

TUESDAY, 22 NOVEMBER 2022

[No. 19/2022] FOURTH SESSION, SIXTH LEGISLATURE

KWAZULU-NATAL LEGISLATURE

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MINUTES OF PROCEEDINGS

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Tuesday, 22 November 2022

The Hybrid House met at 09h02.

1. 09h03 Members were given an opportunity for silent prayers or meditation.
2. 09h04 The Speaker made announcements, including the passing away of the following persons:
 - 2.1 Mr Siphon “Gologo” Nxumalo, former ANCYL Regional Treasurer and Esikhawini ANC Branch Secretary who had been involved in the Expanded Public Works Programme at the City of uMhlathuze;

- 2.2 Mr James Lund, husband of Ms Wendy Leeb, a former Senior Manager: Research, who passed away at the beginning of November;
- 2.3 Ms Sizani Maphumulo, an aunt of hon Ms N N NN Boyce, Speaker of the KwaZulu-Natal Legislature. who will be laid to rest on Saturday, 26 November 2022, at Flagstaff in Lwandlana eMabofu Mgam (elugqatsweni);
- 2.4 Seven taxi passengers who passed away while dozens were injured when a truck collided with three light motor vehicles on the M35 outside Isipingo on Saturday night; and
- 2.5 All victims of other road fatalities around the province in the recent past.

The Hybrid House observed a minute of silence.

- 3. 09h12 The Premier made announcements.
- 4. 09h16 The Speaker read into the record the tabling of the following documents:
 - 4.1 **KwaZulu-Natal Legislature:**
 - 4.1.1 KwaZulu-Natal Legislature: Budget Performance In-Year Monitoring Report [IYM] for the month of October 2022.
 - 4.2 **Portfolio Committee on Finance:**
 - 4.2.1 Report by Portfolio Committee on Finance on the Division of Revenue Bill.
 - 4.3 **Department of Co-operative Governance and Traditional Affairs:**
 - 4.3.1 Report by the KZN Department of Co-

operative Governance and Traditional Affairs on the department's performance against its Annual Performance Plan, in line with the Standing Rules.

4.4 Department of Transport, Community Safety and Liaison:

4.4.1 Report by the KZN Department of Transport on the department's performance against its Annual Performance Plan, in line with the Standing Rules.

5. 09h17 The following Members gave notice of their intention to move motions on the next sitting day of the House:

5.1 Mr S Zikalala, ANC, to move:

This House notes:

The critical role played by the sphere of local government in the day-to-day lives of our communities; and

The importance of recognising pockets of excellence wherever they occur within this sphere.

This House therefore resolves:

To support the efforts by the Department of Co-operative Governance and Traditional Affairs to recognise excellence through the Municipal Excellence Awards which will be held in Durban this evening;

To work on improving the performance of all municipalities; and

To uproot corrosive trends, such as the employment of unqualified people, corruption and mismanagement.

5.2 Ms VP Caluza, ANC, to move:

This House notes:

The concerning rise in incidents of children being mauled by dogs, pitbulls in particular; and

That this country has laws that protect both animals and humans against animals.

The House therefore resolves:

To debate means that will increase awareness of citizens' rights versus negligent owners, in line with the Animal Protection Act, Act No. 71 of 1962; and

To call for decisive law enforcement when implementing the Animal Matters Amendment Act, Act No. 42 of 1993.

5.3 Mr SW Mshengu, ANC, to move:

This House notes:

The recent refurbishment of Margate and Mkhuze Regional Airports that will be handed over to the District Municipality by MEC Duma today as part of marking his first 100 days in office; and

That this is a practical demonstration of government's efforts to grow tourism and expand economic opportunities across the province.

This House therefore resolves:

To engage the state entity ACSA [Airports Company South Africa] as it has the required expertise to operate and manage these facilities in

order to realise the value of investment which amounts to some R90 million.

