

**DEBATES AND PROCEEDINGS OF THE THIRD**

**KWAZULU-NATAL LEGISLATURE**

**FOURTH SESSION**

**THIRD LEGISLATURE**

**THURSDAY, 1 NOVEMBER 2007**

**THE HOUSE MET AT 10:00 IN THE LEGISLATIVE CHAMBER,  
PIETERMARITZBURG.**

**1. SILENT PRAYER OR MEDITATION, OR READING OF THE PRAYER IN  
SCHEDULE 2.**

The Speaker, Mr T W Mchunu, took the Chair and read the prayer in isiZulu.

**2. OBITUARIES AND OTHER CEREMONIAL MATTERS**

**THE SPEAKER:** It is with great sadness that I have to announce the passing away last week of Professor Harriet Ngubane, aged 78 years, at Tshwane Hospital after a long illness. Professor Ngubane was a former IFP member of national Parliament, a renowned scholar and a sister to our ambassador to Japan, the hon Mr Ben Ngubane, who also happened to be our Premier at some stage.

That is the only matter under Obituaries that we will entertain. May we rise for a minute of silence as a sign of respect for this member?

*Members of the House observed a minute of silence.*

**THE SPEAKER:** May her soul rest in peace.

**HON MEMBERS:** Amen.

**3. ANNOUNCEMENTS BY THE SPEAKER**

**THE SPEAKER:** I will start with apologies. An apology was tendered on behalf of Dr B M

Radebe, MEC for Social Welfare and Population Development. He was going to be unable to attend today's sitting as he informed us that he would be attending the launch of the name change of his department.

**AN HON MEMBER:** But he is here, Mr Speaker.

**THE SPEAKER:** Yes, I have seen him. That is why I am saying "was." I have seen the hon MEC here, but we have an apology that we are recording.

I also need to announce the following birthday wishes. It is my pleasure to take this opportunity to wish the following hon members belated birthday wishes. I hope they had a wonderful time. Mr P N Ngcobo was born on 26 October, but he is not in the House because it has been reported that he is unwell and in hospital. We do wish him a speedy recovery.

Ms Z M Ludidi was born on 28 October. The hon member is here.

**AN HON MEMBER:** Which year? [Laughter]

**THE SPEAKER:** Well, I will announce the year afterwards if I am able to solicit that information.

Mrs M V Noel was also born yesterday, on 31 October. Oh, there are also members who are celebrating their birthdays today. Mr R E Keys was born today, and Mr M A I Kubheka was also born today. [Laughter] All of you who were born today, yesterday and during the month of October, this Legislature wish you well in your years. Unwele olude kinina.

#### **4. ANNOUNCEMENTS OR REPORTS BY THE PREMIER**

**DR J S NDEBELE (Premier of KwaZulu-Natal):** Baba Somlomo, angikazukumememezela lutho okwamanje.

#### **5. TABLING OF REPORTS OR PAPERS**

The following reports were tabled:

KwaZulu-Natal Treasury Annual Report; Local Government and Traditional Affairs

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Annual Report 2006/07; KZN Nature Conservation Board (overseeing Ezemvelo KZN Wildlife) Annual Report 2006/07; Report by NCOP: Matters on the Conferral of a Negotiating Mandate on the Constitution Thirteenth Amendment Bill, B24 of 2007.

**THE SPEAKER:** I am informed that the Chairperson of the Portfolio Committee on the Premier and the Royal Household is to table a report. Is that incorrect?

**MR M A TARR (ANC):** Thank you, Mr Speaker. Today we are seeking a negotiating mandate for the Public Service Amendment Bill. We need a negotiating mandate because we were unable to obtain the 75% majority that is required in NCOP, so we need to come to the House for that mandate. I have a report in front of me. However, when you caught me, I was rushing down to see the Chairperson of NCOP, because it seems to me that the Chair of NCOP should be tabling this particular report. However, I will table the report. It gives the details of how the Bill got here. The fact is that we need to get a negotiating mandate from the House, so I will table the Report by the Chairperson of the Portfolio Committee on the Premier and the Royal Household on the Public Service Amendment Bill, B31B of 2006.

**THE SPEAKER:** I suppose there is no further tabling of annual reports or Bills? In that case, we will proceed to formal motions and/or notices by the Chief Whip.

## 6. FORMAL MOTIONS AND NOTICES BY THE CHIEF WHIP

**MR V C XABA (Chief Whip of the Legislature):** Mr Speaker, there is none. Thank you.

**THE SPEAKER:** There is none. Thank you, hon. Chief Whip.

## 7. NOTICES OF BILLS OR MOTIONS

**MR M E MTHIMKHULU (MEC for Agriculture and Environmental Affairs):** Mr Speaker, I hereby give notice that I shall move on the following sitting day of this House as follows:

**This House noting:**

That the IFP Chief Whip in the National Assembly, the hon Koos van der Merwe, yesterday disputed in Parliament that farm workers are abused and evicted by certain farmers;

That the IFP's position reinforces that this party does not care about the plight of the poor people in general, and farm workers in particular, and lastly

That the IFP ...

**THE SPEAKER:** Awume kancane lunga elihloniphekile. Uyazi bakwethu namhlanje ngiyagula, manje njengoba ngigula nje nami ngiyafisa ukuziphatha kahle kodwa uma ningaziphathi kahle nami kusho ukuthi nizongiphoqa ukuthi ukugula kwami nami ngikukhiphele kinina, ngoba umuntu ozodisturba omunye ekhuluma, when the rules do not allow that, ngizomphuthuma impela ngimkhiphe. Ngisholo ukuthi ke. I am giving that warning in advance. I know you have a matter that you want to debate, and your tempers are flaring, but it does not mean that you can break the rules. Awuqale phansi-ke Mthimkhulu.

**MR M E MTHIMKHULU (MEC for Agriculture and Environmental Affairs):** I shall continue with my motion, Mr Speaker.

That the IFP is rapidly drifting towards its political sell-by date.

**Therefore resolves:**

To call on the people of this province, in particular, to reject the IFP as the last remnant of the bantustan system which deprived the majority of the people of a quality life.

I so move.

**THE SPEAKER:** Hon MEC Cronjé?

**MRS C M CRONJÉ (MEC for Education):** Mr Speaker, I rise on a point of order. I think a swarm of bees has invaded the House. Perhaps you should investigate.

**AN HON MEMBER:** Or fumigate!

**MRS C M CRONJÉ (MEC for Education):** Fumigate! I think you should fumigate!

**MR A J HAMILTON (IFP):** Mr Speaker, I rise on a point of order: Can we please ask that the number of words of the MEC's motion be checked.

**THE SPEAKER:** We will do so.

**MR S W MCOYI (IFP):** Mr Speaker, I rise on a point of order in terms of Rule 52 which addresses matters of irrelevance or matters that are devoid of truth. This must be checked and not registered, because that is not what Van der Merwe said. It is irrelevant.

**THE SPEAKER:** This Rule, baba Mcoyi, reads as follows:

The presiding officer, after having been called to attention regarding the conduct of a member who persists in irrelevance or repetition of arguments, may direct the member to discontinue his or her speech.

This does not give you any right to decide what is relevant or irrelevant. It is the presiding officer who calls a member to order. You may bring it to the attention of the Speaker that there is a member who persists in irrelevance. It says nothing about untruths. Do not abuse the Rules, Mr Mcoyi. Just do not abuse the Rules.

**MR S W MCOYI (IFP):** Hon Speaker, I was trying to draw the attention of the Speaker to the irrelevance of what the hon MEC was saying. That is exactly what I was doing.

**THE SPEAKER:** I am saying your statement says it is untrue, that it is full of untruths. There is nothing in that Rule about untruths. I say do not abuse the Rules. Do not put your own particular statement in that Rule.

**MR S W MCOYI (IFP):** Mr Speaker ...

**THE SPEAKER:** Let us not argue about it, please.

**MR S W MCOYI (IFP):** Hon Speaker, I am not trying to argue about this. However, I am drawing the attention of the Speaker to a matter of irrelevance. My statement that it was untrue was an appendage. It was not relevant.

**THE SPEAKER:** I am talking about the appendage. I am calling on you to remove that appendage, because it is wrong. It is wrong. It is an abuse of a Rule.

Hon members, I have been saying this thing for a very long time. You are very good at abusing the Rules to further your own objectives. Just do not do it, please. If I have a

feeling that there is a deliberate continuation of that, I am going to take action against a member who does that. Very soon we will have exceeded our 30 minute deadline for this item, and I will have been delayed by you yourselves. However, when I then rule in accordance with the Rules and say that we should stop this item, you are then going to rise against me. Shall we now proceed? Hon Dr Mtshali, please proceed.

**DR L P H M MTSHALI (IFP):** Mr Speaker, I hereby give notice that I shall move on the following sitting day of this House as follows:

**This House noting:**

That the initiative of Taking the Legislature to the People in its present format is a costly vehicle for the promotion of the ruling party;

That it is a dangerous tool, causing division among the people of KwaZulu-Natal; and

That it is a potential opportunity for fraud and corruption since, in pursuing this initiative, the Legislature has been unable to satisfy the requirements of a transparent administration and has prompted audit queries from the Auditor-General.

**Therefore resolves:**

To urge the ruling party to scrap Taking the Legislature to the People as a costly, divisive and wasteful initiative, and

To redirect its attention towards its real role which is oversight over the Executive.

I so move.

**THE SPEAKER:** Hon Mr Keys?

**MR R E KEYS (DA):** Mr Speaker, I hereby give notice that I shall move on the following sitting day of this House as follows:

**This House noting:**

The attitude prevalent in the ANC that non-ANC people are not really South Africans;

That South Africans who are male and white were first to be targeted as not being fully South African;

That white females are now being targeted as not being fully South African, and

When South Africans of Indian descent are targeted as not being fully South African, it will be but a small step for the ANC to sideline South Africans of mixed descent and, ultimately, black South African who are not ANC supporters.

**Therefore resolves:**

To condemn this revival of apartheid under a very thinly disguised veneer, and

To condemn the ANC's re-racialising ...

**THE SPEAKER:** Hon member, there is a point of order.

**MRS B F SCOTT (ANC):** Mr Speaker, I rise on Rule 245 which refers to contempt of the Legislature. I ask that the hon Mr Radley Keys' statement be considered for referral to the Standing Committee on Discipline for contempt in terms of section 245 (2) (g), which talks about Members who are in contempt or who deliberately or recklessly mislead the Legislature regarding material facts as an issue. Thank you.

**MR R M BURROWS (DA):** Mr Speaker, I rise on exactly the same Rule 245, and I draw your attention to the section which defines what contempt is:

Contempt to the Legislature is conduct which potentially or actually interferes improperly with the ability of the Legislature, a committee or any of its Members to perform their function.

I ask you to chastise the hon Scott for bringing this House into contempt, for preventing other persons from moving their motions.

**HON MEMBERS:** Hear, hear!

**THE SPEAKER:** Mr Burrows, are you saying that Rule 245 (2) (g) is irrelevant and not

applicable and therefore that the hon member is out of order?

**MR R M BURROWS (DA):** I am saying that Rule 245 (2) (g) is subservient to the definition of contempt found in Rule 245 (1). Therefore, yes, it is irrelevant in this case.

**THE SPEAKER:** Mr Burrows, the first thing is this: You are going to be amongst those members who are unnecessarily delaying this House on this item, and you will make a noise about it. You know that what you are saying is not correct. You certainly know you are not correct in your interpretation. You know it! You are a lawyer. You know you are not correct if (2) says “contempt includes ...” It is instructive, Mr Burrows. You know that it is instructive, and you know that in that sense anything needs to be investigated when a member raises it.

Secondly, you also know that you cannot raise a point of order on a point of order in terms of these Rules, and yet you are going to make a noise when I say the 30 minutes for motions are over. Please, can you behave yourself and be a leader who leads by example? She is right. She has a right to raise this, and the Speaker has to investigate it. You are not the Speaker, and you are not going to investigate it. However, you cannot distort the Rules. That is one thing that you cannot do. That includes depriving a member of the right to raise the matter and asks for it to be investigated. This is what she has asked for. Please, please.

Hon members, I do not want to have a feeling that there is a deliberate attempt to cause this House to degenerate into nothing but a war of words. I do not want to have that feeling. Nonetheless, if this is going to persist, I will know what to do. That matter is going to be investigated then.

We will proceed. Hon Rev Mbatha?

**REV A H MBATHA (NADECO):** Somlomo, ngokuhlala kwale Ndlu okulandelayo.

**MR R M BURROWS (DA):** I rise on a point of order, Mr Speaker. I have sat quietly throughout your address to the House. The hon colleague on my left had not finished his motion before Mrs Scott interrupted. You have taken her point of order, and you are going to look into the matter. Would you mind if we get the rest of the motion on Hansard?

**THE SPEAKER:** Get the rest of the motion on Hansard, Mr Keys.

**MR R E KEYS (DA):** Thank you, Mr Speaker. I shall continue:

**Therefore resolves:**

To condemn this revival of apartheid under a very thinly disguised veneer, and

To condemn the ANC's re-racialising of South Africa and the denial of full citizenship for all its peoples.

**THE SPEAKER:** Hon Rev Mbatha?

**REV A H MBATHA (NADECO):** Ngiyabonga Somlomo. Ngokuhlala okulandelayo ngiyophakamisa kanje:

**Le Ndlu:**

Izwa ngokudabuka ukuqhubeka kwesimo somnotho esidala ukuba imali-mboleko ihlale yenyuka njalo.

Inaka ukuthi ikwenyuka kwenzalo yemali-mboleko kushaya kakhulu kuzwele kulabo ababephucwe amathuba kuqala.

Inaka ukuthi osomabhizinisi basebenzisa lesi sizathu nxa benciphisa abasebenzi ezimbonini.

**Ngakho-ke inquma kanje.**

ukunxusa uhulumeni ukuba avimbe umthelela ongemuhle wokwenyuka kwemali mboleko;

ukuncenga amabhange aleli zwe ukuba kube khona uzwelo lapho esefanele ephuce abantu imizi yabo, ngoba behluleka ukukhokha ngemfanelo, noku

nxusa umhlonishwa uMboweni umphathi weBhange Ngodla yezwe ukuba angagcizeleli kuphela ekwenyuseni inzalo ekuzameni kwakhe ukulwa nokwehla kwamandla emali. Kodwa abheke futhi nasekwenyukeni kwamanani entengo.

Ngiyophakamisa kanje.

***English translation follows:***

***[This House noting:***

*With sadness the growing economic outlook which results in the interest rate hikes;*

*That interest rate hikes are felt more acutely by previously disadvantaged individuals; and*

*That businesses use this [interest rate hike] as an excuse for downsizing.*

***Therefore resolves:***

*To call on the government to put a stop to the adverse effect of interest rate hikes;*

*To urge retail banking institutions to show some empathy before repossessing houses from home owners in cases where they fail to repay their bonds accordingly, and*

*To call on the honourable [Tito] Mboweni, the Governor of the Reserve Bank, not to put more emphasis on interest rate hikes when trying to curb the depreciation of the currency, but to also look at the increase in the consumer price index.]*

**MRS S THAKUR-RAJBANSI (MF):** Mr Speaker, I hereby give notice that I shall move on the next sitting day of this House as follows:

**This House notes:**

That all religions have treasured annual festivals;

That Diwali/Deepawali, the Festival of Lights, is one such festival for Hindus which will be celebrated on 9 November by Hindus in South Africa and all over the world;

That this festival celebrates the victory of good over evil, symbolised by the beautiful bursting of fireworks which light up the skies, and

That this festival furthermore signifies the ushering in of light over darkness, giving the spirit soul great joy as we welcome the Hindu new year.

**Therefore resolves:**

To call on the eThekweni Council to allow Hindus in KwaZulu-Natal to practise their age-old traditions freely;

To call on the Department of Community Safety and Liaison to deal with fireworks safety regulations;

To call on noble NGOs like the SPCA to play a positive role in educating people how to care for their pets during this period, and

To urge all members to enjoy each others' diversity and culture, as enshrined in our golden Constitution.

I so move.

**MRS J M DOWNS, ACDP:** Mr Speaker, I hereby give notice that I shall move on the next sitting day of this House as follows:

**This House notes:**

That during the Taking the Legislature to the People initiative in uMsinga, a DA motion was not debated due to that party's walk-out;

That this motion was reinstated at the next sitting, and

That during the Taking the Legislature to the People initiative in Vryheid, the same thing happened to the ACDP and yet our motion was refused reinstatement.

**Therefore resolves:**

To highlight the fact that the ACDP is being unfairly prejudiced because it was due to the nature of the motion which embarrasses the ANC, and

To have this motion debated during the next sitting

**MR V C XABA (Chief Whip of the Legislature):** Mr Speaker, I rise on a point of order.

**THE SPEAKER:** There is a point of order.

**MR V C XABA (Chief Whip of the Legislature):** Mr Speaker, this hon member is misleading the House. She spoke to me about this matter and I told him that in terms of Rule 245 (2) (g) the circumstances of the two events are totally different.

**AN HON MEMBER:** Not "told him", but "told her."

**MR V C XABA (Chief Whip of the Legislature):** I told her. Sorry, I told her that the circumstances of the two events are totally different. If she still insists, she must then write to the Speaker and appeal to the Speaker to make a decision. However, to come here and mislead the House is unbecoming of a leader of a party that is based on Christian values.

**THE SPEAKER:** Hon Chief Whip, the hon member must raise her point of order which affects her motion. You and I will attend to this matter afterwards. We will deal with the hon member, because she wants to raise her motion, just like she did at Baqulusi. We will deal with the process in that manner. Continue and finalise your motion, hon member.

**MRS J M DOWNS, ACDP:** I have finalised it. Thank you, Mr Speaker.

**THE SPEAKER:** Thank you.

**MR S N MTETWA, ANC:** Somlomo, ngokuhlala kwale Ndlu okulandelayo

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ngiyophakamisa kanje:

**Le Ndlu:**

Iyakunaka okukamama nabazukulu abalishumi okwathiwa ngo 2003 ushonile, qede walahlekelwa yikho konke okungamalungelo akhe nabantwana abangabazukulu ngokunjalo.

Ngalokho le Ndlu inquma ukuncoma ukusebenza kwaloHulumeni okuya kwenza izinto zisheshe nsuku zonke – futhi ikhuthaza uNgqongqoshe oholo loMnyango wakwa Social Welfare and Population Development ukuthi aqhubeke nalokho akwenzayo muhle umsebenzi abawenzayo.

Sithi phambili nomkhumbi wokunethezeka.

***English translation follows:***

***[This House noting:***

*The plight of an old woman and her 10 grandchildren after the woman was presumed dead in 2003, resulting in her and her grandchildren losing all their benefits.*

***Therefore resolves:***

*To commend this government's for its sterling job which constantly accelerates its service-delivery programmes;*

*To encourage the MEC for Social Welfare and Population Development to keep up the good work, and*

*To say forward with their slogan: "Gibela Umkhumbi Wokunethezeka" – "Catch a Ride with the Ship of Comfort".]*

**INKOSI N J NGUBANE, IFP:** Ngokuhlala kwale Ndlu okulandelayo ngiyophakamisa lokhu:

**Le Ndlu iyakuqaphela ukuthi:**

Ukubusa ngempumelelo kwe-ANC esifundazweni saKwaZulu-Natali kungenxa yeqhaza elibanjwe i-IFP namanye amaqembu amancane; nokuthi

I-ANC ingacabangi ukuthi ukuxabana nokungavumi kuxoxiswane ngendlela eya phambili nexazulula izinkinga ne-IFP [ukuthi lokho] kuyoyisiza.

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

Ayivume i-ANC ziqhubeke izingxoxo ikakhulu emuva kwesehlakalo sase-Vryheid ukuze kuvinjwe ukungezwani okungadala ukuthi singabuseki lesi laKwaZulu-Natali; futhi

Incoma i-IFP ngokwenza ukuthi kube nokuthula kulesi sifundazwe ngokucela ukuthi izinkinga ezikhona zixazululeke.

***English translation follows:***

***[This House noting:***

*That the effective ruling of the Province of KwaZulu-Natal by the ANC is due to the role played by the IFP and other minority parties, and*

*That the ANC should note that the disagreements [between the two parties] and their refusal to be engaged in bilateral talks on a way forward will not serve its cause.*

***Therefore resolves:***

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*To call on the ANC to agree to continued talks, especially after the Vryheid debacle, so as to avoid disagreements which could plunge this province into chaos, and*

*To commend the IFP for its efforts to bring about peace in this province and for calling for a resolution of existing disagreements.]*

**MRS M H AMBLER-MOORE (DA):** Mr Speaker, I hereby give notice that I shall move on the following sitting day of this House as follows:

**This House noting:**

That 60% of nurses in South Africa are over 50 years old and will thus be retiring soon;

That there are 42 000 vacant nursing posts in the public sector, and

That the national plan to open nursing colleges will only deliver nurses to fill 4% of the vacancies in five years.

**Therefore resolves:**

To call on the hon Mrs Nkonyeni, our MEC for Health, to speed up the training of nurses to alleviate this crisis.

**MR S J GCABASHE (ANC):** Mr Speaker, I hereby give notice that I shall move on the next sitting day of the House as follows:

**Le Ndlu:**

Ibongela isifundazwe sakithi okukhulu okaManzankosi ngokufanayo noMhlonishwa uNdiyema ngengqungquthela ebe khona ngesonto eledlule yabaholi bomdabu emhlabeni jikelele ebiseThekwini.

