

THURSDAY, 27 JULY 2023

[No. 15/2023] FIFTH SESSION, SIXTH LEGISLATURE

KWAZULU-NATAL LEGISLATURE

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MINUTES OF PROCEEDINGS

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Thursday, 27 July 2023

The Hybrid House met at 09h09.

1. 09h10 Members were given an opportunity for silent prayers or meditation.
2. 09h11 The Speaker made announcements, including the passing away of the following persons:
 - 2.1 Mr Sibusiso Nxumalo, brother of Archbishop SN Nxumalo, Cluster Manager in the Committees Section;
 - 2.2 Ms Sphelele Ngcobo, ANC Deputy Regional Secretary of the Inkosi Bhambatha Region. Ms Ngcobo, a selfless leader, formed part of the Eighth

Regional Executive Committee elected in May 2022. She passed away on 24 July after her car crashed between Babanango and Melmoth upon returning from the ANC Women's League elective conference held at Nasrec, south of Johannesburg;

- 2.3 All victims of gender-based violence, femicide and hate crimes;
- 2.4 All public servants and traditional leaders in KwaZulu-Natal and the country at large; and
- 2.5 All victims of road fatalities in our province during the recent past.

The Hybrid House observed a minute of silence.

- 5. 09h12 The Speaker read into the record the tabling of the following documents:

- 5.1 **KwaZulu-Natal Legislature**

- 5.1.1 KwaZulu-Natal Legislature: Budget Performance In-Year Monitoring Report [IYM] for the month of June 2023; and

- 5.1.2 KwaZulu-Natal Legislature: First Quarter Institutional Performance Report, 2023/24.

- 5.2 **Department of Education**

- 5.2.1 KwaZulu-Natal Department of Education: Annual Performance Plan, 2023/24 Progress Report.

- 5.3 **Department of Economic Development, Tourism and Environmental Affairs**

- 5.3.1 KwaZulu-Natal Department of Economic Development, Tourism and Environmental

5.4 Department of Co-operative Governance and Traditional Affairs

5.4.1 Zululand District Municipality: Annual Report, 2021/22 and Oversight Report on Annual Report, 2021/22.

6. 09h15 Mr SA Duma on behalf of the Premier made remarks.
7. 09h21 Mr JS Nxumalo, with the unanimous concurrence of all Members present in the House, moved a motion without notice in terms of Standing Rule 105(1)(g) concerning the remuneration of the Premier and requested that the motion be put to the vote for approval as a resolution of the House under Standing Rule 103(2):

Noting that:

The President has by proclamation determined the total remuneration packages of public office bearers, in terms of the Remuneration of Public Office Bearers Act, 1998 (Act No. 20 of 1998);

In terms of proclamation No. 129 of 2023, the upper limit of the salary and allowances of the Premier, has been thus determined; and

The Legislature is required in terms of the Remuneration of Public Office Bearers Act, 1998 and having regard to the provisions of Proclamation No. 129 of 2023, to determine by resolution the upper limits of the Premier's salary and allowances, the amount of the pension contribution to the pension fund of which the Premier is a member, as well as the amount of the medical aid contribution.

This House therefore resolves:

That the total remuneration package of the Premier, subject to the provisions of the Act and Proclamation 129 of 2023, shall be as follows, and

Grade	Pay Level	Position	Total Remuneration from 1 April 2022
LA	1	Premier	R2 398 068.00

That the total remuneration package shall include all the elements set out in the proclamation.

Question put:

That the motion be adopted.

Agreed to.

Results of the vote were as follows:

For = 52 Against = 0 Abstentions = 0

8. 09h29 Mr JS Nxumalo, with the unanimous concurrence of all Members present in the House, moved a motion without notice in terms of Standing Rule 105(1)(g) concerning the establishment of an *ad hoc* committee to finalise the *Guide on the Provision of Support to the Executive Authority and Deputy Speaker of the KwaZulu-Natal Legislature* and requested that the motion be put to the vote for approval as a resolution of the House under Standing Rule 103(2):

Noting that:

There are currently no guidelines on the basic minimums and upper limits for services and support that must be provided to the Executive Authority and Deputy Speaker of the Legislature;

With the assistance of the Legislative Sector, the Legislature has drafted the *KZN guide on the provision of support to the Executive Authority and Deputy Speaker of the KwaZulu-Natal Legislature*;

It is required that the draft guide be considered by a committee of the Legislature, with a view to finalising the guide and recommending approval thereof to the House;

It has been deemed prudent that an *ad hoc* committee be established to perform the above task; and

Standing Rule 212(1) provides that an *ad hoc* committee may be established by resolution of the House.

