

THURSDAY, 28 SEPTEMBER 2023

[No. 18/2023] FIFTH SESSION, SIXTH LEGISLATURE

KWAZULU-NATAL LEGISLATURE

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MINUTES OF PROCEEDINGS

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Thursday, 28 September 2023

The Hybrid House met at 09h05.

1. 09h06 Members were given an opportunity for silent prayers or meditation.
2. 09h07 The Speaker made announcements, including the passing away of the following persons:
 - 2.1 Dr Protas “Hlokohloko” Madlala, a respected political analyst who passed away on 01 September 2023. In addition to his work as a political analyst, Dr Madlala was a founding member of the South African National Civic Organisation (SANCO) and the Congress of South African Trade Unions

(COSATU). He was also a recipient of the Order of Luthuli, South Africa's highest civilian honour;

2.2 Mr Raymond Ackerman, founder of Pick n Pay retail chain, passed away on 06 September 2023. Mr Ackerman was a visionary entrepreneur, humanitarian and a great South African. In 2014 he was awarded the Presidential Award of the Order of the Baobab (silver class);

2.3 Prince Mangosuthu Buthelezi, the father of hon PATN Buthelezi who is a member of the Legislature. Prince Buthelezi was a Member of Parliament, Traditional Prime Minister to the Zulu monarch and founder of Inkatha Freedom Party (IFP). He passed away on 09 September 2023 and was laid to rest on 16 September 2023;

The Prince of KwaPhindangene will be remembered for his role as a political leader in South Africa and a revered leader in the KwaZulu homeland. He was also a scholar and alumnus of one of the most highly revered institutions on the African continent, namely Fort Hare University;

2.4 Mr Important Mkhize, who served as a member of the KwaZulu-Natal Legislature during the Fifth Term, passed away on 10 September 2023.

Mr Mkhize served in various Legislature committees and was Chairperson of the Portfolio Committee on Human Settlements. At the time of his demise, he was Chairperson of the Luthuli Museum. He was renowned in the trade union movement and was a former leader of Saccawu during the apartheid era. He will be fondly remembered as one of the stalwarts who played a key role in the attainment of freedom that we enjoy in South Africa today;

- 2.5 Mr Thabani Christopher Sithole, father of Ms Sindi Mshengu, Manager in the Office of the Chief Whip;
- 2.6 Mr Mzwandile “Nganono” Shandu, Councillor in Ward 7 under Mkhambathini Local Municipality;
- 2.7 Ms Zoleka Mandela, the daughter of the late Ambassador Zinzi Mandela and granddaughter of the late Winnie Nomzamo Madikizela-Mandela and the late Dr Nelson Rolihlahla Mandela. Ms Mandela, an author and activist on cancer awareness, substance abuse awareness and road safety awareness, lost her courageous battle against metastatic cancer on 25 September 2023;
- 2.8 Ms Anastacia Zindela, the grandmother of Ms Zama Zindela, a Special Projects Manager in the Office of the Speaker. Ms Zindela was a revered leader who played a critical role in the revival of the Roman Catholic Church in Izingolweni area on the South Coast;
- 2.9 Mr Erlo Stegen, the founder of KwaSizabantu Mission;
- 2.10 Mr Aziz Goolam Hoosein Pahad, South African politician and anti-apartheid activist, passed away at his home in Johannesburg yesterday, 27 September 2023. Mr Pahad was a former Deputy Minister of Foreign Affairs from 1994 to 2008. He was also a member of the National Executive Committee of the African National Congress from 1985 to 2007;
- 2.11 All victims of gender-based violence, femicide and hate crime;
- 2.12 All public servants and traditional leaders in KwaZulu-Natal and the country at large; and

2.13 All victims of road fatalities in our province during the recent past.

The Hybrid House observed a minute of silence.

3. 09h13 The Speaker made further announcements
4. 09h19 The Premier made announcements and remarks.
5. 09h26 The Speaker read into the record the tabling of the following documents:

