

**THURSDAY, 29 FEBRUARY 2024**

**[No. 04/2024] FIFTH SESSION, SIXTH LEGISLATURE**

**KWAZULU-NATAL LEGISLATURE**

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**MINUTES OF PROCEEDINGS**

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**Thursday, 29 February 2024**

The Hybrid House met at 10h02.

1. 10h03 Members were given an opportunity for silent prayers or meditation.
2. 10h04 The Speaker made announcements, including the passing away of the following persons:
  - 2.1 Namibia's President and founding prime minister, Mr Hage Geingob, a leader, patriot and friend of South Africa.

Mr Geingob played a central role in what has become one of Africa's most stable democracies after returning from a long exile in Botswana and the United States as

an anti-apartheid activist. He was the country's third president since it gained independence in 1990, following more than a century of German and then apartheid South African rule;

- 2.2 Queen MaMjoli Nombuyiselo Rose Diko of KwaBhaca Great Kingdom;
- 2.3 Honourable Ms Alice Hlebani Mthembu, a revolutionary, dedicated member of the African National Congress, a member of the Portfolio Committee on Communications and Digital Technologies, a member of the Portfolio Committee on Defence and Military Veterans Joint Standing Committee on Defence; a former Chairperson and a former PEC Member of the ANC Women's League in KwaZulu-Natal;
- 2.4 Prince Phila of KwaMinyamanzi Royal House who worked for Nongoma Local Municipality;
- 2.5 Dr Mbongeni Israel Ngema, iconic activist and prolific artist, legendary actor, musician and producer. He was the creator of *Woza Albert*, *Asinamali*, *Sarafina* and *Stimela saseZola* who used his creative excellence to raise awareness about the injustices of apartheid and highlight the plight of South Africa's oppressed people;
- 2.6 Mr Mthobeli KCi August, former *uMhlobo Wenene FM* presenter and decorated radio broadcaster who enthralled audiences across South Africa with his unique style of presenting;
- 2.7 Dr Peter Magubane, a renowned veteran photographer and anti-apartheid activist. This struggle stalwart captured the 1976 Soweto uprising and became Nelson Mandela's official photographer following the latter's release from prison in the early 1990s;
- 2.8 Ms Violet Siwela, African National Congress NEC member. Ms Siwela served as the Chairperson of the Powers and Privileges Committee in the National

Assembly. She became a Member of Parliament in 2019 and served in various portfolios. She also chaired the Portfolio Committee on Small Business Development;

- 2.9 Mr Buzobanzi Gumede, brother of Ms Philisiwe Mogashoa, a staff member in the Human Capital Management section of the Legislature;
- 2.10 Nine people who passed away following a bus accident between Vryheid and eDumbe in the early hours of Sunday, 25 February 2024;
- 2.11 All victims of gender-based violence, femicide and hate crimes;
- 2.12 All public servants and traditional leaders of this province and the country at large; and
- 2.13 All other victims of road fatalities in our province during the recent past.

*The Hybrid House observed a minute of silence.*

- 3. 10h08 The Speaker made further announcements.
- 4. 10h14 The Premier made remarks and announcements.
- 5. 10h18 The Speaker read into the record the tabling of the following documents:

#### **5.1 KwaZulu-Natal Legislature:**

- 5.1.1 KwaZulu-Natal Legislature: Budget Performance In-Year Monitoring Reports [IYM] for the months of November 2023, December 2023 and January 2024; and
- 5.1.2 Third Quarter & Consolidated Institutional Performance Report.

## **5.2 Portfolio Committee on Health:**

**5.2.1** A report of the 2023 Health Institutions Functionality and Monitoring Programme, KZN Legislature, 16 to 17 of August 2023 under the theme: Assessment of National Health Insurance in the primary healthcare setting through the implementation of the Ideal Clinic Realisation and Maintenance Model (ICRMM).

## **5.3 KwaZulu-Natal Treasury:**

**5.3.1** Consolidated Municipal Budgets Performance Report, 2<sup>nd</sup> Quarter Review 2023/24 – Summary.

## **5.4 Public Service Commission:**

**5.4.1** Overview Report on Financial Misconduct for the 2022/2023 Financial Year.

## **5.5 Department of Co-operative Governance and Traditional Affairs:**

**5.5.1** King Cetshwayo District Municipality: Annual Report 2022/2023;

**5.5.2** Oversight Report on the King Cetshwayo District Municipality: Annual Report 2022/2023;

**5.5.3** Umzinyathi District Municipality: Annual Report 2022/2023;

**5.5.4** Report to the KZN Provincial Legislature in terms of section 131(2)(b) of the Municipal Finance Management Act, Act No. 56 of 2003;