Iphinde futhi le Ndlu ibonge kakhulu inkulumo ethulwe yiSilo samaBandla, uBhejane Phum' Esiqiwini lapho ebeke kwacaca ukuthi kuyoba kuhle ukuthi kuhlukaniswe ukuphatha kwabaholi bomdabu njengabaholi bomdabu nokungena kwabo kwezepolitiki. Waphinda futhi waxwayisa ngabaholi bomdabu abathi

ngoba bona bekhonza emabandleni athile bese befuna ukuthi isizwe sabo sonke senze okunjalo.

**Le Ndlu ke iphakamisa ukuthi:**

Lolu daba lubhekwe ngokubanzi ngoba yilona ngempela olungase ludale uhlevane esikhathini esizayo

***English translation follows:***

***[This House:***

*Congratulates the Province of KwaZulu-Natal, and in particular the Premier, Dr S'bu Ndebele, and the MEC for Local Government and Traditional Affairs, Mr Mike Mabuyakhulu, on hosting the recent summit on traditional leaders, who came from across the globe, in Durban last week;*

*Further welcomes the address by His Majesty the King in which he clearly stated that there was a need to distinguish between traditional leaders acting as traditional leaders and ones entering the political arena. His Majesty further warned against traditional leaders who forced their subjects to follow their own religious groupings.*

***Therefore resolves:***

*That this matter be looked into carefully as it has a potential to create divisions in future.]*

**INKOSI B N MDLETSHE, IFP:** Ngokuhlala kwale Ndlu okulandelayo ngiyophakamisa kanje:

**Le Ndlu:**

Isashaqekile namanje ngenkulumo eyilumbo nenhlamba eyenziwa yilo Mnumzane onguSolwazi u-Musa Xulu oyisikhulu eHhovisi likaNdunankulu wesiFundazwe, lapho ayegxeka khona iMikhosi yeSizwe ikakhulu owoMhlanga.

Ukuba izwe lisabusa, ngabe loMnumzane wabizelwa esigcawini wazochaza ukuthi ngalokugcwaneka okungaka kokudilika ngenhlamba iSilo, uNdunankulu waso iNdlunkulu kanye nesizwe sonke.

Kuyishwa elikhulu ukuthi izichwensi zisebenzisa umgomo onobulungiswa wenkululeko yokuzwakalisa imibono ukuze zifeze izinjongo zazo ezingcolileyo.

**Le Ndlu inquma:**

Ukumkhuza loMnumzane wakwaXulu ukuba apheze ukuzincengela iphalishi kubaqashi bakhe ngokusonta umlando nokuchwensa nabaholi boselwa.

Ukumyala futhi ukuba apheze ukucasha ngocwaningo nxa efuna ukulwa ne-IFP, kepha angene enkundleni yombusazwe yikhona ezothola akufunayo.

Ukunxusa uNdunankulu ukuba asinqande lesi dlwangudlwangu esinguXulu, ngoba sichaphazela neHhovisi lakhe.

***English translation follows:***

***[This House noting:***

*With shock the false and derogatory claims made by Professor Musa Xulu, a senior official in the Office of the Premier, who criticised traditional ceremonies, in particular the Reed Dance;*

*That if the nation was still living in the olden days, Mr [sic] Xulu would have been summoned before a tribal tribunal to explain his disdain for the King, his Prime Minister, the Royal Family and the nation as a whole, and*

*That it is unfortunate that dissidents use a noble right to freedom of expression to serve their ill-conceived intentions.*

***Therefore resolves:***

*To call on Mr (sic) Xulu to refrain from sucking up to his employers by subverting history and showing disdain for traditional leaders;*

*To advise him to stop using research as a smokescreen whenever he wants to fight with the IFP, and enter the political arena so that he could be given due response, and*

*To call on the Premier to rein in Mr (sic) Xulu, as his utterances reflect badly on his Office.]*

**MS L X H HLONGWA, ANC:** Somlomo ngokuhlala kwale Ndlu ngiyophakamisa kanje:

**Le Ndlu iqaphela:**

Umbiko we-*City Press* okhuluma ngokukhokhiswa kwentela yezinja okwenziwa esizweni sakwaButhelezi, kanye

Nokungavunyelwa kwabantu besifazane ukugqoka amabhulukwe esizweni sakwaMzimela ngaphansi kweNkosi uMpiyezintombi, okuhambisana nokuvinjelwa kwabantu ukuba babe nemicimbi ngeMigqibelo.

**Le Ndlu inquma kanje:**

Ukucela uMhlonishwa uMabuyakhulu ukuba alubhekisise loludaba njengoba lubukeka luhambisana nokunyathelwa kwamalungelo abantu.

***English translation follows:***

***[This House noting:***

*The City Press report on the charging of poll tax by the Buthelezi clan, and*

*The banning of women from wearing pants in the Mzimela clan, under the authority of Inkosi Mpiyezintombi [Mzimela] and the banning of holding of ceremonies (such as funerals) on Saturdays.*

**Therefore resolves:**

*To call on the hon MEC Mabuyakhulu to look into this matter, as it appears to be a violation of human rights].*

**MRS B S MOHLAKA, IFP:** Ngiyabonga baba Somlomo. Ngokuhlala kwale Ndlu okulandelayo ngiyophakamisa kanje:

**Le Ndlu:**

Ishaywa uvalo olukhulu ngenxa yokubheduka kwesifo sohudo e-Delmas eMpumalanga lapho sekunemiphefumulo ephuma malanga onke.

**Ngakho-ke le Ndlu inquma:**

Ukuba uMnyango wezeMpilo ubhukule uhlolisise amanzi esiwaphuzayo KwaZulu-Natali ubone ukuthi ayikho yini i-E “Loli Cholera Bacillus Typhoid” nokunye okungenza isifo sohudo sibheduke sigulise kufe izakhamuzi zale Province.

**English translation follows:**

**[This House noting:**

*With trepidation the outbreak of typhoid [a waterborne disease] in Delmas, Mpumalanga Province, where lives are lost every day.*

**Therefore resolves:**

*To call on the [KwaZulu-Natal] Department of Health to inspect the water that we drink in this province, and to investigate this outbreak of typhoid and anything that could cause a waterborne disease to spread and kill citizens of this province.]*

**MR M E MTHIMKHULU (MEC for Agriculture and Environmental Affairs):** Mr Speaker, I am rising on a point of order. Ngifisa ukuzwa Somlomo ukuthi.... I am rising on a point of order, Mr Speaker. Is it parliamentary yini uma ilungu liqeda ukufunda imotion njengomhlonishwa uHlongwa bese kuba nelungu elinjengomhlonishwa uMncwango amkhombe athi uzomshaya uzomthola, ukuthi is that parliamentary yini? [Interjections]

**THE SPEAKER:** Khuluma lungu elihloniphekile kade lingikhomba khona manje.

**MRS MNCWANGO (IFP):** Cha bengingakhombi wean Speaker ngiyaxolisa. Bengithi mina ngicela ku reveswe....

**THE SPEAKER:** Ngithi uyabona uma uthi uthi, ubheka ngakimina....

**MRS MNCWANGO (IFP):** No ngicela ukuyichaza le nto mangabe i.... ngithe mina kungahlehliswa imishini leyana kubonakale ukuthi ngike ngathini. Angikaze ngiyisho le nto ulumba nje ukulumba uMthimkhulu angikaze ngempela ngikusho lokho. Uma umuntu mina ngizomshaya ngiyamtshela nje ngikhulume naye luqobo hhayi ukuthi ngihambe ngikhuluma lana. Angikaze nje ngikusho lokho wena nje ukhuluma into ongayazi. Yingoba wawuyixoki nalapho owawufunda khona.

**THE SPEAKER:** Kodwa-ke lungu elihloniphekile, lokhu engikushoyo kokuthi uthu ungakasukumi ubuqala ukhuluma ukhomba manje angikuzwa mina ukuthi ukhomba kuphi.

**MRS MNCWANGO (IFP):** Macingwane ngiyaxolisa baba. Bengikhomba imishini le engemuva kwakho le yeTV. Ngithe kungahlehliswa kuleya mishini kubonakale ukuthi ngike ngakhuluma yini ngakusho lokho. Angikhulumi nawe Speaker kusho ukuthi kuqondane ngoba kungasohlangothini lwakho. Uyazisholo nje uMthimkhulu lokho futhi uyakwazi lokho angazi ngoba yingane yoMfundisi la manga angaka..futhi yilumbo akuwona namanga ngoba angizange ngisho lutho ngempela. Angilona igwala mina

angicashi uma ngikhuluma angifani naye.

**THE SPEAKER:** Malunga ahloniphekile ake nizihloniphe. Ngisaphinda futhi ngisacela ukuthi ake nizihloniphe. Asiqhubeke nale nkulumo esengibiza kuyona ilunga lokugcina manje Mr Sithole.

**MR G M SITHOLE (ANC):** Ngiyabonga webaba Somlomo. Ngokuhlala okulandelayo kwale Ndlu ngiyophakamisa kanje:

**Le Ndlu iyakunaka ukuthi:**

Ngenxa yekhono labezindaba lokuxabanisa uKhongolose liphinde liqhathe ubuholi bukaKhongolose ngezindlela ezingamanyala

Ngenxa ikakhulukazi yamanga aluhlaza cwe avele ezingqwembeni ze*Solezwe* athi:

Umhlonishwa onguMongameli wezwe noKhongolose u-Comrade President Mbeki uthi “NGISAFUNA UKUPHATHA” *Isolezwe* belisenga ezingakakhwelwa nakukhwelwa, akushilo u-Comrade President wukuthi “Mina ngiyilunga likaKhongolose. Uma amalungu kaKhongolose enginika umsebenzi ngiyovuma”....

**Le Ndlu inquma kanje:**

Izintatheli azikhuzeke, zingawanwebi amaqiniso; nokuthi

*Isolezwe* lizame ukusihlonipha.

***English translation follows:***

***[This House noting:***

*The media’s crafty ability to divide the ANC and its leadership in despicable ways;*

*The false headline that appeared on Isolezwe's placards, which reads as follows:*

*The Hon President of the ANC and the country, Comrade [President] Mbeki said, "I want another term as the President", and*

*That the newspaper was lying through its teeth, since the President said the following: "I am a member of the ANC. If members of the ANC deploy me, I would agree ..."*

**Therefore resolves:**

*To have journalists reined in, as they should not twist the truth, and*

*To request Isolezwe to afford us some respect.]*

**THE SPEAKER:** We have come to the end of this item on the Order Paper, with 15 minutes extra that I have allocated.

**MR R E KEYS (DA):** Mr Speaker ...

**THE SPEAKER:** Yes, Mr Keys?

**MR R E KEYS (DA):** I am sorry to interrupt, Mr Speaker. The Minutes of Proceedings are delivered to the House at every sitting. Now, the Minutes of Proceedings dated 24 October 2007 do not reflect the statements delivered by the DA and the ACDP when we left the House. That does not form part of the Minutes of Proceedings dated 24 October. The DA and the ACDP made statements in the House and then exercised their right of recusal. That is not reflected in the minutes of the 24<sup>th</sup>, and I ask that that be looked into.

**THE SPEAKER:** Awungifunele amaminithi angomhlaka 24? I will look at those minutes and I will then make my remarks after having seen them.

## **8. ORDERS OF THE DAY**

**THE SPEAKER:** We will now proceed to Item 8, which is Orders of the Day, and more specifically Item 8.1. We are going to debate a matter that has been referred to us by the NCOP. This was referred to the Standing Committee on NCOP matters which, in turn, referred it to the Portfolio Committee on Local Government and Traditional Affairs. That is the matter that we are going to be debating today for the purposes of conferring a negotiating mandate on our delegates at the NCOP.

**MR R M BURROWS (DA):** Mr Speaker, before the debate commences, may I just seek clarity from you? Under which Rules is this debate taking place? Is it under the Rules pertaining to the NCOP? In other words, this is not actually a debate on the Constitution Thirteenth Amendment Bill, but a debate on a negotiating mandate. Is that correct?

**THE SPEAKER:** Yes, Mr Burrows. Let me make the following statement in view of your question. I will read the statement into the record and I am making it a ruling. It is a ruling regarding Rule 200 and the Constitution Thirteenth Amendment Bill. I had anticipated a query regarding the application of Rule 200 to the matter at hand. I have therefore looked at the relevant Rules and I have also taken legal advice on the matter. Rule 200(1) provides as follows:

### **Second Reading**

200 (1) The debate on the second reading of the Bill may not commence before at least one working day has elapsed since the committee's report was tabled or, if a committee member has addressed the House in terms of Rule 199, since the address was delivered.

With respect to the above Rule, members will note that the Second Reading refers to the procedure where a Bill appears before the House for the second time. The First Reading refers to the time just after a Bill is introduced to the House for the first time by the relevant MEC. The Second Reading is when a Bill comes back to the House from the relevant committee for final debate and approval. After the House approves the Bill, the Bill is finalised.

However, with respect to NCOP Bills, the procedure is significantly different. The First and Second Reading process for such Bills is not conducted at provincial level, but at national level. All that provinces are required to do is to confer a negotiating and voting

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mandates on the Bills and, in the case of Section 74 (8) Bills, to consider the approval of the Bill. This process is not dealt with in Chapter 14.

The Second Reading process, as mentioned in Rule 200, is therefore not applicable to NCOP Bills. For this reason it is my view that, with respect to NCOP Bills, there is no requirement that the debate may not commence before at least one working day has elapsed since the committee's report was tabled.

I note that Rule 225 (2), which deals with Bills requiring a Section 74 (8) approval, also states that the Legislature must deal with the Bill as if it were an ordinary provincial Bill. The question that we are then faced with is whether it was intended that every single Rule pertaining to provincial Bills also pertains to NCOP Bills or, alternatively, whether it is merely the general procedure that applies, with the necessary changes which will be informed by practicality and the peculiarities of NCOP Bills and processes.

As a starting point it must be pointed out, however, that today we are not dealing with a Section 74 (8) approval. This will only be addressed at the voting mandate stage. Today we are only dealing with the negotiating mandate on the Bill. Rule 225 - and thus the usual provincial Bill procedure - will not apply today. The argument is therefore premature. However, because we will be faced with this question in future, I felt it prudent to deal with the issue now and put it to rest.

With regard to the matter at hand, it is my view that it simply could not have been intended that every single Rule pertaining to provincial Bills also apply to NCOP Bills. This is so, because there are some procedures for provincial Bills in Chapter 14 that can never be applicable to NCOP Bills, e.g. Rule 197 which requires certain Bills to be referred to the Provincial House of Traditional Leaders for input within 30 days. This can never be done with an NCOP Bill due to the time constraints involved.

Furthermore, Rule 198 requires a committee to table an amended Bill and an amended explanatory memorandum if changes were made. This can also not be done with NCOP Bills, as we merely propose amendments to Parliament and do not submit amended Bills to them. Bearing the above in mind, it is my ruling that it cannot have been the intention that every single procedure applicable to provincial Bills also apply to NCOP Bills. Rule 225 must be read with the necessary changes where this is necessary. This is the only option which makes any practical sense. Accordingly I rule that Rule 200 also cannot

apply to NCOP Bills. Indeed, in most cases compliance with this Rule will be impossible in light of the time constraints that always come with NCOP Bills. I do, however, recognise that this is an area of our Rules which needs clarification. I will therefore refer the matter to the Rules Committee for consideration.

That is the ruling that I am making to cater for this situation that we are facing in this instance, and which we may also face in the future. I want to indicate that one of the problems that we have created for ourselves is that, obviously, we now sit once a week. If you follow the time constraints, it may not be really practical that we will deal with these urgent matters of the NCOP. The problems were raised in the Rules Committee yesterday. There are problems of time constraints that are created by the late submission of Bills, which then requires us to immediately refer back and to deal with the matters within the timeframes of the NCOP. This puts a lot of pressure on our own time limitations.

I therefore wish to ask us to agree that we will deal with this anomaly on an ongoing basis. Mr Burrows, that is how I intend to handle this matter today.

**MR R M BURROWS (DA):** Thank you, Mr Speaker, for your well-considered ruling. My understanding of the ruling is as follows, if I could summarise: We will not use Rule 200, flowing from Rule 225 (2), in this debate today. However, we may well use Rule 200, adapted, if necessary, flowing from Rule 225 (2) in the debate on the final voting on the mandate on the Bill. That does not, in fact, remove my question which is: Under which Rule is today's debate taking place? I want to know the set of circumstances which arise if, for example, one moves an amendment in the House. Is it voted on in the House? Is it recommitted to the committee? Under which Rules, if any, does this fall under?

**MR V C XABA (Chief Whip of the Legislature):** Mr Speaker, the hon member Mr Burrows is trying to be technical on this matter. [Interjections] No, no, Mr Burrows. The Bill served before the NCOP. Their mandate was to consider the Bill with a view of coming up with a negotiating mandate. That did not happen. In fact, it happened, but they could not get a negotiating mandate because the NCOP required 75% support on any decision. Now, because the NCOP did not get the 75%, they are referring the Bill to this House so that we can debate the Bill with the purpose of determining a negotiating mandate. The Bill is now before the committee.

You were actually looking at the Rules. We are debating the Bill, obviously. As the Speaker correctly pointed out, the Rules apply, but with a necessary adaptation. You have acknowledged that fact. Mr Speaker, I do not understand what the question is, given your ruling on the matter. [Interjections]

**THE SPEAKER:** The ruling that I have just made, clearly says to us that there is no specific Rule that caters for this procedure that we are going into. However, the guidance of the Rules will be used in all of the debates by the presiding officer, as we have Rules in terms of meetings of the House and the rules of debate. That will be applicable, and all of the other Rules will be applicable, adapted to suit the particular purpose today. Hon members, with that clarity, shall we then proceed?

#### **8.1 Debate on the Constitution Thirteenth Amendment Bill [B24 – 2007]**

**THE SPEAKER:** I have been given the Speakers' List. There is a report by the Chairperson of the NCOP on the NCOP process. The hon Ms L F Shabalala has three minutes to introduce this debate.

**MS L F SHABALALA (Chairperson of Standing Committee on National Council of Provinces Matters):** Thank you. Mr Speaker, I wish to give the report as follows:

The Standing Committee on National Council of Provinces Matters met on Wednesday, 31 October 2007, regarding the determination of a negotiating mandate in respect of the Constitution Thirteenth Amendment Bill, B24 of 2007.

The Chairperson of the Portfolio Committee on Local Government and Traditional Affairs reported to the committee and listed a series of public hearings as follows: There were two hearings in Matatiele; one hearing in Umzimukulu and one hearing in Pietermaritzburg. The committee received submissions and petitions. All of them were considered by the Portfolio Committee on Local Government and Traditional Affairs.

The report further stated that the deliberations were held by the committee and they were unable to agree. They then went to the vote and there were five votes on each side. The chairperson had the casting vote.

The Standing Committee on NCOP Matters duly considered the Bill. According to the requirements of Standing Ruling 233, whereby the voting in the Standing Committee on

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NCOP Matters is per party and based on party-proportional representation in the Legislature, we required 75% which we were unable to get. The committee was therefore unable to confer a negotiating mandate.

This Bill is accordingly hereby referred to the House for the determination of a negotiating mandate, in accordance with Standing Rule 233 (2). I thank you.

**THE SPEAKER:** Thank you, hon Chairperson. I now call upon the hon Chairperson of Local Government and Traditional Affairs, Mr Kubheka, who has 10 minutes to report on the process insofar as his committee was involved.

**MR M A I KUBHEKA (Chairperson of Portfolio Committee on Local Government and Traditional Affairs):** Ngyabonga, Somlomo. *[Thank you, Mr Speaker.]* Yesterday evening there was a little bit of confusion. We came here with an understanding that the 10 minute report on the process would be a report by the Chairperson of the Standing Committee on NCOP Matters and that we would be making an opening input into the debate. However, be that as it may, let me confirm that the issues raised in the report of the Chairperson of the Standing Committee on NCOP Matters have everything to do with the process that was engaged in by our committee. I will therefore not be tabling the report of the committee, but will make a brief input on how the process unfolded and what the issues were which were raised.

The Constitution Thirteenth Amendment Bill was referred to our committee, the Portfolio Committee on Local Government and Traditional Affairs, early in the month of October 2007. The committee received a briefing on the Bill. In that meeting the committee resolved, as directed by the decision of the Constitutional Court, to facilitate public participation in the form of public hearings. These were held as follows: There were two hearings in the Matatiele area on 23 and 30 October; there was one hearing in the Pietermaritzburg area on 24 October, and there was one public hearing in the area of uMzimkhulu on 25 October 2007. This one was held jointly with the Eastern Cape Legislature.

In all the public hearings held, the overall attendance was good and about 4 000 people in total participated or attended. The number of oral and written submissions received was also overwhelming. Regarding the entire process of public hearings, of note was the high level of interest demonstrated by the people of the affected areas, both those who

came in support of, as well as those who were in opposition to the Bill.

High on the list of concerns put forward in most of the submissions is the difference in the standard and quality of service delivery between the two provinces, as perceived and/or experienced by the people of these areas over the years, as well as issues of economic, cultural and emotional attachment of the people with either of the provinces. Regarding these matters the people themselves did not necessarily see eye to eye.

Let me conclude by saying I am certain that members of the committee will refer to these matters during their inputs so that, as legislators at all levels of government, we also become alive and sensitised to these matters. We need to discuss appropriate ways of dealing with them in the interest of progressively improving the lives of all our people, wherever they might find themselves in the Republic. I thank you.

