

FRIDAY, 03 NOVEMBER 2023

[No. 20/2023] FIFTH SESSION, SIXTH LEGISLATURE

KWAZULU-NATAL LEGISLATURE

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MINUTES OF PROCEEDINGS

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Friday, 03 November 2023

The Hybrid House met at 09h07.

1. 09h08 Members were given an opportunity for silent prayers or meditation.
2. 09h09 The Speaker made announcements, including the passing away of the following persons:
 - 2.1 Ms Ina Cronjé, former teacher, attorney, Member of the KZN Legislature and Chairperson of the Board for Trade and Investment KwaZulu-Natal. In 1994 Ms Cronje was appointed Deputy Chief Whip of the African National Congress and in 1995 she became the Chief Whip of the ANC, a position she occupied until 2004. She served in various committees of the Legislature and was the Chairperson of the Portfolio Committee on

Conservation and Environmental Affairs. She was our province's MEC for Education from 2005 to 2009, and MEC for Finance from 2009 to 2014;

- 2.2 Inkosi Patrick Siphamandla Khumalo, of the Amantungwa Traditional Council at eMadlangeni near Utrecht under Amajuba District Municipality, and his wife who were gunned down on their way to Nquthu;
- 2.3 The wife and three children of Councillor Michael Buthelezi who burnt to death. Cllr Buthelezi, who suffered serious burns, is in a critical condition in hospital. It is alleged that two explosive devices were thrown into Cllr Buthelezi's house, resulting in the house burning down with his family inside it;
- 2.4 Ms Khumbuzile Joyce Ndlovu, mother of Mrs Duduza Gatsheni, Senior Manager of the Legislature's Public Participation Unit;
- 2.5 Mrs Magrietha "Maxie" Niehaus, mother of Mr Carl Niehaus, former anti-apartheid activist and ANC Member of Parliament, and currently the Leader of the African Radical Economic Transformation Alliance (Areta);
- 2.6 All victims of gender-based violence, femicide and hate crime;
- 2.7 All public servants and traditional leaders in KwaZulu-Natal and the country at large;
- 2.8 All victims of road fatalities in our province during the recent past; and
- 2.9 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. 09H22 The Speaker read into the record the tabling of the following documents:
 - 4.1 KwaZulu-Natal Legislature:
 - 4.1.1 Budget Performance In-Year Monitoring Report for September 2023.
 - 4.2 *Ad hoc* Committee on Presiding Officers' Handbook:
 - 4.2.1 Report of the *Ad hoc* Committee on the KwaZulu-Natal Guide on the Provision of Support to the Executive Authority and Deputy Speaker in terms of Standing Rule 154(1)(a)(1).
 - 4.3 Portfolio Committee on Agriculture and Rural Development:
 - 4.3.1 Report on Agricultural Products and Standards Amendment Bill, 2021 [B15B-2021] in terms of Rule 261(2) and 261(3) of the Standing Rules.
 - 4.4 Portfolio Committee on Conservation and Environmental Affairs:
 - 4.4.1 Report on the Veld and Forest Fire Amendment Bill, 2021 [B24B-2021] in terms of Rule 261(1)(b) of the Standing Rules.
 - 4.5 Public Service Commission:
 - 4.5.1 Section 196(4)(e) Report of 2022/23 to the KwaZulu-Natal Provincial Legislature in terms of section 196(4)(E) of the Constitution of the Republic of South Africa, 1996.

5. 09h26 The following Members gave notice of their intention to move motions on the next sitting day of the House:

5.1 Mr SC Nkosi, ANC, to move:

Le Ndlu iyakunaka ukuthi:

Ontabakayikhonjwa bakhohlisa umphakathi ngokuthi yibo abakha izindlu.

Bahamba bethi yibo abakhipha amatayitela ngokufuna udumo olushibhile ngemisebenzi yabanye.

Behla benyuka bethula o-contractor abathi bazokwakha izindlu.

LeNdlu inquma kanje:

Ukuthi imiphakathi yazi ukuthi izindlu zakhiwa uhulumeni wesiFundazwe ngokoMthethosisekelo.