5.4 Mr MB Gwala, IFP, to move:

Le Ndlu:

Iyafisa ukuqhakambisa iqhaza kanye nobuhlakani obuyisimanga okukhonjiswe uNdunankulu kaZulu, uMntwana waKwaPhindangene, Inkosi Mangosuthu Buthelezi okuholele ekutheni kugcine kugcotshwe ngokusemthethweni iSilo uMisizulu kaZwelithini.

uMntwana waKwaPhindangene kuhlule noma ecokofulwa ebizwa ngazo zonke izinhlamba kodwa ukumelile ukuba uNdunankulu kaZulu kwaze kwaba sekugcineni engabheke nzuzo.

Ngakho-ke le Ndlu inquma kanje:

Ukubongela uZulu wonkana ngokuthi liphumile ilanga KwaZulu.

Ukubonga uMntwana waKwaPhindangene ngegalelo lakhe lokulandela imigomo yosiko yokuqoka ohlala esihlalweni sobukhosi.

Ukubongela uMntwana waKwaPhindangene ngokwembathiswa iSilo isikhumba sehubesi okuwuphawu oluseqophelweni eliphezulu esigabeni seNgonyama.

Ukubonga uMengameli wezwe njengoba kuqala ngqa emlandweni waKwaZulu ukuthi is ilo semukelwe uhulumeni njengeNgonyama.

[This House:

Wishes to highlight the role and awe-inspiring wisdom displayed by the Prime Minister of the

Zulu nation, Prince of KwaPhindangene, Inkosi Mangosuthu Buthelezi, which led to the official coronation of His Majesty King Misuzulu kaZwelithini;

Despite the insults and taunts that had been hurled at him, Prince Buthelezi stood firm and played his role as the Prime Minister of the Zulu nation, without expecting to gain anything in return.

This House therefore resolves:

To congratulate the Zulu nation on entering a new dawn;

To thank Prince Buthelezi for resolutely following the time-honoured traditions and customs that should always be followed when anointing a King;

To congratulate Prince Buthelezi for gifting the King with a lion skin, as this is the highest honour and symbolic gesture that could be bestowed upon His Majesty the King; and

To thank His Excellency, the President of the Republic, for this is the first time in the history of the Zulu nation that a King has been officially recognised by government.]

5.5 Mr HU de Boer, DA, to move:

This House notes:

That community unrest and the closure of Ezemvelo KZN Wildlife facilities continue unabated, with protests this week closing the Giants Castle resort; and

That promises by Ezemvelo to employ people who live near nature reserves seem to be without substance.

This House therefore resolves:

To call on hon Duma, MEC for Economic Development, Tourism and Environmental Affairs, to urgently form a public-private partnership with industry, traditional leadership and labour experts to assess Ezemvelo's employment crisis and to implement a sustainable employment action plan.

5.6 Dr I Keeka, DA, to move:

This House notes:

The SCA judgement which upheld the finding that Zuma's medical parole was illegal;

This judgement is a victory for the DA on behalf of the people of South Africa and for the rule of law; and

The DA will use all lawful means to protect the Constitution from ANC destruction.

This House therefore resolves:

To call for Zuma's return to the Estcourt jail to finish his sentence; and

To call on the Commissioner of Correctional Services to do the right thing without getting swayed by threats of a repeat of last July's unrest, sparked by Zuma's supporters.

Zuma must go straight to jail.

5.7 Mr LM Meyer, DA, to move:

This House notes:

That the Constitution states that South Africa belongs to all who live in it, united in our diversity;

That KwaZulu-Natal is a culturally diverse province; and

That Members of this House have taken an oath to uphold the Constitution and serve all citizens of KwaZulu-Natal, regardless of their cultural background.

This House therefore resolves:

To commit to protecting the cultural heritage of all cultural groups residing in our province; and

To condemn any steps taken by the Msunduzi Municipality to destroy the Chief Albert Luthuli Cemetery which is of great importance to various cultural groups in the country.

5.8 Ms M Tembe, DA, to move:

This House notes:

That the *Sixteen Days of Activism* campaign is upon us;

That more of the same old has been done during this time which has yielded less than positive results; and

That whilst our province is waging a war on gender-based violence, departments still work in silos when dealing with an issue that requires a multi-departmental, co-ordinated approach.

