

THURSDAY, 31 AUGUST 2023

[No. 16/2023] FIFTH SESSION, SIXTH LEGISLATURE

KWAZULU-NATAL LEGISLATURE

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MINUTES OF PROCEEDINGS

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Thursday, 31 August 2023

The Hybrid House met at 09h07.

1. 09h08 Members were given an opportunity for silent prayers or meditation.
2. 09h10 The Deputy Speaker made announcements, including the passing away of the following persons:
 - 2.1 Mr ET Vezi, a former member of the Legislature who also served as the Chief Whip of the Majority Party in the Legislature between 1994 and 2004. Mr Vezi was laid to rest in Harding last month;

- 2.2 Mr Mlondi Mkhize, brother of the honourable Ms PP Harricks, who was laid to rest on Saturday, 12 August 2023;
- 2.3 Mr Jabulani Thamsanqa Zama, a prominent businessman and founder of the popular Eyadini Lounge in Umlazi. Mr Zama was a visionary entrepreneur who had built a prime entertainment hub that helped put Umlazi on the global map. His popular *shisanyama* has given upcoming artists a platform to showcase their talents. The venue has also been a source of employment for hundreds of youths in Umlazi Township who work there in various capacities. Mr Zama became a role model for upcoming entrepreneurs who emulated his visionary business skills;
- 2.4 Mr Johaar Mosaval, legendary South African ballet dancer. Mr Mosaval was the first black South African to become a senior principal dancer at The Royal Ballet based in London. In March 2019, he received the Order of Ikhamanga in Gold, awarded by President Cyril Ramaphosa;
- 2.5 Ms Monica Sophie Xulu (aged 70) and Ms Zanele Mbuso (aged 60) who were reported missing on 9 August 2023 from eThembeni crèche in uMgababa where they had worked. On Friday, 18 August 2023, the Search and Rescue K9 Unit of the SA Police Service found the two buried in a shallow grave next to the daycare centre where they had been employed, with their hands tied and plastic bags over their heads;
- 2.6 Msunduzi Municipality Councillor Mabhungu Mkhize who passed away on Friday, 25 August 2023 after being gunned down in Imbali Unit 14, Pietermaritzburg, mere hours after holding community prayers for peace in that area;

- 2.7 At least 47 people who perished after a fire broke out in a building in the Johannesburg CBD in the early hours of this morning. It is expected that the number of fatalities may still increase as many more people have been seriously injured in the fire;
- 2.8 All victims of gender-based violence, femicide and hate crimes;
- 2.9 All public servants and traditional leaders in KwaZulu-Natal and the country at large; and
- 2.10 All victims of road fatalities in our province during the recent past.

The Hybrid House observed a minute of silence.

- 3. 09h20 The Premier made announcements and remarks.
- 4. 09h32 The Deputy Speaker made remarks.
- 5. 09H24 The Deputy 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 July 2023.

5.2 Portfolio Committee on Education

5.2.1 Fourth Quarter Committee Report for 2022/23.

5.3 Multiparty Women's Caucus

5.3.1 2022/23 Annual Report of the Multiparty Women's Caucus, 03 May 2023.

5.4 Department of Public Works and Human Settlements

5.4.1 Reports by the Executive on its Performance against its Annual Performance Plans – 31 August 2023; and

5.4.2 Department of Human Settlements: Annual Performance Plan 2023/24, Quarter 1 Progress Report.

5.5 Department of Co-operative Governance and Traditional Affairs

5.5.1 King Cetshwayo District Municipality: 2021/22 Oversight Report on its Annual Report, 2021/22.

5.6 Department of Social Development

5.6.1 Department of Social Development: Annual Report, 2022/23.

5.7 Department of Economic Development, Tourism and Environmental Affairs

5.7.1 Department of Economic Development, Tourism and Environmental Affairs: Dube Trade Port Annual Report, 2022/23.

6. 09h36 Mr SM Sonjica, ANC, delivered the following Member's Statement and concluded at 09h37:

The African National Congress in the KwaZulu-Natal Legislature applauds the Department of Education for the recently announced Learner Transport Programme budget adjustment of R263 837 873 to the department's budget for the financial year 2023/24 to guarantee that our learners have practical, dependable and secure access to schools in response to the difficulties that they faced

and which impacted 74 000 beneficiaries who rely on this funded programme.

