

DEBATES AND PROCEEDINGS OF THE THIRD

KWAZULU-NATAL PROVINCIAL LEGISLATURE

FIFTH SESSION

THIRD LEGISLATURE

THURSDAY, 21 FEBRUARY 2008

**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 took the Chair and read the prayer.

- 2. OBITUARIES AND OTHER CEREMONIAL MATTERS**

THE SPEAKER: It is with great sadness that I have to announce the passing away of the following people: The first one is Reverend James Edward Orange, who was from Atlanta in the USA, and who was a friend of South Africa and KwaZulu-Natal. He passed away at Crawford Long Hospital where he had gone for surgery to his gallbladder on Saturday, 16 February 2008. He also served as an ambassador to the Republic of South Africa, representing Georgia Association of Black Elected Officials. He will be laid to rest at 11:00 on Saturday, 23 February 2008 at the Martin Luther King Jr Interdenominational Chapel at Morehouse College. I am informed that some of our leaders of government, led by the Premier, are attending this event. Those who came into close contact with Reverend Orange will agree that his death is a sad loss. His funeral is definitely one of those occasions where we would love to be represented.

I also have to announce the passing away of Mr Reginald Ally, the father of Mr Rod Ally, our Technical Manager and former Sergeant-at-Arms. Mr Ally Sr passed away on Tuesday, 18 February 2008 at his home in Margate following a long illness. He will be laid to rest this coming Saturday, 23 February 2008 after a service which will be held at the Margate Catholic Church at 14:00.

I also wish to announce the passing away of the mother-in-law of Mr Desmond Makhathini, Security Manager in the Legislature. She passed away on Saturday, 16 February 2008. She was buried on Tuesday, 19 February 2008 in Lusaka, Zambia.

The following obituaries were received from the National Democratic Convention, and they are as follows: Mr Vela Michael Ndlanzi, a PR councillor in uMhlatuze. He passed away on Monday, 11 February 2008 and was laid to rest on Saturday, 16 February 2008.

Mr Fanakonke Zeblou Mtetwa, father of Mr Lucky Mthethwa, NADECO KwaZulu-Natal Provincial Secretary and KZN Youth Commissioner, passed away on Sunday, 10 February 2008 and was laid to rest on Saturday, 16 February 2008.

Mr Goodman Silo Myaka, leader of Zululand District, Ulundi, passed away on Saturday, 9 February 2008 and was laid to rest on Sunday, 17 February 2008.

Ms Thandi Ngiba, daughter of Mr Chris Ngiba, Member of Parliament and KZN Provincial Chair of NADECO, passed away on Sunday, 10 February 2008 and was laid to rest on Sunday, 17 February 2008.

I now request hon members to rise for a minute of silence in honour of these souls who have passed on.

Whereupon hon members rose for a minute of silence.

THE SPEAKER: May their souls rest in peace. Amen.

HON MEMBERS: Amen.

THE SPEAKER: Members may sit down. There is an omission which I need to correct in lieu of what we have just gone through. There is a person who also passed away. This is Mr Johannes Mkhonto Mkhwanazi. He was a veteran of the struggle for liberation and democracy, and was a leader in exile since the late 50s. He only returned after the unbanning of the liberation organisations. He was 78 years old and was from Claremont in Pinetown. We mourn with the family over his passing away, as well, just like we have done with the others.

3. ANNOUNCEMENTS BY THE SPEAKER

I now wish to take this opportunity of making some announcements.

MR A RAJBANSI (MEC for Sports and Recreation): Mr Speaker, on the question of death, I want to record that on Tuesday there was a wide-spread rumour that I had died of a heart attack.

THE SPEAKER: What happened, Mr Rajbansi?

MR A RAJBANSI (MEC for Sports and Recreation): On Tuesday there was a wide-spread rumour in Durban that I had died of a heart attack. I am still here. [Laughter]

THE SPEAKER: Well, fortunately you did not die of a heart attack. I am sorry about that rumour. [Laughter]

I would like to report the absence of Prof Ndabandaba who is away in Mpumalanga to represent our Legislature at the official opening of the Mpumalanga Legislature.

I also wish to make the following announcements: Today is International Mother-Tongue Day. I therefore encourage members to use their mother-tongue when moving their motions or taking part in the debate. I am told that English, Afrikaans and isiZulu interpreting is available, and nothing beyond that. Anybody who wants to speak Telegu, please, we do not have interpreters available for that language.

I also want to report on the following: The Speaker's Office was informed that the hon Ms V V Thambo was hospitalised on Saturday, 16 February 2008, due to diabetes complications. Secondly, Mrs Downs has requested that her apology be conveyed to the Speaker and the House for today's sitting, Thursday, 21 February 2008. The report is that she is unwell due to a viral infection. She will be seeing her doctor this morning. Thirdly, we have received a report that the hon Mr R E Keys is now out of hospital following the car accident in which he was involved. We are informed that he is recuperating at his home in Hilton. I would like to take this opportunity to wish hon members a speedy recovery and further request hon members to remember these hon persons and their families in thought and prayer. I may as well mention that Mr Burrows has finally removed his eye patch! [Laughter]

Hon members will recall that last Thursday, 14 February 2008, when I came to the part of announcements, some members were mistakenly left out when I announced birthdays. To correct that administrative error, a blank register form will be circulated by the Administration, requesting members to assist in this regard. I have therefore decided to set the record straight and re-announce the belated birthday wishes for the month of January and February to date. Should there again be incorrect information, I request members to sort that out with the Table staff.

Affected members are the following: Hon H M Blose had her birthday on 1 January; hon W P Zondi on 5 January; hon M A Tarr on 10 January; hon Y S Bhamjee on 10 January; hon A Rajbansi on 14 January; hon Mrs J M Downs on 17 January; hon D M Khuzwayo on 24 January; hon L F Shabalala on 30 January, and hon S J Gcabashe on 31 January. We believe this is the correct version of hon members who were born in January. Some were mentioned last week and others were not.

Regarding the month of February, again, we need to set the record straight: The hon Dr Z L Mkhize was born on 2 February; hon J S Maphalala on 3 February; hon J Krog on 8 February; hon T D Ntombela on 11 February; hon V C Xaba on 14 February; hon G Mari on 15 February and hon B J Scott on 17 February. Again, we think this list is now complete, and it constitutes all those hon members who were born in February.

I now come to the next announcement. Hon members will recall that it was announced at a sitting of this House last year that the Disciplinary Committee had resolved that the date of disclosure of registering interests for the year 2007 was on or before 31 January 2008 and that, in view of the lateness of this date, the disclosure that was to have been made by 31 January 2008, would be deemed to have been the annual disclosure for the year 2008, unless there is a material change in a member's registering his or her interests, in which case there must be a further annual disclosure by the relevant member by 30 April 2008. Disclosure forms were distributed to members during the course of that sitting and later, upon requests by members.

I have been informed, however, that some disclosure forms have been received. Many members have, as of this date, not submitted their annual disclosures. We are therefore reminding those members whose registered interests have materially changed before January 2008, after their last declaration, that they are already in breach of the Code of

Conduct by not submitting their annual disclosure forms by the given deadlines. We are therefore saying: Please, if your material conditions have changed, please submit your forms. I plead with members that they should check their annual disclosure forms as urgently as possible for submission, if need be. Should you require copies of the disclosure forms, these can be obtained from the Corporate Legal Advisor, Mr Nishan Sukraj. Completed forms can then be handed in, either to the Secretary, Ms Nerusha Naidoo, the Chief Operations Officer, Mr Bongani Sibisi, or the Manager in the Office of the Speaker, Mr Chris Mlotshwa.

The next announcement is about Parmed. As usual, Wendy Landsberg from Parmed will be visiting us from 10:00 to 13:00. The venue is Committee Room #1.

Regarding the renewal of driver's licenses, members are reminded that the KZN Department of Transport will be in the Legislature precincts today to assist members who need to renew their driver's licenses. I have been informed that members were sent this notice electronically on 19 February 2008. What members ought to bring with them was also outlined. The department has been here since 09:00 and they will remain at the Legislature until 13:00. They are in the foyer where officials from the department sit when there is a sitting.

Hon members, let me conclude by making the last announcement. This announcement is in respect of a newspaper article. Some time during this week - I think it was on Tuesday - I arrived at the Legislature and was informed of an article in the newspaper. I was actually shown an article in the newspaper which attributed a source of the newspaper to someone in the Speaker's Office. The newspaper article dealt with a matter that related to the Chairperson of SCOPA.

