

THURSDAY, 15 SEPTEMBER 2022

[No.14/2022] FOURTH SESSION, SIXTH LEGISLATURE

KWAZULU-NATAL LEGISLATURE

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MINUTES OF PROCEEDINGS

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Thursday, 15 September 2022

The Hybrid House met at 08h34.

1. 08h35 Members were given an opportunity for silent prayers or meditation.
2. 08h36 The Speaker made announcements, including the passing away of the following persons:
 - 2.1 Ms Anastasia Motaung, ANC Member of Parliament;
 - 2.2 Tokollo “Magesh” Tshabalala, member of the TKZee musical group;
 - 2.3 Ms Vytjie Mentor, Action SA member and former Member of Parliament;
 - 2.4 Mr Dedanizizwe Sobukwe, son of Robert Sobukwe;

- 2.5 Ms Sanelisiwe Nikeziwe Mbatha; a social worker in the Department of Social Development under Umzinyathi District Municipality;
- 2.6 Mr Gordon Webster, a member of Umkhonto weSizwe;
- 2.7 Ms Yonwaba Nkayitshana, Deputy Secretary of the ANC in Ward 27, Msunduzi sub-region;
- 2.8 Ambassador Mpendulo “Squire” Jele;
- 2.9 Mama Rita Alice Ndzanga, a struggle veteran who was at the forefront of the 1956 Women’s March and served as a Member of Parliament in 1999. She was awarded the Order of Luthuli by President Thabo Mbeki in 2004;
- 2.10 Ms Gugu Ximba, ANC Caucus staff member;
- 2.11 Mr Mzamo Mthembu, a Hollywoodbets Athletics Club member from the Toti Branch, as well as Ms Phakamile Ntshiza, an Adventist Athletics Club member who participated in the Comrades Marathon on Sunday, 28 August 2022;
- 2.12 Constable Nomfundo Kubheka from the Durban Metro Police in Verulam;
- 2.13 Mr Mikhail Gorbachev, the last leader of the Soviet Union, who was instrumental in ending the Cold War;
- 2.14 Mr Bongani Sibiya, school principal of Msunduzi Secondary School in Pietermaritzburg;
- 2.15 Mr Reggie Ngema, Umlalazi Communications Manager;
- 2.16 Queen Elizabeth II of the United Kingdom and other realms of the Commonwealth, the longest-

serving British monarch who reigned for more than seven decades;

- 2.17 Mr Clive Linda Ngcobo, brother of Mrs Nokuthula Mshengu, Cluster Manager in the Committees directorate;
- 2.18 Cllr Siyanda Magubane, Mayor of Msinga Municipality;
- 2.19 Cllr Mngqobi Victor Molife, Ward 99 councillor in the eThekweni Region;
- 2.20 All victims of gender-based violence and hate crimes;
- 2.21 All Public Servants of this province and the country at large; and
- 2.22 All victims of road fatalities in our province during the recent past.

The Hybrid House observed a minute of silence.

- 3. 08h40 The Deputy Speaker introduced a new Member, hon Mr Edwin Victor Baptie, who replaced Dr R Viranna.
- 4. 08h41 The Deputy Speaker made further announcements, including that in terms of Rule 23 of the Standing Rules of the KwaZulu-Natal Legislature, the Executive Council had resolved to appoint Mr SA Duma, Member of the Executive Council for Economic Development, Tourism and Environmental Affairs, as the Leader of Government Business.
- 5. 08h50 The Premier made announcements.
- 6. 08h56 Mr BM Zuma moved the following motion concerning the appointment of a Chairperson of Committees:

This Motion is a Motion without Notice, moved under Standing Rule 105(1)(g), with the unanimous concurrence of all the Members present in the House.

The Presiding Officer is requested to put the motion to the vote for approval as a Resolution of the House under Standing Rule 103(2).

Noting that:

[1] The position of Chairperson of Committees is vacant due to the swearing in of the hon SA Duma as a Member of the Executive Council of KwaZulu-Natal.