5.1 KwaZulu-Natal Legislature:

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

5.1.2 KZN Legislature: Annual Report, 2022/23.

5.2 Office of the Premier:

5.2.1 Office of the Premier: Annual Report, 2022/23.

5.3 Department of Economic Development, Tourism And Environmental Affairs:

5.3.1 Department of Economic Development, Tourism and Environmental Affairs: Annual Report, 2022/23;

5.3.2 KZN Film Commission: Annual Report, 2022/23;

5.3.3 RBIDZ: Annual Report, 2022/23;

5.3.4 Moses Kotane Institute: Annual Report, 2022/23;

5.3.5 Tourism KwaZulu-Natal: Annual Report, 2022/23;

5.3.6 KZN Gaming and Betting: Annual Report, 2022/23;

5.3.7 KZN Liquor Authority: Annual Report, 2022/23;

5.3.8 KZN Sharks Board: Annual Report, 2022/23;

5.3.9 KZN Trade and Investment: Annual Report, 2022/23;

5.3.10 Ezemvelo KZN Wildlife: Annual Report, 2022/23;

5.3.11 Ithala Development Finance Corporation Limited: Annual Report, 2022/23;

5.3.12 KZN Growth Fund: Annual Report, 2022/23; and

5.3.13 Ithala Integrated Annual Report, 2022/23.

5.4 Department of Education:

5.4.1 Department of Education: Annual Report, 2022/23.

5.5 Department of Public Works and Human Settlements:

5.5.1 Department of Public Works: Annual Report, 2022/23;

5.5.2 Department of Human Settlements: Annual Report, 2022/23; and

5.5.3 KZN Rental Housing Tribunal: Annual Report, 2022/23.

5.6 Department of Transport, Community Safety and Liaison:

5.6.1 Department of Transport: Annual Report, 2022/23; and

5.6.2 Department of Community Safety and Liaison: Annual Report, 2022/23.

5.7 Department of Sport, Arts and Culture:

5.7.1 Department of Sport, Arts and Culture: Annual Report, 2022/23; and

5.7.2 Amafa and Research Institute: Annual Report, 2022/23.

5.8 Department of Finance:

5.8.1 KwaZulu-Natal Treasury: Annual Report, 2022/23; and

5.8.2 Department of Finance (Financial and Fiscal Commission): Annual Report, 2022/23.

5.9 Department of Health:

5.9.1 Department of Health: Annual Report, 2022/23.

5.10 Department of Agriculture and Rural Development:

5.10.1 Agriculture and Rural Development: Annual Report, 2022/23; and

5.10.2 Agribusiness Development Agency: Annual Report, 2022/23.

5.11 Department of Co-operative Governance and Traditional Affairs:

5.11.1 Department of Co-operative Governance: Annual Report, 2022/23; and

5.11.2 Traditional Levies and Trust Account: Annual Report, 2022/23.

6. 09h30 The following Members gave notice of their intention to move motions on the next sitting day of the House:

6.1 Bishop EV Dube, ANC, to move:

Le Ndlu:

Iyancoma uhlelo olubaluleke kakhulu lwezokuvakasha nokungebeleka olwethulwe u-Hon. Mthombeni. Lolu hlelo lwe-*tourism* luzovula amathuba amaningi futhi luqinise umnotho ngezinto ezingamafagugu.

Lesi siFundazwe singakha futhi siqinise umnotho luvulele abantu abasha amathuba.

Ngakho-ke le Ndlu inquma kanje:

Ukuba sibheke inkohlakalo enuka phuhlu kwi-NGO yezokungebeleka ethole izinsolo ze-“NGO” eseMngeni Municipality which Mayor is the Chairperson u-Pappas.

Siphakamise ukuba uMphathiswa ka-COGTA ake afake ucwaningo olunzulu, ukuze kukhishwe abantu baseMpophomeni nakwaHaza enhluphekweni. Sikhuthaze ukuba le Ndlu igququzele ezokuvakasha okungenankohlakalo njengoba kwenzeka eMkhandlwini waseMngeni.

[*This House:*

Commends the important tourism and travel initiative that was launched by hon Duma;

This initiative will create many jobs and grow the economy through our heritage.

This House therefore resolves:

To investigate the corruption that is associated with an NGO in Umngeni Municipality; the Mayor of this municipality is alleged to be the Chairperson of this NGO.

To call on the MEC for COGTA to institute an investigation into these allegations so that we can free the people of Mpophomeni and Hhaza from the bonds of poverty; and

To call on this House to promote tourism that is free of corruption, unlike what is happening in Umngeni Municipality.]

6.2 Ms GN Swartbooi-Ntombela, ANC, to move:

This House notes:

That Heritage Day is annually held on 24 September to recognise and celebrate the cultural wealth of our nation; and

That the purpose of Heritage Day is to preserve the diverse cultures that make up South Africa's population, including historical legacies, languages and the food we consume.

This House therefore resolves:

To support the theme for this year's heritage month, *Celebrating our Cultural Diversity in a Democratic South Africa*, which intends to promote a national identity that is deeply conscious of its liberation heritage which, in turn, will promote unity in diversity among all sectors of South Africa's society.

6.3 Mr MB Gwala, IFP, to move:

This House notes:

That the ANC's attacks on the service-delivery pact between the IFP and the DA, and its accusation that the IFP is an apartheid collaborator are hypocrisy of the highest order; and

That we recall how the ANC did the same when it met the National Party between 1990 and 1991 for bilateral "talks about talks" to establish preconditions for substantive negotiations, codified in the *Groote Schuur Minute*.