**THE SPEAKER:** Thank you, hon Mr Kubheka. We now proceed to the hon Mr Burrows who has six minutes.

**MR R M BURROWS (DA):** Thank you, Mr Speaker. I hereby propose that the following amendment be part of the negotiating mandate of KwaZulu-Natal to the National Council of Provinces. The amendment is now being distributed.

In clause 1(a) of the Bill, to remove the words "*Map No. 3 of Schedule 1 to Notice 1998 of 2005*" and to replace them in clause 1(a) with the words "*Map No. 2 of Schedule 1 to Notice 1998 of 2005*" and to add the following words to clause 1(b) at its start, "*Map No. 1 of Schedule 1 to Notice 1998 of 2005*".

This amendment, if accepted by the House, will have the effect of removing Matatiele-Maluti (which have already been joined as one municipality) from the area of the Eastern Cape and placing it into the area of KwaZulu-Natal.

Sir, let there be no lies in this House. I defy anyone who was at the public hearings held in terms of Section 118 (1) (a) of the Constitution, as required of us, to deny that the overwhelming weight of the oral, written and petitioned evidence received by this House was in favour of Matatiele-Maluti being part of KwaZulu-Natal. There are 5 000 petition signatures to come to KZN and 80 which will go to the Eastern Cape. We have to recognise that. We have to study that in order to learn and inwardly digest.

Speaker, as the person who had to apologise on behalf of this Legislature for not carrying out Rule 118 (1) (a) the last time we debated this issue - and I have seen your apology in the media and I know of the R500 000 that we had to spend on the court case - you will no doubt have studied the ruling of the Constitutional Court carefully. Justice Ngcobo was absolutely correct when, in his finding in the Constitutional Court, he said as follows, and I quote from paragraph 97:

The purpose of permitting public participation in the lawmaking process is to afford the public the opportunity to influence the decision of the lawmakers. This requires the lawmakers to consider the representations made and, thereafter, to make an informed decision. Lawmakers must provide opportunities for the public to be involved in meaningful ways, to listen to their concerns, values and preferences and to consider these in shaping their decisions and policies. Were it to be otherwise, the duty to facilitate public participation would have no meaning.

Those words, sir, are directed by the Justice of the Constitutional Court to this House.

**HON MEMBERS:** Hear, hear!

**MR R M BURROWS (DA):** And that is precisely where the majority party in this House has it wrong! They entered into the hearings, knowing that they were never going to vary from the position adopted by their political masters here, in the Eastern Cape and particularly those of Minister Mufamadi. [Interjections]

It is not the Democratic Alliance or I or this side of the House or even that side who have to make out a case for Matatiele-Maluti to be part of KZN. That case has been made out by the residents. For every argument that Minister Mufamadi proffered in support of it going to the Eastern Cape, the residents gave their repudiation many, many, many times over. They are willing to be polled. They are willing to have a direct referendum in their areas to see where the absolute majority lies. However, the ANC will never agree to that. No, they have a course which must be followed, and right and truth and evidence will not affect them or deter them from their predetermined course, as shown in the committee yesterday.

In the committee I said that I despair. Truly, I do despair. I despair for those who have eyes and have been told not to see. I despair for those who have ears and have been

told not to hear. My colleague said that I should feel sorry for those of you across that side who are being forced to follow a route you do not agree with. No, sir, each member of the ANC must endure the insults that are going to come with this. Are none of you Andrew Feinsteins? Are none of you Pregs Govenders? Has courage failed you just when it should be answered? [Interjections]

The hon Minister spelt out a number of areas in which he believed there was connection. Let me give you one of them. He said that the area is more culturally connected with the Eastern Cape and stated that amaHlubi, who populate the area, are a segment of the Xhosa group. Sir, the amaHlubi of that area - the SeSotho, the isiXhosa and the isiZulu-speaking people in that area - have more of a connection with the amaHlubi in this province!

**HON MEMBERS:** Hear, hear!

**MR R M BURROWS (DA):** Their king was Langelibalele!

**HON MEMBERS:** Hear, hear!

**MR R M BURROWS (DA):** Right now they are contesting a kingship in this province! [Interjections] Minister Mufamadi is talking absolute nonsense! I taught geography. He says the people of Mount Frere go to Matatiele. They do not! They go to Kokstad for their goods.

Sir, this House can, by majority, veto Matatiele-Maluti going to the Eastern Cape. It can insist that the people have spoken and that they wish to be part of our province. Will we have the courage to support this amendment and grant them what they want? Thank you.

**THE SPEAKER:** Hon Shabalala, you have 10 minutes.

**MS L F SHABALALA (ANC):** Thank you, Mr Speaker, Sir. It is my pleasure to participate in this Constitution Thirteenth Amendment Bill of 2007. I also had the pleasure of being at the public hearings, but for me more than anything, I wish to thank all our fallen heroes. I wish to thank all our fallen comrades: Inkosi Albert Luthuli, Solomon Mahlangu, Oliver Tambo, Lilian Ngoyi, Msizi Dube, Victoria Mxenge, our stalwarts Walter Sisulu, comrade Raymond Mhlaba and Govan Mbeki. Through their

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sacrifices we are enjoying the rights of a democratic state which created the Constitutional Court and an independent judicial system, and hence we have this debate today. By persuasion or coercion, our President, with the prerogative over the appointment of judges, never sought to intervene on this matter.

Our history is the only experience to which we refer from time to time in order to shape our tomorrow. The artificial boundaries of apartheid were solely determined by a racial interest, favouring the economical interests of the minority to the exclusion of the African majority.

Matatiele and Maluti originally constituted a single area. Matatiele's exclusion from the more affluent area of Maluti was for the benefit of the white minority against the rest of the disadvantaged rural majority. The adoption of the interim Constitution determined that the former Transkei formed part of the Eastern Cape. As a result, Matatiele was treated as culturally closer to KZN. There has never been political sanity to separate Maluti and Matatiele.

The intervention of the national government, through Project Consolidate in Sisonke District, met its own challenges which affected municipalities like Matatiele. The 2005 IDP report listed the positive economic factors affecting the development in the district, for instance agriculture and tourism. The negative factors affecting the development were the poor inter-governmental co-ordination due to the municipal demarcation which resulted in inefficient basic service delivery and unsustainable development.

Clause 2 of the IDP report of 2005 specified the challenge around the issue of relations between the municipalities like Matatiele and the Sisonke District Municipality and the wide gap between the operations of the neighbouring municipalities around Matatiele and that of Matatiele as a municipality. The proximity between Alfred Nzo Municipality and Matatiele has the potential for infrastructure development, e.g. hospitals, clinics, etcetera.

The 2001 census states that KZN's population is 9 761 032 with a 16,3% annual GDP and Eastern Cape 6 503 201 with a 7,9% annual GDP, but both provinces have a high unemployment rate – KZN has 31,3% and the Eastern Cape has 31,8%. As a unitary state, such statistics indicate challenges to develop every corner of South Africa, irrespective of where people reside, hence the national Project Consolidate.

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The present government has always had a challenge to respond to the imbalances of the past and the long historical boundary problems in order to intervene in supporting the provinces to achieve higher economic development and poverty eradication.

Allow me to quote from a book, *Quotable Quotes for Quoters* by Aubrey Malone. Under the heading “Optimists and Pessimists” it reads as follows, and I quote:

A pessimist looks both ways when crossing a one-way street.

An optimist thinks that when his shoes wear out, he will be back on his feet.

An optimist sees “o” as the first letter in “opportunity”. A pessimist sees it as the last letter in “zero”.

An optimist laughs to forget. A pessimist forgets to laugh.

An optimist is someone who gets tripped by a line and enjoys the scenery.

An optimist believes in the best of all possible worlds.

An optimist saves the seed catalogues to compare with the flowers he actually grows.

A pessimist who smells flowers looks around for the coffee.

If it was not for the pessimist, the optimist would not realise how happy he was.

We need to look forward with a positive attitude towards the future, because South Africa belongs to all of us who live in it, whether you sit in the eastern corner of the country or in the western corner of the country. With all those words, as the ANC, we support the Constitution Thirteenth Amendment Bill. I thank you.

**THE SPEAKER:** Hon members, let us proceed to the hon Mr Rajbansi who has eight minutes.

**MR A RAJBANSI (MF):** Thank you, Mr Speaker. The hon Mr Johann Krog made a very quaint comment on whether I could see. It reminds me of when his party controlled the Durban Municipality.

**MR J KROG (DA):** What are you trying to say?

**MR A RAJBANSI (MF):** What I am trying to say ... [Interjections] No, no. I am coming to the issue of relevance, because your memories are very short, very, very short. When you wanted to excise Chatsworth and Phoenix, you wanted an excise by way of a unanimous vote of your political party. That time the will of the people was irrelevant.

**MR J KROG (DA):** When?

**MR A RAJBANSI (MF):** You are talking about when? Your memories are short. I will ask my colleague to prescribe to you a Minamino tablet so that you can get your memories back. [Laughter] I can remember how you rigged an election to defeat me. I can remember when your colleague said in the National Assembly that I will be ground to political dust. I am still here, surviving. [Interjections] Yes, the judge was a person who was politically appointed above seniors, because he was a lackey of the Nats. [Interjections] He was a lackey of the Nats.

If you look at South African history, the historical course of this country was shaped by what happened in the Eastern Province. Many wars and many battles have been fought in that particular region over land and over boundaries.

Some 45 years ago China attacked India, because a white general called McMahon – not Johann – drew the McMahon line. [Interjections] I am experienced enough not to be distracted by a terminological inexactitudarian like you. [Laughter] I am the only person in the world who knows what it means, and if I tell you, you will paint your face black and run out of this Chamber. [Interjections]

What I have heard today is what prevails now. What is history and what is a historical fact? We have listened to the hon Chairperson of the Portfolio Committee on Local Government. We have listened to the representatives of the NCOP, but there are important messages we must learn from this, and that is that public participation is the key. Public participation is important.

The MF has not decided its position. We are an autonomous, independent party and cannot be bulldozed or cajoled by weird-looking eyes on my right hand side. [Laughter] [Interjections] By weird-looking eyes! Let me tell you something. I am not going to dance to your whims and fancies. [Interjection] Ja, I have not been ground to political dust.

Another thing, I will contest 2009. I will contest the next election and I will contest the next election, and if there is any fairness and equity on your side, they should jettison you out first. [Laughter]

The important thing is that we have an expression of the Constitutional Court, and the Constitutional Court has given us a ruling. It is important to take things to the people and to listen to the people. After hearing them, one has to combine that with a variety of facts. Remember this, in the interim Constitution Madiba insisted that we write the following: We have one flag in this country. We are one nation and we are one country. In the Constitution there are only national norms and standards, and they are the norms and standards for everything – whether it is local government delivery or quality of life. All of that is determined at national level. Whether you are in eThekweni or whether you are in Pietermaritzburg, the norms and standards are the same.

What I am saying, the MF has listened. We are going to discuss this in more detail with the Chairperson of the Local Government Portfolio Committee, and we will make up our own independent mind, combining what is the expression now and what is the historical fact. I quoted the example of India. China still wants two states to go into China, right? That is a historical fact. China invaded Tibet, but in Tibet they made sure that they forget the language. The British and the Irish invaded the United States. They taught the Red Indians to forget their language. These are historical facts that cannot be ignored.

However, we are not going to be cajoled by anybody. We will make up our independent mind. Thank you. [Interjection]

**MR J KROG (DA):** So what is it?

**MR A RAJBANSI (MEC):** I am not obliged to tell Mr Johann Krog. You go and tell it to the outdated cronies that you have been associated with historically. Thank you.

**THE SPEAKER:** Thank you, hon Mr Rajbansi. The hon member Mrs Downs has six minutes.

**MRS J M DOWNS (ACDP):** Thank you, Mr Speaker. In 2004, after the elections, the President of South Africa, Mr Mbeki, said the people had spoken, and he was very pleased to have said that. In some sense it was absolutely true and he was correct in saying so.

In Matatiele and its surroundings the people have also spoken and I think we should listen to them. It is common cause that our ability to govern in KwaZulu-Natal has been better than that in the Eastern Cape. We know this. We have fewer problems with our audit reports. We have better service delivery. We have better all-round services altogether, and it is not surprising that the people of Matatiele and its surrounds want to stay in KwaZulu-Natal. It is not surprising at all and there is no reason why they may not.

You know, I can understand uMzimkhulu coming to KwaZulu-Natal, because it was an island in the middle of KwaZulu-Natal. That makes sense. There is, however, absolutely no reason why Matatiele has to be excised. There is no geographical reason. There is no cultural reason. There is no social reason in linking the two. I cannot even see a political reason. I cannot help but wonder why the ANC is sticking to this. I do not know if I am missing something, but I have to wonder why the ANC is sticking to this.

Let us not have a redraft of the whole issue at Khutsong. It was so unpleasant. It was distressing to the people, it was distressing to the ruling party and it was distressing to everybody else. Why are we persisting in this? Let us not persist, because there is no reason to persist, unless somebody somewhere said that we should. They must look at this issue again. There is no reason for them not to take another look at it if we are true to public participation.

We do not want people to stay away from voting because they feel they have no voice, or because they feel nobody is hearing them when they do try to give voice to what they want. We are going to ruin it. We are going to mess up public participation. We are going to mess up democracy. Let us hear the people.

Sometimes when the people speak, what they say to us is not right. It is just not right. It is not something that we as a Legislature can actually do in the proper order of things. However, this is not such a case. This is a case where the people have righteousness, justice and history on their side. I cannot see the reason why the ANC do not back down. Assist us with this in the Legislature. Assist us! Let us be united and let us embrace the people of Matatiele. Let us tell them, "We have heard you. As legislators we have heard you, and we agree with what you say." Let us go forward and veto this.

**HON MEMBERS:** Hear, hear!

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**MRS J M DOWNS (ACDP):** Thank you.

**THE SPEAKER:** Thank you, Ms Downs. Let us proceed with the debate. Hon Mrs Scott, you have 10 minutes.

**MRS B F SCOTT (ANC):** Mr Speaker, hon members, at the outset I wish to place on record that the ANC has carefully considered the Constitutional Court judgments on the Constitution Twelfth Amendment Act regarding the matters affecting KwaZulu-Natal, and it has taken very seriously the remedies that must be affected by provincial and national government in this regard.

From the judgments the following is clear: Firstly, the power of the Municipal Demarcation Board to determine municipal boundaries is limited by the authority of Parliament to redraw provincial boundaries. Parliament has the constitutional authority to interfere with municipal boundaries if it is necessary to do so while redrawing provincial boundaries.

In the consideration of the Constitution Thirteenth Amendment Bill before the House, which is the second issue, Section 118 (1) (a) of the Constitution applies to this Legislature in that meaningful public participation and involvement must be facilitated in a manner considered appropriate by the Legislature, given the nature of the legislation under consideration. Thus it was the duty of the KZN Legislature to act reasonably when facilitating public involvement and to ensure that this involvement was meaningful. Justice Ngcobo stated, and I quote:

The more discreet and identifiable the potentially affected section of the population and the more intense the possible effect on their interests, the more reasonable it would be to expect the Legislature to be astute to ensure that the potentially affected section of the population is given a reasonable opportunity to have a say.

The ANC contends that these provisions have been strictly adhered to and that the efforts of the committee and its Chairperson over the past few weeks have been acknowledged by all political parties in this House.

In order to ensure that public participation was meaningful, there were notices of public hearings in Matatiele, Umzimkhulu and Pietermaritzburg. Requests for written and oral

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submissions were advertised widely on the radio and in the print media in KwaZulu-Natal, as well as through notices placed at municipalities.

Secondly, the committee held public hearings and welcomed the receipt of petitions, representations and submissions from all interested persons or institutions, in both written and oral form. Particular attention was given to the citizens of Matatiele where a second public hearing was scheduled at a sports stadium in order to accommodate all the interested and affected parties.

Thirdly, the work of the committee has been conducted in an open manner, with direct public access to all our meetings and deliberations.

Fourthly, the contents of the public submissions have been carefully documented by the legal division of this Legislature and presented to the committee for its consideration, in addition to the consideration of extensive notes taken by members themselves during the course of the public hearings.

Lastly, due consideration was given by the ANC to all public submissions received. [Interjections] In the consideration of the public submissions made, the ANC is strongly committed to a democratic society where the voice of the people is heard. Despite the fact that the ANC, after careful consideration of the public submissions and all other relevant facts and information before us, did not agree with the views expressed by certain residents of the Matatiele district, does not mean that the views of the people were ignored and that the public participation process was meaningless. Such an argument is fallacious, speculative and has no foundation in fact. The actions and efforts of the ANC in this province, led by the Chairperson of the Portfolio Committee in the deliberations on the Constitution Thirteenth Amendment Bill, bears testimony to this fact.

The ANC contends that all the requirements for the amendment of the Constitution in terms of Section 74 of the Constitution are being dutifully carried out, precisely to promote the democratic decision-making process. Furthermore, the opening sentence and founding sentence and founding provision of the Constitution states:

The Republic of South Africa is one sovereign, democratic state ...

All members of this Legislature have pledged their allegiance to South Africa and its Constitution. Thus, in carrying out our legislative responsibilities in terms of the

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Constitution, with particular reference in this instance to Section 118 and Section 74 (8) of the Constitution, the Legislature must make decisions and pass laws with the founding principles of the Constitution in mind.

As far as the residents of Matatiele are concerned, it is agreed that particular attention must be given to their concerns as they are the community directly affected by the Bill. However, as part of a single sovereign state, the voice of a single community cannot outweigh the interests of the region, the province and the country as a whole. It is this task that the ANC contends is the duty of our Legislature and its elected representatives, as well as the duty of Parliament, to carry out. In this regard the ANC has provided cogent and practical reasons for our decision to support the Bill. This is an executive policy decision that the government of South Africa has every right to make. The role of the court is merely to determine whether the government has followed the correct legal process in the carrying out of this decision. That is why the separation of powers between the judiciary, executive and legislature is sacrosanct.

Despite the Constitutional Court's ruling on the right of the provincial and national Government to change the boundaries of the province, even if this decision conflicts with the municipal demarcation made by the Municipal Demarcation Board, this argument has been rehashed by the Matatiele-Maluti Mass Action Committee. In addition to the points raised by the Court, I need to state the following:

- There has been no physical displacement of communities, and the Constitution Thirteenth Amendment Bill does not seek to change the municipal boundaries of the Matatiele Municipality. The effect of the Bill is merely to move the executive authority of the Matatiele authority away from the province of KwaZulu-Natal and place it under the Eastern Cape;
- The demarcation of boundaries is a dynamic process and municipal boundaries are under continual review by the Municipal Demarcation Board as changing demographic and other factors take into effect. What may be relevant at any point in time in the past may not be relevant now. The current review of the continued existence of ...

**MR R E KEYS (DA):** Mr Speaker ...

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**THE SPEAKER:** Hon member, there is a point of order. Yes, Mr Keys?

**MR R E KEYS (DA):** Mr Speaker, will the hon member take a question under Rule 49?  
[Interjections]

**THE SPEAKER:** Hon member, will you take a question?

**MRS B F SCOTT (ANC):** No.

**THE SPEAKER:** Thank you. You may proceed.

**MRS B F SCOTT (ANC):** As I have just stated, what may have been relevant in terms of demarcation and boundaries at any point in time in the past, may not be relevant now. The current review of the continued existence of District Management Areas by the Municipal Demarcation Board right now is a case in point.

It is important to place on record that, despite what was stated during the public hearings by certain stakeholders, such as the Matatiele-Maluti Mass Action Committee, the Municipal Demarcation Board, in terms of the *Provincial Gazette* dated 20 October 2005, ruled that Matatiele stay in the Sisonke district. In November 2005 the Municipal Demarcation Board then published a notice proposing the redetermination of boundaries, in line with the imminent promulgation of the Constitution Twelfth Amendment Act and the repealing Act.

When it made this publication, the Municipal Demarcation Board stated that it took into account the fact that provincial boundaries would be altered. This proposed redetermination by the Municipal Demarcation Board was confirmed by a subsequent decision made by them and published in the *Government Gazette* of 27 December 2005, in terms of Section 21 (5) (c) of the Demarcation Act.

In the few minutes that I have remaining, I wish to state that for the ANC the overriding concern has always been service delivery to the people, both in Matatiele and its surrounding impoverished rural areas. [Interjections] It is without doubt that. From an economic point of view, the people from the poor Eastern Cape towns of Mount Ayliff, Mount Frere, Mount Fletcher and Qumbu, are strongly dependent on the Matatiele town for their economic needs – to trade their produce, to buy their goods and to receive government services. The Matatiele town is the commercial hub for this small region,

and its incorporation into the Eastern Cape will go a long way to promote economic growth in the area as a whole.

In conclusion, the ANC is in support of the Constitution Thirteenth Amendment Bill. My colleague, the hon Sithebe, will finalise our ANC argument by attempting to address some of the key concerns raised during the public hearings that I have not addressed. I thank you.

**THE SPEAKER:** Cha kuhle nje ngoba, ngoba esenu lesisikhathi uma nifuna ukusichitha nima kulungile.

I have indicated that it is not correct and that, in fact, it is against the Rules to interrupt a member who is speaking. The only reason why I did not intervene is that that member was very powerful against the noise that you were making. However, you were making a noise. Any other person who spoke more softly than that member would definitely have been disturbed. Now, I do not think it is right that we must keep on saying, "Please do not make a noise." Your noise is disrupting members who are speaking. I do not want to repeat that time and again and time and again. I am now going to give an opportunity to hon M Z Mthuli, who also has 10 minutes. I hope that you will respect the hon member whilst he is speaking.