Ukuthi namatayitela akhishwa uHulumeni wesiFundazwe.

Ukuthi othule u-contractor uye okufanele amkhokhele.

Ukuthi osiduma ngabanye abayeke ukukhohlisa abantu bakithi.

[*This House notes:*

There are some who shall remain nameless who are misleading the public by claiming that they are the ones who are building houses;

They go around claiming that they are the ones who are issuing title deeds as a way of claiming cheap fame;

They are all over the place, introducing contractors whom they claim will build houses.

This House therefore resolves:

To alert the public that building houses is the constitutional mandate of a provincial government;

That the issuing of title deeds falls within the ambit of a provincial government;

That those who introduce contractors are also liable for paying those contractors;

To warn those whose claim to fame is obtained through the hard work of others to desist from misleading our people.]

5.2 Ms MC Frazer, ANC, to move:

Le Ndlu:

Ikhathazekile ngemibiko yokwenyuka kwezigameko zokungondleki kahle kwabantwana ezibikwe endaweni yaseNtuze, ku-Wadi 11 woMkhandlu uMhlathuze, ngaphansi kwesiFunda i-King Cetshwayo.

Ngakho-ke leNdlu inquma kanje:

Ukuzwakalisa ukugxeka ubudedengu boMkhandlu uMhlathuze oholwa yi-IFP ngokwehluleka ukwelekelela imindeni ehaqwe ububha nezinye izinkinga zomphakathi.

Ukunxusa uNgqongqoshe Wezempilo kanye noNgqongqoshe Wezokuthuthukiswa koMphakathi kulesi siFundazwe ukuba banganelele

basize imindeni ethintekayo ukuze kuvikeleke izimpilo zabantwana.

[This House notes:

The concerning reports of a growing number of children who are suffering from malnutrition in the Ntuze area, Ward 11 of Umhlathuze Municipality in the King Cetshwayo District.

This House therefore resolves:

To condemn the negligence of the IFP-led Umhlathuze Municipality for failing to assist families that face poverty and other societal problems.

To call on the MECs for Health and Social Development in this province to intervene and assist the affected families to save the lives of the children.]

5.3 Mr MA Chiliza, ANC, to move:

This House notes:

Ngomunyu nosizi olukhulu ngokudlula emhlabeni kukaSinethemba Ngcece Sibiya, owaduka eMtwalume, watholakala eduze komfula uMfazazana oseduze kwasekhaya lakhe.

Kanye nengane yakwa-Nyawose eyayineminyaka eyisishiyagalombili ka Dingimbiza eMzumbe eyanyamalala yatholwa ehlathini isidlulile.

[With deep sadness the passing on of Sinethemba Ngcece Sibiya who went missing in Mthwaume and was found on the banks of the Mfazazana River next to the homestead; and

An eight-year-old Nyawose child of DIngimbiza in Mzombe who had gone missing and whose lifeless body was found in a forest.]

This House therefore resolves:

To reiterate its commitment to speak out against abuse and violence in our society as we will commemorate 16 Days of Activism against Gender-based Violence in 22 days;

To call on individuals to join the call to protect our children;

Sincoma amaphoyisa ngokuthi abopha ngokushesha odabeni luka Sibiya, siphinde sinxuse wonke umuntu onolwazi ngokudlula emhlabeni kukaSibiya ukuba azise amaphoyisa ukuze lezi zigebengu ezingenahliziyo zibhekane nengalo yomthetho ngezenzo zazo ezinonya nobugwala.

[To commend the police who made a swift arrest in the Sibiya matter; and to ask anyone who may have information about the death of Sibiya to contact the police so that these cruel criminals can face the full might of the law for their heinous and cowardly deeds.]

5.4 Mr P Govender, IFP, to move:

This House notes:

The unwarranted hardship faced by a number of NPOs across our province due to the ineptitude on the part of the Department of Social Development to pay out subsidies which are budgeted for;

Child welfare societies in Ugu have not yet received their subsidies;

These NPOs have monthly expenses, such as salaries, utility bills, provision of food and other social services; and

Instead of receiving funding, they receive excuses month after month.

