

THURSDAY, 24 OCTOBER 2024

[NO. 10/2024] FIRST SESSION, SEVENTH LEGISLATURE

KWAZULU-NATAL LEGISLATURE

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MINUTES OF PROCEEDINGS

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Thursday, 24 October 2024

The Hybrid House met at 11h16.

1. 11h17 Members were given an opportunity for silent prayers or meditation.
2. 11h18 The Speaker made announcements, including the passing away of the following persons:
 - 2.1 Mr Pravin Jamnadas Gordhan, former Commissioner of the South African Revenue Service from 1999 to 2009. Between 1991 and 1994 he chaired the Convention for a Democratic South Africa (Codesa) and was the co-chairperson of the Transitional Executive Council which

prepared South Africa for its first non-racial election in April 1994.

Mr Gordhan was an anti-apartheid activist who held various ministerial posts in Cabinet. He served as Minister of Finance from 2009 until 2014, and again from 2015 until 2017. He also served as Minister of Co-operative Governance and Traditional Affairs from 2014 until 2015 and as Minister of Public Enterprises from February 2018 until June 2024.

- 2.2** Dr Tito Titus Mboweni, ANC stalwart, first Minister of Labour in South Africa's first democratic Parliament from 1994 to 1999 under former President Nelson Mandela, former Minister of Finance and first black Governor of the South African Reserve Bank. Dr Mboweni was a dedicated public servant who played a crucial role in shaping the country's economic policies.

He was a founding member of Mboweni Brothers Investment Holdings and a former international advisor of Goldman Sachs International. He was also appointed to the position of non-executive Director for South Africa at the New BRICS Development Bank.

Dr Tito Titus Mboweni was known for his sharp intellect, infectious humour and outspoken nature, often engaging in lively debates on social media where he had amassed a large following;

- 2.3** Mr Membathisi Mphumzi Shepherd Mdladlana, former Minister of Labour from July 1998 to 2009. Whilst in Parliament, Mr Mdladlana served as Chairperson of the Constitutional Assembly Committee (Theme Committee Four) from 1994 to 1996; as a member of the Portfolio Committee on Home Affairs from 1994 to 1998, and as a Whip of

the Parliamentary Programming Committee from 1995 to 1998.

He also served as Deputy Chairperson of the Parliamentary Scout Union of South Africa from 1996, and as a member of the Portfolio Committee on Education at National Parliament between 1994 and 1998;

- 2.4 Her Royal Highness Princess Sibuyiselwe Angela Buthelezi, the youngest child of the late uMntwana waKwaPhindangene, Prince Mangosuthu Buthelezi, and the late Undlunkulu Princess Irene Audrey Thandekile Buthelezi. Princess Sibuyiselwe Angela Buthelezi was an IFP member of the National Assembly, a member of the Portfolio Committee on Human Settlements and an alternate member of the Portfolio Committee on Tourism;
- 2.5 Mr Zenzele Ndlela, former Senior Manager: Supply Chain Management in the KwaZulu-Natal Legislature;
- 2.6 Mrs Ntombifikile Florence Ntozakhe, mother of Mr Themba Ntozakhe, an administrator at KwaZulu-Natal's NCOP Offices;
- 2.7 Mrs Nomfundo Shazi, wife of Mr Sanele Shazi from the Legislature's ICT Unit;
- 2.8 Mrs Siziwe D Shelembe, mother of Mr Thulani Mhlanga from the Legislature's ICT Unit;
- 2.9 Pastor Ray McCauley, an evangelic leader and founder of the Rhema Bible Church;