This House therefore resolves:

To warn the ANC to stop its slanderous propaganda exercise of deliberately misleading the nation by distorting facts about the IFP to suit its political agenda ahead of the 2024 general election.

6.4 Mr NP Msimango, IFP, to move:

This House notes:

That up until September 21, 50 cases of avian influenza (HPAI H7 strain) and 10 cases of avian influenza (HPAI H5 strain) have been reported;

Three other HPAI H5 outbreaks are in KwaZulu-Natal;

The reported number of culled chickens is 1 318 521;

Some 1 426 226 chickens have been lost; and

This is bound to result in a shortage of eggs and chicken meat.

This House therefore resolves:

To call upon the KZN MEC for Agriculture, Super Zuma, to reveal the prevention measures, if any, for the H5 and H7 outbreaks that his department has in place to safeguard our poultry industry.

6.5 Dr I Keeka, DA, to move:

This House notes:

While the Western Cape Provincial Parliament provides for weekly Questions without Notice to its Premier, our Premier has the luxury of 16 days' notice;

Even so, because of her globe-trotting schedule, she sought to have her Questions deferred, instead of placing KwaZulu-Natal first;

The DA wanted to ask her about placing eThekweni under administration and about the excessive and merciless political killings in the province;

Instead, the majority of the members of this House, through consultation, sanctioned her dereliction of legislative duties.

This House therefore resolves:

To consider reviewing the Standing Rules to allow for Questions without Notice to the Premier more frequently.

6.6 Mr LM Meyer, DA, to move:

This House notes:

That a tide of change is washing over the Province of KwaZulu-Natal as people are uniting behind new hope;

That two parties, who are serious about the future of our people, have set aside their differences and are working together for the common good of all; and

That Cllr Christo Botha (DA) was elected as Deputy Mayor of uMhlathuze and now joins Chris Pappas, the Premier-in-waiting, in delivering quality services to all people.

This House therefore resolves:

To congratulate Cllr Botha on his election as Deputy Mayor; and

To congratulate the people of uMhlathuze on their path to effective government from now on.

6.7 Ms M Tembe, DA, to move:

This House notes:

The devastation caused by unpaid SASSA grants throughout the country;

Elderly people were left to stand in lines, waiting, with no communication of when their only source of income was going to come; and

In a province like KwaZulu Natal, where poverty is rife, this was a line too far.

This House therefore resolves:

To request the MEC for Social Development to urgently call for a meeting with the Minister of Social Development to make sure that this will never happen again to the people of KwaZulu-Natal.

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

This House notes:

That the New Delhi Leaders' Declaration was unanimously passed on 10 September 2023 by all countries present;

That India, being a key BRICS member, ensured that the AU gained membership into this elite G20 economic grouping so that no-one is left behind; and

That this feat is the result of South Africa choosing strategic partnerships for Africa's progress.

This House therefore resolves:

To congratulate the Prime Minister of Bharat – that is India – on a successful G20 Summit that was themed *One Earth, One Family, One Future*.

6.9 Bishop SE Manqele, ACDP, to move:

Umshado yinto ehloniphekile eyamiswa
unkulunkulu phakathi kowesifazane nowesilisa,

ngakhoke akufanele ukuba uthathwe kalula nje. Uyisimiso esithembekile sikankulunkulu ukuba sikhulise abantwana abaqotho, abanokwakha isizwe esiqotho.

Ngakhoke Kulendlu: ngiyacela ukuba ngiphakamise ukuba kukhuthazwe ukuganana kulabo abanethuba lakho, nokuqwashisa ekwenza imibuthano ngenhloso yokwakha imizi nangenhloso yokuzala abantwana abazokhuliswa ngobuqotho.

[*This House notes:*

That marriage is sacrosanct; it is a union between man and woman that was instituted by God. It should therefore not be taken for granted. It is God's inviolate institution in which to raise children with integrity so that they, in turn, will build a nation of integrity.

This House therefore resolves:

To encourage all people who have an opportunity to do so, to enter this union, and to call for symposiums that are aimed at strengthening family units and to encourage people to raise children who will be people of integrity.]

6.10 Mr HU De Boer, DA, to move:

This House notes:

More than 100 000 residents and hundreds of businesses were left without water for eight days in what has been described as the North Durban water crisis;

The provincial government essentially washed its hands of the crisis, failing to effectively intervene

and assist the largely dysfunctional eThekweni Municipality;

Schools were closed for days amid rampant rumours of sabotage; and

The KwaZulu-Natal Executive Council sat on their hands while investment and tourism seeped away.

This House therefore resolves:

To call on Premier Nomusa-Ncube and her Executive Council to resign and make way for incumbent Premier Chris Pappas who truly cares for KwaZulu-Natal's citizens and economy.