**INKOSI M Z MTHULI (NADECO):** Somlomo, angibonge ithuba ongiphe lona. Ngale kokuchitha isikhathi ngithi angisho ukuthi ikomidi luwenze kahle kakhulu umsebenzi walo ebelithunywe wona endaweni yase Matatiele.

Luwenze kakhulu kwamnandi ngendlela emangalisayo mayelana nale Amendment Bill engundabuzekwayo. Ngiphinde futhi ngibonge kuSihlalo waleli komidi ngendlela abeliphethe kahle ngayo uhlelo lwakhe uMhlonishwa Kubheka.

Ngingasho kugcwale umlomo ukuthi Somlomo ukuthi umsebenzi onjengaloya ubulukhuni salitshe kodwa uSihlalo ngokwesekwa amalunga aleli komidi ukwazile uku manager ukuthi umhlangano awuphathe ngendlela awuphathe peacefully. Nakuba isimo besi tense kangakanani kodwa wenze ngawo wonke amandla ache ukuthi asidambise lesi simo ebesingesihle kubantu baseMatatiela.

Somlomo, ama- Public Hearing phyla ayenzelwe khona ukuthi abantu abasho lokho abafisa ukukusho bakuzwakalise bazwakalise ukuthi bafuna ukuthini ngovo lwabo-

ke.Somlomo bakhulumile abantu baseMatatiela. Bakhulume kakhulu bethole ithuba ebelibonakala liyinqayizivele kubona. Ikomidi lizibonele ngawalo ukuthi iningi labantu baseMatatiela abafuna ukuthi abafuni kangakanani ukungena endaweni yase Eastern Cape. Ngakho-ke thina siyinhlango ye Nadeco sibona ukuthi Somlomo abazwelwe laba bantu ngoba ayikho into ebuhlungu njengokuphoqa umuntu engasiboni isidingo sokuthi aye lapho ayiswa khona.

Okungenani iSishayamthetho sakithi KwaZulu-Natal akube khona esikwenzayo ukudambisa noma ukuqeda nya lesiya simo esisibona lapha endaweni yaseMatatiele. Uma ulalele Baba Somlomo, ziningi izinto amalungu aleNdlu yakho asezebekile kodwa mina bengingasho ngithi uma singalandela i-democracy sizobona ukuthi laba bantu akukho abakwenza ngenkani njengakwezinye izindawo esiyaye sibone abantu benza izinto ezikhombisa ukuthi sebephambene nohulumeni.

Sithi-ke konke babonakala bekwenza nge democracy abacatshangelwe. Sithi futhi uma siphinda sibuka I freedom of speech yabo sithole ukuthi abalwi namuntu bakhuluma ngobuhle ngoba befisa ukuthi laba bantu basizakale.Ngiphetha-ke Baba Somlomo ngokuthi akube khona ubulungiswa uma abantu belwela amalungelo abo kube khona ukusizakala abakutholayo. Ngiyabonga Baba Somlomo.

***English translation follows:***

*[Mr Speaker, thank you for the opportunity. Without wasting time, let me say that the committee did its job exceptionally well, the job it had been mandated to do at Matatiele.*

*It did impressive work on this much talked-about amending Bill. Let me also thank the Chairperson of this committee for the way in which he handled the proceedings. Thank you, hon Kubheka.*

*Mr Speaker, I can say without fear of contradiction that this was a very difficult task, but the Chairperson, with support of the members of the committee, handled the hearing peacefully. Even though it was tense, he did everything in his power to pacify the people of Matatiele.*

*Mr Speaker, public hearings are aimed at giving people an opportunity to put their views forward. The people of Matatiele have spoken. They had an excellent opportunity to speak. The committee members saw for themselves how vehemently opposed the*

*people of Matatiele are to going to the Eastern Cape. Therefore, we in Nadeco suggest that the views of these people be considered because nothing can be more painful than being forced to go where you do not want to be.*

*At the very least our KwaZulu-Natal Legislature must do something to ameliorate that situation which is playing itself out in Matatiele. If you listened properly, Mr Speaker, members of this House have said a mouthful, but I take the view that if we were to follow the principles of democracy, there is nothing that these people should do forcefully. We have seen in other areas that people demonstrate when they do not see eye-to-eye with the government.*

*They are doing everything on the basis of democracy so we must show them consideration. When we look at their actions, we find that they have applied the principle of freedom of speech. It is obvious that they are not fighting with anyone. Instead, they talk in a friendly manner because they need assistance. Sir, let me conclude by saying let there be justice when people fight for their rights. Thank you, Mr Speaker.]*

**THE SPEAKER:** Thank you, hon Inkosi. We now proceed to the hon Mr Msomi who has six minutes.

**MR B J MSOMI (UDM):** Somlomo, angisho Baba ukuthi ngibuhlungu kakhulu. Iningi empilweni izinto eziyaye zingiphathe kabi noma ezingicasulayo kodwa uma sikhuluma le ndaba yaseMatatiele ngizwa inhliziyo yami ibuhlungu. Umbuzo engizibuza wona ukuthi kazi sekwenze njani manje eqembini le ANC. Ngikhuluma ngokuziqhenya ngoba nginegalelo engalifaka kakhulu ekwakheni le nhlangano ukuthi ibe ilento eyiyona namhlanje. Angizisoli ngengakwenza kokusebenzela i-ANC kodwa namhlanje ngizwa ubuhlungu uma kungukuthi into ewumgomo wenhlangano enkulu kangaka yokulalela izwi labantu namhlanje isichithiwe. Ngiyafisa ukwazi ukuthi ngabe i-ANC isinenye yini i-operation ethi abantu abanganakwa noma abantu abangalalelwa. USihlalo ophethe lezi nkundla zokuxoxisana njengoba besiyile siyolalela abantu ungufakazi wethu esasikhona ukuthi inkulungwane nenkulungwane zabantu zasho ngezwi elilodwa lokuthi azifuni ukuya e-Eastern Cape.

Abantu ababethi bafuna ukuya e- Eastern Cape babengakwazi ngisho ukukhuluma laphayana kodwa-ke ake ngisho ukuthi anginankinga nabafowethu laba angihleli nabo ngapha ngoba ngiyazi ukuthi babuhlungu njengami nabo. Akusona isinqumo sabo lesi

abasithathayo kodwa ngithi ngabe intando yeningi ye- democracy ngabe inalo yini ikusasa laleli zwe uma kukhona umuntu ozohlala ele kude athathe isinqumo. Ngiyabazi abafowethu nodadewethu ukuthi izinhliziyi zabo zibuhlungu nabo abayithandi lento eyenzakalayo. Umbuzo wami uthi-ke uma kungavuka abantu abafana nobab'u Gwala nobab'u Tambo oReggie esibaziyo lapha eMgumgundlovu nobab'uMabhida bangathi kuseyiyo yini leya ANC abayishiyayo ukuthi izwi labantu linganakwa nhlobo. Ngithi namhlanje isifundazwe sakithi sehlelwe yifu elimnyama okufanele sizile ukuthi namhlanje iqembu elithandwa abantu kangaka lithi alinandaba nabo, lithi noma bengathini kulungile.

Ngiyafisa futhi ukubona lo mholi owathatha les isinqumo sokuthi noma bengathini abantu baseMatatiela akusho lutho. Kungiphatha kabi-ke Somlomo ngempela ngoba mina ngiyazi ukuthi izindaba ze -ANC ezami nami ngoba nami ngoba nginegalelo ngalenza akekho futhi umuntu ongathi yena wasebenza kakhulu ukudlula mina. Ngithi-ke ngoba angeke ize major ukuthi usebenze kangcono kunomunye umuntu ngeke uze uthi wangidlula akekho ongasho kanjalo.

So-ke ngithi namhlanje bengicela mina ukuthi izinhliziyi zabafowethu laba ezindaba la keziguquke zikwazi ukuzwela abantu. Uma singuhulumeni wabantu ngempela uhulumeni onjani ongabalaleli abantu, uhulumeni onjani ongenandaba nabantu bakhe. Abantu baseMatatiela Somlomo bashilo ukuthi bazama ngakho konke ukuthi baziphathe kahle balandele umgudu osemthethweni. Abafisi indaba yabo ifane neKhutsong kodwa bayazi ukuthi bafunani. Namhlanje lento esiyenzayo la njengoba kukhona abazovotela lesi sichibiyelo noma le Amendment ukuthi ayiphase kunabantu engazi kahle ukuthi kwanamhlanje akuzoba kuhle kubona.

Ngiyacela-ke ukuthi uhulumeni wethu akake ajike inhliziyi bakithi. Ngiyazi ukuthi uma enamandla amakhulu angenza noma yini ngoba azi ukuthi i- opposition angayihlanganisa ngamakhanda athathe isinqumo asithandayo kodwa ngithi onembeza benu bafowethu nodadewethu Ngiyacela ukuthi ake babuye. Ngiyanincenga, ngiyanincenga ukuthi ake nicabange ngabantu baseMatatiela ukuthi abakhale ngokuhlupheka ngaleziya zikhathi zozimelegeqe boMathanzima namanga akade eshiwo kuthiwa amasiko aseMatatiela ase East Griqualand ahambisana nase Eastern Cape umphakathi wakhona uthi ayikho leyonto. Ngakho-ke Somlomo ngithi kuyoba iphutha uma leNdlu yakho ithatha isinqumo ithi iyahambisana nalesi sichibiyelo ngoba ngiyazi

phakathi kwethu noyedwa oyithandayo leyanto noyedwa. Nalezi zikhuluma ade zikhuluma la zithi ziyahambisana nayo ngiyazi ukuthi deep down in their hearts they are totally against the Amendment Bill. Inhlangano engiyimele-ke Somlomo nangelinye ilanga angeke ihambisane nento engahambisani nabantu.

lyohambisana nama- aspirations abantu. Ngiyaziqhenya ngomlando wenhlangano ephethe kodwa kubuhlungu namhlanje uma abafowethu bebhizi bewucisha lowo mlando and umlando uyoahlulela kabi kusasa. Angikholwa ukuthi nangelizodwa ilanga lapho la ngiyoye ngithi angibalaleli abantu nelizodwa ilanga la engiyothi ngingumholi othi ucabangela abantu ngento abangayifuni. Ngithi ake silalele abantu bakithi isikhathi sibi. Abantu bakhulumile. La nginezibalo Somlomo, 5686.00 against 80 abathe bafuna ukuya e-Eastern Cape. Where is the logic la ukuba u-ANC akathi namhlanje abahambe abantu baye e- Eastern Cape? Where is logic? There is no logic, no logic kodwa umuntu ongenawo unembeza uzokhuluma la athi because ngoba singabaholi kufuneka sinikeze ubuholi abukho, ubuholi obunjalo. Ngiyabonga.

**English translation follows:**

*[Mr Speaker let me say that I am very sad. There are many things in life that hurt me or make me angry, but when we talk about the issue of Matatiele I feel pain in my heart. The question I am asking myself is this: What has happened to the ANC? I am speaking with pride, because I made a major contribution to building this organisation into what it is today. I do not regret that I worked for the ANC, but today I feel pain because the policy of this big organisation, which is to listen to the views of the people, is not happening today. I wish to know if the ANC has a new policy that says that people must be ignored or not listened to. The Chairperson of this Portfolio Committee can bear witness for us who were there that thousands and thousands of people spoke with one voice and said that they do not want to go to the Eastern Cape.*

*The people who were saying that they wanted to go to Eastern Cape could not speak there. Let me say that I do not have a problem with my colleagues sitting with me here because I know that they are feeling the same pain that I feel. It is not their decision. Does democracy have a future in this country if we will allow people who are not intimately involved in this issue to make all the decisions? I know that my brothers and sisters regret this. Their hearts are sore because they do not like what is happening. My*

question is, if leaders like Oliver Tambo, Reggie and Mabhida could wake up, would they be able to recognise this ANC that ignores the voice of the people or the views of the people? Today our province today is overshadowed by a dark cloud and we have to mourn the fact that such a popular party says it does not care about people, whatever they say.

I wish to see the leader who took this decision, who ignored the views of the people of Matatiele. This saddens me, Mr Speaker, because I know that the part of the ANC belongs to me, because I made a major contribution towards building the ANC. No-one can claim to have worked harder than I did.

I am earnestly requesting my colleagues here to change their hearts and consider the people. If we are a true government of the people, why can't we listen to them? What kind of a government ignores its people? The people of Matatiele have said that they are trying everything in their power to behave well and abide by the law. They do not wish to behave in the same way as the people Khutsong, but they know what they want. I know that there are some people in this House who will vote in favour of this amendment, but they will do so against their will.

I request our government to change its heart. I know the government has all the power. It can do anything because it knows it can overpower the opposition parties. However, can you, my brothers and sisters, do so with a clear conscience? I am pleading with you to consider the people of Matatiele. They always complained about poverty during the homeland era of Mathanzima and there is propaganda being bandied about that the culture of the people Matatiele in East Griqualand is the same as that of the people of the Eastern Cape. The community of Matatiele has clearly stated that this is a lie. Mr Speaker, it would be a big mistake if this House takes a decision to vote in favour of this amendment, because I know that not a single member in this House is truly in favour of this amending Bill. Even the people in this House who have claimed to be in favour of this Bill, I know that deep down in their hearts they are totally opposed to it.

My party will never oppose the people's voice. My party will always act in keeping with the people's aspirations. I am proud of the history of the ruling party, but today it is painful to see my colleagues wiping out that history. Not for even a single day will I ignore the views of the people.

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*The people have spoken. I have the statistics here. Mr Speaker, 5 686 oppose the move versus 80 people who wish to be part of Eastern Cape. So where is the logic here? There is no logic at all. Thank you, Mr Speaker.]*

**THE SPEAKER:** Asiqhubeke siye kwiLungu elihloniphekile Hon G Mari.

**English translation follows:**

**[THE SPEAKER:** *Let us proceed to the hon member G Mari.]*

**MR G MARI (DA):** Mr Speaker, following the ruling by the Constitutional Court the portfolio committee did hold public hearings. I am beginning to wonder if some of our members were actually at these public hearings. I was listening to the manner in which they were expressing themselves today – and I am referring to the hon Scott and the hon Shabalala in particular – and I could not help wondering whether they were really at those public hearings. Did they hear what the people said, hon Speaker? The people clearly said no, they do not want to be part of the Eastern Cape. They said that clearly, and they came there in their thousands.

Today is a very sad day. Today will go down in history as the day on which the ANC betrayed its own supporters. It is nothing short of betrayal. If people can come out there in their thousands and say, please, we want to be part of KZN, I do not know what motivates the ANC to say to them they should go back to the Eastern Cape. This is Mugabeism at its worst!

I want to pose the question to my colleagues in the ANC who said that they had attended the public hearings: Were you really at these meetings? Did you see and hear the community when people made their inputs and vented their feelings? How can you ignore an entire community? How can you ignore people who have come in their thousands to plead with you, shedding tears and crying openly? How can you ignore them when they say they do not want to be part of a province that would bring nothing but hardship and misery to their life? Where is the better life which the ANC promised to all?

Today I am dismayed and shocked. We have 5 685 submissions and petitions saying no, we do not want to be part of a province which is plagued by gross financial mismanagement. The Eastern Cape is reported to have misspent more than R1 billion of

its budget for the 2006/7 financial year. That province is incapable of delivering the required services to its communities. We only heard about 80 submissions that supported the Bill, and these were clearly coming from the mayor, councillors, officials and some cronies of the ANC.

Yesterday I heard the hon Shabalala in the portfolio committee meeting, saying that the ANC was rectifying the historic boundaries created by the apartheid regime because people then did not have a voice. She said they could not speak out then, but today they have a voice. Well, they came to us in their thousands and they said: "Here is the government that we voted for. Here is the government that we supported. We do not want to be part of the Eastern Cape. We want to be part of KZN." And yet this government is saying, no, we are not going to listen to you.

**MR R M BURROWS (DA):** It sounds like the National Party to me!

**MR G MARI (DA):** What type of government will not listen to its people? The Demarcation Board itself saw no rational reason for Matatiele to be part of the Eastern Cape, and the ruling party has not put forward one good reason for its decision. It is clearly a trade-off for Umzimkhulu.

One of the comrades – and I am not going to mention his name today - told me the reason that they are bringing Umzimkhulu into KZN, is that they have 60 000 supporters in Umzimkhulu. If they bring them into KZN, this province will be out of the grasp of the IFP. What is taking place in this province is being done for a political reason. That is why they are saying: No Matatiele, we do not want you to stay in KZN.

The Matatiele community clearly indicated that they wanted to take the peaceful route, the legal route. They did not want to go the route of Khutsong. However, they also said they know what they want. We saw respected *amakhosi* being booed. We saw the mayor being booed. We saw councillors and officials booed and shouted down. We even saw the booing of a reverend who said, "I greet you in the name of our Lord, Jesus Christ." They said, "hayi bo!" They did not say, "Yebo!" They said, "hayi bo!" Even a man of the cloth was rejected, booed and shouted down because he was saying Matatiele should go to the Eastern Cape. It is dangerous when the community does this to its leaders. It is dangerous.

One final point I want to make is that the Eastern Cape is an ANC stronghold. It is the party's heartland. That is where traditionally it has its biggest support. It says something about the ANC Government that they, in the very province which holds the key to its leadership succession battle, it continuously fails to provide proper services. Quite frankly, the ANC is failing the very people it supposedly represents. The rejection of the will of the people of Matatiele and the ANC's betrayal of them must be seen as nothing more than political gerrymandering on the part of the ruling party who wants to ensure its grasp on KZN. However, surprises do come ... and they will come. Thank you, Mr Speaker.

**THE SPEAKER:** Let us proceed to the hon M E Sithebe who has 10 minutes.

**MR M E SITHEBE (ANC):** Mr Speaker, thank you for giving me an opportunity to talk on this important subject. My two hon ANC colleagues who spoke before me – the hon member Belinda Scott and the hon member Lizzy Shabalala - have dealt specifically with the ANC's reasons for supporting the Constitution Thirteenth Amendment Bill and the ANC's firm commitment to meeting all the constitutional and legal requirements in the legislative passage of this legislation. I would now like to provide the ANC's considered response to the public submissions made during the past two weeks.

The ANC has no objection to those sections of the Constitution Thirteenth Amendment Bill which deal with the incorporation of the uMzimkhulu district into the Province of KwaZulu-Natal. It is our considered opinion that the ANC has the unanimous support of all persons and representative bodies which made written and oral submissions during our public hearings in uMzimkhulu. There is, therefore, no contention in this regard. Of contention during the public participation process was the proposed incorporation of the Matatiele district, including the area of Maluti, into the Province of the Eastern Cape.

The majority of public submissions during both public hearings held in Matatiele were highly emotive, with many unsubstantiated statements made about the conduct and governance of the Eastern Cape Province. The intensity of the emotions reached such a frenzied pitch at some moments during the proceedings that the hon Chairperson of the Portfolio Committee had to use all his powers of persuasion to bring the gathering under control. In addition, a deliberate attempt was made by unruly elements in the crowd to stop members of the public, who supported the incorporation of Matatiele into the

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Eastern Cape, from having their fair say. The ANC has absolutely no objection to these outpouring of emotions by the people, as long as the tenets of democracy are adhered to. Justice Ngcobo, in his Constitutional Court judgement stated, and I quote:

The consequences of the amendment are of considerable symbolic importance. They affect the identity of the people to be transferred. They are of great practical importance too. They change the structures and personal responsibility for welfare payments, health services and education.

However, whilst the emotions of the people are understandable, our role as members of the Legislature is to determine what is just and fair when passing legislation, and what is necessary for good governance of our people. In this regard, the primary concern of the ANC is the delivery of services to the people in order that the quality of life of our citizens is improved.

In his presentation of the 2007/08 National Budget in parliament in February this year, the hon Minister Trevor Manuel and national Treasury made extensive reference in their budget documents to the budget shifts that took place to accommodate the demarcation process and the population shifts between provinces as a result of the revised provincial boundaries. An extensive revision was done to the equitable share formula to provinces, in full consultation with the KwaZulu-Natal and Eastern Cape provincial governments. This revision took into account shifts in population, education enrolment and age-cohort shifts, access to health care, the poverty index, the economic activity component and the revision to the condition grant baseline allocations. In short, national Treasury attempted to address every aspect of local and provincial government and the funding thereof, affected by the change of provincial boundaries. Therefore all budgetary provisions for Matatiele, whether it be schools, clinics or roads previously funded by KwaZulu-Natal government, were shifted to the Eastern Cape Province *in toto*, including all infrastructure and personnel.

Given this fact, it is difficult to comprehend submissions made that the Matatiele District is receiving less in the way of service than it was before under the KwaZulu-Natal government. It has exactly the same financial and human resources it had a year ago under the Province of KwaZulu-Natal, plus built-in inflationary and personnel cost increases in the MTEF formula. This can be substantiated by both provincial treasurers

of KwaZulu-Natal and Eastern Cape, together with the National Treasurer. The provincial treasurers, in particular, were at pains to ensure that funding followed function.

In both our visits to Matatiele, Matatiele continued to present itself as a thriving commercial hub and trading point for the surrounding rural areas. This reality contradicts the emotive picture painted of Matatiele as an area where hawker trade has deteriorated, where there is no running water, where the people “still drink water with the cattle,” where there are no roads and where bridges are collapsing.