- 2.10** Mr William Smith, South Africa's most treasured television teacher who spent his whole life pioneering work in education and transforming the learning of mathematics and science for countless students;
- 2.11** Ms Thabiso Sikwane, radio and television personality who worked for *SAFM*, *KayaFA*, *YFM* and *Voice of Soweto*, *inter alia*;
- 2.12** Bishop Jessica Mbangeni, praise poet, spiritual leader and cultural ambassador;
- 2.13** Mr Sandile Ngwenya, a kwaito legend popularly known as "Mapaputsi". He was well known for his 2001 album with songs such as *Woza Friday*, *Manga Manga Business*, *My Love*, and his culture-shifting hit song *Izinja* which earned him the award for Best Kwaito Song at the *Metro FM Awards* ceremony in 2002;
- 2.14** Mr Solomon Molokoane, legendary gospel artist who was popularly known as Solly Moholo. Solly Moholo was hospitalised after falling ill following his pre-album launch tour in Botswana. He rose to fame in the early 2000s with an endearing sound, look and dance style that had been inspired by the Mokhukhu singers associated with the Zion Christian Church;
- 2.15** Five family members, including two children, who were stabbed to death by a relative in Bergville;
- 2.16** Five people who died in a head-on collision on the R102 near Darnall in Ilembe District Municipality;
- 2.17** Three people who died in a two-vehicle collision along the N2 near Fairbreeze Mine and Gingindlovu *en route* to Richards Bay;

- 2.18 Seven members of the Khabule family, including three children, who were brutally murdered in the Hlokozi area near Highflats in Sisonke District Municipality;
- 2.19 Three members of the Nzama family in Eziqoleni in Ray Nkonyeni Municipality who were burnt to death when their house caught fire;
- 2.20 Ms Hlengiwe Sikhosana (23) who resided in Ward 2, Jijintaba under the KwaMbotho Tribal Authority and who was brutally murdered this week by her partner who has since been arrested;
- 2.21 Eight people who died in a collision involving a truck and a vehicle in Mandeni;
- 2.22 All victims of gender-based violence, femicide and hate crimes;
- 2.23 Public servants and traditional leaders of this province and the country at large who have passed away; and
- 2.24 Various victims of road accidents, as mentioned above, and others who have lost their lives in our province during recent times.

The Hybrid House observed a minute of silence.

- 3. 11h25 The Speaker made further announcements.
- 4. 11h32 The Speaker read into the record the tabling of the following documents:
 - 4.1 **KwaZulu-Natal Legislature:**
 - 4.1.1 Annual Report, 2023/24; and

4.1.2 Budget Performance In-Year Monitoring Reports [IYM] for the months of July, August and September 2024.

4.2 Committee of Chairpersons:

4.2.1 Oversight Report on the 2024 Multi-party Programme held in iLembe District.

4.3 Office of the Premier and Department of Community Safety and Liaison:

4.3.1 Office of the Premier: Annual Report, 2023/24;

4.3.2 Department of Community Safety and Liaison: Annual Report, 2023/24;

4.3.3 KwaZulu-Natal Zulu Royal House Trust: Annual Report for the year ended 31 March 2024; and

4.3.4 2023/24 Audited Annual Report for the year ended 31 March 2024.

4.4 Auditor General of South Africa:

4.4.1 MFMA Consolidated General Report, 2022/23; and

4.4.2 Consolidated General Report on Local Government Audit Outcomes, 2022/23.

4.5 Department of Co-operative Governance and Traditional Affairs:

4.5.1 Revised Annual Performance Plan, 2024/25;

4.5.2 Annual Report, 2023/24;

4.5.3 Traditional Levies and Trust Account: Annual Report, 2023/24; and

4.5.4 Consolidated Municipal Annual Performance Report in terms of section 47 of the Municipal Systems Act, Act No. 32 of 2000, for 2022/23.

4.6 KwaZulu-Natal Treasury:

4.6.1 Annual Report, 2023/24; and

4.6.2 Notification to the Provincial Legislature on the Delay in the Submission of the Consolidated Financial Statements and the Auditor General's Audit Report for the 2023/24 financial year.