6.11 Mr EV Baptie, DA to move:

This House notes:

That the SA Human Rights Commission's Report on Water Services in KwaZulu-Natal identified systemic and wide-ranging failures by water authorities and municipalities; and

That the report identified severe weaknesses in communication from municipalities and authorities with their public representatives and the public in general.

This House therefore resolves:

To call upon the MEC for Co-operative Governance and Traditional Affairs to ensure that the communication systems and customer services regime in Ugu District is improved and measured through a customer satisfaction survey.

6.12 Ms M Nair, DA, to move:

This House notes:

That since 2010, the beneficiaries of the Presidential Housing Project, Landsdowne, have had to deal with the result of several construction failings that have made their living conditions unbearable, dangerous and inhumane;

That in 2014, the National Home Builders Registration Council (NHBRC) was requested to conduct a forensic engineering assessment on this project; and

That although recommendations had been made, they never materialised, despite concerns.

This House therefore resolves:

To urge the MEC for Human Settlements to immediately call for an update on the 2014 NHBRC report, to implement the recommendations and to bring closure to this project.

6.13 Ms NJ Nkwanyana, IFP, to move:

This House notes:

That around 1 509 bodies are unclaimed in government mortuaries;

That this violation of health regulations poses a serious health hazard to mortuary staff;

That a deceased person's remains need to be treated with dignity and respect;

That it is unfathomable that some unclaimed corpses date back to 2017; and

That this is most prevalent at Fort Napier Mortuary in Pietermaritzburg.

This House therefore resolves:

To call upon the MEC for Health, Ms Nomagugu Simelane, to provide plans to address this issue which deserves an urgent solution, and to take the public into her confidence about these delays by the Department of Health.

6.14 Ms TP Mthethwa, IFP, to move:

This House notes:

Allegations by a School Governing Board member at Nkongolwana Primary School in Hlobane, Vryheid, that a principal allegedly landed his job by offering a bribe of three heads of cattle and R120 000 in cash to SGB members, and that they allegedly “sold” the post of the deputy principal for R80 000; and

It is evident that the selection process for appointing candidates in the education sector is riddled with inconsistencies.

This House therefore resolves:

To call upon the MEC for Education, Ms Mbali Frazer, to institute an urgent investigation and to call for a review of the process of hiring teachers.

6.15 Mr MA Dirks, ANC, to move:

This House notes:

The sad passing of ANC Cllr Mr Mzwandile Shandu on Wednesday, 20 September 2023;

Mr Shandu served as a councillor for Ward 7 in the Mkhambathini Local Municipality;

With his demise, KwaZulu-Natal lost a capable, dedicated and fearless leader; and

That no political party can benefit from political killings as they adversely affect the province and all political parties equally.

The House therefore resolves:

To condemn the cruel and shameful acts of political killings committed in our province; and

To call on the criminal justice system to ensure prompt punishment.

6.16 Ms NR Majola, ANC, to move:

This House notes:

The unremitting ugly face of gender-based violence which is affecting the community of Umzumbe Local Municipality;

Recently the Ngcece family lost their eight-year-old girl child who had disappeared from Makhoso Primary School and never returned home; and

Her badly decomposed little body was found not far from home.

May her soul rest in peace.

This House therefore resolves:

To call on the SA Police Service in KwaZulu-Natal to intensify their crime-fighting efforts by implementing the four major pillars that the government has in place.

6.17 Mr NB Mthethwa, ANC, to move:

This House notes:

The shocking and profoundly sad passing away of South African writer and activist, Zoleka Mandela, granddaughter of our liberation struggle icon;

She fought breast cancer for many years, but ultimately the cancer also spread to her liver and her lungs;

Zoleka Mandela continued to raise awareness about cancer prevention, thereby breaking the stigma surrounding the disease; and

Her courage and principles will continue to benefit and inspire South Africans of all generations.

This House therefore resolves:

To send its heartfelt condolences to Zoleka Mandela's family and friends, and

To call on all women to use government facilities for early detection of cancer.

7. 10h01 Debate on the party motion of the ACDP commenced and was concluded at 11h16.
8. 11h17 Debate on the Report of the Standing Committee on Public Accounts: International Study Tour to Singapore from 5 to 11 September 2022, as tabled in the House on 18 April 2023, commenced and was concluded at 12h07.
9. 12h08 Debate on the Report of the Portfolio Committee on the Premier's International Benchmarking Visit to the Kingdom of Norway and the Republic of Uganda, dated 17 September 2022 and tabled in the House on 18 April 2023, commenced and was concluded at 13h21.

10. 13h22 The Speaker made announcements and remarks.
11. 13h24 Debate on a Matter of Urgent Public Importance [SR111] pertaining to the South African Human Rights Commission's Report titled *KZN Water Inquiry Report, Durban, August 2022* commenced and was concluded at 14h18.
12. 14h19 The Speaker made rulings and remarks.
13. 14h29 The House was adjourned *sine die*.