We also appreciate Treasury's assistance in helping the Department of Education as Treasury saw the urgency, importance and necessity for this change. The Learner Transport Programme remains an essential component in addressing the educational disparities regarding access that our learners confront. Undoubtedly, this liberation movement is having an impact on the lives of our learners, demonstrating the ANC-led government's apparent influence.

7. 09h37 Ms NPF Mavuso, ANC, delivered the following Member's Statement and concluded at 09h38:

The blueprint document of the African National Congress clearly indicates, "There shall be houses, security and comfort." We want to commend the ANC-led Department of Human Settlements for its decisive approach to eradicating mud houses, as evidently backed by big housing projects which have been launched in various municipalities, such as King Cetshwayo, Zululand and many other districts. We further want to commend this department for prioritising the deep rural areas and restoring people's dignity. Further implementation of this project must be executed in line with the ANC's transformation agenda which seeks to achieve a better life for all.

8. 09h38 Bishop EV Dube, ANC, delivered the following Members' Statement and concluded at 09h39:

The ANC commends the province for hosting and participating in the BRICS Women Business Alliance Africa Trade Conference that has witnessed the signing of partnership agreements which will pave the way for building trade platforms with various countries which brought together over 500 women-led small and medium enterprises from 18 countries.

The Premier highlighted the establishment of the Women Advancement Fund which is aimed at providing women entrepreneurs with vital capital for the growth of women-led businesses and economic growth for job creation. It is indeed encouraging that such progressive agreements were reached. They must also empower the youth and all women, especially in deep rural areas. Indeed, the provincial government has demonstrated that women's empowerment is indeed a priority. Forward with women empowerment, forward! Vote ANC in 2024.

9. 09h39 Mr OB Kunene, IFP, delivered the following Member's Statement and concluded at 09h40:

A few months ago, the Department of Co-operative Governance and Traditional Affairs (Cogta) announced that eThekweni Metro had been placed under section 154 intervention. Dr Cassius Lubisi, former Director-General in the Presidency, was announced as the convenor of a team of experts which included Dr Mike Sutcliffe, former eThekweni City Manager and now local government consultant. Thandeka Ellenson was also meant to be introduced.

The IFP and the public are keen to know whether the section 154 intervention at eThekweni, led by Dr Cassius Lubisi, has commenced. It is incumbent upon the KZN MEC for Cogta, hon Bongi Sithole-Moloi, to inform the public of the department's progress on this matter as eThekweni Metro is a shamble and in dire need of competent leadership.

10. 09h42 Mr S Bhanprakash, IFP, delivered the following Member's Statement and concluded at 09h43:

Many coastal towns in KwaZulu-Natal continue to be plagued by the aftermath of the April 2022 floods. Damage to sewer pipelines and effluent spillage into our

rivers perpetuate the damage done to our sensitive estuarine ecosystems.

There appears to be a lack of urgency by the respective authorities to resolve infrastructural damage. In turn, this type of pollution has had a serious negative effect on our tourism industry for which our province was previously renowned. Moreover, tourism in KZN is a significant part of the economic development of the province.

Also, we continue to expose our communities to waterborne diseases and associated health risks. There needs to be more urgent and co-ordinated efforts on the part of the respective departments to resolve outstanding infrastructural and environmental issues.

11. 09h43 Dr I Keeka, DA, delivered the following Member's Statement and concluded at 09h44:

That 20 educators at Woodlands Secondary can abandon their duties and trek to court in support of their alleged sex pest principal is shocking. That there are no consequences is even worse!

There are deep-seated issues at that school and matters raised by the SGB are being ignored. Governance and relations are at an all-time low, to the extent that the SGB is locked out of the school. The department allegedly wants to disband the SGB instead of dealing with the issues and the chaos.

Last week, a 10-year-old boy in Ixopo was mauled by a dog on the school's premises, and department officials responded by saying, "These things happen." No, they do not just happen, and the MEC must know that the buck stops with her! Where is the accountability?

The MEC and her department must not sit on these matters with a malicious attitude and these words: "Let them eat cake!" This is intolerable.

The MEC, as the executive authority of the department, has the opportunity to tell us what she is going to do about these matters.

12. 09h44 Ms S Thakur-Rajbansi, ANC, delivered the following Member's Statement and concluded at 09h45:

Given that KZN takes pride in eThekweni Metro and Msunduzi, our "City of Choice", what projects and budgets are in place for the 2023/24 financial year to develop these into smart, sustainable cities of the future through job creation?