In the interests of the Speaker's Office, in the interests of this Legislature and in my personal interests as a politician, I made attempts to get hold of the journalist who was clearly identified in the paper. However, I did that after I had phoned the Deputy Speaker to inquire about his knowledge of the matter in question. The Deputy Speaker had no knowledge. I phoned the Deputy Speaker because I myself had no knowledge of that matter. I again spoke to the staff and senior management in the Speaker's Office. None of them seemed to have any knowledge of the matter in question. However, the article appeared in *The Mercury*.

I then instructed the staff who deal with communication to find the journalist who issued this statement in the newspaper. They could not find him. I subsequently tried to phone him, but I also could not get hold of him. This morning I received a letter which I want to put on record. The letter, dated 21 February 2008, reads as follows:

Dear hon Speaker, Mr Willies Mchunu, MPL

I am sorry my phone has been out of commission for two days, that is Tuesday evening and the whole day on Wednesday. I gather that the ANC is unhappy about my story titled "Axe out for Jo-Anne Downs". That is pretty understandable. I suspect the hon Speaker will be equally unhappy about the fact that the story attributed certain information to a source in his Office.

I confirm that the Speaker is not the source but, as you will know, I am not at liberty to share with the Office of the Speaker who my source was. In terms of the code of conduct of the media, and I quote - "a newspaper has an obligation to protect confidential sources of information."

However, I want to put it on record that in the hurly-burly of sub-editing, the original comment from my source should have read as follows: "The source of this unhappiness has not yet been communicated to the Speaker, but we have the numbers to do it." However, in the printed version an error occurred when the comment began to say: "A source in the Speaker's Office ..."

At least one thing is clear, if you read the *Daily News* on 18 February 2008, the accumulative effect of it is that the ANC finally confirmed that it is not happy with Jo-Anne Downs' handling of SCOPA. The Chief Whip, Cyril Xaba, if he is quoted correctly in the said *Daily News* report, confirmed that an investigation into Downs' future has indeed taken place and is complete.

I understand the concerns of the Speaker about an attribution of the comment in my story to a person in his Office, and how this might portray his Office in a bad light in this unfolding saga. I suggest that there is one way the Office could officially clear itself from this unfolding saga. It is through writing a letter to *The Mercury*, distancing the Speaker and his Office from the so-called source in his Office. The Office could then distance itself from the whole saga, perhaps stating

that it is an independent observer in a matter affecting committees.

The other option is to issue a statement which may or may not be used by any of the newspapers. Surely *The Mercury* is bound to publish the position of the Speaker, having published the story.

Kind regards

Sipho C Khumalo: Politics

The Mercury

This letter was given to me just before I started activities related to this sitting. I have therefore not been able to apply my mind to it and to react to it, but I felt it is important that it is put on record, because I did feel very disturbed and unhappy that a source could be attributed to the Speaker's Office. I also still feel that it is unfortunate that we cannot establish the actual source. However, I am happy that, according to this letter, the statement is no longer attributed to the Speaker's Office. That is a matter that I wanted to clear with hon members of the House.

4. ANNOUNCEMENTS OR REPORTS BY THE PREMIER

THE SPEAKER: I do not see the Premier. Do not shift to that side, please. [Interjections] Oh, okay. Are there any reports by the Premier that anybody is aware of?

MR M MABUYAKHULU (MEC for Housing, Local Government and Traditional Affairs): Mr Speaker, the Premier is away in the US for the funeral of the late Reverend Orange, as you have reported earlier. I am not aware of any reports from the Premier's Office.

THE SPEAKER: Thank you.

5. TABLING OF REPORTS OR PAPERS

THE SPEAKER: Hon MEC Mabuyakhulu?

MR M MABUYAKHULU (MEC for Housing, Local Government and Traditional Affairs): Mr Speaker, I rise to table the report of Local Government on the Audit of

Municipalities in terms of Section 131.2(b) of the Municipal Financial Management Act, Act 56 of 2003.

6. FORMAL MOTIONS AND NOTICES BY THE CHIEF WHIP

MR V C XABA (Chief Whip of the Legislature): Hon Speaker, I hereby give notice that on the next sitting day of this House I shall move as follows:

This House notes:

1. The Chairperson of the Conservation and Environmental Affairs Committee has resigned, thus leaving the position vacant;
2. It is accordingly necessary to appoint a new Chairperson to the above committee, and
3. That it is necessary that the Chairpersons of certain other committees of the Legislature be changed.

This House therefore resolves:

That the hon Y S Bhamjee be appointed as Chairperson of the Conservation and Environmental Affairs Committee, and

That the following members listed in Column 2 below are appointed as Chairpersons of the Committees listed in Column 1, thus replacing the existing Chairpersons of those Committees:

The Standing Committee on Public Accounts: Rev A H Mbatha

Portfolio Committee on Arts, Culture and Tourism: Mr B J Msomi

Standing Committee on Private Members' Legislative Proposals and Petitions:
Ms V V Thambo.

I so move.

7. NOTICES OF BILLS OR MOTIONS

MS Z M LUDIDI (ANC): Ngiyabonga Somlomo. Ngokuhlala kwale Ndlu okulandelayo ngiyokuphakamisa kanje:

INdlu iyakubona ukuthi:

1. Siqikelela ukuthi amalungu ekomidi lezempilo avakashela esibhedlela saseNkosi Albert Luthuli, kuwona lo nyaka uqala,
2. Siqikelela ukuthi lawa malungu ayakwenza lokhu ukuxhasa uMnyango Wezempilo ogqugquzela isikompilo – ‘*healthy lifestyle*’,
3. Siphinde siqikelele futhi ukuthi lawa malungu agqugquzela amalungu alesi Sishayamthetho ukuthi asebenzise lezi zakhiwo zikahulumeni ezisezingeni eliphambini futhi athi uma eya khona agqugquzele nalabo abangama-*professionals* ekwenzeni umsebenzi wabo.

Ngakho-ke le inquma kanje:

Ukucela nokunxusa onke amalungu ukuthi azisebenzise lezi zakhiwo.

Ngiyakuphakamisa.

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

This House notes:

1. The media speculation about the ANC’s plan to replace SCOPA Chairperson, Mrs Jo-Anne Downs, and
2. Mrs Downs’ fearless commitment to sound parliamentary oversight.

This House therefore resolves:

To urge the ruling party to bring any criticisms of Mrs Downs’ work within SCOPA into the public domain through a dedicated parliamentary debate that would allow all political parties to present their views of the matter.

I so move.

MR G MARI (DA): Mr Speaker, I hereby give notice that I shall move on the next sitting day of this House as follows:

This House notes:

1. The recent misleading statement on pensions by an ardent supporter of President Mbeki in a Phoenix tabloid;
2. That this statement misleads the elderly and vulnerable by stating that the qualifying age for pensions for males would now be 60 years;
3. That this article indicates that the hon President announced that the Budget will provide for equalising the age of eligibility at 60 years, and
4. That in the light of an announcement by the Minister of Finance that the qualifying age for male pensioners would be 63, this statement misleads the elderly and vulnerable.

This House therefore resolves:

To condemn such a misleading statement by a “Mbeki’ite”.

PROF S J MAPHALALA (NADECO): Ngiyabonga Somlomo. Ngokuhlala kwale Ndlu okulandelayo ngiyokuphakamisa kanje:

Le Ndlu iyakubona ukuthi:

1. Indlu ikhahla isililo ngokunukubezeka kweNgonyama uZwelithini njalo uma ikomidi lezimali kade lidingida izimali zoMnyango Wendlu YaseNdlunkulu;
2. Indlu iphambene kakhulu nemfundisoze ye-“*demonisation*” evezwa kumabonakude nesithombe seSilo kutshelwa lonke izwe ukuthi iNgonyama isaphaza izimali abantu bebe behlupheka.

Ngakho-ke le Ndlu inquma kanje:

Izindaba ezithinta uNomthebe Wesizwe mazidingidwe ngenhlonipho nesithunzi. Igama leSilo linganukubezwa lehliswe isithunzi ezweni. UMnyango WeSilo mawuqashelwe abasebenzi abafanele.

Ngiyakuphakamisa.

MR A RAJBANSI (MEC for Sports and Recreation): Mr Speaker, I hereby give notice that I shall move on the next sitting day of this House as follows:

This House notes:

1. That, in respect of sports, it be resolved to congratulate the following:

The Minister of Finance, the hon Mr Trevor Manuel, for the allocation of more funds for sports growth, enrichment and development in the 2008/09 budget;

To the African National Congress for having adopted a policy decision at the conference held in Polokwane that funds for the programme styled Building For Sports and Recreation be rechannelled via the Department of Sports and Recreation, and

To the People's Republic of China, where true multi-party democracy is practised, for an excellent state of readiness of the Beijing Olympics, and for letting this province have a sample of the official Olympic mascot which is displayed in this House with the words: One World, One Dream.

