

THURSDAY, 19 OCTOBER 2023

[No. 19/2023] FIFTH SESSION, SIXTH LEGISLATURE

## KWAZULU-NATAL LEGISLATURE

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# MINUTES OF PROCEEDINGS

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Thursday, 19 October 2023

The Hybrid House met at 10h32.

1. 10h33 Members were given an opportunity for silent prayers or meditation.
2. 10h33 The Speaker made announcements, including the passing away of the following persons:
  - 2.1 Professor Hoosen Jerry Coovadia, struggle stalwart, anti-apartheid veteran, prolific scientist and champion for health equity in South Africa;
  - 2.2 Professor Shadrack Gutto, internationally acclaimed scholar, constitutional law expert and lecturer of African Renaissance Studies at the

University of South Africa (Unisa) who continued his intellectual work beyond retirement in 2016;

- 2.3 Honourable Christopher Mzwakhe Sibisi, a Member of Parliament representing the National Freedom Party. Mr Sibisi, a resident of the Alfred Duma Municipality under uThukela District in KwaZulu-Natal, passed on after a short illness;
- 2.4 All victims of gender-based violence, femicide and hate crime;
- 2.5 All public servants and traditional leaders in KwaZulu-Natal and the country at large; and
- 2.6 All victims of road fatalities in our province during the recent past.

*The Hybrid House observed a minute of silence.*

3. 10h35 The Speaker made further announcements.
4. 10h53 The Premier made announcements.
5. 11h06 The Speaker read into the record the tabling of the following documents:
  - 5.1 Committee of Chairpersons
    - 5.1.1 Multi-party Oversight Report, Ugu District, 20 & 21 June 2023.
  - 5.2 Portfolio Committee on Education
    - 5.2.1 School Functionality Monitoring Follow-up Programme, 2023.
  - 5.3 Department of Economic Development, Tourism and Environmental Affairs
    - 5.3.1 The KwaZulu-Natal Moses Kotane Research

Institute Bill, 2023;

5.3.2 The KwaZulu-Natal Growth Fund Agency Bill, 2023;

5.3.3 The KwaZulu-Natal Economic Regulatory Authority Bill, 2023; and

5.3.4 The KwaZulu-Natal Tourism & Audio-Visual Agency Bill, 2023.

5.4 Department of Co-operative Governance and Traditional Affairs

5.4.1 Consolidated Municipal Annual Performance Report for the 2021/22 Financial Year, in terms of section 47 of the Municipal Systems Act, Act No. 32 of 2000;

5.5 Public Service Commission

5.5.1 Report on Inspections conducted at Facilities affected by the Flood Disaster in KwaZulu-Natal Province, September 2023; and

5.5.2 Public Service Commission: 2022/23 Annual Report.

6. 11h08 The Chairperson of the Portfolio Committee on Finance tabled the Unaudited Close-out Budget Performance Hearings, 2022/23.

7. 11h08 The Speaker made an announcement.

8. 11h09 Ms GN Swartbooi-Ntombela, ANC, delivered the following Member's Statement and concluded at 11h11:

The African National Congress welcomes the official launch of the Department of Agriculture and Rural Development's Multi-Planting Season Programme that

was held in uMgungundlovu District on Tuesday, 17 October 2023. This programme will act as a catalyst for the reduction of poverty and the promotion of food security.

We are fully aware that the journey towards food security has its challenges. However, the ANC believes the programme will ensure that the issue of food insecurity in the province is addressed and improved.

Equally, through this launch, the ANC reiterates its commitment to a sustainable approach that addresses food security, job creation. The party is resolute in its promise to our people that the ANC cares, the ANC lives and the ANC leads.

9. 11h11 Ms HGS Mavimbela, ANC, delivered the following Member's Statement and concluded at 11h12:

We have come a long way as the government of the people by the people.

First and foremost, we must agree that service delivery is of the utmost importance. Central to this is the speed and capacity for our government to deliver services.

The issues of ageing infrastructure that needs to be maintained, the population growth and our people's level of impatience must also be taken into consideration.

We are aware of the challenges that hindered progress and which took us back. The floods, Covid-19 and the unrest were not of our making, but we plead with our people to be patient so that we do not reverse the gains of our democracy. We also plead with our government to be sensitive and to speed up service delivery.

Let us live in peace and harmony in our land. No violence, please.

10. 11h13

Ms NJ Nkwanyana, IFP, delivered the following Members' Statement and concluded at 11h14:

Uma umuntu esedlulile emhlabeni uyiswa emakhazeni ngesikhathi umndeni wakhe usenza amalungiselelo okufihlwa kwakhe. Akekho umuntu osuke ecabanga ukuthi kukhona abasuke benza itulo lokuntshontsha isidumbu emakhazeni, muva nje kuvele imibiko ethi kuntshontshwe isidumbu sika Mnumzane Siyabonga Mbanjwa, 38, waKwaDabeka emakhazeni kahulumeni ePinetown.