[2] Rule 16 of the Standing Rules of the KZN Legislature provides as follows:

“16. Election of Chairperson of Committees and Deputy Chairperson of Committees

As soon as possible after an election of the Legislature or whenever the position of Chairperson of Committees or Deputy Chairperson of Committees is vacant, the House must elect a Member as Chairperson of Committees and another Member as Deputy Chairperson of Committees.”

[3] It is therefore required in terms of Rule 16 to elect a Member as Chairperson of Committees.

This House therefore resolves:

To elect the hon Ms HGS Mavimbela as Chairperson of Committees.

Question put:

That the hon Ms HGS Mavimbela be elected as Chairperson of Committees.

Agreed to.

The DA abstained from voting.

7. 09h12 Mr BM Zuma moved the following motion of the the House concerning the appointment of a Deputy Chairperson of Committees.

This Motion is a Motion without Notice, moved under Standing Rule 105(1)(g), with the unanimous concurrence of all the Members present in the House.

The Presiding Officer is requested to put the motion to the vote for approval as a Resolution of the House under Standing Rule 103(2).

Noting that:

[1] The position of Deputy Chairperson of Committees is vacant due to the resignation of hon MPP Zungu from this post.

[2] Rule 16 of the Standing Rules of the KZN Legislature provides as follows:

“16. Election of Chairperson of Committees and Deputy Chairperson of Committees

As soon as possible after an election of the Legislature or whenever the position of Chairperson of Committees or Deputy Chairperson of Committees is vacant, the House must elect a Member as Chairperson of Committees and another Member as Deputy Chairperson of Committees.”

[3] It is therefore required in terms of Rule 16 to elect a Member as Deputy Chairperson of Committees.

This House therefore resolves:

To elect the hon Mr MA Zulu as Deputy Chairperson of Committees.

Question put:

That the hon Mr MA Zulu be elected as Deputy Chairperson of Committees.

Agreed to.

The DA abstained from voting.

8. 09h19 The Speaker read into the record the tabling of the following reports:

8.1 KwaZulu-Natal Legislature:

8.1.1 KwaZulu-Natal Legislature: Budget Performance In-Year Monitoring Report [IYM] for the month of June 2022; and

8.1.2 KwaZulu-Natal Legislature: Annual Report 2021/22.

8.2 Office of the Premier:

8.2.1 Office of the Premier: Annual Report 2021/22; and

8.2.2 Amafa AkwaZulu-Natal and Research Institute: Annual Report 2021/22.

8.3 Auditor-General:

8.3.1 Tabling letter of Special Report on Disaster Relief; and

8.3.2 First Special Report on Flood Relief Fund, 31 August 2022.

8.4 Department of Education:

8.4.1 Department of Education: Annual Report 2021/22; and

8.4.2 Department of Education: Annual Performance Plan 2022/23.

8.5 Department of Public Works and Human Settlements:

8.5.1 Department of Human Settlements: Annual Report 2021/22; and

8.5.2 Department of Public Works: Annual Report 2021/22.

8.6 Department of Finance (Treasury):

8.6.1 Department of Finance (Treasury): Annual Report 2021/22.

8.7 Department of Social Development:

8.7.1 Department of Social Development: Annual Report 2021/22.

8.8 Department of Agriculture and Rural Development:

8.8.1 Department of Agriculture and Rural Development: Annual Report 2021/22; and

8.8.2 Agri-Business Development Agency: Annual Report 2021/22.

8.9 Department of Economic Development, Tourism and Environmental Affairs:

- 8.9.1 Department of Economic Development, Tourism and Environmental Affairs: Annual Report 2021/22;
- 8.9.2 KZN Growth Fund: Annual Report 2021/22;
- 8.9.3 Richards Bay Industrial Development Zone: Annual Report 2021/22;
- 8.9.4 Moses Kotane Institute: Annual Report 2021/22;
- 8.9.5 KZN Film Commission: Annual Report 2021/22;
- 8.9.6 Ezemvelo KZN Wildlife: Annual Report 2021/22;
- 8.9.7 Dube Trade Port: Annual Report 2021/22;
- 8.9.8 Trade and Investment: Annual Report 2021/22;
- 8.9.9 Ithala Development Corporation: Annual Report 2021/22;
- 8.9.10 KZN Sharks Board: Annual Report 2021/22;
- 8.9.11 KZN Liquour Authority: Annual Report 2021/22;
- 8.9.12 KZN Gaming and Betting Board: Annual Report 2021/22; and
- 8.9.13 KZN Tourism Authority: Annual Report 2021/22.