4.7 Department of Economic Development, Tourism and Environmental Affairs:

4.7.1 Annual Report, 2023/24;

4.7.2 Revised Annual Performance Plan, 2024/25;

4.7.3 Ezemvelo KZN Wildlife: Annual Report, 2023/24;

4.7.4 KwaZulu-Natal Liquor Authority: Annual Report, 2023/24;

4.7.5 Dube Trade Port: Annual Report, 2023/24;

- 4.7.6 Moses Kotane Institute: Annual Report, 2023/24;
- 4.7.7 Sharks Board: Annual Report, 2023/24;
- 4.7.8 KwaZulu-Natal Growth Fund Trust: Annual Report, 2023/24;
- 4.7.9 Richards Bay Industrial Development Zone: Annual Report, 2023/24;
- 4.7.10 Ithala Development Finance Corporation: Annual Report, 2023/24;
- 4.7.11 KwaZulu-Natal Film Commission: Annual Report, 2023/24;
- 4.7.12 Trade and Investment: Annual Report, 2023/24;
- 4.7.13 Tourism Authority: Annual Report 2023/24;
- 4.7.14 KwaZulu-Natal Gaming and Betting Board: Annual Report, 2023/24;
- 4.7.15 Re-tabling of the KwaZulu-Natal Film Commission: Annual Performance Plan, 2024/25;
- 4.7.16 Re-tabling of the Tourism KwaZulu-Natal: Annual Performance Plan, 2024/25;
- 4.7.17 Ithala SOC Limited: Annual Performance Plan, 2024/25 – 2026/27; and
- 4.7.18 Ithala SOC Limited: Corporate Plan, 2024/2025 – 2026/27.

4.8 Department of Social Development:

4.8.1 Annual Report, 2023/24.

4.9 Department of Transport and Human Settlements:

4.9.1 Department of Transport: Annual Report, 2023/24;

4.9.2 Report on the 2024 October Transport Month.

4.9.3 Department of Human Settlements: Annual Report, 2023/24; and

4.9.4 KZN Multi-year Human Settlements Development Plan and Informal Settlement Upgrading Strategy and KZN Informal Settlement Upgrading and Management Strategy.

4.10 Department of Public Works and Infrastructure:

4.10.1 Annual Report, 2023/24.

4.11 Department of Sport, Arts and Culture:

4.11.1 Annual Report, 2023/24; and

4.11.2 Amafa and Research Institute: Annual Report, 2023/24.

4.12 Department of Agriculture and Rural Development:

4.12.1 Annual Report, 2023/24;

4.12.2 Revised APP, 2024/25; and

4.12.3 Agribusiness Development Agency: Annual Report, 2023/24.

4.13 Financial and Fiscal Commission:

4.13.1 Annual Submission on Division of Revenue, 2025/26.

4.14 Public Service Commission:

4.14.1 Overview Report on the Submission Rate of Financial Disclosure Forms by SMS members in the Province of KwaZulu-Natal for the Financial Year 2023/24, up to August 2024;

4.14.2 Report on Unannounced Inspections conducted at Selected Schools to Assess Infrastructure-related Issues at Schools of the Department of Education in the Province of KwaZulu-Natal – September 2024; and

4.14.3 Overview Report on the Payment of Invoices after 30 Days by KwaZulu-Natal Departments for the 2023/2024 financial year – July 2024.

4.15 Department of Health:

4.15.1 Annual Report, 2023/24.

4.16 Department of Education:

4.16.1 Annual Report, 2023/24.

5. 11h40 The following Members gave notice of their intention to move motions on the next sitting day of the House:

5.1 Mr M B Gwala, IFP, to move:

This House notes:

That the youngest daughter of the late IFP founder and President Emeritus, His Excellency Prince Mangosuthu Buthelezi, Princess Sibuyiselwe Angela Buthelezi, died at age 55 on Monday morning;

She was a dedicated public servant who worked tirelessly for the people of South Africa; and

Her passing comes at a time when South Africa is in dire need of leaders like her, and our country is poorer without her.