This House therefore resolves:

To call on the MEC for Social Development to ensure timeous tranche payments to all NPOs.

5.5 Mr MB Gwala, IFP to move:

This House notes:

That the ANC-led government in KwaZulu-Natal has failed to protect amakhosi – this, after Inkosi Siphamandla Khumalo of the Amantungwa Traditional Council in Utrecht was shot and killed, along with uNdlunkulu, while their four-year-old child survived; and

That the Department of Community Safety and Liaison was allocated R11.5 million for the proposed establishment of a Community Safety Intervention Unit for the protection of traditional leaders in KwaZulu-Natal.

This House therefore resolves:

To take the issue of amakhosi's safety seriously; and

To send its heartfelt condolences to Inkosi Khumalo's family, His Majesty King Misuzulu kaZwelithini and the KZN Provincial House of Traditional Leaders.

5.6 Mr M Khawula, IFP, to move:

NgoLwesithathu uNgqongqoshe wezeZimali eNingizimu Afrika wethule Umhlahlandlela Wamaphakathi Nonyaka Wesimo Sokusebenza Kwezimali zezwe (MTBPS) esinikeza isithombe esibucayi nesimpisholo ngesimo senkece ezweni.

Emalini yonyaka eqoqwa nesetshenziswa yizwe (GDP), izwe leboleka okungu-77% wamaphesenti ayo yonke.

UNgqongqoshe ubike ukuthi isikweletu sezwe esingu-R4.8 trillion njengamanje, sizokwenyuka ngo 2025/26 sifinyelele ku-R6 trillion.

Lesi yisithombe esikhomba ukuthi izwe lethu lilele phansi ngesisu ngesimo senkece.

Izizukulwane ngezizukulwane ezisazozalwa zizalelwa phezu kwenkunzimalanga yesikweletu esizokhokhwa yizakhamuzi eziyizizukulwane ngezizukulwane zezwe kuze kuthi tshwiyo, sesivuthiwe.

Ngakho-ke le Ndlu inquma:

Ukudonsa ngendlebe yonke iminyango kahulumeni ukuba kuphele ukukhwabaniswa, ukuntshonhwa, nokusaphazwa kwemali yabakhokhintela ngezinto ezingenasidingo zokuzinweba, kepha kubhekwane ngqo nezidingo zentuthuko, nempilo, nenhlalo yomphakathi.

[This House notes:

That on Wednesday, the Minister of Finance tabled the Medium-term Budget Policy Statement [MTBPS] that painted a clear picture of the fiscal position in which this country finds itself;

Our country has already borrowed approximately 77% of the national GDP;

The Minister reported that the country's current debt of about R4.8 trillion will increase to R6 trillion in the 2025/26 financial year;

From a financial perspective, this is the clearest indication yet that our country is on its knees; and

The huge amounts of debt that our country has incurred will be inherited by future generations.

This House therefore resolves:

To caution government departments to put an end to corruption, fraud and wasteful and fruitless expenditure, and to focus on service delivery, healthcare and social welfare.]

5.7 Ms M Tembe, DA, to move:

This House notes:

The Department of Social Development continues to have issues with late subsidy payments to NPOs;

The DSD has stated that all NPOs have been paid, but this is not the case as NPOs have started a petition regarding their late payments; and

Here in Ugu District there are still NPOs who have not been paid.

This House therefore resolves:

To call on the MEC for Social Development to write to Treasury about the persistent financial issues that are still facing NPOs and to have a

feedback meeting with NPOs regarding their funding.

5.8 Ms E Rabe, DA, to move:

This House notes:

KwaDukuza Municipality received R1.2 billion in disaster funding from Treasury;

Local “business forums” constantly interrupt projects, demanding sub-contracting jobs; and

An emerging contractor’s empowerment plan came to council a week after the council was disrupted by an ANC faction who demanded the removal of the mayor and municipal manager, the reinstatement of the CFO, as well as for tenders to be awarded to local companies.