8.10 Department of Health:

8.10.1 Department of Health: Annual Report 2021/22

8.11 Department of Sport, Arts and Culture:

8.11.1 Department of Arts and Culture: Annual Report 2021/22; and

8.11.2 Department of Sport and Recreation: Annual Report 2021/22.

8.12 Department of Co-operative Governance and Traditional Affairs:

8.12.1 Department of Co-operative Governance and Traditional Affairs: Annual Report 2021/22; and

8.12.2 Traditional Levies and Trust Account: Annual Report 2021/22.

8.13 Department of Transport, Community Safety and Liaison:

8.13.1 Department of Community Safety and Liaison: Annual Report 2021/22; and

8.13.2 Department of Transport: Annual Report 2021/22.

8.14 Public Service Commission:

8.14.1 Overview Reports on the Payment of Invoices after 30 Days by the KwaZulu-Natal Provincial Departments;

8.14.2 Report by Service Delivery conducted at

Selected Health and Education Facilities Affected by the Flood Disaster in KwaZulu-Natal Province; and

8.14.3 Public Service Commission: Annual Report 2020/21.

9. 09h23 Mr S Zikalala tabled the Annual Report for the Department of Co-operative Governance and Traditional Affairs.
10. 09h24 The following Members gave notice of their intention to move motions on the next sitting day of the House:

10.1 Bishop EV Dube, ANC, to move:

Lendlu iyanaka:

Ukuba sikhathazekile ngochungechunge lwakamuva lwezingozi zezimoto ezibulala abantu abaningi esifundazweni sethu, sinxusa bonke abasebenzisi bomgwaqo ukuthi bahlale beshayela ngokucophelela. NgeSonto. Mhla zizi-4 kuMandulo 2022, itekisi ebigcwele ngokweqile nomshayeli okusolwa ukuthi ubephuzile igingqike emgwaqeni u-Edendale, kwadlula nemiphefumulo eminingi.

Lendlu inquma kanje:

Sishayela ihlombe abomthetho kaMasipala waseMsunduzi ngokwenza kahle umsebenzi wabo, kanye noMnyango wezokuThutha ngokuthumela ithimba lezikhulu ukuyohlola izidingo zemindeni esemanzini.

Sidlulisa ukuzwelana kwethu nemindeni yabashonelwe futhi sifisela abagibeli abathathu abalimele ukululama ngokushesha.

[This House notes:

With concern the recent spate of car accidents that have killed numerous people in our province. We implore all road users to always drive with caution. On Sunday, 4 September 2022, an overloaded minibus which was allegedly driven by an intoxicated driver, overturned on the Edendale road and fatally claimed multiple lives.

This House therefore resolves:

To applaud uMsunduzi Municipality's law enforcement agencies for doing a good job, as well as the Department of Transport for sending a team of officials to assess the needs of bereaved families, and

To convey our condolences to the families of the bereaved and to wish the three injured passengers a speedy recovery.]

10.2 Ms M Govender, ANC, to move:

This House notes:

That South Africa ranks among the 10 most culturally diverse countries in the world;

That South Africans of all cultures and creeds come together in September, Heritage Month, to celebrate the cultural wealth and living heritage of our nation; and

That celebrating our heritage keeps our communities together, and passes on values, traditions and meanings through the different generations.

This House therefore resolves:

To call on all South Africans to use Heritage Month to foster greater social cohesion, nation-building and a shared national identity.

10.3 Mr MB Gwala, IFP, to move:

Le Ndlu:

Iyalibona ilukuluku labantu ngokweseka i-IFP ezinkethweni kamuva nje. I-IFP idle umhlanganiso ku-ward 12 eMadlankala ngenkathi idlula ngehubo eMhlathuze ngenxa yokwethenjwa ngabantu.