This House therefore resolves:

To call on the Departments of Social Development, Health and Safety and Security to establish a gender-based violence hub as a one-stop shop where all departments can co-ordinate in one space to fight gender-based violence.

5.9 Ms LXH Hlongwa (ANC):

No copy of this motion was submitted and therefore, in terms of Standing Rule 106(2), the motion falls away.

5.10 Ms LD Ngubane, ANC, to move:

Le Ndlu iyakunaka:

Isililo esikhulu esivela emiphakathini ngokwentuleka kwamanzi kungaba sezindaweni zasemadolobheni nasemakhaya.

Ngakho-ke le Ndlu inquma kanje:

Ukwesekela umhlonishwa uMacingwane ngezinhlelo aseziqalile azibalule kwi-NCOP ebihlezi oGwini zokusebenzisana nezinhlaka ezisemphakathini zokusheshisa ukulethwa kwamanzi.

[This House notes:

That urban and rural communities are crying out for water.

This House therefore resolves:

To support the plans announced by hon Minister Mchunu during the NCOP sitting in Ugu District,

plans of working hand in glove with community structures to expedite the delivery of water.]

5.11 Ms PH Mbatha-Cele, ANC, to move:

This House notes:

That *Sixteen Days of Activism for No Violence against Women and Children* is a United Nations campaign which takes place annually from 25 November to 10 December; and

That quarterly crime statistics for April to June, released by Mr Bheki Cele, Minister of Police, portray KwaZulu-Natal as a violent province, having recorded an increase in cases involving the murder of women and children compared to the same period in 2021.

This House therefore resolves:

To intensify programmes of action against the killing of women and children; and

To urge government and society to join hands in raising awareness against the scourge of gender-based violence.

6. 09h35 The MEC for Co-operative Governance and Traditional Affairs delivered a Report on the department's performance against its Annual Performance Plans in line with the Standing Rules [SR113(1)] and concluded at 09h48.
7. 09h50 Debate on the following 4th ANC Party Motion commenced and was concluded at 11h03.

8. 11h04 The MEC for Transport, Community Safety and Liaison delivered a Report on the department's performance against its Annual Performance Plan, in line with the Standing Rules [SR113(1)] and concluded at 11h23.
9. 11h24 Debate on the Report by the MEC for Education on the department's performance against its Annual Performance Plans in line with the Standing Rules [SR113(1)] commenced and was concluded at 12h33.
10. 12h34 Debate and Voting on the Conferral of a Final Mandate on the Division of Revenue Amendment Bill [B22-2022] commenced and was suspended at 12h36.
11. 12h37 The Speaker allowed Mr N Ntombela to table the Report of the Standing Committee on Oversight on the Division of Revenue Amendment Bill [B22-2022].
12. 12h38 Debate and Voting on the Conferral of a Final Mandate on the Division of Revenue Amendment Bill [B22-2022] resumed and was concluded at 13H05.

Question put:

That the KwaZulu-Natal Legislature agrees to confer a final mandate on the KwaZulu-Natal Provincial Delegation to the National Council of Provinces to vote in support of the Division of Revenue Amendment Bill [B22-2022] at the relevant NCOP select committee; and

That the head of the provincial delegation to the NCOP, or a delegate designated by the head of delegation, cast a vote in favour of the Division of Revenue Amendment Bill [B22-2022] at the NCOP plenary.

Agreed to.

Results of the vote were as follows:

For = 46 Against = 0 Abstentions = 0

13. 13H13 The business of the House was suspended and resumed at 14h00.
14. 14h01 Debate on the ATM Party Motion commenced and was concluded at 15h10.
15. 15h13 Debate on the ACDP Party Motion commenced and was concluded at 16h11.
16. 16h12 The Speaker made remarks and an announcement.
17. 16h15 The House was adjourned until Thursday, 24 November 2022 at 09h00.