**5.5.5** Annual Report 2022/23 (Including the Auditor-General's Report on the Financial Statements and Performance Information of uMlalazi Municipality for the year ended 30 June 2023);

5.5.6 Alfred Duma Local Municipality: Annual Report and Oversight Committee 2022/2023;

5.5.7 Umlalazi Municipality: Annual Report 2022/2023 and Council Resolutions;

5.5.8 Report to the KZN Provincial Legislature in terms of section 131(2) (b) of the Municipal Finance Management Act, Act No. 56 of 2003; and

5.5.9 Ilembe District Municipality: Annual Report 2022/2023.

**5.6 Department of Public Works and Human Settlements:**

5.6.1 Human Settlements: Revised Annual Performance Plan for 2023/2024 – 2025/2026.

6. 09h26 The following Members gave notice of their intention to move motions on the next sitting day of the House:

6.1 Ms MC Frazer, ANC, to move:

**This House notes:**

That over 500 women from across KwaZulu-Natal have been equipped with business skills and start-up kits to establish their own co-operatives;

That these women are now able to generate incomes by providing services such as catering and sewing; and

That we believe that empowering women is empowering the nation.

**This House therefore resolves:**

To commend the KwaZulu-Natal Department of Social Development, the KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs and the Small Enterprise Development Agency for implementing transformative programmes aimed at empowering women.

6.2 Mr SC Nkosi, ANC, to move:

**Le Ndlu iyakunaka lokhu:**

Ukuthi uMnyango Wezokuhlaliswa Kwabantu oholwa i-ANC KwaZulu-Natal uhamba phambili ekwakhiweni kwezindlu kusuka ngo-1994.

Lo Mnyango futhi ukhomba indlela ekwakhiweni kwezindlu zababengamasosha ezempi zemiButho yeNkululeko okuyi APLA, AZNLA, MKLWV.

**Ngakho-ke le Ndlu inquma kanje:**

Ukunxenxa uMnyango WezokuHlaliswa Kwabantu ukuthi wenze isiqiniseko sokuthi wonke amasosha ebe esezindlini zawo kungakapheli 2024/25 financial year njengala aseMshwathi, Copesville naseThekwini eLovu.

Ukukhuthaza iDMV ukuthi iphuthumise uhla olusasele lwamasosha ukuze akhelwe labo 50m2 wezindlu zawo.

Umnyango Wezokuhlaliswa Kwabantu wakhe 40m2 balaba abasalindele ukuqinisekiswa kwamagama abo yi-DMV bese uxhuma u-10m2 osele.

*[This House notes:*

*That the Department of Human Settlements under the ANC-led government in KwaZulu-Natal has been leading in building houses since 1994;*

*That this department is also leading the way in building houses for military veterans of the struggle for freedom – APLA, Azania and MKLWV.*

***This House therefore resolves:***

*To call on this Department to ensure that all military veterans take occupation of their houses by the end of the 2024/25 financial year, just like those who have taken occupation of theirs in Copesville (uMshwathi Municipality) and Ilovu (eThekweni Metro)*

*To call on the Department of Military Veterans to expedite the list of remaining veterans so that the Department of Human Settlements can build their 50 m<sup>2</sup> homes.*

*To call on the Department of Human Settlements to build 40 m<sup>2</sup> homes for those who are still waiting confirmation of their names on the list, and will then extend the remaining 10 m<sup>2</sup> metres once the Department of Military Veterans has confirmed.]*

6.3 Mr OB Kunene, IFP, to move:

**This House notes:**

That many IFP-led municipalities received awards in recognition of excellence at the KwaZulu-Natal Municipal Excellence Awards hosted by the KZN Department of Co-operative Government and Traditional Affairs recently; and

That these awards affirm the IFP's commitment to deliver the best quality services wherever it is given an opportunity to serve the residents of municipalities.

**This House therefore resolves:**

To extend its utmost gratitude to mayors and municipal officials for working tirelessly to achieve this remarkable feat in improving service delivery in their respective municipalities; and

To encourage all municipalities in KwaZulu-Natal to strive towards service excellence.

6.4 Mr S Moodley, IFP, to move:

**This House notes:**

With dismay the rate at which on-duty traffic officers are attacked and injured by motorists;

A few weeks ago, a minibus taxi driver was allegedly charged for attempted murder after he rammed into a Durban Metro police officer in Chatsworth; and

Rogue and reckless drivers must not be allowed to rule KwaZulu-Natal with impunity.