Most of the submissions dealing with the deterioration in service delivery referred to a disruption or lack of delivery in social welfare such as, grants, such as pensions, disability, and child support grants; and corruption and ineptitude in the Department of Home Affairs, the South African Police Service and the criminal justice system.

All of the above-mentioned services are controlled and administered at a national government level, and therefore have no applicability to the Constitution 13<sup>th</sup> Amendment Bill affecting the provinces. Grievances concerning lack of delivery in these areas need to be addressed by National Government.

**THE SPEAKER:** Hon member, there is a point of order.

**AN HON MEMBER:** Mr Speaker, I rise on a point of order: Will the hon member take a question about his misleading the House?

**MR M E SITHEBE (ANC):** I am reluctant to take a question.

Despite the fact that the overwhelming majority of concerns raised by citizens of Matatiele with respect to provincial service delivery were unsubstantiated by facts, the ANC strongly recommends that a comprehensive investigation be undertaken by national Government into these allegations. Corrective steps can be taken by the Eastern Cape government if these allegations are substantiated in any way. However, it must be noted that any transitional process is fraught with difficulty, and reasonable allowances need to be made for both the provinces of KwaZulu-Natal and Eastern Cape in adjusting its service-delivery programme in line with the boundary changes.

The ANC remains deeply committed to the improvement of the quality of life of the citizens of Matatiele. This commitment is in no way impaired by our support of the

Constitution Thirteenth Amendment Bill and, should this Bill be enacted, we will continue to strive to meet the needs and aspirations of the people of the Matatiele district, both in the rural town of Matatiele and its surrounding rural areas, which are totally dependent on the town of Matatiele for their livelihood and trade.

We also need to be mindful of one debate that is hovering in our country, and that is a debate of reducing the number of provinces. This very same issue is going to be addressed by none other than the ANC party. [Interjections] We inherited a number of demarcated areas. We had four provinces and we inherited all the TBVC states. We are saying we need to have fewer provinces in the country. It is also important that members of this Legislature should understand that our pieces of legislation put a lot of emphasis on the devolution of power to local governments so that they can begin to play a very important role. We are saying it is important that we begin to look into those challenges that we are faced with in order that we are able to deal with these issues.

Baba Msomi, the ANC owns this decision. It is our collective decision. We are saying the ANC leads. [Interjections] We are also saying ... [Laughter] ... this organisation is pursuing a developmental agenda. We are saying we need to instil that mindset in our people of fighting for one country, one nation and one vision. That is what we are saying as the ANC. To my colleague who is leading SCOPA, we are meeting at a national level, even at continental level, to deal with issues of public accounts. It is our task, and we will see to it that we engage our colleagues in other provinces in these types of issues. Thank you very much.

**THE SPEAKER:** The hon Inkosi B N Mdletshe.

**INKOSI B N MDLETSHE (IFP):** Somlomo ngicabanga ukuthi usungibizile baba, sengiyasabela. Sengisabelile.

**THE SPEAKER:** Inkosi inemizuzu la eyishumi nesishiyagalolunye.

**INKOSI B N MDLETSHE (IFP):** Yintahantaha.

**THE SPEAKER:** Isingaqala-ke. Ishumi nonayini.

***English translation follows:***

**[INKOSI B N MDLETSHE (IFP):** *Mr Speaker, I think you have called me, sir. I am responding.]*

**THE SPEAKER:** *Inkosi, you have 18 minutes.*

**INKOSI B N MDLETSHE (IFP):** *Oh, that is plenty of time!*

**THE SPEAKER:** *Now Inkosi can start saying something.]*

**INKOSI B N MDLETSHE (IFP):** Somlomo, angibonge nje okokuqala ithuba ongikeza lona bese ngisho ngithi; ngimangalile khathi kukhuluma udadewethu uBelinda Scott.

**English translation follows:**

*[Mr Speaker, let me firstly thank you for the opportunity you have afforded me. I was surprised when my sister, Belinda Scott, spoke.]*

My sister, you were present at the public hearings.

Wazizwela wena *and* ngiyamangala. Uyazi ningikhumbuzeni nina bantu baka-ANC? Ningikhumbuze indaba eseBhayibhelini lena yomFarisi lo owayethandaza ethi, “uyabona mina Baba ngikunikelela imali enkulu, mina ngenze ukuthi mina ...” Kuthiwa lowo mthandazo awuzange uye ndawo. Nalokhu enikwenzayo - ngeke iye ndawo le nto eniyenzayo kubantu baseMatatiele.

Senibe nenhlanhla-ke Somlomo, nathola amazwi akhulunywe yinkosi uMthuli. Inkosi ikhulumile. Ithi; “*may the day come soon when the people of the world who rose themselves.*” *When the people of Matatiele beyosisukumela bona and together XX12:25:49 any threat to peace.* Abantu baseMatatiele bayosisukumela bachithe wonke udoti lo ongase ubulale ukuthula eMatatiele. “*Whatever quarter of the world it may be found,*” kusho uLuthuli kule ncwadi le enisnikeza yona. Nenzani pho nina? Nigangelani? Uyabona Somlomo, sabeluleka njalo oKubheka ilunga elihloniphekile, noSithebe, nodadewethu labana, nangenkathi kufika le *amendment* sathi asihambeni siyokhuluma nabantu. U-ANC akezwa! Lo okhona nakhuzana... Wena ngiyakwazi wena Msomi. Wawuhamba ngemoto eyishintshayo. Siyayazi iContribution yakho? Uyabona-ke, Somlomo, le ANC ekhona ngiyadabuka nje Mhlonishwa uNdunankulu - ukuthi ungalihola kanjani iqembu elingafuni ukuya kubantu, lize likhuzwe yiConstitutional Court? Banqabe

sibatshela ngoba abafuni ukusizwa oKubheka laphayana. Uyisekela likaNobhala njalo lo Kubheka engikhuluma ngaye. Akafuni ukulalela iConstitution ukuthi ithini.

Angiqhubeke-ke. Kuthe uma seninqandwa yiConstitutional Court naqala ukuzwa. Ilunga elihloniphekileyo uMsomi labuza ngokokuqala ukuthi siya lapha siSerious yini ukuyokhuluma nabantu baseMatatiele? Bathi yebo. Yena yena lo, ngimangalile – angazi ngoba abantu baseMatatiele bebekhona izolo. UKubheka, bantu baseMatatiele bebengasezwa ukuthi benithini lapho kade nikhuluma khona? Sekuphika yena, aze afake ivoti lokugcina njengoSihlalo. A deliberate vote, athi uphikisana nezicelo zabantu baseMatatiele, kwakuphethe yena umhlangano, ilunga elihloniphekileyo uKubheka. Ukuziphikisa okungaka! [Interjections] Uyabona-ke okusithusile silapha Somlomo, ukuthi abantu abaphetheyo abasezikhundleni yibo abashushumbisa le nkulumo yokuthi akuyiwe le e-Eastern Cape. Abakhulumeli bona abantu, bakhulumela izisu zabo. Uyabona-ke, ngethuswe nangamakhosi lapha. Aze asho athi; “sikhulumela iContralesa.” Wase ubona-ke ukuthi kukhuluma amakhosi njengeContralesa, hhayi njengabantu bemele abantu. Kuphikisa abantu, izwi labantu. Thina makhosi esavele sabekwa abantu ngeke uze usibone siphika nezwi uma kukhuluma abantu.

ICosatu, iqembu leli leTriparteid yenu iCosatu, belaph' eMatatiele ithi; “qha kunokuya e-Eastern Cape asize KwaZulu-Natali.” Kuqhamuka le ndoda eqhamuke ngomhla ka-30 ethi ikhulumela iCosatu e-Eastern Cape yonke, iphikisa lokho. Akasuki khona kubantu baseMatatiele lo esimuzwe ngomhla ka-30. Ngifuna ukubona nezakho Somlomo lezi zesikela, ziphumele obala – iSACP bakithi – zathi gelekeqe, zama obala zathi ziyabasaphotha abantu baseMatatiele ku-course yabo. Kusho iSACP, amaKhomanisi abasekela. Ngiqonde ukuchaza njalo lapho ukuthi iCosatu namaKhomanisi abayiTriparteid no-ANC bavumelana nabantu baseMatatiele. Lo ANC mntakaDudu, akusewuye lo enimaziyo, akusewuye lo ANC owakhuluma koMthuli ekhuluma wona la magama abawakhulumayo. Enye i-ANC le esiyibonayo lapha. Le ekhona i-ANC nansi iyangibuka, le ANC ekhuluma engohliwa abantu le ekhona.

Buza phela umbuzo ngikutshela ukuthi bakhona abantu baseMatatiele. Niyabona, nanka ama-*partition* nanku lo mqingo siwunikezwe ama-*legal adviser*. Bantu baseMatatiele, abantu babhalile nama-*legal adviser* nezisebenzi zibhalile ukuthi izinkulungwane ngezinkulungwane zenu nithi anifuni ukuya e-Eastern Cape. U-ANC lo okhona engiwukhombayo uyaphikisana naleyo nto. Bantu baseMatatiele uKhongolose,

niyabona-ke ukuthi uqotho lo Khongolose. Ngabe okungenani uvumela abantu baseMatatiele okwacelwa yiqembu leNkatha nabantu baseMatatiele bakucela namanye amaqembu ukuba kwenziwe i-referendum. Buzani kubantu-ke manje ukuba bavote basho ukuthi bayafuna yini ukusiwa e-Eastern Cape na? Ningeke nivume. Nithule nje ngoba ngeke nikwenze lokho. Anifuni Gcabashe. Kona lokhu eningakwenza-ke, kukhona omunye owaphawulayo silapha eMzimkhulu we-youth [Interjections: Somlomo ingane yakuveza ukuthi izinqumo kade zathathwa endlunkulu. Yaze yakhuzwa uMunicipal Manager uNgcobo wathi; “ungakusho ngoba ungene ku-ANC ukuthi unqume kanjani.” Siyazi kade nasithatha lesi nqumo. Kusho ne-youth league isho kanjalo eMzimkhulu niyihluphelani nilokhu nisigijimisa; “hambani niyolala eNgele. Hambani niyolala kuphi nina enizokuya eMatatiele,” ngoba besenivele ninaso isinqumo esandleni. Nisimoselelani isikhathi sethu kangaka, Kubheka usihole nawe uze uqinise imithambo engathi uNgcwele ungcwele. [Interjections] Bafika ngobuningi babo badle nathi bahlale nathi baze banikine amakhandla bethi hnm nkosi yami hnm. Badlala ngabantu baseMatatiele. Uyabona-ke, sihlale sinikhuza kulezi ndaba zenu nithi niyozwa izimvo zabantu ngoba nijika ningenzi lutho emva kwalokho. Ngisho kanje ngoba kade siye eMatatiele akwenziwa lutho okushiwo abantu baseMatatiele. Naba oKubheka besinabo Mhlonishwa. [Interjections]

**English translation follows:**

*[You heard for yourself what was said and now I am surprised. You know, you ANC people remind me of a story in the Bible about the Pharisees who were praying, saying: “You see, God, I will give a huge amount of money, I will do this and that ...” It is reported that that prayer did not go far. What you are doing to the people of Matatiele will come back to haunt you.*

*You have been fortunate, Mr Speaker, in that you have listened to the words that were uttered by Chief Luthuli. Inkosi says: “May the day soon come when the people of this world will free themselves.” The people of Matatiele will stand up for themselves and stand together against any threat to their peace. You see, Mr Speaker, we did advise the hon Kubheka and the hon Sithebe and my sisters over there when this amending Bill was first tabled. We told them that we must go and consult the people. The ANC does not listen! I know you, Mr Msomi. You were driving an automatic vehicle. We know your contribution in the ANC. Now, Mr Speaker, I ask the hon Premier, how does he lead a*

*party that does not want to consult the people? The ANC was instructed by the Constitutional Court to consult the people. They refused to listen when we advised them, because Kubheka and those people over there did not want to listen to us. The same Kubheka is the deputy secretary of the ANC, but he does not want to abide by the Constitution.*

*Let me proceed. When the Constitutional Court instructed you, you started acting as if you were listening. The hon Mr Msomi asked if we were serious about going to the people or if we were just going through the motions. They said they were being serious. The same Kubheka betrayed the people of Matatiele. He opposed their views to such an extent that he cast a deliberative vote as the chairperson, and yet the hon Kubheka was charing the hearing. What a contradiction! [Interjections] You see, Mr Speaker, what shocked us even more is that the people who have high positions are the ones who favour the move to Eastern Cape. They do not speak on behalf of the people – they are talking on behalf of their stomachs. You know, Amakhosi there shocked me. They even said: “We are speaking on behalf of Contralesa”. It was obvious that they were talking as Contralesa – not as Amakhosi representing the people’s interest. They were opposing the voice of the people. We Amakhosi who represent the people cannot oppose the people’s voice.*

*Cosatu, which is part of the tripartite alliance, also stated in Matatiele that they would rather go to KwaZulu-Natal than the Eastern Cape. Then, on the 30<sup>th</sup> a man came up and said he was speaking on behalf of Cosatu in the Eastern Cape, opposing the move. He did not come from the people of Matatiele. I was happy to see that your own party, Mr Speaker, the SACP, came out clearly and pledged their support to the people of Matatiele. This ANC has changed. It is no longer the ANC that was led by Inkosi Luthuli.*

*You see, we have this thick document and all these petitions that were received from the legal adviser. People of Matatiele, it is recorded here that thousands and thousands of you do not want to go to the Eastern Cape. The current ANC opposes that. The ANC must at least allow the people of Matatiele what the IFP and the people of Matatiele have requested, namely to have a referendum. Go and ask the people to say if they want to go to the Eastern Cape or not. You will never do that. You are silent because you will never do that. You do not want to do it, Gcabashe! We know this decision was taken long ago. Even the Youth League at Umzimkhulu said this. Why are you wasting*

*our time, Kubheka? You led us, pretending to be all holy and innocent ... [Interjections] You acted as if you sympathised with the people of Matatiele, but you were just faking it. We always correct you when you say you go and listen to the views of the people, because you do not do anything after that. I am saying this because we have been to Matatiele, but you have not done anything that has been requested by the people of Matatiele. Here is the hon Kubheka who he led us ... [Interjections]]*

**THE SPEAKER:** Ake sime kancane lungu elihloniphekile. Sekukhona okudinga i-point of order. *[Can you hold on for a moment, hon member? There is a point of order.]* Hon member...

**MRS H M BLOSE (ANC):** Ngiyabonga baba Somlomo. Ngiyacela ukuzwa ukuthi iNkosi ingawuthatha yini umbuzo? *[Thank you, Mr Speaker. I want to know if Inkosi can take a question.]* [Interjections] Angikhulumi nawe. *[ I am not talking to you!]* [Interjections]

**INKOSI B N MDLETSHE (IFP):** Ngize la okuyiyona nto. Uyabona, ngenkathi silapha eMatatiele, bekukhona laba bantu bakwaHuman Rights ngemoto emhlophe. Baphi abaqhamuki ngani? Sididwa yila maphepha-ke namhlanje. *[You see, when we were in Matatiele, we had people there from Human Rights who were driving a white car. Why are they not here? Today we are confused by these newspapers].* [Interjections]

**THE SPEAKER:** Lungu elihloniphekile, *[hon member]*, there is another point of order.

**DR B M RADEBE (MEC for Social Welfare and Population Development):** Somlomo, ngempela asiyeke ukudlala. Ngicela Somlomo uvikele ... *[Mr Speaker, let us stop playing games. Can you protect ... ]* [Interjections]

**THE SPEAKER:** Kahleni malunga ahloniphekile. Uyazi ngicelile la nasekuseni. Ake ninikezane ithuba. Khuluma lungu elihloniphekile sizwe ukuthi uthini. *[Hon members, I requested you this morning, please give each other an opportunity. Proceed, hon member, so that we hear what you want to say.]*

**DR B M RADEBE (MEC for Social Welfare and Population Development):** Somlomo, ekuseni la kube nesikhalo sokuthi – it is a point of order – sokuthi ilungu elihloniphekile lapha, umama uMncwango, uthuke ilungu elihloniphekile uHlongwa. Siyacela Somlomo ukuthi ake uyiqinise imithetho yale ndlu ukuthi le ndlu ayihlonipheke. *And yi-culture entsha le esiyiqabukayo efika nelungu elihloniphekile, umama uMncwango, yokweqisa*

izinhlamba endlini ehlonipheke kangaka. Siyacela Somlomo ukuthi uma kunama-*debate* awukusibuke ukuthi *sibehave* kanjani ngoba lezi zinhlamba eziza ngala angiboni ukuthi zizokwamukeleka. Ngiyacela Somlomo, nasekuseni, kuyaphinda futhi namanje. Uze athi-ke manje, uzomnquma. [Interjections]

*[Mr Speaker, this morning there was a complaint – it is a point of order – that the hon member over there, Mrs Mncwango, insulted the hon member Hlongwe. We request you, Mr Speaker, to enforce the Rules of this House. This is a new culture introduced by Mrs Mncwango to use vulgar language in the hon House. I request you, Mr Speaker, to monitor our behaviour during debates, because the insults towards our side of the House are unacceptable. It happened this morning. Now it has happened again. Now she even says she will cut her throat! [Interjections]]*

**MRS L A MNCWANGO (IFP):** Cha, kusho ukuthi ngempela bekade nitsheliwe la kade nikhuluma khona ukuthi nje ni-athende mina. OK phela sengizwile.

*[I swear, wherever you had been meeting, you were instructed to pay close attention to me. Okay, I have heard!]*

**THE SPEAKER:** Ake ubalinde nje, balinde nje Ndabezitha uma sebeqedile siyobezwake ukuthi sebeyakhuluma, bese uyakhuluma. Kusekhona ilunga elihloniphekile elisaphakamile-ke Ndabezitha futhi elidinga ukuthi libe ne- *point of order* nalo.

*[Just wait for them to finish, hon Inkosi. When they finish then you will continue to speak. There is another member who is rising on a point of order.]*

**DR L P M MTSHALI (IFP):** Somlomo baba, ngisukuma nje ukuphawula ukuthi kuvumelekile yini ukuyivubela ivutshelwe uNgqongqoshe?

*[Mr Speaker, sir, I rise to ask if it is permissible for the MEC to instigate violence in the House.]*

**THE SPEAKER:** Cha, uyabona nje konke enikwenzile kuyahlupahlupha nje ngoba kuphazamisa leliya lunga elihloniphekile ebelikhuluma. Ngabe likude manje. Ngabe liyayiqeda nenkulumo yalo manje. Nginesicelo-ke sokuthi malunga ahloniphekile ake nisinikeze ithuba lokuthi siyele maduzane nokuyiqeda i-*debate*. Awuqhubeke-ke lunga elihloniphekile, ngiyazizwa izinkulumo ezibekiwe. Qhubeka-ke lunga elihloniphekile.

*[You see, all you are doing is causing a problem because it interrupts that hon member who was speaking. He would have finished by now. I request you, hon members, to give us an opportunity to conclude this debate. Can you proceed, hon member? I hear what has been said. Proceed.]*

**INKOSI B N MDLETSHE (IFP):** Angibonge Somlomo ngokucebana bakithi. Ukucebana bakithi hhawu ukucebana! Angiqhubeka kodwa Somlomo. Ukucebana! Ngakugcina sisebancane, “Please miss” ..., angisho lutho Somlomo. Kwakuwukucebana kwethu sisebancane, sesikhulile manje.

Ngidlulele la ekuthenini, abeHuman Rights bebhona laphaya eMatatiele. Asikakabezwa bekhuluma, bathule bathini? Zithule zithini lezi nhlango zikaHulumeni? Bathuleleni abantu uma u-ANC egxobagxoba abantu, bathuleleni? Sekukhombisa khona lezi nhlango zibekwe uye uKhongolose. Asifuni-ke ukucabanga kanjalo. Lezi ezisilele, zisisaphothile zona. Uthule uthini uPublic Protector ngoba le ndaba Somlomo ifikile kuPublic Protector? Abantu abangancishwa ilungelo labo abazisholo lona. Yini ingake ingene le ndaba sivumelane ukuthi ayiye kuPublic Protector sivumelane ukuthi ayiye kuPublic Protector, bavikeleke laba bantu baseMatatiele? Naba abamaphepha namhlanje, nazi izinhlelo zimhlophe, uyabona-ke ukuthi baphethwe yinina impela? Naba abamaphepha. Uphi umsakazo uKhozi oluzithanda kangaka izindaba? Nibatshelile ukuthi bangezi namhlanje ngoba kukhulunywa izindaba zaseMatatiele, ngoba laba bantu nifuna ukubabhonya nje, bethule bengazwakali. Nibashaye umhlaba ungazi ngabo? Baphi abezindaba Somlomo? Engani nihlale nikhuluma nihambise nje izinkukhu nommbila emphakathini lapha. [Interjections] Hho, kade ngisemphakathini! Ngibone abantu abangaka! Khulumani Mphephethe. [Interjections] Kodwa abantu bayahlushwa eMatatiele abekho abezindaba. Alukho uKhozi. Akukho muntu ngoba laba bantu baseMatatiele kufanele babulawe nje badliwe baqedwe ngezivumelwano zenu.

Kukhona i-*propaganda* nina bantu bakaKhongolose eniyishayayo lapha, eshiwo abantu. uKhongolose wase-Eastern Cape. Uthi uKhongolose wase-Eastern Cape, “uma abantu bevuma ukuya e-Eastern Cape, laba abayizalukazi asebekhulakhulile bazofika abesifazane bathole impesheni *at the age of 55* bese kuthi amadoda-ke wona *at the age of 60* athole impesheni. Kokwenzeka konke lokho uma nivuma ukuya e-Eastern Cape. Siyonigixabeza ngo-R300 ngaphezulu!” ANC zwanini! Upheth’ izwe njalo lowo Hulumeni!