IIFP ku ward-12 izuze 54% izolo mhlaka 14 September isuka ku-26% ngokhetho luka 2021, kwathi iANC yacosha 43%, EFF 2% kwathi iCCU kwaba umcacamezelo ka 1% kanti i-IFP iwine izikhungo ezine kwezinhlanu.

Ngakho lendlu:

Inquma ukuba i-IFP ishayelwe ihlombe elingenamona ngenkathi inika ithemba abantu baseNingizimu Africa ngokuthi intuthuko eMhlathuze izoza ilakanyana.

[This House notes:

People's enthusiastic support for the IFP in the recent elections. The IFP registered a landslide victory in Ward 12 in Madlankala due to the overwhelming trust of the people of Mhlathuze in it.

Yesterday, on the 14th of September, the IFP obtained 54% in Ward 12, up from the 26% it had obtained in the 2021 elections, with the ANC obtaining 43%, the EFF 2% and the struggling

CCU 1%. The IFP won four of the voting districts (VDs).

This House therefore resolves:

To applaud the IFP without reserve for inspiring hope among South Africans and ensuring that services will be delivered thick and fast in Mhlathuze.]

10.4 Mr KI Mshengu, ANC, to move:

This House notes:

The dastardly killing of Mama Nokuphiwa Mpungose, the mother of well-known poet Siyabonga Mpungose, on Tuesday evening; and

That the brutal and senseless killing of Mama Mpungose is indicative of how violent our communities have become, even against those whom they are supposed to protect.

This House therefore resolves:

To send its condolences to the Mpungose family and all other families who have suffered the same fate, but who were not reported on; and

To call on our communities to forge a united front against crime by working together with law enforcement agencies.

10.5 Dr I Keeka, DA, to move:

This House notes:

That schools have become war zones, with rioting and burning of vehicles over confiscated cell phones;

That schools are frequently vandalised and robbed; That stabbings and shootings on school premises have increased; and

That schools have dysfunctional school safety programmes, improper infrastructure and poor training to back any safety initiatives.

This House therefore resolves:

To call upon the MEC and her department, in collaboration with the Department of Safety and Security, to prioritise a functional EPWP-based school safety programme in all identified “hot spots”, and

To prioritise efforts to ensure greater parental and community involvement over the many ceremonial duties currently being undertaken.

10.6 Ms L D Ngubane, ANC, to move:

Le Ndlu iyanaka:

Inyanga kaMandulo inyanga yamagugu nokuqhakambisa usiko. Lapho sisonke siyisizwe kumele siziqhenye ngemvelaphi yethu, ikakhulukazi intsha yethu esakhula, ebuye ibonakale inokuduka nokungaqondi kahle ngamasiko.

Le Ndlu inquma kanje:

Ukunxenxa uhulumeni wethu ukuba ubeke phambili imfundo ikakhulukazi ngokubaluleka kwezilimi zamaNguni, ngoba kumele ibe wumthombo wokuvuselela ubunjalo bamasiko entsheni yomdabu, futhi abacwaningi abaningana baveze ukuthi ubuntwana buyisikhathi esiphumelela kakhulu sokuqalisa izinyathelo zokulondoloza izilimi.

Ukufundisa kolimi lwendabuko kuyawucebisa umoya ngoba kukhombisa ukuhlukahlukana kwamasiko nokubaluleka kwawo, kuthuthukise inhlonipho phakathi kwawo.

[This House notes:

That September is Heritage Month during which culture is promoted and a time when the entire nation should be proud of their origins, especially our upcoming youth who occasionally seem to go astray and lack understanding of their culture.

This House therefore resolves:

To call on government to prioritise education on the importance of Nguni languages, since these should serve as a source of a revived cultural identity among black youth. Additionally, several researchers revealed that childhood is the right time to commence with language preservation steps.

Teaching in a vernacular language enriches the spirit since it showcases cultural diversity and its importance, and it promotes respect among language users.]