This House therefore resolves:

To urge the MEC for Cogta to intervene as KwaDukuza Municipality is being held ransom by “business forums”; and

To appoint contractors on merit; and

To ensure that they do their work without any interference.

5.9 Ms CM Shinga, NFP, to move:

LeNdlu ikuqaphele:

Ngokudumala ukungakhandwa kwamabhuloho alimale ngezikhukhula.

Ukuthi imiphakathi engaphansi kwe Ray Nkonyeni isebumnyameni ngokuqhubekayo ngokulungiswa kwalamabhuloho, laphaya eGamalakhe/Nositha, nalaphaya eQinabout Ward 26 kumfula Ohlangeni, ukubala nje ambalwa.

Ukuthi isizwe seNkosi siyamemezana, ongaphesheya ungaphesheya ngenxa yokunqamuka kwebhuloho. Impilo yomphakathi isengcupheni njengoba kunezidumbu esezike zaphuma.

Ngakho-ke le Ndlu inquma kanje:

Ukuba uMnyango Wezokuthutha ume ngokuthembisa manje uphuthume ukuqalisa umsebenzi wokuvuselela lamabhuloho.

Ukuba izinhlaka zemiphakathi njengama warrooms, ward committees, CDWs nezinye zibe yizwi lomphakathi ngeqiniso hhayi ngobuqembu.

[*This House notes:*

With dismay that flood-damaged bridges have not yet been repaired;

That communities in the Ray Nkonyeni Municipality are in the dark about the progress that has been made in fixing these bridges in the area of Gamalakhe/Nositha, Ward 26, and specifically the bridge over Ohlangeni River;

That the community in that area use shouting as the only way of communicating and interacting with people [on the other side of the river] after the bridge was damaged;

That people's lives are being endangered; there are even reports of people losing their lives as a result of these broken bridges.

This House therefore resolves:

To call on the Department of Transport to immediately stop with all the promises, and to get a move on with fixing these bridges; and

To call on community structures, such as war rooms, ward committees, CDWs, etcetera, to be the true voices of the people and to stop following party political lines blindly.]

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

This House notes:

The frequency of truck-related accidents near the Peter Brown exit on the N2 and Old Howick Road because of trucks that move along these roads at high speed; and

That on 1 November 2022, the nightmare of losing my children in a runaway truck-related accident near the Marrianhill Toll Plaza was re-enacted in Athlone [Pietermaritzburg] when a truck rammed into homes, killing one person and injuring others.

This House therefore resolves:

To call on both the national and provincial government to build a separate road for trucks since reactivating the railways is nothing but a spent dream.

5.11 Rev SE Manqele, ACDP, to move:

Umphakathi waKwaZulu-Natali, ezindaweni zasemakhaya ubuvele ukhahla esikaNandi isililo ngesimo semigwaqo yawo, okungeye siFundazwe, isiFunda, eyendawo kanye nechusha phakathi

kwemizi (community access roads). Emva kwalezizimvula umthwalo usuvele wakhula ekhanda, yonke imigwaqo izinkangula nje, isikimu sixovene impela.

Ngakho-ke le Ndlu inquma kanje:

Ukukhuthaza ukulekelelwa kokulungiswa kwemigwaqo ezindaweni zasemakhaya.

[This House notes:

That rural communities in KwaZulu-Natal have been lamenting the state of the roads in their areas – provincial, district and community access roads;

Following the latest rains, the state of these roads has worsened and they have deteriorated even further.

This House therefore resolves:

To call and motivate for the fixing of rural roads.]

5.12 Mr EV Baptie, DA, to move:

This House notes:

That residents in Ugu District continue to face severe challenges with the delivery of water and sanitation due to poor planning, long-term maintenance neglect, operational incapacity and budget misdirection;

This municipality has failed to fulfil its mandate, as defined in section 152(1) of the Constitution of the RSA.

This House therefore resolves:

To call on the MEC for Cogta to intervene in the municipality's affairs to the extent defined in section 139 (1) (a) of the Constitution, and to issue a directive to the Ugu Municipal Council, describing the extent of its failure, and listing all steps required for it to meet its obligations.