**This House therefore resolves:**

To encourage law enforcement agencies to fully enforce road safety regulations and ensure that those found culpable are brought to book to serve as a deterrent to others who may want to follow in the same path.



6.5 Ms TP Mthethwa, IFP, to move:

**This House notes:**

The decision to move away from cash distributions at physical cash pay points (CPPs) that was announced in 2018, is having a negative effect on poor people, in particular those who had been selling their goods at CPP sites;

This has had a devastating effect on grant beneficiaries who now need to find alternative means to access their grants, which include travel costs as many are nowhere near commercial centres; and

This is compounded by payment delays as many need to travel to ATMs or retailers on multiple days.

**This House therefore resolves:**

To call upon Sassa to reconsider this ill-conceived decision.

6.7 Mr P Govender, IFP, to move:

**This House notes:**

That the KZN Department of Education is destroying the ethos of teaching and learning by not timeously filling teaching and administrative posts, as well as support structures such as psychological services at schools;

That posts are left vacant due to retirement, resignations and/or natural attrition; and

That these are funded posts, so the excuse of a lack of funds does not fly.

**This House therefore resolves:**

To call on the MEC to ensure that posts are filled without delay, thereby relieving the workload of educators and saving our struggling education sector.

6.8 Dr I Keeka, DA, to move:

**This House notes:**

That every learner has the right to receive maximum teaching and learning time; that is why parents send them to school;

Union meetings, late-coming, early leaving and absenteeism [among teachers] rob children of their right to learn – this must stop;

Thousands of teachers are diligent, but many others choose the protection of SADTU, resulting in no accountability and a deterioration in quality teaching; and

KwaZulu-Natal's education sector needs change through the ballot box.

**This House therefore resolves:**

To facilitate the introduction of legislation to establish a Schools Evaluations Authority with sweeping powers to switch from staff comforts to learner interests, thereby ensuring quality education.

6.9 Mr HU De Boer, DA, to move:

**This House notes:**

Mxolisi Kaunda, Mayor of eThekweni, attended the SOPA and King's Address at the expense of Durban residents;

Mayor Kaunda and his administrative cohort have dismally failed to grow Durban's economy through their inept governance relating to water and now a crippling strike;

His administration has effectively hampered economic development projects, mentioned by the Premier during her SOPA, by failing to address Durban's ongoing water crisis, costing KwaZulu-Natal investment and jobs.

**This House therefore resolves:**

To call on the ANC to do exactly what they did to its former member Mervyn Dirks who joined MK, and fire Mayor Kaunda immediately. Let him also join MK.

6.10 Ms N Dlamini, EFF, to move:

**This House notes:**

The bus accident at eDumbe in which some ANC members and supporters lost their lives on their way back from the ANC's manifesto launch at the Moses Mabhida Stadium.

**This House therefore resolves:**

To send its condolences to the friends and families of those who had lost their lives and hope that the

souls of those departed will rest in eternal peace;  
and

To wish those who sustained injuries a speedy  
recovery.

6.11 Ms CM Shinga, NFP, to move:

**Ukuba le Ndlu iyakuqonda futhi iyakuqaphela:**

Ukuhlukumezeka kwemiphakathi yethu  
ngokusweleka kwamanzi. Isimo sokushoda  
kwamanzi esifundazweni

Sesikapakele naseMikhandlwini emikhulu njengase  
eThekwini, Zululand, uMzinyathi noMkhanyakude  
njll.

Ukuthi isimo sokushoda kwamanzi sekuyisimo  
esibucayi esingasadingi politiki nobuqembu  
esesidinga umuntu wonke.

**Ngakho-ke Le Ndlu inquma kanje:**

UKuthi oNgqonqoshe bakwa COGTA (National  
and Provincial), noweZamanzi Nokuthuthwa  
Kwendle noMasipala noNjiniyela naMakhosi  
nomphakathi kwenze imbizo yenjula nxoxo  
ngodaba lokusweleka kamanzi kuphanye  
nesisombululo - “Amanzi Kubantu”

UKuthi imikhandlu ibukeze into yokuqasha amaloli  
athutha amazi. La maloli abengawoMasipala  
angabi inxenye yamathenda ukuqinisekisa isibopho  
nenxenye yelungelo lokuhlinzekwa kwemiphakathi  
ngamanzi.

**[*This House notes:***

The suffering of our communities due to water scarcity, and province-wide water scarcity;

This situation has spilled over to bigger councils such as eThekweni Metro, Zululand, uMzinyathi and uMkhanyakude;

Water scarcity has become a crisis that goes beyond party political issues, but needs the attention of everyone.