MR M E SITHEBE (ANC): Mr Speaker, I hereby give notice that I shall move on the next sitting day of this House as follows:

1. Isabelomali esike safundwa wuNgqongqoshe Wezimali sike sakhombisa ithemba ngokwentela ezansi kubantu baseNingizimu-Afrika;
2. Okukhulu ukwehlisa igebe elikhona phakathi kwabantu abahola imali yokuguga kwabesilisa nakwabesifazane. Okusho khona ukuthi ngempela sizimisele ukuthi sisuse leziya zindonga ezazikhona zibekwe ubandlululo.

Ngiyakuphakamisa.

MRS B S MOHLAKA (IFP): Ngiyabonga Baba Somlomo. Ngokuhlala kwale Ndlu okulandelayo ngiyokuphakamisa kanje:

1. Ukubonga uMdali ngokusinda ekuguleni kukamhlonishwa u-Dr T D Ntombela nokumhalalisela ngokuklonyeliswa ngeziqo Zobudokotela ngabezenkolo.

Ngakho-ke le Ndlu inquma kanje:

Ukuthokoza ngokuphinde ihlale no-hon Dr T D Ntombela kuleli Phalamende;

Iphinde imhalalisela futhi inxuse ukuthi abizwe ngo-hon Dr Thandabantu David Ntombela, hhayi nje uBaba uNtombela kuphela.

Ngiyathokoza.

MRS W THUSI (MEC of Arts, Culture and Tourism): Ngiyabonga Somlomo. Ngokuhlala kwale Ndlu ehloniphekile okulandelayo ngiyokuphakamisa kanje:

1. Ukuhalalisela uhulumeni ka-ANC ngokuzibophezela ekuqinisekiseni ukulingana ngobulili kuyona yonke imikhakha;
2. UNgqongqoshe ohloniphekile u-Trevor Manuel uphakamise imizamo yokulinganisa iminyaka yabesilisa nabesifazane ekuhlomuleni emalini yempesheni yabadala.

Le Ndlu ithi halala, halala ku-ANC!

MR H L COMBRINCK (Chief Whip of the Opposition): Mr Speaker, I hereby give notice that I shall move on the next sitting day of this House as follows:

This House notes:

1. The continuing chaos and breakdown of trust in the Department of Agriculture and Environmental Affairs, and
2. The recent irregular move by the HOD of stripping the CFO of all his powers as directed by the PFMA.

This House therefore resolves:

To urge the Premier to act with haste in investigating yet another crisis that engulfs this department.

I so move.

MNR J KROG (DA): Mnr die Speaker, aangesien dit Moedertaaldag is, gee ek hiermee kennis dat ek gedurende die volgende sittingsdag van die Huis die volgende mosie ter Tafel sal lê:

Die Raad neem kennis daarvan dat:

1. Die Minister van Finansies, mnr Manuel, vir 'n oorskot begroot het terwyl ekonomiese groei afplat;
2. R60 miljard aan Eskom vir die elektriese krisis geleen is;
3. R10 miljard vir die regstelsel en 850 000 nuwe polisielede begroot is;
4. R6,5 miljard vir provinsies begroot is om basiese dienste te verskaf;
5. R13,1 miljard vir provinsies en munisipaliteite vir gesondheidsdienste begroot is,
6. R4,5 miljard vir MIV/Vigs-programme begroot is;
7. Maatskappybelasting verminder het, en
8. Persoonlike belasting met R7,7 miljard verminder het.

Hierdie Huis besluit derhalwe:

Om Minister Manuel geluk te wens met 'n goeie begroting in die lig van die huidige ekonomiese siklus.

[Mr Speaker, because it is Mother-tongue Day, I hereby give notice that I shall move on the next sitting day of the House as follows:

This House notes that:

1. *The Minister of Finance, Mr Manuel, budgeted for a surplus despite the fact that economic growth is in decline;*
2. *R60 billion has been lent to Eskom for the electricity crisis;*

3. *R10 billion has been budgeted for the judicial system and 850 000 new police members;*
4. *R6,5 billion has been budgeted for provinces to provide basic services;*
5. *13,1 billion has been budgeted for provinces and municipalities for health services;*
6. *R4,5 billion has been budgeted for HIV/Aids programmes;*
7. *Company tax has decreased, and*
8. *Personal tax has decreased by R7,7 billion.*

This House therefore resolves:

To congratulate Minister Manuel on a good budget in view of the present economic cycle.]

MR V C XABA (Chief Whip of the Legislature): On a point of order, Mr Speaker ...

DIE SPEAKER: Wat is die punt van orde? [**THE SPEAKER:** *What is the point of order?*]

MR V C XABA (Chief Whip of the Legislature): I think the member must be reminded that a motion must not exceed 100 words. It was in Afrikaans, that is true, but indeed it exceeded 100 words.

DIE SPEAKER: Ek dink agb lede van hierdie Huis het verstaan wat hy gesê het. Ek wens ek kon verstaan wat hy in sy mosie gesê het. [**THE SPEAKER:** *I think the members of this House understood what he had said. I wish I could have understood what he had said in his motion.*][Laughter]

MR J KROG (DA): In short, I congratulated Mr Manuel.

THE SPEAKER: Yes, I heard the last part, but the rest ... [Laughter]I will check the number of words, since the Chief Whip has raised it. I will judge the motion, if necessary. Shall we then proceed to the hon member iNkosi Mthuli? Ndabezitha!

INKOSI M Z MTHULI (NADECO): Somlomo ngokuhlala kwale Ndlu okulandelayo

ngiyokuphakamisa kanje:

Le Ndlu iyakubona:

1. Ukuboshwa kwaMakhosi amabili kulandelana ngenyanga eyodwa lokho akwehli kahle kwamanye Amakhosi.

Ngakho-ke le inquma ukuthi:

kuyokufanele ukuthi uMnyango kunye nomndeni ngokubambisana bakufakele ikubuke ukubekwa kwaMakhosi asemancane aphila ezimweni zanamhlanje ukuze Amakhosi angagcwali emajele;

neSilo ngokunjalo njengoNomthebe Wamakhosi kuyofanele ukuthi sibe nengqungquthela yamakhosi kanye njalo ngonyaka lapho siyokuvuselela khona izimilo emakhosini, wena owabona izintombi emkhosini womhlanga.

Ngiyakuphakamisa.

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

This House notes:

1. That Hinduism is a very diverse religion, and
2. The recent media spat between the South African *Maha Sabha* and the SA Hindu *Dharma Sabha* as to which organisation is legally the voice of all Hindus, and that we should all fall under one body.

This House therefore resolves:

That, since religious beliefs are always highly explosive concepts, each section of the Hindu faith be represented fairly, separately or in like-minded groups, and

That they should speak for themselves at all levels of government.

DR B M RADEBE (MEC for Social Welfare and Population Development):
Ngiyabonga Somlomo, ngiqale ngokubongela uBaba uGandaganda, uBaba uNtombela,

ilungu elihloniphekile. Congratulations Baba uNtombela!

Somlomo ngokuhlala kwale Ndlu okulandelayo ngiyokuphakamisa kanje:

1. Ukubongela uMnyango Wokuthuthukiswa Komphakathi KwaZulu-Natali okuthe i-Public Service Commission yakhapha i-memo kuwona wonke ama-department kwi-country yonke angenzi kahle ukuthi akake abheke ukuthi ukudliwa kwezimali, ukulwisana nenkohlakalo ne-service delivery bayenza ngendlela yini.
2. Baphinda babeka ukuthi le Minyango yonke icela ukuthi i-bench-mark yayo ayi-bench-mark noMnyango wakwa-Social Development KwaZulu-Natal.

Ngakho-ke ngithi le Ndlu iphakamisa:

Ukubonga nokubongela isifundazwe ukuthi kube ne-department ekwazi ukuthi ibe yisibonelo ezweni lonke e-South Africa.

Ngiyakuphakamisa.

MRS L R MBUYAZI (IFP): Ngiyabonga Somlomo. Ngokuhlala kwale Ndlu okulandelayo ngiyokuphakamisa kanje:

1. Le Ndlu ibonga iyanconcoza ngemibiko ethi sezize zathamba izinhliziyi zika-ANC yasibona isidingo sokuchitha lo Mthetho onenkohlakalo nobugebengu wokugcogcoma nezihlalo. Sithi, "Hawu waze wamubi uMthetho!"

Ngakho le Ndlu inquma kanje:

Ukuthuma iPhalamende Likazwelonke ukuba lifake ingcindezi yokuba le nkohlakalo ishanelwe iphele ezweni lakithi.

Ngiyakuphakamisa.

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

This House notes:

1. That one of the stalwarts of the civil rights movement in the United States,

comrade Reverend James Orange, has departed to eternity, and

2. The role played by Reverend Orange in leading delegations of African-Americans who had been attending our African Renaissance festivals held in this province every year.

