



KWAZULU-NATAL LEGISLATURE

AN ACTIVIST PEOPLE-CENTRED LEGISLATURE

[No. 01/2024] FIRST SESSION, SEVENTH LEGISLATURE

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ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

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TUESDAY, 09 JULY 2024

SITTING: 09H00

1. PRAYER (Item 1 on the Order Paper)

[Opportunity for Prayers or Silent Meditation.](#)

2. OBITUARIES AND OTHER CEREMONIAL MATTERS (Item 2 on the Order Paper)

2.1 Honourable members, the Office of the Speaker has learnt of the passing on of the following persons, so let us take a moment to remember them in our thoughts and prayers. They are:

- 2.1.1 Mr Amos Zakhele Manqayi, Deputy Director General in the Office of the Premier;
- 2.1.2 Ms Cynthia Gugu Dube, Assistant Director: CDWP, Department of Co-operative Governance and Traditional Affairs;
- 2.1.3 Mr Nkosinathi Philani Mavundla, son of PG Mavundla, President of Abantu Batho Congress;
- 2.1.4 Ms Duduzile “Dudu” Cynthia Myeni, businesswoman, former Chairperson of *South African Airways Soc Limited* and Executive Chairperson of the Jacob Zuma Foundation;
- 2.1.5 Six women and children who were fatally shot in eZakheni, Ladysmith. The youngest victims were two years and five years old, respectively. Twelve people were travelling in a bakkie on the Helpmekaar Road at the time, when occupants in another vehicle opened fire on them;
- 2.1.6 Mr Simo Zulu, Deputy Director: Monitoring and Evaluation at the KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs;
- 2.1.7 Mr Nkosiyabo Boyce, nephew of the honourable Ms NN Boyce, Speaker of the Legislature, who passed away on 01 July 2024. He will be buried on 13 July 2023 in the Winnie Madikizela Mandela Local Municipality;
- 2.1.8 All victims of gender-based violence, femicide and hate crimes;
- 2.1.9 All public servants and traditional leaders of this province and the country at large; and

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

Let us please observe a moment of silence to honour all those who have gone before us.

3. ANNOUNCEMENTS BY THE SPEAKER (Item 3 on the Order Paper)

3.1 ANNOUNCEMENT REGARDING THE REASON FOR THE SITTING ON 09 JULY 2019

Rule 195 of the KZN Legislature Standing Rules provides for the establishment of a range of portfolio committees after the election of the Speaker and Deputy Speaker. The establishment of Committees is done through a resolution of the House and in consultation with party leaders as was done in 2019.

Yesterday, 8th July 2024, I called a consultative meeting with all party leaders represented in this House to have consensus on addressing matters that must be dealt with by the Legislature, including establishment of committees under Rule 195. Noting the configuration of the KZN Legislature in the 7th term, it makes it difficult to implement a number of Rules as was adopted in the House on 14th

June. I therefore exercised my responsibility in terms of Rule 14 which provides as follows :

(1) The Speaker –

(a) is responsible for the political management of the Legislature;

(b)

(c) must ensure that the Standing Rules are observed;

(d) must, as the chief Presiding Officer, preside over the House and maintain and preserve the order of and proper decorum in the House, and uphold the dignity and good name of the House;

(e)

(f)

(g) must monitor and oversee the processes and procedures of the Legislature and ensure that the Legislature complies with its constitutional obligations, including but not limited to, the enactment of provincial legislation, overseeing the exercise of provincial executive authority and facilitating public involvement in the legislative and other processes of the Legislature;

(h); and

(i)

I advised party leaders and I advise members that Rule 5 provides that “*A Rule may be amended, revoked or added by a resolution of the House*”. The House is therefore empowered to debate and decide on amendments to the Rules. This is further supported by the precedent of the House doing so at the start of the 6th term in 2019 and at the first Sitting at the start of the 7th term when the Rules were amended and adopted by the House on the 14th June 2024.

I further advised party leaders that the Rules committee cannot be properly constituted yet, as it is first necessary that the Chairperson of committee and the Chief Whip (who are members of the Rules committee) be appointed. It is also essential that the matter of the proportional representation of Parties be resolved prior to any committee being able to be properly constituted.