Ngakho-ke, ngifuna sengizohlala phansi, kodwa usakhona u-9 *minutes*, awuthi ngithi kancane. Uyabona, ngiyakusaphotha mina okushiwo yiDA neqembu lami ukuthi asenze *i-amendment* njengoba ishisa. Sizoyisaphotha leyo *amendment*. Ngoba ushilo Nomndaye, ngikuzwile ukhuluma ukuthi kulaba bafowethu abala kukhona abanye abangayithandi le nto eyenzakalayo. Ngiyamazi uKubheka cishe akayithandi le nto eyenzakalayo. Uphoqiwe uKubheka. Ngiyamthanda uKubheka lo mfana uzokhula umholi oyisimangaliso loya. [Interjections]

**English translation follows:**

*[Thank you, Mr Speaker. Telling tales! Telling tales! However, let me proceed. I last did this thing when I was still at school. I would say, "Please, Miss" ... I am not saying anything, Mr Speaker. That is what we did when we were still young. We are old now.*

*The Human Rights people were there at Matatiele, but we did not hear them speak. Why were they silent? Why are the government organisations silent? Why are the people silent while the ANC is abusing other people? It seems as if these organisations are affiliated to the ANC, but we do not want to think like that. What is the Public Protector saying, because this issue has been to the Public Protector? People must not be deprived of their rights. Why can't this issue be taken to the Public Protector so that the people of Matatiele can be protected? Where are the media people today? The chairs are empty! Can you now see that they are controlled by you, the ANC? Where are the newspaper journalists? Where is uKhozi FM which likes news so much? Did you instruct them not to come today because we are talking about the issue of Matatiele, because you want to abuse these people? You do not want the whole world to know about what you are doing. Where are the media people, Mr Speaker? You always report on everything, even on poultry projects which you take to the people ... [Interjections] The people of Matatiele are being abused and there are no media people here! There is no uKhozi FM! There is no-one, because the people of Matatiele will be abused, come what may.*

*There is propaganda being bandied about by the ANC in the Eastern Cape. The ANC in the Eastern Cape says: "If people agree to go to the Eastern Cape, the female pensioners will start receiving their pension at the age of 55 and the males at the age of 60. All that will happen if you agree to go to the Eastern Cape, we will give you R300*

*extra!" This is the ruling party's government which says that!*

*Therefore, I support what the DA and my party are saying: We must hold a referendum. As the hon Msomi has said – there are even some ANC members here who regret the move. I know hon Kubheka does not like this thing. His hand is being forced. I like that young man, that Kubheka. He will be a very strong leader when he grows older. [Interjections]]*

**MR V C XABA (Chief Whip of the Legislature):** I rise on a point of order, Mr Speaker.

**THE SPEAKER:** Asithathe le [*let us take this*] point of order.

**MR V C XABA (Chief Whip of the Legislature):** Mr Speaker, uMhlonishwa uyazi ukuthi ngokwama-Rules ala ekhaya ilunga akufanelekile ukuthi ligagule nje elinye ilunga ngesibongo lingazange lize liqale lasho ukuthi 'ilunga elihloniphekile lale ndlu' yakwaZulu-Natali elishaya umthetho.

*[Mr Speaker, the hon member knows that, according to the Rules of this House, you cannot just call the member by his name or surname without putting hon before the name. That is according to the Rules of this Legislature.]*

**INKOSI B N MDLETSHE (IFP):** Phela igama Mhlonishwa uKubheka. Kodwa bese ngisho bakithi ukuthi singanaka lokho kunabantu baseMatatiele abathathwayo! [Interjections] Sesingaze sikhulume nje impela kusukume uSotswebhu omkhulu asukumiselwe lokho nje! Bakithi ukuze ubone ukuthi abantu baka-ANC abayinaki kangakanani indaba yabantu baseMatatiele, uSotswebhu omkhulu angikhulumi mina ngosoTswebhana. uSotswebhu omkhu...lu, Somlomo, anake lokho nje! Mhlonishwa uKubheka ngiyasho mfowethu, ngilishiyile leli gama uyangikhumbuza laphana uNonkosi uXaba ukuthi angilisho Mhlonishwa uKubheka. Bengithi-ke ngoba nakhu kuyakhombisa ukuthi kukhona abasabayo kubahlonishwa (bakhona abasabayo?) yini pho singake sivote ngeSecret Balott namhlanje? Sivote ngeSecret Balott ukuze umuntu azisholo yena into esuka ngaphakathi kunembeza. Simane sivotele le ndaba siyisusela ngaphakathi. Singanqaba yini Somlomo uma usuyidlulisele nakithina? Kungasiza nalokho! [Interjections]

Ngakho-ke, ngifuna ukusho Somlomo ukuthi, bakithi, izolo ngizamile ukuphesuweda i-ANC I tried my best. Ngizamile ukunicela bafowethu kuKomidi, nginicela njengabantu

ukuthi, izwe lakithi siyalithanda thina njengeqembu leNkatha, yingakho kwathi ngo-1994 sasingqaba uMholi wethu wasivumela ukuba singene – kwakukubi ngo-1994 – ngoba uthanda izwe lakhe, abantu bakhe. Yikho okwasenza sangena noma sibona ziphi izinkinga ezilukhuni ezenzakalayo kuHulumeni kodwa siyaqhubeka ukuba khona sibambe iqhaza ngoba sithanda izwe lakithi nabantu balo. Musani nithi niphethe uHulumeni kube yinina enivuthela amalangabi noma umlilo wokungezwani ezweni lakithi. Musani ukwenza iKhutsong ibe khona. Musani ukwenza laba bantu baseMatatiele, sebezivezile, abantu bagcine bebona indlela engcono ngoba bakhombisile laba Bantu ukuthi baqotho emthethweni ukuba balandele isibonelo saseKhutsong.

*[Now I am putting the word “honourable” there. Why should we have to pay attention to such a small detail while the people of Matatiele are being ignored? One would not have expected the important Whip of the House to stand up and complain about the word “honourable”. So you can see, the people in the ANC do not care about the people of Matatiele. They only care about their own superiority. Hon Kubheka, or let me rather say “hon Kubheka”, why can we not vote through a secret ballot today? Some people are clearly afraid to express their sympathy towards the people of Matatiele. If we were to vote by secret ballot, people would be able to say what is inside their hearts.]*

*Mr Speaker, yesterday I tried my best to persuade the ANC. I tried to put a request to you, colleagues of the committee. I was talking to you as the people. We are patriotic towards our country, as the IFP. That is why in 1994 we refused to take part in the election, but our leader persuaded us to take part. It was bad in 1994, but because our leader is patriotic towards the country and the people, he wanted us to take part. That is why we are still taking part in the government, because we love our people. Do not bring Khutsong here. The people of Matatiele have not emulated the Khutson people. Everything they have done is in line with the Constitution.]*

**THE SPEAKER:** Nali elinye ilunga elihloniphekile. *[There is another hon member.]*  
[Interjections] Siyacela phela ukuthi sinikeze ilunga elihloniphekile ithuba Qhubeka-ke.  
*[Can you allow the hon member to speak?]*

**MR Y S BHAMJEE (ANC):** Hon Speaker, I notice that the pants of the hon member who is addressing the House keep falling down all the time. Can you not give him a couple of

minutes so that he can go out and tie his belt properly? I fear he may otherwise embarrass this House. [Laughter]

**INKOSI B N MDLETSHE (IFP):** Konke njalo lokhu okwenziwa ubhajiya ngesiZulu kushiwo njalo phela, angazi. Konke njalo lokho kusho ukuthi abantu baseMatatiele bancane kunale nto ayicabangayo. Uhleli lapha ubuka ukuthi ngilibamba kanjani ibhulukwe lami. Akanaki *iconcern* yabantu baseMatatiele. Senikhombisile bafowethu. Uma nicabanga ukuthi umbuso niyowuphatha ngale ndlela eniwuphethe ngayo, nisebenzisa leli ningi ngenkani ngale ndlela enenza ngayo, uzosha phambi kwenu. Siyaneluleka thina boMdletshe. Asinandaba namuntu sithanda izwe lakithi. Uma.. angifuni ukukhuluma ukhulume nawe ngoba awunikeziwe ithuba uSomlomo. Uyabona lezi ezibomvu seziphumele obala zasho ukuthi ziyabasaphotha abantu, uwe nje lunga elihloniphekile uGcabashe okhuluma la ungabatsheli laba oBamjee ukuthi kufanele bakhulume kanjani. Bengifuna ukukutshela-ke ukuthi niyabona bakithi, mhlawumbe ePolokwane ngoDecember kuyophuma ubuholi obungcono, obuzolalela uLuthuli ukuthi uthini. Obuzosho ukuthi abantu bathini...bulalele abantu ukuthi bathini. Mhlawumbe sethamba lokho lelo themba silibekile. Kodwa uma kuseyilobu buholi esibubona la obungabanaki abantu! Gcabashe obungabanaki abantu baseMatatiele! Sinebhadi siyakhala. Cha buka uyangihlohloza..awubheke uyangihlohloza lo akanikeziwe njalo ithuba. Yilaba bantu bokuxoshwa ke eNdlini-ke Somlomo, mxoshe, mxoshe, mxoshe!

***English translation follows:***

*[All that Bhajiya is demonstrating is that the people of Matatiele are less important than what he is thinking about now. He is sitting there, looking at how I am holding up my trousers. He does not even think about the concerns of the people of Matatiele. You have shown that you do not care about these people. I am telling you, we do not care about you, but we care about our people. I do not want you to say anything, because the Speaker did not give you the opportunity to speak. Maybe you will elect a better leadership in Polokwane in December, leadership that will listen to what Inkosi Luthuli once said, leadership that will hear what the people are saying and listen to them.]*

**THE SPEAKER:** Cha lunga elihloniphekile, akangaphazamiseki omunye ekhuluma. *[Hon member, do not interrupt the other member.]*

**INKOSI B N MDLETSHE (IFP):** Uzokuxosha, ucabanga ukuthi uyadlala...unendaba yini

nawe. Uzokukhipha lapha eNdlini. Bakwethu ngisanincenga ba-ANC. Bantu baka-ANC ngiyanincenga. Ngiyafisa nje *one day* ke niye kulaba Bantu ngeke niphume laphaya lungu elihloniphekileyo. Njengoba ninquma kanjena nje...Seninalobu bugebengu njalo nina, uma senifuna ukujikela abantu nikhuluma isilungu kakhulu kunakuqala ngoba nifuna abantu bangezwa, abantu balokhu bedizela bethi asizwanga kahle bese kukhulunywa nesilungu laphaya asizwanga nakahle, ngoba nifuna nje kuphela ukuba nidlule kulezo zinto zenu. Angixabene-ke nezilimi. Enye *i-point of order* futhi?

**English translation follows:**

*[The Speaker will chase you out! You think the Speaker is joking. He does not care about you. He will chase you out of the House. I am still pleading with you, ANC. I wish one day you could go to the people of Matatiele. I swear, you will not come out. You commit this crime all the time: When you want to confuse the people, you start speaking English more than before. You do not want people to understand what you are saying. Then people get confused because they are not sure of what you have said. I do not have a problem with languages. It seems there is another point of order, Mr Speaker.]*

**THE SPEAKER:** Hon member Mr Gcabashe, so you have a point of order?

**MR S J GCABASHE (ANC):** Mr Speaker, according to Rule ... [Interjections] Yes, that Rule. [Interjections] May I be protected? We do not want to have the same scenes as in Vryheid.

**THE SPEAKER:** Ubaba uMzobe nje ongihluphayo kulokhu. Baba uMzobe kuhlupha nje ngoba akulula ukukhipha wena kodwa ke nawe ngizokukhuza nje ngithi musa ukuya ngakulaba abahluphayo.

*[Hon Mzobe is troubling me. It is a pity that it is not so easy to chase you out, hon Mzobe, so I will just chastise you. You must stop troubling me.]*

**MR S J GCABASHE (ANC):** Ngokuka *rule 245(2) (g)* bengicela ukuthi Somlomo uke ulandele ukuthi kungani ilunga elihloniphekile iNkosi uMdletshe adukise le Ndlu ngokuthi akhulume okungelona iqiniso ukuthi thina siyizigebengu.

*[According to Rule 245(2)(g), I request you, Mr Speaker, to make a follow-up as to why the hon member Inkosi Mdletshe is misleading this House by saying that we are*

*criminals.]*

**THE SPEAKER:** Hon member, we will investigate that.

**INKOSI B N MDLETSHE (IFP):** Ngiyabonga Somlomo. Bayohlale bedideka njalo uma sesikhuluma isiZulu sithi kukhona ubugebengu, anyway yilungelo lakho Somlomo ukuphenya. Kodwa ngifuna ukunxwayisa bafowethu, musani ukudlala ngabantu ngale ndlela. Niyabona bantu baseMatatiele ukuba bakhona la, qhubekani nalo mzabalazo wenu ningakhohlwa uLuthuli unisaphothile la. Uyanisaphotha uLuthuli uthi lapho nikhona nenze konke eningase nikwenze ukuze nikwazi ukuzinakhuzela nina. Usho njalo uLuthuli kule ncwadi le. Ngakho-ke umhele ukuba ukhona nje ngabe uyababaza ukuthi banjani laba bantu abakhona namhlanje, iqembu labo lisaholwa yibo yini labo bantu. Ngakho-ke abantu baseMatatiele kumele nikhumbule ukuthi...awu isikhathi sisesiningi, sisesiningi *three minutes*.

Nikhumbule ukuthi ikusasa lenu lisezandleni zenu. Ingomuso lenu lisezandleni zenu. Ngakho-ke abantu nxa bedayisa ngani benza lokhu okuthiwa yi-*horsetrading* benikela ngani ngoba betshelwa osibanibani yinina eningabantu baseMatatiele. Ngiyafisa ukusho ukuthi qembu elibusayo cabangelani izakhamizi zakini. Ngiyaniluleka. Lunga elihloniphekileyo, mhlonishwa uMthimkhulu nicabangele abantu kuqala nibeze abantu. Nihloniphe izinto ezishiwo ngabantu nizilalele izinto ezishiwo ngabantu. Uma nenze kanjalo siyonihlonipha thina sinethulele isigqoko. Kodwa uma nenza lokhu enikwenzayo lungu elihloniphekileyo mama uNkonyeni somangala njalo sihlala sikhala sithi hhawu lenzani iqembu elihlonipheke kangaka.

Sengiphetha-ke Sihlalo Somlomo, namanje thina beqembu leNkatha yenkululeko yesizwe leli esikulona elazi ngokukhala kwabantu, elazi ngokuhlupheka kwabantu, elinakekela aba...ntu! limele abantu livikele abantu, libakhulumele futhi abantu ngoba sikhuluma nje. Sithi sinabo abantu baseMatatiele siyobasekela nxa kugangwa ngabo beshoniswa njengoba beshoniswa nje kugangwa ngabo. Siyoba kubona sibaduduze siye kubona sibaphe ukuchopho, siye kubona, siye kubona ukubalekelela kuyo yonke indawo sibacele thina. Bese ngithi ekugcineni, ngisho bangapikla odadewethu abangoNgqongqoshe benupiklela bantu baseMatatiele, ngeke sikunake lokho futhi ngeke sikuzwe ukuthi bathini ngoba asinandaba nabo sikhathazwe yindaba yenu nina bantu baseMatatiele. Sekukhona omunye futhi?

**English translation follows:**

*[Thank you, Mr Speaker. They will always be confused when you speak isiZulu. Anyway, it is your right, Mr Speaker, to investigate, but I want to warn you, my brothers, stop toying with the people in this way. I wish the people of Matatiele were here. Anyway, if there are some here, I want to tell you that you must continue with your struggle. Do not forget that Inkosi Luthuli has supported you. He is supporting you when he says that wherever you are, do everything that you can so that you can free yourself. That is what Luthuli is saying in this booklet.*

*Oh, I still have lots of time ... three minutes! You must remember that your future is in your hands. Therefore, when people sell you out, they are doing what is called "horse trading". They are instructed by certain people to make you offerings. I wish to advise the ruling party to consider the views of the citizens of this country. I am advising you, hon member Mthimkhulu, listen to the people. Respect what the people say. If you do that, we will respect and salute you, but if you continue to do what you are doing, hon member, Mama Nkonyeni ...*

*In conclusion, Mr Speaker, we, the IFP, the party which knows about the hardships of the people, which cares about the people, which protects the people and speaks on their behalf as we are speaking now, we are saying that we will forever support the people of Matatiele when they are being abused. Oh, there is another point of order.]*

**THE SPEAKER:** Ngiyacabanga ukuthi le *debate* iyongena emlandweni njenge*debate* ebe yinde kunawo wonke kunesikhathi ebinikezwe sona. Lunga elihloniphekile MEC Mthimkhulu.

*[I think this debate will be recorded as the longest debate in history, despite the time it had originally been allocated. Hon member MEC Mthimkhulu.]*

**MR M E MTHIMKHULU (MEC for Agriculture and Environmental Affairs):** Somlomo ngiphakama ngokwemigomo yale Ndlu enginikeza igunya lokuthi uma kukhulunywa kuxoxiswa ngokuthile ngikwazi ukuthi ngibuze kulowo okhulumayo ukuthi umbuzo engawuthatha yini. Ngakho-ke ngithi angicele ukubuza kuleli lungu ngokusebenzisa imigomo yale Ndlu engiyiphethe la esayiphasisa ngomhlaka 21 June 2006. Le migomo esigunyazayo ukuthi uma kufanele sibuze sibuze ngakho-ke sithi asibuze-ke

kumhlonishwa iNkosi yaseMdletsheni ukuthi umbuzo wokuthi kukhulumeke nje iqiniso ingawuthatha yini sizwe ukuthi ithini.

Mr Speaker, I am rising on the Rules of this House which allow me to ask questions during a debate. Can the hon Inkosi Mdletshe take a question?

**THE SPEAKER:** Hon iNkosi ingawuthatha umbuzo? *[Hon Inkosi, can you take a question?]*

**INKOSI B N MDLETSHE (IFP):** Awubheke nje Somlomo, sikhuluma izindaba ezishisa kangaka kukhona ilunga lakho ngale elileleyo uSlabbert. Ngingathini kodwa kulesi simo esibukhuni kangaka kube khona abantu abaphumule abaphuphayo njengamanje ongazi baphuphani sikhuluma lezi zindaba lezi ezinkulu kangaka Somlomo.

Sengiphetha-ke Somlomo angiwuthathi umbuzo lo awushoyo abantu abahlale bethatha imibuzo...anginaso isikhathi sokuthatha imibuzo. Nginyaqhubeka nje nginyaqhubeka.

*[Look Mr Speaker, we are debating an issue which might yet go to court, but your member Slabbert over there is sleeping. What can I say about such a sad situation? Someone is dreaming whilst we are debating very important issues!]*

*In conclusion, Mr Speaker, I am not taking the question that you are talking about. People are always asking questions and I do not have time for questions. I will just proceed.]*

**THE SPEAKER:** Ilunga elihloniphekile-ke alizukuwuthatha umbuzo kusho ukuthi lizoqhubeka-ke. Qhubeka-ke Ndabezitha.

*[The hon member is not taking the question, which means he will just proceed. Proceed, Ndabezitha.]*

**INKOSI B N MDLETSHE (IFP):** Somlomo, sengiphetha. Ngifisa sengathi uNkulunkulu angalikhumbula izwe lakithi. Sengathi uNkulunkulu angasipha abaholi abaqotho. Sengathi uNkulunkulu asisikelele nokuhlupheka kwabantu akusikelele. UNkulunkulu omdala kunazo zonke izikhathi sengathi angabakhumbula abantu baseMatatiele. Nabanikela ngabo aze abakhumbule abakhuze kulokho. UNkulunkulu abe nathi sonke kuleli zwe ikakhulukazi leli qembu engikulona leli engimi kulona aze alikhumbule njalo

ukumelela abantu abahluphekayonabakhalayo. Ngiyabonga Somlomo.

*[Mr Speaker, in conclusion, I pray that God will remember our country. I pray that God will give us leaders who have integrity. I pray that God will bless our people. I pray that God will remember the people of Matatiele. May God be with all of us in this country, especially the party that I represent, because it represents the people who suffer. Thank you, Mr Speaker.]*

**THE SPEAKER:** Malungu ahloniphekile, senginikeza-ke manje ilunga elihloniphekile elinguSihlalo weKomidi loHulumeni baseKhaya kanye Nobuholi beNdabuko. Uyena-ke esengimnikeza ithuba lokuthi avale le debate ngo five minutes.

*[Hon members, I am now going to give an opportunity to the hon member who is the Chairperson of the Portfolio Committee on Local Government and Traditional Affairs. I am giving him the opportunity to speak for five minutes in closing of this debate.]*

**MR M A I KUBHEKA (ANC):** Ngiyabonga Somlomo. Ngicela ukuqala ngokuthi ngizwakalise ukujabula kwami ngokubona phakathi kwethu namhlanje ilunga elihloniphekile, nesinesikhathi eside sikade saligcina, ubaba uDavid Thandabantu Ntombela. Cha siyajabula kakhulu ukumbona ubaba uMahlobo. Besizwile ukuthi ukuxineka bekukade kumphethe kakhulu, kodwa ukuba phakathi kwethu kukhomba ukuthi sekuyalunga. Ngathi-ke ungama njalo Mahlobo.