**[*This House therefore resolves:***

*To call on the National Ministers of Cogta and of Water and Sanitation (and Provincial MECs for Cogta), municipalities, engineers, amakhosi, and communities to convene a water scarcity conference to come up with solutions. “Water to the People;”*

*That municipalities review the policy of hiring water tankers; and*

*That water tankers be in-sourced and not be part of tender processes to ensure that municipalities meet their obligations and the constitutional imperative of giving communities access to water.]*

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

**This House notes:**

That International Mother-tongue Day, under the theme *Multi-lingualism is the Pillar for Inter-generational Learning*, was celebrated on 21 February 2024; and

That ancient living languages and cultures require government investment to achieve shared sustainable prosperity by 2030 and beyond.

**This House therefore resolves:**

To call on the Premier to make KwaZulu-Natal the host destination of the sub-regional 9th Triennial International Conference and Gathering of Elders conducted by the International Centre for Cultural Studies (ICCS), with an aim to sharing insights on mitigating future risks to humanity and its ecosystems.

6.13 Rev SE Manqele, ACDP, to move:

Siyakunaka ukuthi imidlalo nemincintiswano enhlobonhlobo ezikoleni, efananebholane, umculo, imidlayo yeshashalazi, ingoma, ikarati, isibhakela, ama acletiki, ubuzalwane, imidlalo yesintu nokunye okungenzeka kusele, iphenduka usizo olukhulu kumntwana emva kokuqeda kwesikole nasebudaleni bakhe.

I ACDP iyakuphakamisa ukuba lendlu ikunake ukuthi lamathumbu, abuyiselwa esiswini.

**[*This House notes:***

*That various sporting events and competitions at schools, for example soccer, music, theatre, traditional music, karate, boxing, athletics, Christianity, indigenous games and others, become very helpful to learners after completing school and even afterwards during their adult lives;*

***This House therefore resolves:***

*To ensure that we encourage such activities and instil these values in our children.]*

6.14 Ms M Nair, DA, to move:

**This House notes:**

That 14 years ago, approximately 500 families in the Bester, KwaMashu area had their water supply permanently cut off after a project to install water meters had failed and was abandoned by the contractor, leaving these families destitute; and

That despite numerous cries for help, nothing has been done to restore the water supply.

**This House therefore resolves:**

To call on the Premier to investigate this matter for corruption and to take immediate steps to restore the water supply to the Bester residents.

6.15 Ms T Nkosi, EFF, to move:

**This House notes:**

The ongoing exploitation of security guards by security companies in KwaZulu-Natal;

Security guards work tirelessly to protect government offices and risk their own lives to protect those of others;

Most security companies flout labour regulations by not paying security guards decent wages (or on time), and some are not even registered with the Unemployment Insurance Fund;

This matter has been raised on numerous occasions in this House.

**This House therefore resolves:**

To call on provincial departments to terminate their contracts with security companies and to in-source security guards to ensure that they get all their necessary benefits.

6.16 Mr EV Baptie, DA, to move:

**This House notes:**

That the Municipal Structures Act, Act No. 117 of 1998, was amended and section 43(2)(e) states in plain, unambiguous terms:

In the event of a vacancy arising on the executive committee, the political party or political interest to which the seat was allocated to will, through an authorised representative, appoint a councillor to fill that vacancy ...

**This House therefore resolves:**

To call on the MEC for Co-operative Governance and Traditional Affairs to intervene in the province to prevent further fruitless and wasteful expenditure that arises from incompetent cadre deployment practices, like we saw in uMdoni.

6.17 Ms NJ Nkwanyana, IFP, to move:

**This House notes:**

The failure of the ANC-led government to employ unemployed doctors, despite the country's desperate need for healthcare professionals;



The recent demonstration by approximately 80 unemployed doctors in KwaZulu-Natal is a mere glimpse into the country's broader healthcare crisis; and

The government's acknowledgement of the crisis and attribution of it to budget cuts is paltry and unacceptable, especially when it cannot be ignored that funds were misappropriated due to corruption within the ANC government.

**This House therefore resolves:**

To call upon the MEC for Health, Nomagugu Simelane, to ensure that the government's pledge to place unemployed doctors by 1 April 2024 is fulfilled.

6.18 Mr S Bhanprakash, IFP, to move:

This House notes:

That Article 25 of the Universal Declaration of Human Rights recognises the right to a standard of living adequate for health and wellbeing, which includes access to clean water; and

The failure of the ANC-led government and its municipalities to provide adequate water supply to residents of eThekweni and other regions, despite the promise made by the Minister of Water and Sanitation.