This House therefore resolves:

To dip its banner of respect in honour of this great descendant of our African forefathers. May his soul propel us to intensify our defence of human rights.

I so move.

MRS L A MNCWANGO (IFP): THE SPEAKER: Ngokuhlala kwale Ndlu okulandelayo Somlomo Baba ngiyokuphakamisa kanje:

1. Ukuthi le Ndlu izizwa ifikelwa wuvalo nxa ibuka izehlakalo ezikhomba ngokusobala ukuthi iNingizimu Afrika igibele eweni. Kanjani?
2. Abantu babulawa okwezimpukane, imiphakathi iyisisulu sabaphangi, abaqondisi-jikelele nezinye izikhulu zikahulumeni bazenzela umathanda nje.
3. Abanye sebemapaklaza yizimali zabakhokhi bentela. Izikhulu zamaphoyisa zibizelwa ezinkantolo ngamacala okukhothana nezinswelaboya.
4. Ongqongqoshe babanjwa begijima ngesivinini emgwaqeni.
5. Amajaji ahlanziswa ama-*shares* ezigidi zamarandi kepha amanye ayeba.
6. Izimenenja zomasipala ziqashwa ngeziqo ezazizuka ngosuku olulodwa.
9. Izikhungo zemfundo ziyizinkundla zokungqubuzana kwabaphathi, amaphoyisa kanye nabafundi.
10. Uhulumeni uphosa izwe obishini lokuphila ngomnyama ngenxa yokungalaleli lapho elulekwa ngengozi yokuphela kwamandla kagesi.

Ngalokhu-ke le Ndlu inquma:

Ukukhala ngezwi elikhulu inxusa iNkosi ukuba ikhumbule izwe lakithi nabantu balo, ibakhiphe kuleli hlathi elimnyama.

Ngiyakuphakamisa

THE SPEAKER: The hon Ms Zondi is the last one.

MS W P ZONDI (ANC): Ngiyabonga Somlomo. Ngokuhlala kwale Ndlu okulandelayo ngiyokuphakamisa kanje:

1. Isabelozimali esimenyezwe uNgqongqoshe Wezezimali u-Trevor Manuel sishayelwe yihlombe yiwo wonke amaqembu aphikisayo.

Le Ndlu iphakamisa kanje:

Ithi amalungu kaKhongolose ahangana ePolokwane aletha yonke le mithetho kanye nokukhushulwa kokuholelwa kwezingane zifike eminyakeni eyi-18.

Wonke umuntu....[interjection]...

Whatever! Whatever!

Ngiyakuphakamisa

THE SPEAKER: Hon members, manje uma ilungu lingasakwazi ukuqedela inkulumo yalo kuzokwenziwa njani-ke? Lidedeleni liqele. Qedela lungu elihloniphekile.

MS W P ZONDI (ANC): Ngiyabonga Somlomo ukungiphebezela amadimoni.

Ngokunjalo-ke ukukhushulwa kwemali yesondlo sezingane nokukhushulwa kwempesheni yabadala, konke lokhu kuwumbono wamalungu kaKhongolose ahangana ePolokwane ayengayile ukuyokhetha nje kuphela kodwa ayeyele ukwakha leli lizwe. Yikho lokhu esikuzwe kuNgqongqoshe.

Ngiyakuphakamisa.

THE SPEAKER: Sesiqedile-ke kwilengxenywe. We then proceed to the Orders of the Day.

8.1 QUESTIONS

THE SPEAKER: We now come to Questions for Oral Reply, stand-over Questions. There is a Question which needs to be replied to by the MEC for Housing, Local Government and Traditional Affairs. I give notice that many of these Questions are standing over and many of them were for written reply which have not been responded to. Hon MEC for Housing, Local Government and Traditional Affairs.

MR S J GCABASHE (ANC): Somlomo ...

THE SPEAKER: Hon member Mr Gcabashe.

MR S J GCABASHE (ANC): Ngiyaxolisa Somlomo ukukuphazamisa. Besicela ukubuza through wena iqembu le-Nadeco ukuthi, ngabe inyufomu yalo entsha yini le egqokwe u-Prof uMaphalala?

THE SPEAKER: Nizobonana-ke uma siphuma la niphendulane ngaleyo ndaba. Hon MEC for Housing, Local Government and Traditional Affairs?

MR M MABUYAKHULU (MEC for Housing, Local Government and Traditional Affairs): Somlomo neNdlu ehloniphekile ngaphambi kokuba ngiphendule le mibuzo ngifisa ukudlulisa kule Ndlu engakudlulisela kuwe. Bengikholwa ukuthi uSomlomo uzokwazi ukungilandela ukuthi encwadini engamlobela yona ngacacisa ukuthi kunezimo ezenza ukuthi sikubuyekeze ukuphendula egameni loMasipala kule Ndlu ehloniphekile ngezizathu ezisukela encwadini eyayibhalwe nguMnu. u-Keys nezinsolo azenza wazibhekisa ehhovisi likaSomlomo engingeke-ke ngingene kuzo.

Ngikusho lokhu ngoba ngokomthetho oMasipala bayisigaba sikahulumeni, ngakho-ke le Ndlu, ngemigudu yayo efanele, ingakwazi ukuthi izindaba ezithinta oMasipala ikhulume ngazo ngqo ngoba esikuphendula la egameni loMasipala sisuke siphendula ngalokho abasuke besinikeze khona okuyizimpendulo zabo. Uma futhi bengakasinikezi impendulo sisuke singeke sakwazi ukuzoma kule Ndlu yakho ehloniphekile sithi nansi impendulo uma labo Masipala okuyibona abathintekayo okusuke kubuzwe egameni labo bengakasinikezi impendulo. Ngifisa ukucacisa lokho ngoba udaba engingafisa ukuthi silulungise. Angingene-ke ezimpendulweni.

Impendulo yethu yombuzo ongunombolo 141 sinayo la. Ingamakhasi amane, ngakho-ke

ngingangena kuyo yonke isigaba ngasinye kodwa bengingafisa nje ukuthi uMnu. uMari angivumele ngiyibeke impendulo njengoba injalo ngoba ingamakhasi amane.

THE SPEAKER: Hon member Mr Mari, many of the questions asked here by you and Mr Krog have a written reply. The MEC would like to know if he can table the report.

MR G MARI (DA): I am quite happy for the report to be tabled, hon Speaker. Thank you.

THE SPEAKER: Thank you, MEC. You can go ahead and table the report.

MR M MABUYAKHULU (MEC for Housing, Local Government and Traditional Affairs): Sesizibekile-ke phambi kweNdlu ehloniphekile Somlomo izimpendulo esizitholile ngalolu daba. Embuzweni Somlomo ongunombolo 155 ka-2007 welungu elihloniphekile uMnu. J Krog, impendulo yethu yalo mbuzo lapho sibuzwa khona ngokuthi zikhona yini kulezi zinkampani ezibhalwe kulolu hla lombuzo eziye zathola ukunikezwa amathuba emisebenzi ngaphansi komnyango wethu. Impendulo yethu-ke ithi njengoMnyango WezoHulumeni Basekhaya kanye NezoMdabu akukho nayinye yalezi zinkampani ezibhalwe la esike yacosha amathuba omsebenzi emnyangweni. Ayikho-ke ecoshile. Ngicabanga ukuthi kuyezwakala.

THE SPEAKER: Thank you. Proceed to 156.

MR M MABUYAKHULU (MEC for Housing, Local Government and Traditional Affairs): Impendulo yombuzo ongunombolo 156 ophuma kwilungu elihloniphekile uMnu. u-Krog; ithi lo mbuzo ufana ncamashi nombuzo esabuzwa wona owawungunombolo 106 ka-2007. Sinempendulo yawo egcwele esayiphendula lapha kule Ndlu ehloniphekile ngakho-ke besicela ukuthi ilungu uMnu. u-Mari likwamukele ukuthi impendulo yethu isafana ncamashi naleyo. Impendulo-ke siyayibeka yona leyo yombuzo ongunombolo 106 ka-2007 ngoba isafana.

THE SPEAKER: Thank you. Proceed to 156.

MR M MABUYAKHULU (MEC for Housing, Local Government and Traditional Affairs): Embuzweni ongunombolo 156 esibuzwe wona la, kasisho ukuthi impendulo yethu icacile ithi esigabeni sokuqala umphathi kaMasipala waqala ukusebenza mhla lulunye kuMandulo 2007. Impendulo yesibili ithi, inkece ayicoshayo yizinkulungwane

ezingamashumi amane nantathu ngenyanga. Sithi-ke akukho sibonelelo esinye esibe khona selokhu aqala umsebenzi. Yonke le eminye imibuzo kuze kufike embuzweni ongu nombolo 8 asisekho isidingo sokuba siyiphendule ngoba sesinikeze le mpendulo. Bese kuthi kulo ongu nombolo 9 sesingasho ukuthi igama loMphathi kaMasipala wakwaSani nguMnu. Sibusiso Patrick Gwacela. Yimpendulo-ke le Somlomo esiyibeka kule Ndlu ehloniphekile.