Okwesibili Somlomo, angikusho ukuthi sekuyisikhathi eside mina ngokwami ngagcina ukuba abahlonishwa beqembu leNkatha bejabule ngale ndlela engibabona bejabule ngayo namhlanje. Lokho engikubone ngokuthi kube nohleko oluqhuma phezulu uma ngabe ubheka ngale okuhleli ngakhona umhlonishwa uHlabangane, ubone ukuthi kuivela elomhlathi.

*[Thank you, Mr Speaker, may I start by expressing my delight at seeing the hon member David Thandabantu Ntombela whom we have not seen for a very long time. We were told that he was very sick, but his presence today shows that he is improving. I wish you a speedy recovery, hon Mahlobo.]*

*Secondly, Mr Speaker, it has been a long time since I have seen the hon members of the IFP as excited as they are today. This was proven by the laughter on the side of hon Hlabangane. They are smiling from ear to ear.*

**THE SPEAKER:** Bakwethu ilingu elihloniphekile alingaphazanyiswa uma likhuluma ngoba alikakoni lutho. Alikakoni lutho leli lungu elihloniphekile. Belisakhuluma nje liphawula ngendlela elibone ngalo isimo eNdlini. Angiboni-ke ukuthi kufanele kuze kubangwe lokho bese lize lidistebheka ilungu elihloniphekile. Alinikezwe nje ithuba, likhulume kahle nalo libeke inkulumo yalo ngokukhululeka. Lungu elihloniphekile.

*[Hon members, please do not disturb the hon member whilst he is speaking. He he has not done anything wrong yet. He is still commenting on what he sees. I do not think he deserves the disturbance he is receiving. Please allow him the chance to debate freely. Hon member?]*

**MR M A I KUBHEKA (ANC):** Ngiyabonga Somlomo. Cha kunjalo bengisika nje nami kwelijikayo ngoba ngingabone lutho olonakalayo. Cha umuntu makaqhubeke ngokuthi-ke, masibonge amalungu ahloniphekile aleli komidi ngokuthi akwazi ukuba azinikeze isikhathi ahambele lezi thangamu ebesikade sizihambela emphakathini. Ngiphinde ngiwabonge futhi ngokuphawula kwawo asekwenzile lapha eNdlini.

Asibonge-ke futhi egameni lekomidi izinhlango namakomidi nobuholi kulziya zindawo ezimbili zaseMzikhulu naseMtatiele, nabantu nje ngokuvulekile bakulezi zindawo ngokuthi babambe iqhaza kulolu hlelo onhloso lwayo bekungokuthi kukwazi ukuzwakwala eyana imibono nolwabo uvo.

*[Thank you, Mr Speaker. I was just commenting and there is nothing wrong. Let me continue by thanking hon members of this committee for being part of the hearings that were held and I also thank them for their comments in this House. Let me also thank, on behalf of the committee, the organisations, committees and leadership in those areas of uMzimkhulu and Matatiele and the people in general for having taken part in this process, whose aim it is to listen to their views.]*

*As I have indicated in my opening input, Mr Speaker, hon members have touched on some important concerns that have been raised by the people during the hearings. It is important to note that some were speaking from an informed position, knowing for sure what is that they are talking about. Of course, some were talking from a position of ignorance, like the hon Mrs J M Downs of the ACDP and some other hon members. [Interjection]]*

**MR B J MSOMI (UDM):** Somlomio bengithi ngicela ukubuza ukuthi ilungu elihloniphekile lingawuthatha yini umbuzo othi labezwa ukuthi bathini abantu baseMatatiele?

*[Mr Speaker, I wanted to know if the hon member can take a question as to whether he had actually heard what the people of Matatiele were saying.]*

**THE SPEAKER:** Kahle Nomndayi. Angithi phela yilokho ebengikukhuza ukuthi imithetho asingayigqoki nje kancane, siyigqokele ukuthi sibe sesikwenzile lokho esikuhlosayo. Nawo-ke umbuzo, buza nje ukuthi ilungu elihloniphekile lingawuthatha yini umbuzo? Ungabuzi wona. So sengizomnikeza nje ukuthi aphenhule ukuthi anagwuthatha yini umbuzo. Hon member, Mr Kubheka?

*[No, Mr Msomi. Do not abuse the Rules of the House. You must first ask if the hon member is prepared to take a question. Do not ask the question first. However, I will ask him to respond if he will take the question. Hon member Mr Kubheka?]*

**MR M A I KUBHEKA (ANC):** Thanks, hon Speaker.

Cha ngibonile ukuthi ilungu elihloniphekile uNoMndayi ufike emva kokuthi bese ngiyethulile leya nkulumo yokuqala lapho bengikhulume khona ngento eshoyo ukuthi sizwile ukuthi abantu baseMatatiele bathini. Bengiyocela ukuthi kulabo abathatha izinkulumo zethu bamenzele ikhophi bamnikeze. Uyokwazi ukubona lapho.

*[No, I saw that the hon member Nomndayi came in after I had tabled that first speech in which I mentioned that we have heard what the people of Matatiele are saying. I will request those who are recording the debate to give him a copy so that he will know what I said.]*

As I was saying, some members here were speaking from a position of ignorance. I will not touch on the details but, of course, the hon J M Downs spoke from a position of total ignorance.

Ngizozwelana naye, angeke ngathinta okutheni. *[I will just sympathise with her, I will not say much more.]*

And of course, some members speaking here were driven by nothing but sheer political

opportunism, as represented by the hon Inkosi Mdletshe of the IFP. I have always been under the impression that all members understood ...

**THE SPEAKER:** Nali elinye i-point of order futhi, (*another point of order*), hon Mr Combrinck?

**MR H L COMBRINCK (Chief Whip of the Opposition):** Mr Speaker, in his capacity as Chairperson of the Portfolio Committee, that member has to report on the debate, on what members have been saying. He cannot make a political speech on behalf of his party at this stage. Could you give a ruling on that, please?

**THE SPEAKER:** No. You see, Mr Combrinck, I do not think we should go into that area of discussion again. This is a list with names of members who are going to take part in the debate. Firstly, when this list was written, it was indicated that there will be a report by the Chairperson of the NCOP on the NCOP process. Secondly, there was going to be a report by the Chairperson of Local Government and Traditional Affairs. Both these members have made these reports. Now there has been a debate, beginning from the third person onwards. From that point, up to the 12<sup>th</sup> person, there was a debate. This list in front of me says: Response by the Chairperson of Local Government and Traditional Affairs to the debate. I thought that was precisely what the hon member was doing. Let us not put new things into our processes. Let us accept that the hon member is responding to the debate.

Qhubeka-ke [*Proceed*] hon Mr Kubheka.

**MR M A I KUBHEKA (ANC):** Mr Speaker, I have always been under the impression that we all understood that we are not necessarily conducting a referendum in these areas, but that we are involved in the process of public consultation. The important thing for us as the government will be to strive to attend to the concerns raised by the people in relation to the socio-economic conditions in which they find themselves. If this government was to be as populist as it is purported to be by some parties, including the the DA, we would long ago have encouraged people to go and grab the land to which they are entitled. They raise their voices, day in and day out, telling us they have to or need to get onto the land that was taken from them by the colonisers. However, we as the government have always emphasised that we need to have a clear process of investigation ... [Time expired.]

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**THE SPEAKER:** Siyabonga-ke lungu elihloniphekile. [*Thank you, hon member.*]

Hon members, we have concluded this debate. The more we get into this debate, the clearer it is that our Rules are very shoddy when it comes to NCOP matters, especially the Bills. However, I am also happy that we resolved yesterday that the Rules Committee and the Rules Sub-Committee will work on all of these matters and submit it to the first Rules Committee meeting in 2008. We will then get a report.

I want to place it on record that there are many concerns around procedural issues when it comes to the Rules. For instance, when the hon Leader of the DA tables amendments to the Bill in this House, they are not debated by this House. They are debated in the NCOP. Now, these amendments have been tabled and I have accepted them as amendments tabled by a member who has a right to do so. I will therefore entertain them as we go to the decision of the House. The procedures that I will use are as follows: We will first vote on the amendment that has been proposed to be part of this negotiating mandate. Then we will go to the mandate on the Bill. The normal Rules of debate, as I have indicated, will then be applicable in all of those matters.

Since we have now begun to entertain the question of decision, I will first put the amendment, as put by the hon Mr Burrows to this House. Will those who support this amendment, say "Aye."

**HON MEMBERS:** Aye!

**THE SPEAKER:** Will those who oppose it say "No".

**HON MEMBERS:** No!

**THE SPEAKER:** In my view the "no's" have it.

**MR R E KEYS (DA):** Mr Speaker ...

**THE SPEAKER:** Yes, Mr Keys?

**MR R E KEYS (DA):** Mr Speaker, I rise in terms of Rule 82 and ask for a division to be called.

**THE SPEAKER:** On which Rule are you rising?

**MR R E KEYS (DA):** Rule 82.

**THE SPEAKER:** Rule 82. [Interjections] I want us to interpret that Rule because I now have to decide on these matters. I would like us to interpret that Rule to mean that I have also asked the House to vote on the mandate, the final voting mandate.

**MR R M BURROWS (DA):** I am sure you are questioning the word “final”.

**THE SPEAKER:** No, I mean the negotiating mandate. All that I am looking for is for us to accept that the other question must be put, as well, before I entertain the request by Mr Keys.

Now, on the negotiating mandate, will those who support the Constitution Thirteenth Amendment Bill, as proposed, say “Aye.”

**HON MEMBERS:** Aye!

**THE SPEAKER:** Will those oppose it, say “No.”

**HON MEMBERS:** No!

**THE SPEAKER:** In my view the “Ayes” have it. [Interjections]

**MR R E KEYS (DA):** Mr Speaker ...

**THE SPEAKER:** You have already asked for your division, Mr Keys. I will therefore entertain that division.

**MR R E KEYS (DA):** Thank you, Mr Speaker.

**THE SPEAKER:** I just wanted to deal with the process first.

**MR R E KEYS (DA):** It is on record that we called a division.

**THE SPEAKER:** You want to record that.

**MR R E KEYS (DA):** We call a division.

**THE SPEAKER:** Yes, that is what I have said we will do. [Interjections] Nobhala, is your staff ready for the closing of the doors? May I request members who support the call for

a division to stand up, please? There are more than four members who support the call for a division. I will therefore request that the bells be rung for three minutes. Please lock all the doors, please.

*Division.*

*During division:*

**THE SPEAKER:** Kuleminyango engavalenki engakhiyeki niyibambe ngesandla, niyibambe ngesandla ngoba akusayoba khona muntu ongenayo nophumayo. *[Just hold the doors that do not lock because no-one will be permitted to enter or exit.]*

**THE SPEAKER:** Hon Mr Tarr?

**MR M A TARR (ANC):** Mr Speaker, I was wondering if I could take a point of order. The Chief Whip has drawn my attention to something. Sir, we were wondering if the vote of a sleeping person counts. [Laughter] That hon member obviously cannot exercise his mind. [Laughter]

**THE SPEAKER:** No, members are not allowed to sleep in the House. It is in the Rules that members may not sleep in the House. [Laughter]

In terms of the Rules, I again put the question on the amendment and the negotiating mandate on the Bill. Will those who support the amendment, as proposed by Mr Burrows, say "Aye."

**HON MEMBERS:** Aye!

**THE SPEAKER:** Will those who oppose the amendment say "No."

**HON MEMBERS:** No!

**THE SPEAKER:** In my view the "Nays" have it.

Will those who support the Bill, as proposed, say "Aye."

**HON MEMBERS:** Aye!

**THE SPEAKER:** Will those who oppose the Bill, as proposed, say "No."

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**HON MEMBERS:** No!

**THE SPEAKER:** We will now proceed with the voting, because in my view the “Ayes” have it.

Those who support the Bill without the amendment will sit on the right-hand side of the Speaker, and those who propose an amendment to the Bill will sit on the left hand side of the Speaker. I now call upon the Secretary to lead the process of counting.

*After counting of the votes:*

**THE SPEAKER:** Hon members, I need to give the following results after the voting. We will start with the amendment, as proposed.

In favour: 36

Against: 40

Absent: 3

The Speaker does not have a deliberative vote, and in terms of the division the amendment is defeated.

On the voting in respect of the Bill, as proposed:

In favour: 40

Against: 36

Absent: 3

The Speaker has no deliberative vote. The negotiating mandate will therefore be in support of the Bill, as proposed. The doors can now be unlocked. [Interjections]

Hon members, can we please listen to the process? [Interjections] Can we please listen to the process? [Interjections] Kahle phela, kahle, kahle, sekwenzenjani. Cha anike ninginike ithuba-nje ngoba kukhona isikhathi esichithekayo angabe sisisebenzisa, very usefully ...*[Let us use this time wisely; let's not waste it.]*

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## 8.2 Debate on the Public Service Amendment Bill

**THE SPEAKER:** I was of the view that we should adjourn for lunch and come back to debate this matter, but I am reliably informed by the Chief Whip that those who are debating are prepared to reduce their time to such an extent that it may not be necessary to adjourn for lunch before we dispense with this matter. Hon Chief Whip, can we confirm that with you?

**MR V C XABA (Chief Whip of the Legislature)** Yes, I confirm that we will reduce the speaking time by 15 minutes. In other words, instead of debating for one hour, we will cut it down to 30 minutes.

**THE SPEAKER:** Is that the understanding of all the Whips? I do not see Mr Combrinck. Mr Bhengu, what would be your response in that instance?

**MR G M BHENGU (IFP Whip):** Mr Speaker, we support that. Thank you.

**THE SPEAKER:** Mr Keys?

**MR R E KEYS (DA):** We have agreed, Mr Speaker.

**THE SPEAKER:** Angimboni-ke lapha yana uBab'Maphalala ... Rev Mbatha?

**REV A H MBATHA (NADECO):** We support it.

**THE SPEAKER:** Mrs Rajbansi?

**MRS S THAKUR-RAJBANSI (MF):** Agreed.

**THE SPEAKER:** Mr Msomi?

**MR B J MSOMI (UDM):** Ngoba ngivumelana nabo namhlanje bayavuma. Ngiyavuma ...  
[Laughter]

**THE SPEAKER:** Mrs Downs is not in the House, and we will therefore proceed. Let us begin with the first member, the hon Chairperson of the NCOP, hon Ms Shabalala, for three minutes.

**MS L F SHABALALA (Chairperson of Portfolio Committee on NCOP matters):** Mr

Speaker, I am happy that you have not called me an MEC this time. [Laughter]

With regard to the report on the National Council of Provinces Matters Committee on the Conferral of a Negotiated Mandate on the Public Service Amendment Bill, B31B of 2006, the National Council of Provinces met on 29 October 2007 to look into the Public Service Amendment Bill, B31B of 2006. The Chairperson of the Portfolio Committee on the Premier and Royal Household reported to the committee in terms of Standing Rule 230 (2) (d). The report stated that the Portfolio Committee had conducted four public hearings in Ulundi, Ladismith, Port Shepstone and Pietermaritzburg.

The portfolio committee received only one submission from the head of the KZN Department of Community and Safety and Liaison. The report stated that the majority of the members of the portfolio committee had voted against the Bill. The ANC committee considered the Bill and, for the purposes of conferral of a negotiating mandate in accordance with Standing Rule 231, the ANC supported the Bill. The IFP and DA did not support the Bill.

Given the requirements of the Standing Rule 233, that voting is based on party-proportional representation and given the requirements that a 75% majority is required for a decision to carry, we were unable to confer a negotiating mandate. The Bill is accordingly hereby referred to the House for the determination of a negotiating mandate in accordance with Standing Rule 232 (2). Thank you, Mr Speaker.

**THE SPEAKER:** Thank you, hon Ms Shabalala. Hon Mr Tarr, you have 10 minutes.

**MR M A TARR (Chairperson of Portfolio Committee on the Premier and the Royal Household):** Mr Speaker, I wonder if you could help me. I do not have the Speakers List in front of me at the moment, and I am not quite sure which hat I am wearing. Am I wearing my hat as Chairperson?

**THE SPEAKER:** Yes, you are wearing the Chairperson's hat, and you have five minutes. I have been informed that all speaking times will be cut by half.

**MR M A TARR (ANC):** Thank you, Mr Speaker. Now that I know that I am wearing the Chairperson's hat, I think the Chairperson of the NCOP has explained exactly the route the Bill has taken to get here - the public hearings, the committees and the NCOP. We were unable to attain the required majority in the NCOP to confer a mandate. That is

why we are debating the matter in the House today. I do not think it is necessary for me to say anything more. I will enter the debate wearing my own hat just now. Thank you.

**THE SPEAKER:** Thank you, Mr Tarr. That concludes Mr Tarr's report as Chairperson of the Portfolio Committee on the Premier and the Royal Household. I will now allow the hon Mr Tarr three and a half minutes to debate.

**MR M A TARR (ANC):** Thank you, Mr Speaker. Perhaps I could start off by saying that we did not achieve agreement on the Bill in the committee. The DA and the IFP have indicated that they would not support the Bill. I see Mr Burrows there. Up until this moment it is still a complete mystery to me as to why they do not support the Bill. I think it is a very good piece of legislation. I wait with keen interest to hear why they do not support it, because they were unable to tell us that in the committee.

**MR R M BURROWS (DA):** [Inaudible]

**MR M A TARR (ANC):** I certainly did. I certainly asked the DA representative. I could still put the question, Mr Burrows. No one could tell me why you did not support the Bill. I look forward to hearing the DA's response just now.

Having said that, there are really two broad issues are addressed by the Bill. The one area is that the Bill creates government components and service delivery units, which I will address very briefly. Then it deals with a whole range of conditions of service for members of the public service.

I will deal very briefly with government components. My colleague, Ms Mbuso, will deal with the section of the Bill which relates to conditions of service. There are a number of issues we will be raising there.

First of all, what is a government component? Why do we have a government component? In the first instance, a government component or an envisaged government component is going to be a separate institution in the public service. It will be subject to the Public Finance Management Act, and it will be attached to departments and answerable to a particular Minister. It will have various powers, such as statutory powers. It can have assigned powers and it can have delegated powers. The idea behind the government components is that it will be a specialised service-delivery unit, attached to a department, which will be able to get closer to the point of delivery of a

particular service.

Government components could, for example, take the place of public entities. We in this House all know about the problems which we sometimes have with public entities, where it is difficult to get them to be answerable and report to the MEC and departments. They could very well take the place of public entities. I would imagine this might be where the other parties have problems. I do not know.

Then, of course, there is another structure that has been created, which is a service-delivery unit. These are very similar to government components. They differ in some ways in that they can deal with social services, which government components cannot do, but again it is a specialised unit within a department which can focus on delivering a particular service, when necessary.

With these few words, the ANC supports the Bill, because we think it addresses a number of important issues. [Time expired.]

**MR SPEAKER:** Thank you, Mr Tarr. We are now going to NADECO. Hon Rev A H Mbatha, you have three minutes.

**REV A H MBATHA (NADECO):** Ngiyabonga Somlomo. Maqondana nalolu daba Somlomo kufanele ukuba njengeNADECO sizwakalise ukuthi thina siyakuseka ukuba kube khona imizamo yokuba uhulumeni ake aqale okusha angazama ngakho ukwelekelela imiphakathi maqondana neservice delivery.

Sonke sesibonile ezweni ukuthi iminyango njengoba imisiwe ayiphumeleli ukwenza lokhu okulindelwe ukuthi ikwenze, uma ibikwazi ngabe sesizwa amanye amazwi kubantu bomphakathi abakhuluma ngalokhu. Ngakho-ke uma la macomponants ezokwelekelela ukuba kube khona i-efficiency engezukuba khonela ukuba kuphinde futhi ibeaurocracy ibe nkulu kunalokhu esiyikho okwamanje. Thina sithi siyakuseka lokhu ukuze kungabi sengathi simi endleleni yokwenziwa ngcono kwezinto ezifanele zifinyelele emiphakathini. Ngakho-ke iNADECO iyakweseka lokhu.

**THE SPEAKER:** Thank you, hon Reverend Mbatha. Hon Mrs Thakur-Rajbansi, you have two hours and two minutes. [Laughter] Sorry! Sorry! Mrs Thakur-Rajbansi, you do not have two hours! You have two minutes and thirty seconds. [Laughter]

**MRS S THAKUR-RAJBANSI (MF):** Thank you, Mr Speaker. I have noted what the other speakers have said about these amendments. I believe these amendments are progressive. The whole aim is to streamline the public service even more and, therefore, to bring clarity to any grey areas that we have all been arguing about from time to time.

In my opinion the biggest advantage is that these various components or service units are going to deliver the services that are needed. They are going to ensure that we can measure performance. The important thing is that they are going to be performance driven. This is generally a private sector culture, but the aim of this Bill is to make it a public sector culture. That is very important, because it is this type of performance-driven culture in the public sector that will lead to its success. It is for these reasons that the Minority Front welcomes the amendments. We support them. Thank you.

**THE SPEAKER:** Thank you, Mrs Rajbansi. We will now go on to the ACDP. Although Mrs Downs has four minutes, I see that she is not in the House. She therefore forfeits her opportunity. We continue to the hon Mr Kubheka. Hon Mr Kubheka, you have three and a half minutes.

**MR M A I KUBHEKA (ANC):** Thank you, Mr Speaker. I will take only one minute. As other hon members have already noted, it is also my submission that the Bill is necessary. It is not necessarily an option, but we have to have the Public Service Act amended in the way proposed by the Bill. I do believe it will assist in progressively transforming our public service so that it is in line with all the other relevant legislations. Yes, I support the Bill on behalf of the ANC. Thank you.