5.13 Ms M Nair, DA, to move:

This House notes:

That in 2009, the residents of Lindelani 1 transit camp in KwaDabeka were given assurances that they would have to wait for only six months before they received houses;

Fourteen years later, they remain in the camp which is in a disgusting and dangerous state; and

Several houses, which were impacted by the heavy rains, are literally on the brink of collapse.

This House therefore resolves:

To call on the MEC for Human Settlements to immediately intervene to assist these residents.

5.14 Mr S Moodley, IFP, to move:

This House notes:

That errant truck drivers are repeatedly diverted off the N3 to avoid congestion before the compulsory stop at the first arrestor bed; and

It is time for government to stop sleeping behind the wheel and to apply a no-nonsense approach to

unroadworthy vehicles, including trucks that pose a grave threat on our provincial roads, and curb reckless driving.

This House therefore resolves:

To call for harsher punishment to be meted out to anyone found guilty of flouting traffic rules or driving unroadworthy vehicles; and

To call for traffic police to be visible on our roads 24/7.

5.15 Ms NJ Nkwanyana, IFP, to move:

Le Ndlu iyakunaka ukuthi:

Umthethosisekelo wezwe ukucacisa ngokusobala ukuthi wonke umuntu kufanele ahlinzekwe ngohlelo lwezempilo olusezingeni eliphezulu. Kodwa nakuba kunjalo lokhu kuseyiphupho kwezinye izakhamuzi zakulelizwe kanjalo nalapha esifundazweni saKwaZulu-Natali ngaphansi kwezizwe ezahlukene zamakhosi lapho besahamba amabanga amade uma kufanele bathole usizo lwezempilo.

Ngakho-ke le Ndlu inquma kanje:

Ukunxusa uMnyango Wezempilo KwaZulu-Natali ukuthi wakhe imitholampilo ezindaweni zasemakhaya eMahlongwa lapho abantu besathembele khona komahamba nendlwana uma bedinga usizo lwezempilo.

[*This House notes:*

The constitution of our country stipulates clearly that everyone has a right to quality healthcare; and yet this remains a dream to many citizens in this

country and the Province of KwaZulu-Natal, mostly in areas under amakhosi where people travel long distances to access healthcare services.

This House therefore resolves:

To call on the Department of Health in KwaZulu-Natal to build clinics in the rural areas of Mahlongwa where people still rely on mobile clinics to access healthcare services.]

5.16 Ms TJ Gumede, IFP, to move:

This House notes:

This province has once again experienced heavy rains over the past few days, particularly in Mtubatuba; and

This is a stark reminder that our people are still staying in temporary shelters since being displaced by the April 2022 floods, despite the KZN Department of Human Settlements having received R4.3 billion for the 2023/24 financial year and despite 13 parcels of land having been identified to build houses for flood victims.

This House therefore resolves:

To call on the KZN MEC for Human Settlements, Mr Siphon Nkosi, to provide a clear timeframe for moving flood victims to permanent homes.

5.17 Inkosi SN Ndwalane, ANC, to move:

This House notes:

Qaphela ukuthi impelasonto yoMgqibelo, 18 kanye neSonto 19 kuLwezi iqinisekiswa yi-IEC

njengempelasonto yokubhalisela ukuvota, kulungiselelwa Ukhetho Lukazwelonke luka-2024 okulindeleke ukuba lube ngonyaka ozayo.

Singu Khongolose sikholelwa ukuthi leli yithuba lokuvumela abavoti ababhalisile nokungenzeka abathuthile ukuthi babhalise kabusha ezifundeni zabo zokuvota neminingwane yabo emisha.

[This House notes:

That the weekend of 18 and 19 November 2023 was confirmed by the IEC as voter registration weekend for the provincial and national elections, and

That the ANC believes that this is an opportunity to allow voters to register, and to allow those who might have relocated to register in their new districts and update their voter details.]