Embuzweni ongunombolo 157 sifisa ukwedlulisa isixoliso sethu ukuthi phakathi kwethu singuMnyango kanye noMasipala waseThekwini, izimpendulo ezifanele bezingakatholakali ukuba sikwazi ukuphendula la. Kodwa senza konke okusemandleni ukuthi impendulo ize ukuze siyibeke phambi kwale Ndlu ehloniphekile uma sesiyitholile. Siyazi ukuthi kunesikhathi esinqunyiwe.

Impendulo yombuzo ongunombolo 1 ka-2008 ithi: okokuqala amakhansela asesigungwini souphatha esifundeni saseZululand (EXCO) ayisithupha. Amagama-ke ala makhansela njengoba eceliwe uKhansela u-V Z kaMagwaza-Msibi; uKhansela u-V Mbuyazi, oyiPhini leMeya; uKhansela N P Ndlela; uKhansela u-J B Mavundla; noKhansela u-B B Zwane. Sazisiwe-ke ukuthi kunesikhala esikhona okudinga ukuba sigcwaliswe ukuze la makhansela abe yisithupha esewonke. Sesingasho ukuthi wonke la makhansela ebesiwabala, sengiphendula-ke isigaba sesithathu salo mbuzo, aphuma eqenjini le-Inkatha Freedom Party. Mayelana nesigaba sesine salo mbuzo, njengoMnyango besingakazi ukuthi sikhona yini isigaba soMthetho esephuliwe, kodwa-ke esikwenzayo sisazobhekisisa ukuthi kukhona yini okungabe...., kukhona okwamanje kasinalo ulwazi kodwa siyolandela ukulawula koMthetho ngaphansi kwesigaba samashumi amane nantathu okuyingxenye yesibili yoMthetho Wezakhiwo ZoMasipala ongunombolo 117 ka-1998. Yimpendulo leyo Somlomo esiyethula kule Ndlu ehloniphekile.

THE SPEAKER: Hon member, the following questions number 2 and 3 of 2008 will not be answered. We have been informed that the answers are still outstanding from the department with relevant sources. We will then proceed to question number 4.

MR M MABUYAKHULU (MEC for Housing, Local Government and Traditional Affairs): Siyabonga Somlomo ohloniphekile. Impendulo yethu yombuzo wokuqala ongunombolo 4 ka-2008 imi kanje: uThukela Water lwamiswa mhla lulunye kuNtulikazi

ngonyaka ka-2004. Umbuzo wesibili sesingasho ukuthi isigungu sokuphatha sesifundazwe salapha KwaZulu-Natali siye sathatha amandla sangenelela ngokulawula koMthethosisekelo wezwe ngaphansi kwesigaba sekhulu namashumi amathathu nesishiyagalolunye (139) lapho khona amandla okuletha amanzi ngaphansi kwalolu hlelo lo Thukela Water oluphethwe nguMasipala waseMajuba naseMzinyathi kanye nase-Newcastle sithe ake athathwe nguNgqongqoshe WezoHulumeni Basekhaya EzeziNdlu Nezomdabu KwaZulu-Natali. Kwenziwe ucwaningo olunzulu mayelana nokusebenza kwale Nhlangothi uThukela Water kubhekwe ukuthi iyahambisana yini nezimiso zoMthetho nokuthi zinkinga zini ezikhona nokuthi kwenziwe ucwaningo olunzulu yilabo abanamakhono agogodile ekubhekeni nasekulandeleni ukusebenza kwezinhlangano ezifana nalezi. Kuyothi-ke emveni kwalokho uma seluphelile lolu cwaningo uNgqongqoshe uyobe esethula esigungwini sokuphatha salapha kulesi sifundazwe aphinde athulele lesi sifundazwe sonke ukuthi kutholakala ini. Ingxenywe yesithathu yombuzo sesingasho ukuthi iyefana nale ekade ngiyibeka manje.

Impendulo yengxenywe yesine yombuzo nayo iyefana nale ebekade siyibeka, Somlomo ohloniphekile.

THE SPEAKER: Hon member, the last question on outstanding questions is question number 9 of 2008.

MR M MABUYAKHULU (MEC for Housing, Local Government and Traditional Affairs): Somlomo, sithi asikwamukele ukuthi umbuzo lo ongu nombolo 9 nalo mbuzo wesihlanu ka-2008 emibuzweni emisha ifana ncamashi umusho nomusho. Esifisa ukukubeka lapha yilokhu; impendulo yethu ithi, yilo mbuzo esawuphendula ongu nombolo 106 ka-2007. Kodwa-ke sifisa ukubuye sicacise kule Ndlu ngoba mhlawumbe kuthiwa ingoma emnandi iyaphindwa. Sicacise ngokuthi empendulweni yethu embuzweni wokuqala ithi uma ulandela imitheshwana nomtheshwana oyisigaba samashumi amathathu nesishiyagalombili, wokuphathwa kohulumeni basekhaya kanye nezimemenja oqale ukusebenza mhla lulunye kuNcwaba ngonyaka ka-2006 ngaphansi kwesigatshana esithi *“zidingo zini zemisebenzi okudinga ukuthi lowo oqashelwa umsebenzi abe nazo.”* Siyabona-ke ukuthi kubaluliwe lapha phakathi kokunye ukuthi ukuba neqhuzu lemfundo ephakeme noma okulingana neqhuzu lemfundo ephakeme yikhona okudingekayo nxa uqasha umuntu osuke ezophatha kuMasipala. Okwesibili, kunesidingo sokuthi lowo muntu okungenani akabe esesebenze isikhathi

esingengaphansi kweminyaka emihlanu, futhi abe nolwazi lokusebenza koMasipala.

Impendulo yethu-ke embuzweni wesibili ithi: yebo kudingeka ukuthi ube nalo iqhuzu njengoba sesishilo ngaphezulu osuke ulithole emfundweni ephakeme kodwa futhi kudingeka ukuthi sibhekelele ukuthi umuntu onolwazi olulingana naleso sigaba naye unelungelo lokuba aqashwe. Kufanele singakuhlukanisi lokhu.

Impendulo yethu embuzweni wesithathu ithi: thina njengoMnyango sesikuchazile lokhu kabanzi. Ngakuchaza ngesikhathi ngethula impendulo la ngoLwezi wangonyaka odlule ukuthi impendulo yethu ngodaba lwakwaSani isefana ayikakajiki. Somlomo ohloniphekile, imibuzo iyaphela lapho.

THE SPEAKER: Thank you, hon MEC. I confirm that question number 5 of 2008 is similar to the question that the MEC has answered. We now proceed to the last question, question number 6 of 2008, to be answered by the MEC for Transport. Do we have any MEC who will stand in the place of MEC Cele? MEC Johnson, go ahead.

MRS L JOHNSON (MEC for Public Works): Thank you, Mr Speaker. My mother-tongue was not counted amongst the other mother-tongues that will be interpreted. My mother-tongue is iSitswana, and I did not hear you providing an interpreter for that. It means that I will be excluded from speaking in my mother tongue.

THE SPEAKER: [Inaudible.]

MRS L JOHNSON (MEC for Public Works): Mr Speaker, the question from hon Krog of the DA is as follows: The MEC is requested to indicate what he has done to control heavy duty traffic on M13 and Fields Hill to ensure the safety of citizens. The answer is as follows:

The heavy traffic, especially on the south-bound M13, has a time restriction during which these vehicles cannot use this freeway. This is from 06h00 to 08h00 in the morning from Monday to Friday, excluding public holidays. The rationale behind this is the huge volume of traffic experienced, resulting from the south-bound having only two lanes at Fields Hill. The enforcement is done by the Department of Road Traffic Inspectorate, with the assistance of eThekweni Metro Police. These are measures geared to ensuring the safety of our citizens.

The next question is whether there are any plans to maintain the road surface. The answer is as follows:

The M13 south-bound carriage way: Within our limited budget the department has set aside R3, 7 million. Studies have shown that not only the surface is damaged, but the base as well. This situation has necessitated the milieu which is extraction or removal of the old road surface, of the 120 mm base, and its replacement with a stabilised 80 mm base and 40 mm asphalt.

