eventually be recovered from the province itself.*

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

*To call for the national government to promptly contribute, not only an amount of R1 billion, but an amount of R7 billion to address the severe damage to infrastructure that was caused by these floods;*

*To request that these funds be paid over as soon as possible as many people are still being housed in community halls and houses that have partly collapsed; and for maintaining schools and road infrastructure].*

### **3.11 Ms LD Ngubane, ANC, to move:**

#### **Le Ndlu iyasinaka:**

Isehlakalo se-Gender Based Violence esisanda kwenzakala emndenini wakwaSibiya eNtandakuwela ku-ward 8 oLundi naku-ward 20 ngaphansi kwamasipala wasoLundi, ukuthi abantu abasha nabesifazane babhekene nodlame olwenziwa ilezi zinswelaboya ezizibiza ngokuthi zingamadoda kwabesifazane.

Lokhu kuwubhubhane lwesibili okufanele sibhekane nalo esifundazweni sethu.

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

Ukunxusa umphakathi uqhubeke nokubambisana nohulumeni ukuthi uqhubezele imikhankaso, kwenziwe imicimbi yokwesekela izisulu zodlame olusukela kwezobulili;

Ukuncoma uMnyango Wezokuthuthukiswa Komphakathi oholwa wuMhlonishwa uKhoza ngokweseka imindeni ekhahlamezekile neqhaza elibanjwa osonhlalakahle ngokukhulu ukuzikhandla ukuxwayisa nokuqeqesha abantu abayizisulu zodlame.

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

*That two incidents of gender-based violence recently took place in Wards 8 and 20 of Ulundi Local Municipality – the first incident affected the Sibiya family in Ntandakuwela village where young women fell victim to violence at the hands of perpetrators who call themselves men; and*

*That the province needs to deal with this secondary pandemic.*

***This House therefore resolves:***

*To call on the community to continue working with government to advance campaigns and programmes aimed at supporting victims of gender-based violence; and*

*To commend the Department of Social Development, led by hon Khoza, for supporting the affected families, as well as the social workers for their diligent conscientising and counselling of victims of violence.]*

**3.12 Ms M Nair, DA, to move:**

**This House notes:**

That exorbitant amounts in the budget of the Department of Human Settlements are being spent on private security to guard newly built vacant houses in Ward 74, eThekweni, as well as other parts of KwaZulu-Natal. and

That we should not be wasting money on guarding houses which should be handed over to rightful beneficiaries on the housing list.

**This House therefore resolves:**

To call upon the MEC for Human Settlements to immediately hand over all vacant houses in KwaZulu-Natal to the rightful beneficiaries who are on waiting lists.

**3.13 Mr B Singh, DA, to move:**

**This House notes:**

The exceptional flood relief drive by the uMhlanga Mosque;

Moulana Mohammed Vanker; Mr Mukhtar Dawood, Mr Mohsin Gani; Mr Zubeir Akunjee, Mr Imraan Gora and Mr Khalil Mordeen supplied millions of liters of water and JoJo tanks to residents in the affected northern areas of eThekweni after the devastating floods of April 2022; and

Various communities were selflessly assisted by these individuals when the City of eThekweni failed to do so amid a crisis that left thousands of people without water.

**This House therefore resolves:**

To call on the Premier of KwaZulu-Natal to formally recognise the efforts of the above-named citizens.

### **3.14 Dr R Viranna, DA, to move:**

**This House notes:**

According to a recent notice from the Ugu District Municipality, the list of pipe breakages during the April floods increased to 90 in the south-central region of KwaZulu-Natal – a 50% increase from the months before; and

Despite *Operation Chariot* deployed by the SANDF, Ugu Mayor Cllr P H Mthiyane, as head of the District Disaster Management Co-ordinating War Room, failed to deploy the engineering brigade to rectify the situation.

**This House therefore resolves:**

To call on MEC Hlomuka to immediately intervene in this gross municipal failure to ensure the proper use of SANDF resources to fix water infrastructure during the state of disaster.

### 3.15 Mr MA Chiliza, ANC, to move:

#### Le Ndlu inaka lokhu:

Ukhongolose ukuthakasele kakhulu ukuba khona kwePhalamende Lezingane endaweni yaseDumbe lapho izingane zithole khona ithuba lokuzwakalisa ukungaphatheki kahle kwazo, nokuphinde ziphakamise futhi izidingo zazo, ukuthi zifisa uhulumeni azenzeleni;

UNdunankulu wesifundazwe uphinde wathula inkulumo enohlonze, lapho ebezwakalisa khona ukuthi uhulumeni we-ANC uzinakekela kanjani izingane kulesi sifundazwe sethu.

#### *[This House notes:*

*That the African National Congress welcomes the sitting of the Children's Parliament in the Dumbe district where children were given the opportunity to express their concerns, raise issues that affect them and tell us what they wish for the government to do for them; and*

*That the Premier, in his keynote address, outlined how the ANC government is taking care of the children in our province.]*

### 3.16 Ms NM Khoza, ANC, to move:

#### This House notes:

The successful fifth *Global Conference on the Elimination of Child Labour* that was hosted by KwaZulu-Natal at the Inkosi Albert Luthuli International Convention Centre in Durban;

This conference, the first to be held on African soil, exposed the need to seriously tackle the scourge of child labour; and

Delegates included representatives from governments, trade unions, the private sector, civil society, regional and international organisations, think-tanks, academia and youth formations from all over the world

**This House therefore resolves:**

To call on the KwaZulu-Natal government to act on the resolutions that dealt with the elimination of child labour, child abuse and child slavery.

4. 09h38 The Speaker read into the record the tabling of the of the following reports:

**4.1 KwaZulu-Natal Legislature:**

4.1.1 Budget Performance In-Year Monitoring Report [IYM] for the month of April 2022.

**4.2 Portfolio Committee on Education:**

4.2.1 School Functionality Monitoring Report (SFMP), 2022.

**4.3 Portfolio Committee on Health:**

4.3.1 KwaZulu-Natal Mental Health Institutions Monitoring Programme Report, 2021/22.

**4.4** *Ad hoc* Committee on Land Restitution: Complaints and other Related Matters – Umgungundlovu District, Ugu District and Ilembe District Reports.

**4.5 Portfolio Committee on Arts and Culture:**

**4.5.1** 2021/22 Committee Report on the First Quarter Performance Report of the Department of Arts and Culture;

**4.5.2** 2021/22 Committee Report on the Second Quarter Performance Report of the Department of Arts and Culture;

**4.5.3** Committee Oversight Report on Emanyiseni Library; and

**4.5.4** Committee Report on 2021 Stakeholder Engagement Session – uMkhanyakude.

**4.6 Department of Co-operative Governance and Traditional Affairs:**

**4.6.1** Report to the KwaZulu-Natal Provincial Legislature in terms of section 131(2)(b) of the Municipal Finance Management Act, Act No. 56 of 2003.

**4.7** Financial and Fiscal Commission: 2023/24 Annual Submission on the Division of Revenue.

5. 09h40 Question Session in terms of Rule 120 commenced and Questions 1, 2, 3,4 and 5 were answered from Question Paper No. 01 of 2022.

Question Session concluded at 10h25.

6. 10h27 The Speaker made announcements.

7. 10h30 Debate on the Report of the Portfolio Committee on Education on the January 2022 School Functionality Monitoring Programme commenced and was concluded at 11h45.
8. 11h46 Debate on the Report of Portfolio Committee of Health on the KwaZulu-Natal Mental Health Institutions Monitoring Programme, 2021/22 commenced and was concluded at 13h08.
9. 13h09 The House was adjourned *sine die*.

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