The House therefore resolves:

To call on voters to bring along their bar-coded IDs and smart cards, particularly those young voters who will be eligible to vote after they turn 18 years; and

To commend the IEC on its state of readiness.

5.18 Ms CQ Madlopha, ANC, to move:

This motion exceeded 100 words and therefore, in terms of Standing Rule 106(1), the motion falls away.

5.19 Ms GN Swartbooi, ANC, to move:

Le Ndlu iyakunaka ukuthi:

Intuthuko enkulu siyibona ngamehlo ekuhlinzekweni kwezindlu, ingqalasizinda, kanye nokuthuthukiswa kwezimo zokuhlala emiphakathini yethu, ikakhulukazi nasezindaweni zasemakhaya kuso sonke isiFundazwe sethu.

Inqubekelaphambili enje yenzeka ngenxa yokungenelela nohlelo lwe-African National Congress.

Siyakwamukela ukutshalwa kwezimali okusha kuka-R404, 451 481,00 eMuziwabantu Municipality okuhloselwe u-Phase II KwaMachi Phase II Cluster 1-6 Rural Housing Project and the Phase II KwaJali Rural Housing Project

kanye noMasipala waseMdoni okuhloselwe Amahlongwa Phase II Housing Project and Amandawe KwaCele Rural Housing Project.

Ngakho-ke le Ndlu inquma kanje:

Ukunxusa uMnyango kanye nohulumeni wesifundazwe ukuthi baqaphe ukusetshenziswa kwemali kanye nokuqhubeka nokusebenza.

[This House notes:

That we are witnessing service delivery and development in the form of houses, infrastructure and the improvement of living conditions in our communities, especially in rural areas across the province;

This progress is the result of African National Congress interventions and service delivery programmes;

We welcome the investment of R404 451 481.00 in Umuziwabantu Municipality which is aimed at assisting with Phase II KwaMachi, Phase II Cluster 1-6 Rural Housing Project and Phase II kwaJali Rural Housing Project; and

Umdoni Municipality which is aimed at assisting with Phase II of Amahlongwa Housing Project and Amandawe KwaCele Rural Housing Project.

This House therefore resolves:

To call on the department and the provincial government to monitor expenditure and progress with regard to these projects.]

6. 09h53 The Speaker made an announcement.
7. 09h54 Debate on the Report by the Chairperson of Committees following Multi-Party Meetings held with the Community of Ugu District commenced and was concluded at 11h58.

Question put:

That the report be adopted.

Question agreed to.

Results of the vote were as follows:

In favour = 62 Against = 0 Abstentions = 0

8. 11h59 Debate and Voting on the Conferral of a Final Mandate on the National Veld and Forest Fire Amendment Bill, 2021 [B24B-2021] commenced and was concluded at 12h42.

Question put:

That the report be adopted.

Question agreed to.

Results of the vote were as follows:

In favour = 56 Against = 0 Abstentions = 0

9. 12h43 The Speaker made an announcement.
10. 12h44 Debate and Voting on the Conferral of a Final Mandate on the Agricultural Product Standards Amendment Bill [B15B-2021] commenced and was concluded at 13h28.

Question put:

That the report be adopted.

Question agreed to.

Results of the vote were as follows:

In favour = 40 Against = 0 Abstentions = 13

11. 13h29 The Speaker made remarks.
12. 13h32 Ms VP Caluza presented a Preliminary Report of the *Ad Hoc* Committee on the Presiding Officers' Handbook.

Question put:

To amend the previous resolution of the House wherein it established the *Ad Hoc* committee, through the amendment of the period of time for which the committee was established from three (3) months to six (6) months;

That this decision to extend the period of time for which

the committee was established, applies retrospectively from the 27th of October 2023; and

The period of existence of the committee is therefore from the 27th of July 2023 to the 27th of January 2024.

Question agreed to.

Results of the vote were as follows:

In favour = 55 Against = 0 Abstentions = 2

13. 13h42 The Speaker gave hon PATN Buthelezi an opportunity to address the House on her earlier conduct.
14. 13h45 The Speaker made remarks.
15. 13h50 The House was adjourned *sine die*.