This House therefore resolves:

That an *ad hoc* committee is established for a period of three (3) months, in order to –

Oversee the progress of the drafting of the *KwaZulu-Natal Guide on the Provision of Support to the Executive Authority and Deputy Speakers of the KwaZulu-Natal Legislature*;

Customise the guide as and where necessary for implementation in the Legislature;

Finalise the guide for approval thereof by the House; and

Submit its report thereon to the House;

That political parties must appoint the members of the *ad hoc* committee, as provided for in Standing Rule 141(1), within seven (7) working days of the establishment of the committee;

That the Secretary must convene the first meeting of the *ad hoc* committee, as provided for in Standing Rule 148, within seven (7) working days of the appointment of the committee members.

That the *ad hoc* committee, before it commences business, must elect one of its members as chairperson, as provided for in Standing Rule 146(1)(b).

That the *ad hoc* committee has all the powers listed in Standing Rule 153.

That in terms of Standing Rule 154(1)(a)(i), the *ad hoc* committee must submit its report to the House at the end of the three (3) month period.

That subject to the express terms of this resolution, all the provisions of the Standing Rules pertaining to portfolio committees, read with the changes required by the circumstances, apply to the *ad hoc* committee.

Question put:

That the motion be adopted.

Agreed to.

Results of the vote were as follows:

For = 52 Against = 0 Abstentions = 0

9. 09H40 Mr JS Nxumalo, with the unanimous concurrence of all Members present in the House, moved a motion without notice in terms of Standing Rule 105(1)(g) concerning the adoption of the customised Oversight Model and requested that the motion be put to the vote for approval as a resolution of the House under Standing Rule 103(2):

Noting that:

The Legislature adopted its oversight model in 2012, which was based on the legislative Sector Oversight Model, but aligned to the Legislature's specific needs and requirements;

During the process of aligning the oversight model to the requirements of the KwaZulu-Natal Legislature, it was recognised that there was need for a significant review of the model to improve oversight processes;

The process of review and customisation of the oversight model commenced in 2021 with the assistance of the appointed service provider; and

The customisation process is now complete and there is a need for the approval of the attached customised oversight model.

This House resolves to:

Approve the attached customised oversight model.

Question put:

That the motion be adopted.

Agreed to.

Results of the vote were as follows:

For = 55 Against = 0 Abstentions = 0

10. 10h06 The following Members gave notice of their intention to move motions on the next sitting day of the House:

10.1 Mr TV Xulu, ANC, to move:

Ngiyofisa kudingidwe okanye ngiqaphelise leNdlu noma ngixwayise ngaloku okulandelayo;

DA and IFP coalition; lokuhlangana kuvusa uhlevane ngoba kusikhumbuza ukuthi Inkatha yake yahlangana namabhunu obandlululo kwabulawa abantu ababengena cala kepha babelwisana nokucindezelwa komuntu onsundu. Sibala kwezinye zezigigaba kwezibhaliwe emlandweni waKwaZulu-Natal the 7th days war;

Iakhona iqembu leNkatha lahlangana namabhunu kwahlaselwa abantu base Caluza, Ashdown, Smero ukubala ezimbalwa lapho khona kwashiswa imizi yabantu abansundu kwafa inqwaba yabantu, lapho ngibala

Cde. Rudolph
Cde. Millie Buthelezi
Cde. Bhono
Cde. Storozana

Ukubala abambalwa nje, ngabe kumele sethuke na. noma umlando uyaziphinda? iNingizimu Africa izibonele ukuthi iNkatha ayishitshile isenjalo kamuva ngeshlo sokuqimba bagibele phezukwamatafula kwaNongoma.

10.2 Mr SW Mshengu, ANC, to move:

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

10.3 Mr MB Gwala, IFP, to move:

This House notes:

Social cohesion and nation building are key to creating stability within our communities;
While history saw us divided, a democratic Constitution has since declared our shared future;

To achieve this, respect must be shown to the dignity, identity and culture of all our citizens;

South Africa's painful past cannot be erased, not even by demolishing statues;

There is value in reminders of our great overcoming;

Moreover, only constructive acts of healing will create balance.