Leli chilo liqubula itwetwe lokuthi nathi sonke lapha kule Ndlu kusobala kuhle kwekati elimhlophe ehlungwini ukuthi asiphephile kanye nemindeni yethu okuzothi uma sendela kwelamathongo bese kuba khona abantu abacabanga ukuntshontsha imizimba yethu emakhazeni.

Lesi isikhathi sokuthi uMhlonishwa uNgqongqoshe weZempilo uNomagugu Simelane atshele bonke abantu baKwaZulu-Natali ukuthi iziphi izinhlelo njengoMnyango weZempilo abanazo ukuqinisekisa ezokuphepha emakhazeni kanye nokuthi seluhambe lwafika kusiphi isigaba uphenyo ngokuntshontshwa kwesidumbu sikaMnu uMbanjwa.

***[English translation follows:***

*When a person passes away, the body is taken to the mortuary while the family proceed to make funeral arrangements. It is hard to imagine that there are people in this world who would contrive to steal a body from a mortuary. Recently there have been reports that the body of Mr Siyabonga Mbanjwa (38) of KwaDabeka was stolen from a state mortuary in Pinetown.*

*This disgraceful act has caused fear, even amongst members of this House, that we and our families are not immune from this either, and we are worried about the day when death is upon us, that there will be people*

*who may be plotting to steal our bodies from the mortuary.*

*The time has come for the hon MEC for Health, Ms Nomagugu Simelane, to tell the people of KwaZulu-Natal if her department has any plans in place to ensure the safety and security of bodies in mortuaries, and to give a progress report on the investigation into the theft of Mr Mbanjwa's body.]*

11. 11h15 Ms TP Mthethwa, IFP, delivered the following Member's Statement and concluded at 11h16:

The KwaZulu-Natal Department of Education is in shambles and in dire need of competent leadership. It is faced with a plethora of challenges and there is no political will to address them.

Last week, pupils from Sukuma Secondary School in Imbali Unit 1 blocked roads with burning tyres, demanding food and for electricity to be reconnected at the school after the department failed to pay Eskom. This is not an isolated case as many schools have been subjected to this treatment in the past.

These developments have led us to question the leadership skills of the KZN MEC for Education, Mbali Frazer, as well as her counterparts, such as the HOD.

This whole affair is inexcusable and a pitiful reflection on the ANC who elected the MEC for Education. It further reflects badly on the KZN Premier, Nomusa Dube-Ncube, who appointed this incompetent MEC to her Executive Council.

The ANC-led provincial government in KwaZulu-Natal must stop its laissez fair attitude and fix the "broken" education system in the province.

12. 11h16 Mr FA Rodgers, DA, delivered the following Member's Statement and concluded at 11h17:

I want to know if the Premier is aware of the unpaid pensioners in the City of Msunduzi?

Is she aware that this matter was tabled in council in 2016?  
Is she aware that R30 million of the provident fund was returned to the city for distribution?

Is she aware that some of the beneficiaries have passed away without receiving their due benefits?

Is she aware that some beneficiaries have had to sell their homes and vehicles in order to survive?

Is she aware that these beneficiaries receive no communication from the city on this matter?

Is she aware that the Mayor of Msunduzi publicly declared in February that the matter was receiving attention and would be resolved with 90 days. It is seven months later, and nothing has been done!

Since this is an ANC-run municipality, what intervention will the Premier take to ensure that no-one is left behind?

13. 11h17 Ms NL Mpayipheli, EFF, delivered the following Member's Statement and concluded at 11h18:

Njenge-EFF sizwakalisa ukudumala okukhulu ngombiko wakamuva ovela kuMcwaningi Mabhuku (AG) oveza ukuthi uMasipala waseThekwini unezikhala ezingaphezu kuka 16 000 zemisebenzi ezingagcwalisiwe, ezinye zazo esekuphele iminyaka eyishumi nanhlanu (15) zingagcwalisiwe. Kuyasikhathaza ke ukuthi kube nombiko onjengalona, ekubeni isiFundazwe sethu singezinye sezifundazwe eziqenqeleza phambili ngokuswelakala kwamathuba omsebenzi ikakhulukazi

eNtsheni, njengoba sinabantu abangu 46.7% abangasebenzi kulesi siFundazwe.

Kuwona futhi lo Masipala bangu-6 000 abasebenzi akade bengaphansi kohlelo olwaziwa nge-Public Employment Programme (PEP) abalahlekelwe imisebenzi ngesonto elidlule ngoba kuthiwa uMasipala awunayo imali yokubakhokhela.

Kuyamangaza nokho ukuthi uhulumeni kaKhongolose umemezele ukuthi usembhidlangweni wokulwa nobubha ngokusungula amathuba emisebenzi, ekubeni bebaningi abantu abangaqashiwe ibe ikhona imisebenzi, abanye balahlekelwe imisebenzi ngoba kuthiwa izimali azikho ekubeni ukukhwatshaniswa kwezimali kudla lubi koMasipala.