This House therefore resolves:

To send its heartfelt condolences to the Buthelezi family and clan, friends, IFP leadership, supporters and Members of Parliament, and those with whom she served in the Portfolio Committee of Human Settlements.

5.2 Ms H G S Mavimbela, ANC, to move:

Le Ndlu inaka lokhu:

Umphakathi wase-King Cetshwayo District Municipality usuhlale unganemeya izinyanga ezine namaviki asezoqeda inyanga yesihlanu, kanjalo nomkhandlu wakwaDukuza Local Municipality unezikhala ku-Exco ezinesikhathi esifanayo nengikhulume ngaso ngenhla.

Ngakho-ke le iNdlu inquma kanje:

Ukuba le Ndlu idingide uchibiyelomthetho oluhambisana nalolo lokuvala izikhala zamakhansela amawadi okwenzeka zingakapheli izinsuku ezingamashumi ayisishiyagalolunye kuvuleke isikhala;

Lokhu kosiza ukuthi kube nozinzo nokulethwa kwezinsiza ngesikhathi, okuwumgogodla wokuletha izinsiza kubantu bakithi;

Kanjalo noMphathiswa Wezokubusa Ngokubambisana Nezomdabu asheshe asondele lapho kunezikhewu khona ukuqinisekisa uzinzo nokuba khona kwazo zonke izinhlaka ezifanele kohulumeni basekhaya njengokulawula komthetho obhekelene nezakhiwo zohulumeni basekhaya.

[This House notes:

That King Cetshwayo District Municipality has been without a mayor for a period of almost five months;

That KwaDukuza Local Municipality has had vacancies in its Exco for the same period.

This House therefore resolves:

To call for a debate that will culminate into amendment of laws that govern the filling of vacant positions that will be in line with ward vacancies which have to be filled within 90 days of the occurrence of those vacancies;

This will assist in bringing stability and ensuring that services are delivered timeously, which is cornerstone of local government mandate;

To call on the MEC for Cooperative Governance and Traditional Affairs to expedite the filling of these vacancies so as to ensure stability and so that all relevant local government structures are in place

(operational) as per Local Government: Municipal Structures Act.]

5.3 Mr F A Rodgers, DA, to move:

This House notes:

The positive strides made by the KwaZulu-Natal Legislature's Seventh Administration under the Government of Provincial Unity (GPU) in its first 100 days in office.

This House therefore resolves:

To urge the GPU –

To continue prioritising the building of a capable and ethical state;

To focus its limited resources on addressing the challenges of poverty, inequality and unemployment;

To create a sustainable and vibrant economy;

To achieve these objectives by upholding the Constitution of the Republic of South Africa, as well as the separation of powers between party and state; and

To respect the rule of law.

5.4 Mr M A Dirks, MKP, to move:

This House notes:

That local government is the one sphere of government that is closest to the people and our communities;

Local government plays a crucial role in providing communities with essential services, such as waste management, road infrastructure, clean potable water, human settlements, electricity and many other service delivery programmes;

Most protests in our country during any given year are directed at local government in the form of service delivery protests; and

It is of great concern that local government is failing the people of KwaZulu-Natal.

This House therefore resolves:

To call for a debate on this matter.

5.5 Mr L J De Klerk, to move:

This House notes:

With concern that salary increases for public servants are decided at national level, without adequate consultation with provinces; and

That this lack of consultation often results in unfunded mandates for provinces.

This House therefore resolves:

To request the Premier and his Executive Council to take urgent steps to engage with national government, through appropriate inter-governmental forums, to ensure that future salary increases for public servants are decided after proper consultation and in alignment with the fiscal realities of this province;

To call on the Provincial Treasury to resist unfunded mandates caused by salary increases; and

To advocate for an end to unfunded mandates.