Regarding the M13 east-bound carriageway: The problem which is currently experienced on this carriage way is that the surface itself has been damaged. The department will therefore mend 50 mm of damaged asphalt and replace that with 50 mm of modified asphalt which will cost between 14 plus 800 km to 19 plus 300 km, with a total budget of R3 million in the current financial year. The total budget to be spent is R6, 7m.

This answer is on behalf of hon MEC B H Cele. Thank you.

THE SPEAKER: Thank you very much, hon MEC Johnson. *Reyaleboga mme.*

8.2 Debate on the Education report on the Opening of Public Schools and future plans for 2008.

THE SPEAKER: I have here before me an amended Speakers' List. The first person to debate is hon member Mr Mcoyi who has six minutes. Oh, sorry, sorry! There is a change here. Mr P Govender is the first speaker and he has seven minutes.

MR P L GOVENDER (IFP): Thank you, Mr Speaker. I was caught unawares here. I was not told about the change, but be that as it may. Let it be recorded in this House and let the people of the province know that education is in crisis. I will explain why, but let me first thank the hon MEC for the report presented in this House during the last sitting. I would like to stress at the outset that the information that I will present has been obtained from documents presented to the portfolio committee or documents given to the multiparty task team that went out to monitor the opening of schools in January this year. I must stress that this was a multiparty task team, lest we are accused of leading IFP fault-finding exercises.

One needs to look at the report against the backdrop of the 2007 results. It is now a matter for the record books that the overall matric pass rate has been on a slippery slope since 2005. The MEC will argue that the number of learners who sat for the examinations has increased by 22 316, but only 11 961 more passed. Only 9 367 more received senior certificate passes even though more than 22 000 wrote the examinations. Only 2 342 more obtained endorsements even though more than 22 000 wrote. Of course, the overall pass rate was 63.8%.

What the MEC does not tell us in her state of readiness report is that there is no plan to address the failure rate. We saw more than 53 672 learners fail in the province of KwaZulu-Natal last year. What she also does not tell us is what plans there are to address the high drop-out rate which saw about 7 000 learners who entered, but did not write the examinations last year.

The IFP is concerned that the number of schools in the 0-19% pass-rate bracket has increased from 29 in 2005 to 41 in 2007, whilst the number of schools in the 80-99% bracket has declined from 466 in 2005 to 406 in 2007. Those in the 100% bracket also declined from 96 in 2005 to 78 in 2007, and we do not see any tangible plans to stem this tide. That is why I say education is in crisis.

I now turn to management issues. At the last portfolio committee meeting a report was presented on schools in the coastal cluster. It was reported that enrolment figures are being inflated by principals. Now, this is fraud, as it impacts on the norms and standards allocations of funding that goes to schools. The department needs to investigate this urgently and criminal charges must be laid against those who are responsible.

It is also reported that in all districts there is a huge shortage of educators. The thanks for this must go to the ANC-led government for its short-sightedness in closing down many teacher training colleges. Almost 50% of the advertised posts remain vacant.

The hon MEC also heard that educators do not keep a seven-hour workday. She has also informed the meeting that she has seen learners leaving school as early as 11:00. This is a blatant disregard for the MEC's call for "time on task". It was also reported that deputy principals seem to know more about school management than some principals.

In the Empangeni district the monitoring team was given the profiles of schools that we

visited. I found that the information given was blatantly misleading or grossly inaccurate. For example, in the case of two schools the documents indicated that the schools had electricity and water supply when, in fact, we could not see any evidence of either. The principals informed us that the schools never had these services.

In the case of one of the schools, the document indicated that it had a VIP toilet. Now, Mr Speaker, in the language of the department, VIP refers to "Ventilation Improved Pit". All one needs to do is to kick out the bottom half of the back wall of the toilet, and you have a VIP pit. [Laughter]

This kind of inaccurate representation of facts by senior officials does not allow for physical planners of the department to cater for the needs of the most deserving schools in our province. One school in the district received correspondence dated 12 September 2007, ranking the school at Quintile 5. Then we received another letter dated 2 October, two weeks later, ranking the school at Quintile 3. The unfortunate principal could not get clarity from the department officials. I have given the details of these schools to the Superintendent-General for his attention.

One school I visited on the South Coast had received a computer, printer and accessories towards the end of last year, but this equipment is useless to the school as the school does not have electricity. Hon MEC, so much for responding to the needs of the school! Again, I say education is in crisis.

Another matter of serious concern has been left unresolved since the beginning of 2007, and that has to do with the fact that Ward 119 has been without the services of an SEM since the end of 2006. Hon MEC, you are aware of this issue because it was brought to your attention when you visited Glenover Secondary School in Chatsworth during the first week of school this year. The district manager was requested by you, hon MEC, to resolve this issue immediately, but to date nothing has happened apart from empty promises. As a result the schools in that ward have not been serviced during the 2007 academic year and it still is not being serviced.

On the issue of the quintile ranking of schools, this has still not been resolved. Many schools that were ranked according to infrastructure and have contested their ranking are still awaiting the outcome.

With regard to the much talked about pledge, I believe that it should be born out of a process of consultation with all stakeholders and then given to schools to breathe some life into a document that embraces the ethos of sound educational values. I believe that we need a think-tank of educationists and administrators who are concerned about the wellbeing of education in our province, and not political appointees who do not give a fig about what happens in education.

THE ACTING SPEAKER (Mr S N Mtetwa): Thank you very much, hon member. The next member to speak is the hon G N Swartbooi for 11 minutes.

MS G N SWARTBOOI (ANC): Hon Speaker, allow me to open my debate with the words of Tom Landry who said: "Leadership is a matter of having people look at you and gain confidence in seeing how you react. If you are in control, they are in control."

You see, when the hon Govender opened his debate, he started with "crisis". Everything is a "crisis". Everything is just a "crisis". You can see that the IFP is in crisis and that is why they failed to administer education. [Interjections] You just hear about everything – we are in "crisis" – because the hon Govender is in crisis. That is the kind of leader he is. [Interjections]

THE ACTING SPEAKER (Mr S N Mtetwa): Order! Hon members, order!

MS G N SWARTBOOI (ANC): The MEC and the Department of Education are in control and the people down there are also in control. It was the first time we visited schools and found learners at school on the first day of school. It was the first time we found learners registered in October of the previous year. It was the first time we saw good attendance of both learners and educators. You could see that effective learning and teaching was taking place. The hon Govender was there. He was with me in Ugu. He saw that teaching and learning was taking place.

We do not deny the fact that there are challenges. As a leader one identifies challenges and one comes up with solutions. You do not start with a "crisis" because once you start with a "crisis", you place all of us in a "crisis".

THE ACTING SPEAKER (Mr S N Mtetwa): Hon member, just hold it there.

MR P L GOVENDER (IFP): Mr Speaker, the hon member is misleading the House. I

was not with her in Ugu when she visited the schools. [Interjections]

MS G N SWARTBOOI (ANC): [Inaudible]

THE ACTING SPEAKER (Mr S N Mtetwa): Please continue, hon member.

MS G N SWARTBOOI (ANC): Mr Speaker, at least in the Ugu district where I am deployed, education and learning started on the first day of school. I thank the members of the Legislature, as well as the Department of Education for embarking on a programme of school functionality monitoring. The MEC is in control. We are in control.

The visits were useful. We should make sure that at least after the June/July holidays we do the follow-up visits. That will help us so that we do not go to a school and find that the school is not fenced or that the condition of the buildings is not good, or maybe the principal is not in control of the situation and then we end there. We as a committee need to do follow-up visits.

Education is not only about the MEC. It is about all of us. It is about all of us! If a leader sees a "crisis", that means he or she is going to put the whole community of KwaZulu-Natal in a "crisis".

Since we started with these visits, I have noticed great improvements. Before we undertook these visits, we used to find low attendance of pupils. Sometimes we would find learners and parents scattered all over the grounds while the educators were still registering learners.

We thank the Department of Education for the advert that it did last year in October. The majority of schools started registering learners in October of last year. The majority of schools received 90% or 100% learner/teacher support material. They started delivering the material last year in November to most schools. It was only a few schools which did not receive their materials, so it helped us.

The hon Mr Keys reported in a portfolio committee meeting that he visited some of the schools in the Amajuba area. He also identified one of the schools - not a selected one - that had achieved an 80% pass rate. However, there had been no delivery of learner/teacher support material. It is important that hon Keys specify the name of the school, as it will help us when we do these follow-up visits. It will also help the

department so that we can see what is going on, at least after June.