10.7 Mr S Moodley, IFP, to move:

This House resolves:

To call on the hon Premier to put an immediate end to the blatant abuse of the use of blue lights as ordinary drivers are forced off the roads by VIP drivers.

10.8 Mr L M Meyer, DA, to move:

This House notes:

That since the April/May floods, eThekweni has had problems with its wastewater systems and water provision;

That eThekweni, even before the floods, has had problems with sewage removal and water provision; and

That 80% of wastewater works in the city are currently non-functional; all rivers in the metro are severely polluted and many beaches remain closed.

This House therefore resolves:

To call on the provincial government to immediately intervene in this latest disaster and to act in the best interests of the people living in the metro to ensure their safety.

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10.9 Ms S Thakur-Rajbansi, MF, to move;

This House notes:

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

That this policy was critical in 1994, but 2024 already marks 30 years of its implementation, and

That we are witnessing the collapse of municipalities and government departments.

This House therefore resolves:

To debate the scrapping of this race-based, discriminatory and oppressive policy which is similar to apartheid as it excludes Indians the most, based on the 2% quota for jobs, universities, businesses, housing and other opportunities, in contravention of the United Nations' guidelines which protect minorities.

10.10 Mr N Ntombela, ANC, to move:

Inyanga kaMandulo inomlando omuhle
kweleNgabadi okungamele siwulibale.

Kukuyo le nyanga lapho sikhumbula khona iLembe
eleqa amanye amalembe ngokukhalipha labumba
isizwe sikaPhunga noMageba

Kukuyo le nyanga ngabo-1943 lapho umbutho
kaVukayibambe kaKhongolose owasungulwa
ngayo.

Kukuyo futhi le nyanga ngo-1977 lapho
isishabasheki sokulwela inkululeko, uSteven Bantu
Biko, esaphangala ngayo emuva kokuhlukunyezwa
ngamaBhunu siboshiwe ekhulukuthi.

Kukuyo le nyanga isibhicongo sokubulawa
kwabantu bebhikisha e-Bisho bebulawa undlovu
kayiphikiswa uGqozo namasosha akhe.

Ngiyophakamisa ukuba sikhumbuze abantu abasha
kwelengabadi ukuthi ikusasa labo lisezandleni
zabo; inselelo ikubo manje ukuba babhale ikhasi

elisha ngeNingizimu Afrika nekusasa layo.
Ababengaphambili kwabo bayiphendlile indlela,
ingcabha ikubo manje.

[This House notes:

That September reminds us of the beautiful history of our land which we should never forget;

During this month we commemorate King Shaka, who shaped and moulded the Zulu nation;

It was during this month in 1943 that the youth wing of the African National Congress, was formed;

It was also during this month in 1977 when the freedom fighter, Steven Bantu Biko, perished after being tortured by the Afrikaners in the isolation cells of detention;

It was during this month that the people who had protested in Bisho were massacred by Gqozo, the despot, and his military.

This House therefore resolves:

To remind the youth of our country that the future is in their hands. The onus and responsibility rest with them to write a new page about South Africa and its future. Their predecessors paved the way; the onus and responsibility now rest with them.]

10.11 Mr TV Xulu, ANC, to move:

Le Ndlu iyanaka:

Ukucwaswa ngokobulili kwezemidlalo
ikakhulukazi abesifazane.

Ukumeleleka kancane kwabesifazane ebuholini bezemidlalo, ukutshalwa kwezimali okuncane, okuhlanganisa uxhaso, ukumaketha, ukuphromotha, kanye nokusakazwa kwabezindaba.

Kanye nomphumela, okwenza ezemidlalo zabelilisa zijabulise futhi zibe nenzuzo.

Ngakh-ke le Ndlu inquma kanje:

Ukunxusa ukuba le Ndlu yeSishayamthetho saKwaZulu-Natal idingide udaba lwezemidlalo ngemihlomulo enjenge-mifundaze, kanye nezimali yabadlali besifazane ukuba imihlomulo yabo mayilinganiswe neyabesilisa eNingizimu Afrika yonkana.