5.6 Ms S M M Mkhize, ANC, to move:

This House notes:

That 147 vacancies for post level 1 have been filled by unemployed and temporarily employed educators released by the Department of Education under the leadership of MEC Hlomuka.

This House therefore resolves:

To commend the MEC who, in the midst of challenges around budget cuts, was able to create jobs in line with this government's priorities to fight against high levels of unemployment and poverty; and

To call on all other departments to emulate this progressive initiative moving forward.

5.7 Ms T Colley, DA, to move:

This House notes:

That the so-called construction mafia have been hijacking government projects with impunity for far too long, thereby delaying project implementation and the delivery of projects to residents of KwaZulu-Natal through their criminal activities; and

That this province faces severe financial constraints and cannot afford for projects to be delayed and abandoned unduly.

This House therefore resolves:

To acknowledge the stand taken by the MEC in this matter, and

To call on law enforcement institutions across all spheres of government to urgently act against these criminal syndicates.

5.8 Dr M S Mthethwa, MKP, to move:

This House notes:

The challenges faced by Emergency Medical Response Services (EMRS) in KwaZulu-Natal;

EMRS plays a critical role in saving people's lives in a province that is plagued by social ills and high levels of violent crime, coupled with poor roads and infrastructure; and

While attempts by SAPS to curb crime are ongoing, EMRS probably remains one of the best tools the department can use to reduce deaths associated with crime and accidents.

This House therefore resolves:

To commend EMRS for continuing to play a significant role despite the fact that the department is struggling with budgetary constraints and a high number of medico-legal claims.

5.9 Ms C M Shinga (NFP):

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

5.10 Ms B N Sithole-Moloi, ANC, to move:

This House notes:

Several major infrastructure development projects across the Province of KwaZulu-Natal, having heeded the call made by President Ramaphosa during his first speech in Parliament after the 2024 general elections, when he said, “[...] we have a clear intention to turn our country into a construction site, as bridges, houses, schools, hospitals and clinics are built [...]”.

This House therefore resolves:

To call for a debate on the economic development stimulated through these major infrastructure development projects that can be seen throughout the Province of KwaZulu-Natal, and especially in rural areas.

5.11 Ms M Nair, DA, to move:

This House notes:

That the water supply crisis in KwaZulu-Natal is worsening, with no effective, sustainable solution on the horizon;

That this man-made crisis, which is robbing residents of their most basic human right, is crippling our economy; and

That municipalities are failing to resolve this problem by themselves.

This House therefore resolves:

To remind municipalities that KwaZulu-Natal’s success is dependent on whether government can

get a consistent and an affordable water supply to residents and businesses – now, not in the future.

5.12 Ms JPN Gasa, MKP, to move:

This House notes:

That tuckshops should be regulated by legislation as a matter of provincial priority because we have buried children in Ladysmith because of food poisoning, while children from uMlazi and Lindelani have had to be hospitalised for the same reason; and

Our local economy has been taken over by illegal foreigners while ordinary South Africans continue to miss out on small business opportunities, from salons to retail, barbershops, tuckshops and many more.

This House therefore resolves:

To call for the food industry (manufacturing, processing, etc.) to be regulated to be solely in the hands of those feed the nation – and that is us.

5.13 Mr T A Nene, MKP, to move:

This House notes:

The water crisis in Utrecht/Emadlangeni Municipality;

We need a lasting solution to water shortages in Emadlangeni and surrounding areas, White Umfolozi, Chanceni, Politiki, Ndlamlenze, Ndwakazane, Groenvlei, Mlwane, Kempslust, Emxhaxei, Phokweni and Waaihoek, amongst others; and

Water is a fundamental physiological need that humans cannot live without.

Akekho umuntu ongakwazi ukuphila ngaphandle kwamanzi anele okuphuza, ukugeza, ukuwasha, nokuphekam nokunisela ingadi, kanye nokuning okubalulekile.

Kunemibiko kuwo lo masipala ukuthi kunezingane ezike ziye esikoleni ngaphandle kokuhlamba umzimba, ezinye zigcina singayi esikoleni ngokufanele.