I invite the hon MEC to quantify the 2022/23 budgets that have been used on summits while we are weak when it comes to city planners, policy makers and decision-makers.

We require a synthesised approach intersecting city, sustainable and technology development, using back-casting to develop action plans from a shared vision of stakeholders who have participated in recent summits.

13. 09h46 Ms MC Frazer, MEC for Education, responded to the statement by Mr S Sonjica and concluded at 09h48.
14. 09h48 Mr SC Nkosi, MEC for Public Works and Human Settlements, responded to the statement by Ms NPF Mavuso and concluded at 09h50.
15. 09h50 Mr SE Hlomuka, MEC for Transport, Community Safety and Liaison, responded to the statement by Mr OB Kunene and concluded at 09h51.
16. 09h51 Mr SA Duma, MEC for Economic Development, Tourism and Environmental Affairs, responded to the statement by Mr S Bhanprakash and concluded at 09h52.
17. 09h52 Ms N Dube-Ncube, Premier of KZN, responded to the statement by Ms NJ Nkwanyana and concluded at 09h53.

18. 09h53 Debate and Voting on the Performers' Protection Amendment Bill [B24F-2016] commenced and were concluded at 10h41.

Question put:

That the KwaZulu-Natal provincial delegation to the National Council of Provinces abstain from voting on the Performers' Protection Amendment Bill [B24F-2016] 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, abstain from casting a vote on the Performers' Protection Amendment Bill [B24F-2016] at the NCOP plenary.

Question agreed to.

Results of the vote were as follows:

For = 0 Against = 8 Abstain = 55

19. 10h42 Debate and Voting on the Copyright Amendment Bill [B13F-2017] commenced and were concluded at 11h25.

Question put:

That the KwaZulu-Natal Provincial Delegation to the National Council of Provinces abstain from voting on the Copyright Amendment Bill [B13F-2017] 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 the delegation, abstain from casting a vote on the Copyright Amendment Bill [B13F-2017] at the NCOP plenary.

Question agreed to.

Results of the vote were as follows:

For = 0

Against = 9

Abstain = 54

20. 11h26 The Premier delivered a Report on the Performance of the Office of Premier (Vote 1) against its Annual Performance Plan, in line with Standing Rule 113(1), and concluded at 11h46.
21. 11h47 The MEC for Health delivered a Report on the Performance of the Department of Health (Vote 7) against its Annual Performance Plan, in line with Standing Rule 113(1), and concluded at 12h07.
22. 12h08 The MEC for Human Settlements delivered a Report on the Performance of the Department of Human Settlements (Vote 8) against its Annual Performance Plan, in line with Standing Rule 113(1) and concluded at 12h27.
23. 12h28 The MEC for Community Safety and Liaison delivered a Report on the Performance of the Department of Community Safety and Liaison (Vote 9) against its Annual Performance Plan, in line with Standing Rule 113(1) and concluded at 12h38.
24. 12h39 The MEC for Sport, Arts and Culture delivered a Report on the Performance of the Department of Sport, Arts and Culture (Vote 10) against its Annual Performance Plan, in line with Standing Rule 113(1) and concluded at 12h54.
25. 12h55 The business of the House was suspended and resumed at 13h37.
26. 13h38 The MEC for Sport, Arts and Culture, on behalf of the MEC for Co-operative Governance and Traditional Affairs, delivered a Report on the Performance of the Department of Sport, Arts and Culture (Vote 11) against its Annual Performance Plan, in line with Standing Rule 113(1) and concluded at 13h50.

27. 13h51 The MEC for Transport delivered a Report on the Performance of the Department of Transport (Vote 12) against its Annual Performance Plan, in line with Standing Rule 113(1) and concluded 14h07.
28. 14h08 The MEC for Social Development delivered a Report on the Performance of the Department of Social Development (Vote 13) against its Annual Performance Plan, in line with Standing Rule 113(1) and concluded at 14h24.
29. 14h24 The MEC for Public Works delivered a Report on the Performance of the Department of Public Works (Vote 14) against its Annual Performance Plan, in line with Standing Rule 113(1) and concluded at 14h44.
30. 14h55 Debate on the NFP Party Motion commenced and was concluded at 15h51.
31. 15h52 The Deputy Speaker made remarks.
32. 15h53 The House was adjourned *sine die*.