Siphinde, singasigunyazi lesi senzo ngendlela efanele, ngoba lokhu kungalingani kuyo yonke imboni kubhebhethekisa ukungalingani kobulili kwezemidlalo. Lokhu kusho ukugqugquzela nokuthuthuka kwabesifazane njengabasubathi kanye nabadlali abaqeqeshiwe nabaholi emkhakheni wezemidlalo.

[This House notes:

That there is gender discrimination in sport, especially towards women;

That fewer women are represented in leadership structures in sport, investment, including sponsors, marketing, promotion and media broadcasting;

That as a result of these disparities, male sport looks more entertaining and marketable [read profitable].

This House therefore resolves:

To call for a debate on the issue of sport in terms of benefits like bursaries and earnings for women to ensure that they earn as much as men in South Africa.

To speak out against gender discrimination, since inequality throughout the industry translates to gender inequality in sports. Female athletes should be encouraged and developed into professional players and leaders in the sporting sector.]

10.12 Rev S E Manqele, ACDP, to move:

This House notes:

That we are alarmed by a recent report on the latest crime statistics in South Africa which revealed that KwaZulu-Natal is the country's most deadly province; and

That out of the 6 424 murder cases reported between April and June of 2022, an alarming number of 1 623 cases had occurred in KwaZulu-Natal.

This House therefore resolves:

To urgently address this matter by calling on the province and the Legislature to embark on Stop Crime campaigns, and

To collect illegal firearms from individuals and affected communities to help push back the rampant crime within our province.

10.13 Mr S M Sonjica, ANC, to move:

This House notes:

The escalating violence and destruction of property in our schools;

The recently reported burning of a school after a teacher or teachers allegedly confiscated some learners' cell phones; and

The torching of a teachers' vehicle or vehicles for the same reason.

This House therefore resolves:

To call for an urgent debate on the necessity of a school safety indaba with all stakeholders to find a solution to this growing problem.

10.14 Mr E Rabe, DA, to move:

This House notes:

That the scourge of FMD in our province is debilitating our economy and impacting on cultural practices such as paying lobola, festivities, etc.

That it has come to light that there is a breakout of African swine fever and bovine TB in northern KZN, among other diseases which are likely to spiral out of control as FMD has done.

This House therefore resolves:

To call on the MEC to take the plight of animal disease control far more seriously, to safeguard our borders and hire the required number of state vets to treat and control this scourge.

10.13 Mr M A Zulu, ANC, to move:

This House notes:

The continued widespread, senseless and endless random killings and injury of innocent and vulnerable persons in our province;

That this begs the question –

Are these sporadic killings co-ordinated and aimed at destroying the peace in our province for which we have worked so hard?

Do we lack the capacity to track down and arrest these perpetrators who commit criminal activities in public areas of enjoyment, thereby making our communities unsafe?

This House therefore resolves:

To call for an urgent debate on the need to intensify police work and underground law enforcement to capture perpetrators and restore safety in our communities.

11. 09h24 Debate on the 1st ANC party motion commenced and was concluded at 10h50.
12. 10h51 The MEC for Education presented a Report on the department's performance against its Annual Performance Plans, in line with Standing Rules, and concluded at 11h10.
13. 11h11 Debate on the 1st IFP party motion commenced and was concluded at 12h07.
14. 12h08 Debate and Conferral of a Final and Voting Mandate on the Sectional Titles Amendment Bill [B31B-2020] commenced and was concluded at 12h47.

Question put:

That the KwaZulu-Natal Legislature met on Thursday, 15 September 2022 and agreed to mandate the KwaZulu-Natal delegation to the National Council of Provinces to support the Sectional Titles Amendment Bill [B31B-2020].

Agreed to.

Results of the vote were as follows:

For = 67 Against = 0 Abstentions = 0

15. 12h49 Debate on the Report of the Portfolio Committee on Community Safety on the 2022 Police Stations Functionality Monitoring Programme commenced and was concluded at 14h08.

Question put:

That the Report of the Portfolio Committee on Community Safety on the 2022 Police Stations Functionality Monitoring Programme be adopted.

Agreed to.

16. 14h09 The Deputy Speaker made announcements.

17. 14h10 The House was adjourned *sine die*.

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