This House therefore resolves:

To invite the Government of the United Kingdom, through the British Embassy, to erect a statue of King Cetshwayo alongside that of Queen Victoria.

10.4 Mr S Moodley, IFP, to move:

This House notes:

The burning of trucks in KwaZulu-Natal and other provinces is organised and orchestrated by 'kingpins' who have devised these plans;

The Crime Intelligence Unit has failed to uncover and stop these plans;

This is similar to what happened during the 2021 July unrest when the Crime Intelligence Unit was caught asleep at the wheel; and

This is tantamount to economic sabotage.

This House therefore resolves:

To call upon law enforcement agencies to ensure that anyone involved in the looting or burning of trucks are arrested; and

To call upon the courts to show no mercy to anyone found guilty of burning trucks.

10.5 Mr S Bhanprakash, IFP, to move:

This House notes:

The recent shack fire that destroyed hundreds of shacks in Durban's Kennedy Road settlement comes shortly after two other fire disasters in the Dakota and Bottlebrush settlements;

Proper, safe housing is a basic human right; and

These shack dwellers, who continue to live in inhumane and life-threatening conditions, have been promised proper housing during pre-election campaigns.

This House therefore resolves:

To restore the dignity and basic human rights of shack dwellers; and

To call on the MEC for Human Settlements and relevant municipalities to commit to providing proper housing to people in informal settlements.

10.6 Ms CM Shinga, NFP, to move:

Ukuthi LeNdlu:

Iyayihlonipha futhi iyaqhakambisa indima negalelo elidlalwa onompilo ikakhulukazi ezindaweni zasemakhaya lapho usizo lwezempilo luncikinciki. Ikhuthaza ukuthi bandiswe futhi baqashwe ngokugcwele, kugcwaliswe nezikhala zalabo abashiyayo ngenxa yokukhula noma ngokusula ngoba sebezitholele amadlelo aluhlaza.

Ukuthi kubukezwe kubhekelelwe inhlalohle nemihlomulo yabo ukubagcina kulomkhakha.

Ngako leNdlu inquma:

Ukuba uMnyango weZempilo, wenze ngakho konke ukuthi uqeqesha wandisa isibalo sonompilo futhi uvala nezikhala esezikhona, ulungise inhlalohle nemihlomulo ukubagcina.

10.7 Ms S Thakur-Rajbansi, MF, to move:

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

10.8 Rev SE Manqele, ACDP, to move;

Kuyabakhathaza abantu abantulayo abathola isibonelelo sika R350.00, ukuthi uma kuke kwenzeka wafakelwa esinye isihlobo sakhe noma malini nje, u R350.00 uyanqamuka, awuzwani nenye imali. Ingabe lababantu akumelwe yini balekelelwe empilweni yabo ngenxa yokuthi bathola lesi sibonelelo sika R350.00?

Ngiyokuphakamisa ukuba lendlu ibuke ukuthi lomphakathi ungasizwa kanjani ukuba nona uhulumeni ebasiza kodwa kungabi yicala ukusizwa ngomunye umuntu, mhlampe ngemali enkulu noma encane kuno R350.00.

10.9 Ms TP Mthethwa, IFP, to move:

This House notes:

Ex-KZN principal Mduduzi Ndlovu was handed a life sentence by the Vryheid Magistrate Court after he repeatedly raped a 15-year-old boy;

The principal gave the teenager money and stationery in exchange for his silence;

It is disgusting and embarrassing that there are teachers who opt to destroy pupils' future, instead of building it; and

Sex perverts must be named and shamed for the rest of their lives.

This House therefore resolves:

To call for thorough background checks before teachers are employed because whenever sex perverts see children, they think about having sexual relations with them.