**This House therefore resolves:**

To call upon affected residents to vote for a change of leadership on 29 May 2024, a trusted leadership that can uphold their human rights and improve their living conditions. Trust us!

6.19 Ms TJ Gumede, IFP, to move:

**This House notes:**

That vagrancy and amaphara [*thieves who prey on their families and communities by indiscriminately stealing from them*] are issues that are closely related to the broader issues of poverty, inequality, substance abuse and social exclusion in South Africa.

Addressing these issues requires a multi-faceted approach that includes providing access to affordable housing, employment opportunities and addressing the underlying causes of homelessness and informal settlement.

**This House therefore resolves:**

To call on the KwaZulu-Natal government to take all necessary steps to address this phenomenon by, *inter alia*, encouraging the national government to expedite the criminalisation of nyaope or whoonga.

6.20 Mr M Khawula, IFP, to move:

**This House notes:**

That the Department of Education (Ugu District) has been evicted from its offices for failing to pay rent to *Zatovect Pty Ltd* for December 2023, and for January and February 2024.

Some district officials have relocated to the department's circuit offices in Gamalakhe (lawa akhiwa Umntwana WaKwaPhindangene) and elsewhere, whilst others are operating from home.

The building remains locked and access has been denied.

**This House therefore resolves:**

To call on the KZN government to stop bragging by telling lies and to start attending to the real issues affecting the people of KwaZulu Natal, and to pay the rent that is owed immediately.

6.21 Ms LD Ngubane, ANC, to move:

**LeNdlu iyanaka:**

Ukulokhu kuhamba kwamanzi kumkhandlu omkhulu iTheku. Okunye kwalokhu kuhamba kwamanzi kunezinsolo zobugebengu nobushokobezi.

**LeNdlu inquma kanje:**

Ukuba uMinister waMaphoyisa uMhlonishwa uBheki Cele elethe ithimba le NIU kanye nezinhloli bayobheka eduze ukuthi kwenzakalani eThekwini baye nasemkhandlwini ka water basondele njengoba nesibhamu siqhuma siqhumile sithatha imiphefumulo yabasebenzi.

SiwuKhongolose asihambisani nobugebengu kanye nokuchitheka kwegazi labantu bakithi.

***[This House notes:***

*The intermittent water cuts in eThekwini which are alleged to be the result of criminality and sabotage, at least in part.*

***This House therefore resolves:***

*To call on the Minister of Police, hon Bheki Cele, to deploy the NIU [National Intervention Unit] and intelligence operatives to investigate exactly what is happening in eThekweni and the Council's water utility section as we have witnessed numerous instances of employees getting shot in cold blood; and*

*That the ANC condemns any form of criminality and bloodshed.]*

**6.22 Ms NPF Mavuso, ANC, to move:**

**This House notes:**

The enormous strides that have been made in addressing the devastating impact of HIV/Aids in KwaZulu-Natal through medical advancements and interventions, as reported by the Premier in her State of the Province Address yesterday; and

These developments, which guarantee universal access to healthcare, were made possible by the ANC's programmes and interventions.

**This House therefore resolves:**

To express its appreciation for the ANC-led government's role and contribution in advancing knowledge, treatment and prevention, and for the various committed officials who have ensured that the devastation caused by HIV/Aids is broken, resulting in a decline in HIV/Aids in the Province of KwaZulu-Natal.

6.23 Bishop EV Dube, ANC, to move:

**This House notes:**

The announcements that 4000 police officers have been appointed in KwaZulu-Natal during the past two years, and

The notable advancements in resource allocation, including the availability of more trainees, vehicles and volunteers.

**This House therefore resolves:**

To applaud the Premier and her administration for their innovative leadership in preventing crime in our communities; and

To appeal to all South Africans to support this progressive ANC – the only party that has a contract with the people of South Africa – in all its efforts to safeguard our borders and keep our homes and streets safe.

Vote the ANC back into power on 29 May 2024!

6.24 Mr TS Mtshali, ANC, to move:

**This House notes:**

That many jobs have been created through the KwaZulu-Natal Youth Empowerment Fund which creates opportunities for the youth to participate in the economy of this province; and

That this fund continues to play a critical role in empowering our youth.

**This House therefore resolves:**

To call on the Premier to increase the budget for the KZN Youth Empowerment Fund, and to find more ways to expand it in partnership with the private sector.

7. 10h56 The Speaker made remarks.
8. 10h57 Debate on the State of the Province Address commenced and was concluded at 13h40.
9. 13h41 The Speaker made remarks.
10. 13h42 The House was adjourned until Thursday, 07 March 2024.