The meeting between the Speaker and Party leaders yesterday was therefore a consultative meeting, intended to ventilate the above necessary appointments and proposed Rule amendments, and to consult on the Speaker's report under Rule 14 which is scheduled for debate in the House today. In this regard there was consensus that Parties will get three minutes each to engage with and respond to the Speaker's report and proposed amendments in the House.

Following yesterday's meeting with party leaders where this approach was agreed to, and in terms of Rule 3, the Speaker will make a ruling that, notwithstanding the provisions of Rule 195, the House may establish a range of portfolio committees as soon as possible after the election of the Speaker and deputy Speaker.

This Sitting is therefore called to deal with this matter as well as the establishment of committees under Rule 195 which requires the House to establish committees and other matters that requires an urgent resolution of the House. In addition, there is a need to address the composition of the Committees through necessary amendments.

May I advise Honourable Members that Honourable member that another matter that was discussed at yesterday's pertains the election of the Chairperson and Deputy Chairperson of Committees which is also part of the Order. I remind Members that Rule 16 provides as follows-

“As soon as possible after an election or whenever the position of Chairperson of Committees or Deputy Chairperson of Committees is vacant, the House must elect a Member as

Chairperson of Committees and another Member as Deputy Chairperson of Committees.”

In this vein it is important to advise Honourable Members that the processes as outlined above was also followed in 2019 which included the following steps: -

1. A meeting was held with all party leaders wherein the size and composition of committees was discussed and agreed to.
2. The composition and Party allocation was agreed to here.
3. The Rules were amended to increase the committee composition from 10 to 11.
4. This amendment was then adopted by the House through a resolution of the House.
5. A motion without notice was moved with the unanimous consent of all Parties present in the House.
6. Parties then allocated their committee members in writing to the Speaker

I trust that this is in order.

Honourable members, I have two rulings that I need to make under this item

Ruling 1 - RULING BY SPEAKER RE RULE 195

Honourable members there is a need for me to address a critical matter of procedure before we continue. This matter was discussed at the meeting with Party leaders yesterday.

Members will be aware that Rule 195 of our Standing Rules provides that-

“ (1) The House must by resolution -

(a) establish a range of Portfolio Committees within 7 days of the election of the Speaker and the Deputy Speaker after an election of the Legislature;

(b) assign a portfolio, or part thereof, of government affairs to each committee; and

(c) determine a name for each committee.”

Noting that the Speaker and Deputy Speaker were elected on the 14th of June 2024, Rule 195 required that committees must have been established by the 21st June 2024. This was clearly impractical and could not be complied with due to-

- The public holiday on the 17th of June.
- The fact that the Premier needed to appoint the executive council first so that guidance could be received regarding the portfolio committee required to oversee those departments. This happened on the 18th June.
- The inauguration of the President on the 19th June which required attendance of the speakership, the Premier and the Secretary.
- The need to ensure that a formula for the composition of committees is developed which complies with the requirement of the Constitution and the Rules in ensuring that parties are entitled to be represented in all committees in substantially the same proportion as the proportion in which they are represented in the Legislature.

It must also be noted that Rule 195 is inconsistent with other rules requiring finalisation of issues after an election including-

1. Rule 16 which requires the election of the Chairperson and deputy chairperson of committee to be elected as soon as possible after an election of the Legislature or whenever the position of Chairperson of Committees or Deputy Chairperson of Committees is vacant, (and not within 7 days).
2. Rule 26 which requires the Rules committee determine the number of whips to be allocated to parties, but only

requires this to be done “as soon as possible after an election”.

It is apparent that Rule 195 is impractical, possibly unimplementable, and is inconsistent with the rest of the Standing Rules regarding its time frames. It also does not provide for the unique circumstances and practical realities that we currently find ourselves in, nor does it provide for necessary and unavoidable delays due to critical issues that must be addressed before committees may be established.

Rule 3 does however state that-

“(1) The Speaker may give a ruling or frame a Rule in respect of any eventuality for which these Rules do not provide.”