**THE SPEAKER:** Thank you, hon member Mr Kubheka. The next speaker is the hon Mr B J Msomi who has two minutes.

**MR B J MSOMI (UDM):** Somlomo, ngiyabonga. Nami njengozakwethu abakhulume phambi kwami ngiyahambisana nomthethosivinywa lo obekwe lapha phambi kwethu. Kodwa bese ngidlula-ke Somlomo ngisho ukuthi [interjection]. Cha anginixoleli kulokhu kwaseMatatiele niyazi nani. Ngibe sengithi Somlomo kungakuhle ukuthi uma kuqalwa le pressing process yokuthi abantu abasebenza kweminye iminyango abangayilimazi eminye. Bese ngicela futhi ukuthi le nhlango engiyimele ithi noma sekuyiwa okhethweni u-IEC akabakhiphe othisha laba bakaCosatu abaye baphathe ukhetho amapresiding officers. Kungaba uNATU kungaba yiCosatu kungaba yini ngoba siyazi

ukuthi uCosatu is in partnership with the ruling party. So ngiyavumelana nalokho on condition ukuthi uma sekufika nalapho masekwenziwa lesi sichibiyelo futhi neruling party isisaphothe futhi. Siyabonga.

**THE SPEAKER:** Siyabonga, hon Msomi. Then we go on to hon Mr Burrows. The hon member has three minutes and thirty seconds.

**MR R M BURROWS (DA):** Thank you, Mr Speaker. I trust the hon Mr Tarr will listen carefully. This Bill and the Public Service Act of 1994 will disappear when one public service is created if the ANC getst a majority in 2009. So, in one year's time this Bill will disappear. It is unnecessary. It is premature and needs to be scrapped.

Let us just see what it does. It creates government components. The original Bill presented a year ago called them government agencies, and do you know what? Cosatu gave very, very strong evidence against the Bill. Cosatu said the government is only interested in taking people out of the public service and putting them into agencies. That was the "agencification" argument – and these are Cosatu's word, not mine. So, we have taken the word "agent" and we have thrown it away, and now we call them "components", but it does exactly the same thing! You remove a person who would have had a permanent position, status and remuneration in the public service, and you put him or her into agencies.

Secondly, you create specialised delivery units which are going to be looking at things that the government components do not look at. The government components are not going to look at housing, health, food, water and social security and the government specialised units are. Mr Tarr could go and read it. I challenge him to explain to me how the system is going to work.

Thirdly, the Bill aims to take the power of transfer and secondment of heads of departments out of the exclusive power of the premiers in provinces and put it into the hands of the President. There is a potential for a conflict of interests, because the President has the power to transfer a national head of department to become a provincial head of department, because you could have parties in the provinces that are not ANC which are running the controls. [Interjections]

No, Mr Speaker, there is a potential for conflict. The argument against it may be that the appointment of heads of departments is an administrative matter. If there is one thing we in this province know, it is that the appointment of heads of department is never administrative. It is always political. Just go and ask the hon MEC for Agriculture. Go and ask the hon MEC for Arts and Culture. [Interjections] It is not an administrative matter! The appointment of heads of departments is a political matter! [Interjections] You agree! You agree and you agree! You all agree! [Interjections] Yeah!

Let us look at the transfer of officials, for example – and this is an additional matter. The Bill is being amended under pressure from public service offices. The transfer of officials cannot take place without their permission, unless it is in the public interests. Then you can transfer anybody anywhere. No, Mr Speaker, that is not a good union matter. We believe that the wide powers given to the President of making appointments at provincial level is constitutionally challengeable and it will be challenged. We do not support this legislation. We believe it is heading down the road towards centralisation. We certainly will not be supporting the Bill today, in the NCOP or anywhere. Thank you, sir.

**THE SPEAKER:** Thank you, hon Mr Burrows. Let us proceed with the hon Mr Bhamjee who has three minutes and 30 seconds.

**MR Y S BHAMJEE (ANC):** Mr Speaker, thank you for the opportunity to participate in this debate.

Firstly, we must accept the fact that this is a very far-reaching Bill. It talks of transformation in a very creative way. Hitherto the public service has been dominated by people who were very loyal to the past regime, and hence transformation took a long time in coming.

This particular Bill and other Bills have their roots in the apartheid system. What is happening here is that those who are loyal to these people, like the DA and other political parties, have found that they are not going to have any access to such people in the future. So what do they do? They now challenge everything that is good! They are not denying the fact that up to today, when they have people who are supporting them in the administration and in the public service, they are accountable to the DA. It is a historical fact that has been proven in this House. [Interjections] Radley Keys, hon member, it is the truth!

Let us go back and look at the Public Service Act of 1994. There are a number of things here. The most important factor here is ... [Interjections] Of course I read the Bill, hon member. You were not even there at the hearings, but now you are saying to us the DA was active in Port Shepstone, the DA was active in Ladysmith. Where do they now come from? How can they now come here and object? Anyway, let us get back to the essence of the Bill.

**MRS M H AMBLER-MOORE (DA):** [Inaudible]

**MR Y S BHAMJEE (ANC):** The hon member will continue making a noise. That is her trademark. Let her carry on. [Laughter]

It looks at conditions of service of members of the public service. A wide range of issues have been problematic in the past and it addresses them – transfers, retirement, discipline, dismissal, outside work, assignment of powers, grievances and the legal rights of employees being the most important. They are addressing concrete issues. Why do you not talk to us? We are now trying to take the status of workers to a higher level. [Interjections]

I challenge you to tell me that what I am talking about is irrelevant. I challenge you! Stand up and tell me and I will sit down! I challenge you to tell me that what I am saying is incorrect. Do not stand up here and say you will take us to the Constitutional Court. By all means, take us to the Constitutional Court! This is a democratic state. Anyone can take anybody to the Constitutional Court. Whenever the DA has its back against the wall, what does it say? It says, "I will take you to Constitutional Court." Please do so! On this particular Bill we will challenge you. Please take us to the Constitutional Court!

Cosatu is an ally of the ANC, but it does not mean Cosatu is always correct. [Interjections] We will challenge you!

Cosatu also had the opportunity to come to the public hearings. They presented their case. What they had to say was absorbed. The most important questions that Cosatu raised were absorbed. They were concerned about the working conditions of employees not being safeguarded. Yes, we have done so. So do not use Cosatu to hide behind. If Cosatu is critical of the organisation, do not believe that it is you – the DA – who is going to say something and then we are going to slip – never! The alliance is as strong as

ever. We believe in constructive criticism. The DA keeps on talking, talking, talking – and from the back pocket they will talk about what? Constitutional rights, yes. We guarantee constitutional rights. [Time expired] Thank you.

**THE SPEAKER:** Thank you, hon Mr Bhamjee. Hon member Mr T D Buthelezi, you have six and a half minutes.

**MR T D BUTHELEZI (IFP):** Thank you, Mr Speaker. The Bill before us today represents yet another opportunity by the ANC to centralise power at a time when the centre does not hold and when, in fact, things are falling apart. The IFP sees this Bill for what it really is: a misguided attempt by the ANC to condense and consolidate power at the very expense of service delivery. It is for this reason that the portfolio committee flatly refused to give a negotiating mandate for this Bill.

Yingakho nje Somlomo sixakeka uma kunabantu abajoyine i-ANC izolo kodwa manje bathanda bona ukuthi bazenze i-ANC enkulu ukudlula laba abaqala behambe bencetheza beyingaza lapha bezosiklolodela. Yingakho ngithi Somlomo njengoba kunale Bill phambi kwethu abayeke laba abafike izolo ukugiya ngethambo lethu ngoba befuna ukuzenza ukuthi bayi-ANC edlula abanye.

The ANC wants us to believe that this Bill aims to improve the organisational human resource framework which, in turn, will improve service delivery. Nothing could be further from the truth. Service delivery is not improved by creating monolithic, bloated and bureaucratic state machinery. Service delivery is best addressed by devolving power as close as possible to the people.

What this Bill should have done is to enhance the powers and functions of provinces to better serve the people. Why, for example, does the Department of Land Affairs hold all the power at a central level when our people need to fast-track land claims instead of devolving that power to the provincial department of Agriculture? Some 13 years into democracy our people must still wait for a brown envelope from Pretoria before they can fast-track their claims.

In its State of the Public Service Report of 2007, the Public Service Commission had this to say, and I quote:

Planning for growth and development has been a priority for the democratic

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government since it came to power. Frameworks have been put in place to facilitate such planning and these include the National Spatial Development Perspective, Provincial Growth Strategies and the municipal Integrated Development Plans.

Members of the ANC, this is what the Public Service Commission says, and I quote:

The challenge is to ensure that the plans which are generated through these frameworks are not only conceptually sound, but are in alignment with each other to facilitate collaborative intergovernmental implementation.

This Bill does not promote intergovernmental collaboration. In fact, it destroys it.

Let us now turn to one of the more dangerous provisions of this Bill, namely the creation of government components. These would be supplementary stand-alone units within the public service, under the direct control and influence of the Minister or MEC concerned. These would take the place of public entities. Whereas before KZN had independent public entities with its own boards, these government components would serve a political agenda, which is not about service delivery. The independence and efficiency of public entities would give way to the political manipulation and inefficiency of government agencies.

This Bill aims to improve service delivery, but what it does, in effect, is to politicise service delivery. The Public Service Amendment Bill aims to enhance compliance and streamline the public service, but in reality this Bill dislocates and disestablishes key service delivery mechanisms.

As we all know, this year the country witnessed a protracted public service strike, mainly due to the issue of conditions in the public service. Yet this Bill seeks to insert a clause which empowers the Minister to transfer employees within the public service without their consent, as long as it is in the public interest. Who determines what is in the public interest? This Bill opens a huge gap for public servants to be victimised.

Section 12 of this Bill gives the President power to transfer the head of a national department to a province and the head of a provincial department to another province or to a national department. This is a recipe for disaster. What this means is that our best HODs who, as the Premier reminded us a few weeks ago, were trained by the erstwhile

KwaZulu government can be taken away from our province by a stroke of a pen. What this further means is that underperforming HODs in provinces like the Eastern Cape can now be dumped in KwaZulu-Natal summarily, just because the President now has the power to do so by the stroke of a pen.

The Bill before us today is a step in the wrong direction. It takes us back to the days of apartheid when public servants had to primarily serve a political agenda.

**THE SPEAKER:** Sorry, hon member, but you have 56 seconds left.

**MR T D BUTHELEZI (IFP):** Mr Speaker, the IFP rejects this Bill. We reject this Bill because it is a precursor to the creation of a single public service which goes against all the constitutional tenets of organisational autonomy for the three spheres of government. This Bill will cripple service delivery by concentrating power at the centre – a centre which does not hold, and a centre where things are falling apart daily. Thank you.

**THE SPEAKER:** Thank you, hon Mr Buthelezi. We now give an opportunity to the hon Chairperson of the Portfolio Committee on the Premier and Royal Household to respond to the debate for two and a half minutes.

**MR M A TARR: (Chairperson of the Portfolio Committee on the Premier and the Royal Household):** Mr Speaker, there is one thing this House can be virtually sure of, and that is that anything which hampers the government's ability to govern is guaranteed the support of that side. You know, the big problem with today's debate is that most of the members of this House do not have the faintest idea what they are talking about. They have not read the Bill. They do not know what is in the Bill. [Interjections] I hear Mrs Ambler-Moore laughing over there, but I will not go further into that.

What this Bill seeks to do is exactly what that side is asking for: They want to streamline service delivery. Mr Buthelezi has just said that they want service delivery to be closer to the people where the service is actually rendered. That is precisely what government components and service delivery units are about. The problems that COSATU had with the Bill were largely addressed by changing the functions which government components could carry out. As Mr Burrows himself pointed out, the government

components will not be involved in the delivery of any social services, so Cosatu's objections were largely dealt with.

However, what is most interesting of all is that this Bill affects public servants. During the course of the hearings in this province – and we had four sets of hearings – there was not one single submission from any public servant. Sorry, there was one. There was one submission which came from the public service, from a head of a department, and he fully supported the Bill. There was not one single other submission from the public service or from a trade union or from Cosatu or from any other umbrella body which had raised a single objection to the Bill. Even the public servants are happy, and let us remember that this Bill affects the public service. We believe it improves our ability to render services and govern better. It is a good Bill.

What Mr Burrows says is true. There are going to be major revisions and those are coming in early after the next elections. It is absolutely true. Those revisions will include government components but, at the same time, life goes on. We cannot sit and wait for something we think is going to happen two or three years down the track. I am pretty sure that this new Bill will capture what is here. The ANC supports the Bill.

**THE SPEAKER:** Thank you, hon Mr Tarr. Thank you also to all the members who have debated on this item. Members, we have concluded this debate and we will therefore again give a negotiating mandate, like we did with the first Bill. I will therefore ask members to declare their own positions. Will those who support the Bill, as proposed, say “aye”.

**HON MEMBERS:** Aye!

**THE SPEAKER:** Will those who oppose the Bill say “no”.

**HON MEMBERS:** No!

**THE SPEAKER:** In my view the “ayes” have it. Shall we then proceed, hon members? Yes, hon Combrinck?

**MR H L COMBRINCK (IFP):** Mr Speaker, I wanted to record my opposition, but I am going to change my mind and make your life more difficult. I request that a division be called under Rule 82.

**THE SPEAKER:** Let me see if there are any members who support the call for a division? There are more than four members who support the call for a division. We shall then go for a division.

*Bells rung for the division.*

**THE SPEAKER:** Akekhko osazongena manje.

I again put the Bill to the House. Will those who support the Bill, as proposed, say “aye”.

**HON MEMBERS:** Aye!

**THE SPEAKER:** Will those who do not support the Bill, say “no”.

**HON MEMBERS:** No!

**THE SPEAKER:** In my view the “ayes” have it. I will now direct that those who support the Bill will sit on the right-hand side of the Speaker. Those who oppose the Bill, as proposed, will sit on the left-hand side of the Speaker. I request the Secretary to lead the process of vote counting, and I request that the Whips and party representatives help in the vote counting.

Nobhala wenzenjalo-ke.

*After counting of the votes:*

**THE SPEAKER:** Hon members, I must now take the opportunity to announce the results. They are as follows:

In favour: 41

Against: 31

Absent: 7

The Speaker has no deliberative vote, and therefore the negotiating mandate will be in support of the Bill.

I now take the opportunity to thank you for having concluded this debate, and also for

having concluded today's order of business.

It was earlier brought to my attention that there are probably reports that the Premier has to table. I now give that opportunity to the Premier.

**DR J S NDEBELE (Premier of KwaZulu-Natal):** Mr Speaker, thank you for your indulgence. I wish to table the Public Service Commission Annual Report 2006/07, the Annual Report of KwaZulu-Natal Nature Conservation Board, as well as the Report on the Investigation into the Management of Public Servants, in Terms of Prevailing Provisions, who are elected as Municipal Councillors in the Limpopo and Western Cape Provinces. Thank you very much.

**THE SPEAKER:** Thank you, hon Premier. I will now go through the following announcements. The first one reads:

Dear Mr Speaker, before the end of proceedings today, please could you remind members of the Finance Portfolio Committee and all Chairpersons that there will be a Treasury briefing on the 2007-2008 mid-year Budget in the Chamber, either immediately after the sitting or at the end of lunch time, half an hour after the sitting.

We are now ending after lunch time. Therefore, will those hon members please liaise with the hon Chairperson of the Portfolio Committee on Finance? Mrs Scott, what is the correct time now?

**MRS B F SCOTT (ANC):** Two thirty, Mr Speaker.

**THE SPEAKER:** Two thirty? There is an indication that it will be two thirty. That was the first announcement.

Hon members, we have come to the end of our sitting today, but as we do so, I am reminded that we had been celebrating a number of religious holidays in this province. In the Province of KwaZulu-Natal we have diverse religious faiths and, in recognition of our pluralist society, I firstly want to apologise for the delay in recognising the religious holidays celebrated by the various faiths in KwaZulu-Natal. I particularly want to apologise to the Muslim community for not congratulating you on the recent celebration of *Eid Ul Fitr* and I humbly offer our thanks for the charity you have shared with our poor

and homeless during this festival.

On 9 November our Hindu population will be celebrating the Festival of Lights called *Diwali*. This festival represents the victory of good over evil. In addition, from 4 to 12 December our Jewish citizens celebrate the victory of light over darkness. On behalf of the members of the Legislature and the staff, I wish to take this opportunity to wish our Hindu and Jewish population peace and goodwill as we recognise the significance of these auspicious festivals.

To all the citizens of KwaZulu-Natal, regardless of their religion, on behalf of the Legislature we hope that blessings, goodness and kindness will enrich your lives during your special days.

Before I go to the next announcement, I want to welcome the hon member Mr Blessed Gwala on behalf of this Legislature. Today I received a letter from the IFP, indicating that the hon Mr Gwala has been in hospital. Members were not properly informed earlier on, and we apologise for that. The letter says that Mr Gwala was hospitalised for twelve days, but he is back and has recovered. As has been mentioned by bab'Mahlobo, hon member Mr David Ntombela, we have always been made aware of the state of your health.

Siyabonga baba ukuthi ukwazile ukuthi usilunguza-nje namhlanje kuleNdlu sengathi uMdali angaba nawe impilo yakho ayigcine ayisingathe kulesikhathi ebesilokhu sisizwa njalo- njalo, nokho-ke siyabongo-ke ukukubona.

By the way, I did report when we were sitting in Baqulusi ukuthi that the hon Mr Paulus Ncgobo is still not back with us. He fell ill when he was abroad with the committee that he leads. He is still not back, but we in this House sends him our good wishes for a speedy recovery.

Lastly, I have another announcement. Here is a letter which has been marked for the attention of the hon Speaker, Mr Willies Mchunu, MPL, Office of the Speaker, KwaZulu-Natal Legislature, Private Bag X1192, Pietermaritzburg, 3200. I will read from the letter, and I quote:

Dear Mr Mchunu

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## Resignation Letter

It is a privilege that I have long waited for to write this letter to you, Mr Speaker. Yet, now that the moment has arrived, there is a feeling of sad reflection. It is like closing a last chapter of a good book.

I wish to give notice that I shall be retiring from my parliamentary assignment as a Member of the KwaZulu-Natal Legislature as from 31 December 2007. It has been a rich and fulfilling experience to serve in this capacity in our Legislature. I have learned a lot and I am most grateful to the people who made this such a worthwhile experience - meeting and exchanging ideas with people of such high calibre in such a high profile institution.

I wish to thank you personally and request you to please convey my gratitude to all the members and staff who made the past ten years such a joy to live and learn, and to serve the people of South Africa in general, and the people of KwaZulu-Natal in particular.

Yours sincerely

Ms Loretta G Ngcobo, MPL

**THE SPEAKER:** When I received this letter, ma'am, I thought it would not be proper to keep it quiet or simply sweep it under the carpet. I know you are still going to be with us for quite some time. Nevertheless, when this matter came to my attention, I thought, whilst hon members are here, that it is important that I share it with them, as well. It would not have been proper for me, after you have informed me, to remain quiet. You would have been forced to tell individual members and then everybody else would have heard about your leaving in the corridors. More importantly, you have made such a very valuable contribution to this institution during the time that we have been with you. As much as you say that you have learned from this institution, many of us have learned from you, as our elder and as a professional politician.

I just thought: Let us share this letter with all of those who are here. I am certain there will still be time for members to comment on this matter.

**HON MEMBERS:** Hear, hear!

**THE SPEAKER:** Unless members want to comment now, there will be time enough. Thank you, hon members. Ma'am, thank you for alerting us in time. There will be enough comments as we go on.

We will now adjourn and, as we adjourn, I need to highlight the following: We will adjourn this House until 11:30 on Thursday, 15 November 2007. While we adjourn until 11:30, that will not be the beginning of the day. You will have your party caucuses from eight to a 09:45, but from 10:00 to 10:30 there will be a briefing by Escom officials on electrification issues in the KwaZulu-Natal Province. This is in response to the report of the Minister of Minerals and Energy Affairs, Minister Buyelwa Sonjica. Members will know that the issue of electrification has been in the fore in every place where we have gone, everywhere except Durban or Pietermaritzburg. Everywhere we took the Legislature to, the issue of electrification has always been prominent. That is why this briefing will take place. I hope all hon members will oblige us by attending.

The two Bills that were debated today and on which you have conferred a negotiating mandate will be on the Order Paper for the final mandate on the same day, namely 15 November 2007. I thought I would just remind you.

Similarly, like when we had a report by the Minister of Minerals and Energy Affairs, on that day between 14:00 and 14:30, there will be a 30-minute report by the Minister of Water Affairs and Forestry, Minister Lindiwe Hendricks in this Legislature Chamber. The procedure will be similar to the one we used in the past. Hon members, please ensure that you are all here and that you oblige this House by attending these programmes.

In the event that the hon Premier has any matters to report, I will now give him that opportunity.

**DR J S NDEBELE (Premier of KwaZulu-Natal):** Thank you very much, Mr Speaker. On 4 November 2007 we will be commemorating the 40<sup>th</sup> year of the passing away of Inkosi Albert Luthuli at Groutville. Hon members are invited to that function. It is quite an important gathering and an important commemoration of this icon of our country. Thank you.

**THE SPEAKER:** Thank you, hon Premier.

*The House was adjourned at 14h24.*