10.10 Ms NJ Nkwanyana, IFP, to move:

LeNdlu iyakunaka ukuthi:

Abafarasi nabazenzisi esihlale sizwa kukhulunywa ngabo ebhayibhelini sesibona ngamehlo kwi-ANC. Lokhu kufakazelwa ubuqili benyoka kanye nenzondo ejulile egijima emithanjeni yegazi

likaNgqongqoshe weZempilo ojezisa umphakathi waseMtuba ngoba wavotela iNkatha ngokuthi amemezele ukuthi angeke besasakha isibhedlela ngoba iMeya yeNkatha inqaba nomhlaba okuyinto engamampunge. Iqiniso ukuthi ingoba seyaphuma iMeya yeANC eMtuba eyayizokhankasela ukhetho ngokwakhiwa kwesibhedlela. Lokhu kuqubula izinsolo zokuthi kungenzeka ukuthi kukhona abathile abasebthenjiswe amathenda ukuze imihlwehlwe izomfoma amafutha manje asebephunyukwe iqatha emlonyeni.

LeNdlu inquma kanje:

Ukuxwayisa iANC ukuthi akukho qili lazi khotla emhlane;

Ukunxusa umphakathi waseMtuba kanye neminye imiphakathi ukuthi ngokhetho luka2024 awuqhubeke uvotele iNkatha uchayise i-ANC.

10.11 Ms HS Dlamini, ANC, to move:

This House notes:

Ekugcineni i- National Assembly isize yawuphasisa Umthethosivivinywa, Womshuwalense Wezempilo Kazwelonke (NHI) ngoLwesibili, 12 kuNhlangulana 2023. Kanjalo nangoLwesihlanu, zingama-28 kuNtulikazi 2023 iKomidi lezempilo lizoqala inqubo yokulalelwa kwezimvi zomphakathi.

Lomthethosivivinywa uyisilinganisi sezempilo. Isekelwe kumgomo wobumbano emphakathini, ukuvikelwa kwengozi yezezimali.Uphinde uthi i-domestic worker naye unempilo ebaluleke njengoka madam lo omqashile. Ngaphezu

kwalokho uthi asilingane sonke mayelana nokunakekelwa kwezempilo.

Lokhu kukhombisa ngokusobala ukuzibophezela kukahulumeni oholwa nguKhongolose ngohlelo lokunakekelwa kwezempilo kamahhala njll.

This House therefore resolves:

Ukweseka ngokungananazi i-NHI ephambi kwesiShayamthetho, njengoba iwuhlaka lomthetho oludingekayo ukuze kuguqulwe, futhi kuqiniswe umkhakha kahulumeni njengento eyodwa, engacwasi ngokobuhlanga, efinyelelekayo, ephumelelayo, elinganayo futhi enhle kubo bonke abantu baseNingizimu Afrika.

10.12 Ms AG Mapena, ANC, to move:

This House notes:

That sign language was recognised as the 12th official language of South Africa; and

This was signed into law by President Cyril Ramaphosa on 19 July 2023.

This House therefore resolves:

To debate our readiness to accommodate sign language in government departments; and

To commend the President as this law advances rights to equality, dignity and social inclusion for people with hearing impairments.

11. 10h06 The MEC for Agriculture and Rural Development (Vote 3) delivered a report on the department's performance against its Annual Performance Plans, in line with Standing Rule 113(1) and concluded at 10h06.

12. 10h22 The MEC for Economic Development, Tourism and Environmental Affairs (Vote 4) delivered a report on the department's performance against its Annual Performance Plans, in line with Standing Rule 113(1) and concluded at 10h33.
13. 10h34 The MEC for Education (Vote 5) delivered a report on the department's performance against its Annual Performance Plans, in line with Standing Rule 113(1) and concluded at 10h54.
14. 10h55 The MEC for Education, on behalf of the MEC for Finance (Vote 6), delivered a report on the department's performance against its Annual Performance Plans, in line with Standing Rule 113(1), and further tabled the department's First Quarter Performance Report for 2023/24. The MEC concluded at 11h03.
15. 11h04 Debate on the Report of the Portfolio Committee on Health on the 2022 Health Functionality Programme from 5 to 6 October 2022 commenced and was concluded at 12h10.
16. 12h15 The business of the House was suspended and resumed at 12h52.
17. 12h53 Debate on the 3rd ANC Party Motion commenced and was concluded at 14h02:
18. 14h03 The Speaker made remarks.
19. 14h04 Debate on the 1st MF Party Motion commenced and was concluded at 15h15:
20. 15h16 The Speaker made remarks and announcements.
21. 15h20 The House was adjourned *sine die*.