As much as there were improvements this year, there are challenges that were identified by the members. Here I can think of the incapacity of the principals, a lack of *ivudu* in some of the principals. We did identify that, remember hon Govender? The hon Tambo reported to the portfolio committee about the school at Hlokozo. I also reported two schools in Ugu, Zuzicebo and Maqakala, which the department promised to visit. The pass rate at Zuzicebo High School is not very pleasing. If you start from 2003, you will find that they still had a 70% pass rate. In 2004 they still had an 84% pass rate. In 2005 they still had a 66,6% pass rate. In 2006 it declined to 36% and in 2007 to 47%. It is not very pleasing, but at most of the schools that we visited, there was much improvement. Most of the schools that got a lower pass rate in 2006 increased their pass rate in 2007. We thank the department so much.

The rate of absenteeism, as was also identified by the members, is due to the rate of teenage pregnancies. Members also identified the problem of drug abuse within the communities, as well as the general laziness of learners.

With regard to the filling of posts, we found that there are schools that still have vacancies, where you have got principals who are still acting. It is not helping, so the department must ensure that we appoint principals. You cannot find a school where you need an educator for tourism. Tourism is a very important subject indeed, and then you find that the post is vacant and it has been publicised for a long time, but there have been no interviews. It also goes back to this politicised society that we have in this country. If a school is in a predominantly ANC area, you will find that everything is ANC-cised. If a school is in an IFP area, everything is IFP-cised. The politics hinders progress in schools. It comes back to us, hon members. I say we must help the department to go to the communities.

I am very happy that the committee took a decision to take our committee meetings to the people this time. We are going to visit Obonjeni district. We are going to visit a few schools and talk to the parents. We want to tell them about the importance of school attendance by their children, school uniforms and the attendance of teachers. That is good.

Mr Speaker, as much as we acknowledge what has been done by the department with

regard to infrastructure, I think we really have a problem. [Interjections] Yes, we have to identify the problem so that the department will help us. Luthuli High School is one of the best performing schools in Port Shepstone, but it does not have a laboratory. It does not have a library, yet it always gets a 100% pass rate. If you go to the toilet, you will find there are only 11 toilets for about 910 learners. It is the same with Himmelberg School. When we visited those schools, we found that the school buildings were not in a very good condition.

It was also identified by hon Mcoyi that Public Works sometimes hire contractors to build schools. However, there is no-one who does follow-up on the contractors to see whether the work had been done. You find that the material used to build schools is very, very cheap. That is why you find a department always going back to the schools. They build the school. They fence the school. They do renovations, but they still have to go back because of the material that is being used by the contractors.

In conclusion, I can certainly say the MEC is a good political leader. She always listens to the members of the committee and the community at large. At the beginning of the year there was a learner and teacher attendance which was very good. The learner enrolment in October of last year and the delivery of the LTSM was about 90% to 100%. Teaching and learning were taking place in the schools. The MEC is in control, and we are in control. I thank you, Mr Speaker. [Interjections]

THE ACTING SPEAKER (Mr S N Mtetwa): Cha, kulungile. Siyabonga kodwa ukuthi niyakhuzeka uma nikhuzwa ngoba uma ningasakhuzeki kuyofanele ukuthi umuntu ashintshe phela. The next speaker to speak, hon member Burrows, for seven minutes.

MR R M BURROWS (DA): Thank you, Mr Speaker. I would like to thank the hon MEC for her report last week. It provided some interesting statistics and a very positive view of the province. I do not intend to repeat the matters that I raised last week, but I hope she will address them - the question of the truancy unit, the question of compulsory attendance and whether we are actually applying compulsory education, or is it merely a phrase that we happen to use?

I am pleased to note that registration worked well this year. However, whilst there has been an improvement, I think there are still problems with LTSM deliveries which we need to address.

I am glad that the hon Swartbooi picked up in the latter part of her speech the question of infrastructure. I mean, when we had a look, 22% of our schools are not in good condition. The statistics she provided us with regarding the schools that are made of mud, of wood and of metal are just totally unacceptable. I am sorry to beat the drum again, but I have made this point in a number of debates, including the Finance debate. We are never going to resolve this crisis by using operational funds. We actually have to get additional monies. If we can find R60 billion for Eskom, we can certainly find a few billion to fix all our schools. I am told the figure is R25 billion. Please, that is where we need to be going.

One of the concerns that I have, madam MEC, is that you addressed the question of social cohesion in your address last week. It was not actually in your reported speech but you made remarks about it. I do think we have to debate the pledge. We have to debate the Responsibility Bill that is going to appear in schools. I will be writing letters to the hon MEC concerning two particular schools I am going to name, George Cato Primary and its ongoing saga and Newcastle High School. Both are matters of social cohesion, of people getting on with people. What the department needs to do is to be the neutral arbiter to get people together. I know that an approach is being made and I know the union is involved in the one case. There may well be legal action in the other, so I do not want to go into this on the floor of the House, but I will be writing to the hon MEC.

The second area I addressed at some length last week was the question of what teachers should be doing in school. Now, the hon MEC will enjoy the quote that I am going to give her from the ANC's 96th anniversary statement of 8 January. She knows it because the hon Trevor Manuel used it yesterday, as well:

Our teachers must commit to a set of non-negotiables to be in school, in class, on time, teaching, no abuse of learners and no neglect of duty, 100%.

Even I can agree with the ANC on that point.

What we have to get from the department, madam MEC, are answers to the questions: What is a teacher's responsibility? Where does it start and where does it stop? I simply ask the question. The MEC was a teacher in the old days, and so was I. Now, all I know is that when I went to school a million years ago ... [Interjections] I did not say "good old days"; I said in the old days. If I had said "good old days", Mr Bhamjee, you would be

right. Those were bad old days. However, the question is: You go to school at 07:30 in the morning, and you go through to 14:00 in the afternoon or sometimes 15:00 or 14:30, and you teach. What other expectations are demanded of teachers? Do they have a commitment to do extracurricular activity? If so, every school must demand of every teacher that they do it. We cannot be selective and expect this school to be doing it and that school not to be doing it. That is where we have to wrestle with the unions. We have to get some standard of responsibility as to what teachers are supposed to be doing.

I raised the issue on monitoring. Now I know that there is union experience, they do not like the word "inspection", but quite frankly, somebody has got to go into classrooms and assess whether teachers are performing and to report on it and with the best will in the world, Mr Speaker, the experience of peer assessment is that it does not work, it does not work. So somehow, somewhere we have actually got to get agreement as to what should be happening in our classrooms.

I am pleased the hon MEC addressed the issue of drugs and violence in our schools. We have got to stop the practice going on. Now I see that the hon MEC for Education in Gauteng has talked about having a cop in a school. Quite frankly, we have got 6 000 schools, we are not going to get a cop in a school, it is not going to happen. So we have actually got to address this issue in some other way.

Could I just raise a particular question with the hon MEC? What is the situation of temporary teachers now in the schools? The temporary teachers of last year, have they be reemployed, have they been reinstated, are they paying pension and medical aid, what is that situation? I am not looking at the question of those who are appointed for very short-term – I am looking at the longer term temporary appointments, the so-called permanent temporaries.

Another issue I picked up last week, maybe the hon MEC can touch on it, the Quintile 3 no fee issue. That has got to be sorted out very quickly.

Challenges: The hon MEC last year raised in her budget the question of challenges, I am sure she is going to raise it again this year and it comes to the per capita issue. Now I do not want to simply say the per capita issue is a crisis – we have got to actually provide a solution. The hon MEC says we are second lowest in the country and we will be lowest by 2010 – how do we get out of it? Do we go and actually propose as a

multiparty legislature that we take education out of the provincial funding norm and actually allocate particular sums of money according to the number of learners we have got in our system and then we will actually have dedicated funds for education?

We have actually got to come up with a solution and the hon MEC for Finance has actually got to come to the party as well. I can understand his problem. He gets a package of money he has to split over 16 departments. Somebody has actually got to say it is blatantly unfair that children should have more spent on them in the Western Cape and Gauteng than in KwaZulu-Natal. [Time expired] Thank you, Mr Speaker.

THE ACTING SPEAKER (Mr S N Mtetwa): Thank you very much, hon member Mr Burrows. The next speaker to speak for six minutes, ubaba uSolwazi u-S.J. uMaphalala from Nadeco. I am not going to remind you....

PROF J S MAPHALALA (NADECO): Ngiyabonga Somlomo. Siyazi sonke ukuthi akekho ozalwa enolwazi; *"nobody is born wise, wisdom is acquired through education"*. I-Nadeco ithi imfundo yamahhala nephoqelekile mayibe khona ingaciciyeli, ibe khona noma kubekwe isikhathi sokuthi izoba khona nini. Imfundo yamahhala nephoqelekile ithi ingane kufanele ize ibe no-16 years isesikoleni. Uma kungenzeki lokho aboshwe umzali; baboshwe abazali abangakwenzi lokho. Le nto okukhulunywa ngayo siyitholile silokhu sivakashela emazweni aphesheya *e-Scotland* nase-*England* ukuthi ihamba kanjani. Lokhu okuthiwa yizikole lapho imali yesikole ingakhokhwa kufana nokuthatha isondo lesithuthuthu ulifake kugandaganda. [uhleko] Akukaze kwenzeke emhlabeni! Akukaze kwenzeke emhlabeni, ukuqala isondo elingekho emhlabeni ukuthi liyini. Akungabalekelwa lokho, abelungu bakhuphukile baba wo-*first class citizen* nge-*free and compulsory education*.