Ngakho-ke le Ndlu inquma kanje:

Ukuthi amanzi ayimpilo, awafinyelele kubo bonke abantu kule ndawo; nokuthi

Impilo angeke yaze yabakhona ngaphandle kwamanzi emphakathini.

[No-one can live without adequate water for drinking, bathing, washing, cooking, garden irrigation and may other household needs.

There are reports in this municipality that there are kids who go to school without bathing, and that others end up not going to school.

This House therefore resolves:

That water is life; everyone in this area must have access to it; and

That there is no life in our communities without water.]

5.14 Ms R Gokool, DA, to move:

This House notes:

That Diwali, which will be celebrated on 31 October this year, is a time of light, joy and renewal.

Diwali symbolises the triumph of light over darkness and good over evil;

It is a time for families to share in festivities and reflect on the values of kindness, compassion and hope;

This province has faced some difficult times, so let the rows of lit lamps remind us that goodness will always prevail.

This House therefore resolves:

To acknowledge and celebrate the significance of Diwali within our communities; to come together to support the Hindu community, and to embrace the diversity that enriches our province.

5.15 Mr L S O Hadebe, MKP, to move:

This House notes:

That the unemployment rate in KwaZulu-Natal remains alarmingly high, echoing our ancestors' assertion that overcoming poverty is not a gesture of charity, but an act of justice;

Jacob Zuma also emphasised that economic transformation is essential for job creation;

White monopoly capital perpetuates inequality within a capitalist system, and MKP in its manifesto

argues that capitalism favors few at the expense of many;

In advocating for socialism, we must consider nationalising the Reserve Bank and key entities in KwaZulu-Natal in order to redistribute wealth and create jobs and, ultimately, a more equitable society.

This House therefore resolves:

To debate the unemployment rate in KwaZulu-Natal.

5.16 Ms I H Mancherro-Barciela, MKP, to move:

This House notes:

That 100 days after the creation of the Government of Provincial Unity (GPU), there is a need to evaluate its performance and effectiveness in addressing the pressing issues faced by the Province of KwaZulu-Natal.

This House therefore resolves:

To examine the GPU's shortcomings and identify areas for urgent improvement, thereby ensuring accountability and the realignment of priorities for the benefit of all South Africans.

5.17 Mr M A Dlungwana, ANC, to move:

This House notes:

That the democratic government introduced progressive policies into the education system, such as the National School Nutrition Programme, to provide nutritious meals to our learners; and

While noting the good work of the ANC-led government, we have all witnessed recent cases of food poisoning that have occurred because unscrupulous vendors are selling snacks to learners outside school precincts.

This House therefore resolves:

To call on the Department of Education to regulate the selling of snacks at schools; and

To establish a task team, which will include parents, to work with health inspectors to ensure that vendors at schools comply with set standards and regulations.

6. 12h01 Question session commenced and Questions 43, 48, 49, 50 and 70 were answered from Question Paper No. 01 of 2024. Questions 13 and 16 were deferred to the next Question Session. Question Session concluded at 12h25.
7. 12h26 The MEC for Transport and Human Settlements delivered a Consolidated Report based on Annual Reports submitted by Municipalities in terms of section 11 of the KZN Elimination and Re-emergence of Slums Act, 2007, in compliance with the requirements set out in section 17(2) of the Act and concluded at 12h41.
8. 12h42 The MEC for Transport and Human Settlements delivered a Report on Issues pertaining to KZN Road Safety and Traffic Management during Transport Month (October) and concluded at 13h02.
9. 13h03 Debate on Report by MEC for Transport and Human Settlements on Issues pertaining to KZN Road Safety and Traffic Management during Transport Month (October). The debate was concluded at 14h16.

10. 14h17 The Speaker made announcements and remarks.
11. 14h19 The House was adjourned *sine die*.