Following yesterday’s meeting with Party leaders where this approach was agreed to, and in terms of Rule 3 it is therefore my ruling that notwithstanding the provisions of Rule 195, the House may establish a range of portfolio committees as soon as possible after the election of the Speaker and deputy Speaker. The matter is also referred to the Rules committee so that Rule 195 may be reviewed so that it is consistent with the rest of the Standing Rules, and takes into account practical realities and necessary delays.

Ruling 2 - Speakers Ruling regarding the election processes for the Chairperson of Committees and Deputy Chairperson of Committees.

Honourable member this was also a matter that was discussed at yesterday’s meeting. I remind Members that Rule 16 provides as follows-

“As soon as possible after an election or whenever the position of Chairperson of Committees or Deputy Chairperson of Committees is vacant, the House must elect

a Member as Chairperson of Committees and another Member as Deputy Chairperson of Committees.”

While requiring that the legislature elect a Chairperson of Committees and Deputy Chairperson of Committees, the Rules do not set out a procedure for doing so.

Regarding such matters however Rule 2 does provide that—
“(1) The Speaker may give a ruling or frame a Rule in respect of any eventuality for which these Rules do not provide.”

In order for there to be a process that is transparent and fair to all Parties and also allows all Parties to nominate its candidates for the posts of Chairperson of Committees or Deputy Chairperson of Committees, it was also suggested at yesterday’s meeting, and therefore my ruling that the process that we will go through will be as follows-

- 1. The matter of the election of the Chairperson of Committees will be dealt with without debate;*
- 2. The voting procedure will be dealt with in terms of 112(1)(c) of the Constitution, as well as Rule 85(1)(c) of the Standing Rules, that is all voting decisions will be decided by a majority of votes cast.*
- 3. The Speaker will firstly call for nominations for the position;*
- 4. A Member will rise and indicate who he/she nominates for the position;*
- 5. Once a Member is nominated I will ask for a seconder;*
- 6. After the first Member is nominated and seconded I will verify if the nominated Member accepts the nomination;*
- 7. I will then check if there are any other nominations as per the same process.*
- 8. If there is only one nomination that will be the end of the election and I will declare the elected candidate the Chairperson of Committees.*
- 9. If more than one candidate is nominated we will have to go through a voting process*

10. In going through the voting process I will ask that all those on favour of-

- a) Candidate A remain in their seats*
- b) Candidate B please rise*
- c) Candidate C please raise your hands*

11. Counting will then occur and the result will be declared. The candidate with the most support will then be declared the Chairperson of Committees.

12. The same process will be followed for the election of the Deputy Chairperson of Committees”

Honourable Members I trust that the process is clear.

3.3 BIRTHDAYS

Honourable members, may I take this opportunity to wish a happy belated birthday to the following Members:

- Honourable EB Khoza (6 June)
- Honourable OB Kunene (7 June)
- Honourable S Bhanprakash (12 June)
- Honourable R Gokool (16 June)
- Honourable ZG Ngcobo (22 June)
- Honourable SE Hlomuka (02 July)
- Honourable S Mngadi (05 July) and
- Honourable NBZ Cele (08 July)

I would also like to wish a happy birthday in advance to the following members:

- Honourable PATN Buthelezi (10 July) and
- Honourable T Madondo (14 July)

On behalf of everyone, I would like to wish all these members a fun-filled and memorable year ahead.

4. TABLING OF REPORTS OR PAPERS (Item 4 on the Order Paper)

4.1 KwaZulu-Natal Legislature

4.1.1 Speaker's Report in terms of Rule 14

5. ORDERS OF THE DAY (Item 5 on the Order Paper)

5.1 Voting on Mandate in respect of NCOP Deputy Chairperson.

5.2 Establishment of Committees in terms of Rule 195;

5.3 Election of Chairperson of Committees in terms of Rule 16.

5.4 Election of Deputy Chairperson of Committees in terms of Rule 16.

5.5 Report of Speaker in terms of Rule 14.

5.6 Determination of salary of the Premier and

5.7 Appointment of trustee and alternate trustee of the Political office bearers pension fund.

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