Ukungagcwaliswa kwezikhala zemisebenzi ezibalulekile okwenzeka naseminyangweni eminingi kaHulumeni akugcini nje ngokuba kuncishe abantu isinkwa, kepha kuphazamisa nokulethwa kwezidingongqangi kubantu. Siyafisa ukuthi udaba lwalo Masipala lubekwe ezithebeni, sithole a detailed breakdown yalezo zikhala ebezingagcwaliseli, izizathu ezivimbe lokhu okuzokwenziwa ukuvala leli gebe, kuzokwenziwa nini nokuthi ngabe sekwenziwe emva kwesikhathi esingakanani.

***[English translation follows:***

*As the EFF, we wish to express our disappointment over revelations in the latest Auditor-General's report that eThekweni Municipality has more than 16 000 vacant positions, some of which have been vacant for 15 years.*

*We are deeply disturbed by this report, given that our province has one of the highest unemployment rates in the country – approximately 46.7% – especially among young people.*



*Under this same municipality, some 6 000 employees who had been employed in terms of the Public Employment Programme (PEP) lost their jobs last week because the municipality does not have the money to pay them.*

*It is surprising, therefore, that the ANC-led government has announced a campaign to fight poverty and create job opportunities, given the fact that there are so many unemployed people – and yet there are so many vacancies. Some people have lost their jobs while financial irregularities at municipalities are rife.*

*The non-filling of critical positions in many [provincial] government departments does not only deprive people of livelihoods, but also affects service delivery to the people. We want this matter which relates to the [eThekweni] municipality to be tabled. We call for a detailed breakdown of all vacant positions and the reasons for the non-filling of these posts. We want to know which plans are in place to close this gap, along with timelines as well.]*

14. 11h19 Mr ME Dlungwana, ANC, delivered the following Member's Statement and concluded at 11h19:

This ANC-led government in KZN has done excellent work in addressing the triple challenge of poverty, inequality and unemployment through the implementation of the Sthesha Waya Waya programme. This programme has created thousands of job opportunities for the unemployed youth in our province.

We call upon all departments to continue with this programme which will ensure that we eradicate youth unemployment in our province.

15. 11h20 Ms MC Frazer, MEC for Education, responded to the statement by Ms TP Mthethwa and concluded at 11h21.

16. 11h21 Mr SC Nkosi, MEC for Public Works and Human Settlements, responded to the statement by Ms HGS Mavimbela and concluded at 11h22.
17. 11h22 Mr M Zuma, MEC for Agriculture and Rural Development, responded to the statement by Ms GN Swartbooi-Ntombela and concluded at 11h23.
18. 11h23 Ms N Simelane, MEC for Health, responded to the statement by Ms TJ Nkwanyana and concluded at 11h24.
19. 11h24 Ms N Dube-Ncube, Premier of KZN, responded to the statements by Mr ME Dlungwana and Mr FA Rodgers and concluded at 11h25.
20. 11h26 The MEC for the Department of Finance, Ms NP Nkonyeni, tabled the Report on the Combined Report to the Legislature on Progress on the Rationalisation of Provincial Public Entities.
21. 11h26 The Speaker made a further announcement.
22. 11h29 The Questions Session of Questions to the Premier commenced in terms of Standing Rule 120 and was concluded at 12h03.
23. 12h04 The Speaker made remarks and an announcement.
24. 12h07 Debate and Voting on the Report on the Unaudited Close-out Budget Performance Hearings, 2022/23, commenced and were concluded at 13h30.

*Question put:*

*Question agreed to.*

Results of the vote were as follows:

For = 63                  Against = 0                  Abstentions = 0

25. 13h31 The business of the House was suspended and resumed at 14h05.
26. 14h06 Debate on the Report on Resolutions of the Portfolio Committee on Cogta taken during the section 132 Hearings with Municipalities between July to October 2022, as tabled in the House on 30 March 2023, commenced and was concluded at 15h19.

*Question put:*

*Question agreed to.*

Results of the vote were as follows:

For = 61                  Against = 0                  Abstentions = 0

27. 15h20 Debate on the Report on the Oversight Visit to the King Cetshwayo Disposal Water Facility Site and Dolphin Coast Waste Management Site, as tabled in the House on 18 April 2023, commenced and was concluded at 16h33.
28. 16h34 The Speaker made an announcement.
29. 16h35 Report by the MEC for Finance on the Combined Report to the Legislature on Progress on the Rationalisation of Provincial Public Entities commenced and was concluded at 16h53.
30. 16h54 The Speaker made announcements. including that of the nomination of honourable Ms LD Ngubane as ANC Whip following the vacant position left by honourable Mr TV Xulu, the latter having been nominated as the Chairperson of the Portfolio Committee on Finance.
31. 17h01 The House was adjourned until Thursday, 02 November 2023.