Njengoba kade sihambele izikole sithole ukuthi izingane zama-Afrika zifundela ezindaweni zezingulube, okungekho namathoyilethi njengaseNtonganda. Amathoyilethi wonke ayengasebenzi! Sihambile siye khona. Wonke ayengasebenzi! Izincwadi nesiteshiniari kwa-odwa ngoMeyi. Konke kwakungekho! Ubufakazi babekwa phambi kwethu. Izingane zixhobelene futhi ziminyene ngoba isikole sithatha abafundi abayi-1 064 ekubeni kufanele sithathe izingane ezingamakhulu amahlanu namashumi ayisithupha. ENtongande High School yinto esiyibone ngamehlo. I-**Quintile** yinto yokuqagela; abaqagelayo yilaba abalapha kwa-Education ngoba sithe uma sifika eLizwi

High School wathi uthisha omkhulu wakhona, kwake kwathiwa u-*three* kwabuye kwathiwa wu-*two*. Akekho owazi kahle ukuthi ***i-Quintile*** le ibalwa kanjani na! Kushiwo esikoleni esinabantu abahlupheke indlela ongakaze uyibone.

KwaNokhalela High School, le eNgudwini naseKhangalani Primary sathola khona ukuthi yizingulube ezingahlala lapho, abekho abantu abangafundela khona. Amafasitela wonke afile, amathoyilethi ale kude ngeke ulunguze ngisho ukulunguza! Izingane zimbethe kahle, zigqoke kahle, othisha bayeza ngoba phela bazozifunela imali yabo, kodwa akekho umuntu okufanele afunde lapho!

Nokho izingane zamaNdiya namaKhaladi naBelungu ngeke ziye lapho! Sizifundisa izingane zama-Afrika ukuthi zibe ngo-*second class citizens*. Kwabamnyama kujwayeleke lokhu kokuthi, “Jwayelani ingani naniqhubeka nakudala!”. Sekujwayelwa *i-second class citizenship*. Leyo yinto mayilungiswe. Ibuhlungu kithi; izwe likhululekile iminyaka eyi-15 manje! Ayi ukuthi uma sekusuka umuntu ekhuluma kuthiwe indaba ye-*racism*. Angikhulumi lokho ngikhuluma into emqoka ngoba ngifuna uyibone. Zonke lezi zingane ezilaphayana ezabantu abamnyama bama-Afrika. Bathi yini ngoba ama-Afrika azijwayeza izingane, sijwayeze izingane. Yithina esona izinto la eNdlini. Kodwa yonke leyo nto isize yejwayeleka. Onemali uyayibalekisa ayiyise le lapho ko-Model C nako-private school. Sizwa ubuhlungu ngaleyo ndlela eyenzeka ezinganeni zethu eNokhalela High School naseKhangalani Primary.

ESiyabonga sithole ukuthi uMnyango wenze iphutha elikhulu ngokuthi upende isikole sekuvuliwe, kwasala icala elilodwa. Zixhobelene lapho! Sithi nisipendelani isikole manje sezivuliwe? Bathi uMnyango. Othisha bahleli benza ama-*points*. ESiyabonga High School laphayana eManzamnyama! Uma siqhubeka siya eMuntonokudla sithole ukuthi lawa ithoyilethi la-*collapse*; ngenhlanhla izingane zazingekho. Kwakuyofa abantu kulesi sikole! Izingane zawo wonke la malungu ahloniphekile amaningi alapha azikho lapho. Kothi ngibona abantu bathi, “hhayi kuyaqhubeka”. Ingani ku-*matric ama-results* ayahlehla na?. Ubani lo ongakwazi ukubala? Ahlehlele kulowaya nyaka; ahlehla nakulo. Kuthiwa kunenqubekela phambili! Inqubekela phambili kanti yini? Akusikho ukuthi inqubekela phambili ukubonakala udlondlobala uya phambili?

AMALUNGU AHLONIPHEKILE: Kunjalo

PROF J S MAPHALALA (uyaqhubeka): Izwe likhululekile manje, asingadlali

amadayisi! Likhululekile izwe! Akubonakale u-*matirc* uma ephasa aqhubeke, sibone izibalo. Hhayi ukuthi *three percent* mhlonishwa Gcabashe, hhayi ukuchitha izandla! Kodwa-ke asilungiseni isimo, Mnguni, Mandela - izithakazelo zakini. Kubi kakhulu okwenzekayo. Inhlangano kaKhongolose ikhulumile; laba abasha bakhona, bayikhuluma indaba enkulu basalokhu bezithela ngamanzi, bathi ilungile i-**Quintile**. Kufanele engabe kuthiwe izongena nini i-*free and compulsory education*. *It is known throughout the world, until 16 years! Not a no fee school, no fee school is African Bushing*. Ibingeke isebenze! [Uhleko]

THE ACTING SPEAKER (Mr S N Mtetwa): *Angibonge Solwazi ngesikhathi osinike sona*. The next speaker to speak for five minutes, hon S Thakur-Rajbansi from MF.

MS S THAKUR-RAJBANSI (MF): Thank you, Mr Speaker. I want to thank the hon MEC, Mrs Ina Cronjé, for her continuous zest for improving the state of education in KwaZulu-Natal. I was very impressed with the report on the school opening for one reason and that is because it was very informative. It actually allowed us to make practical suggestions as to what we could do to fine-tune the opening of schools in future.

Of course the MF has its concerns and this is natural because the school environment is ever-changing because of the parent/child relationship of your educators and your learners. These conflicts have to be controlled. They have to be in check and the only way we can do it is by finding methods to ease it and the crux of this is school management strategies. This I cannot emphasise any more than what has already been said because it goes hand-in-hand with our policies, our programmes and our laws. I believe in the Education Department we have got to have dedicated people who review laws all the time, who see what laws are being implemented but they are just not practical, they are just not working. We have to revise that all the time. Then only can we have smooth functioning and a more stable school environment.

This then filters down to all those people that are in top management, whether it is your principal, whether it is your deputy principal or the school governing body. We cannot just sit for years and complain that they are not trained and we do not have the money. We have got to find ways to streamline processes so these things can be done and that is our job here.

The Minority Front also believes that the no school fee policy which is a noble policy, has to be communicated especially when you have already identified those areas where there is victimisation of the learners taking place.

The HR component of the department is very important because this is a very labour intensive department and I believe that the person in charge of HR has to come up with very creative strategies, especially for the retention of educators. I have even said in the committee, the approach to retaining staff, whether it is in the government sector, whether it is in the private sector, has to be that money must not be the motivator. In the whole world they are now saying that they are not going to focus on money because if you are going to focus on that, you are going to encourage brain-drain and we must look at other creative ways to make people patriotic so that they can stay in our country and serve our people.

A very strong focus must be on remedial measures for schools that have been classified as schools not providing quality education. Now we cannot just accept this here, we must have a strategy in place by the department and this strategy has to be reported to this House of what we are really going to do.

When we look at the matric teachers, their morale is very low. Why is it low, because we have ill-qualified subject advisers? These subject advisers must be reviewed. Their qualifications, their whole attitude to teaching other teachers must be reviewed, because if this can be done – you know they are the very critical posts, they need the best teachers and we have to make sure that we get this.

The quintile system, we in the MF do not agree with the methodology but we do agree with the Minister that the methodology is changing all the time. The fact that socio-economics is becoming the main guiding principle, that is fine, but the fact that you have opened a door for contestation, that in itself is the main indicator what are the gaps in the methodology and how it needs to be revised. It is very important because it impacts on all other policies and programmes that the department has, like your nutrition programme. The Minister is away, she has been to, for example, Witteklip Secondary School which is in a very low socio-economic area of Croftdene in Chatsworth. Now that is Quintile 5. Now just 100 metres down the road is another high school and that is Quintile 3. So, if you are looking at census, we must not rely on our census, they are

very inaccurate, and we have to look at better research methodology that is not biased.

Also, hon Minister, I must thank you for the dignity that you have brought to all our learners with the number of toilets you have provided, but you have got to give emphasis to the mud structures and I am glad that you are collaborating with the University to get rid of this backlog because we cannot place more emphasis now on our model C schools, we have to worry about the have-nots now and we have got to give the learners in disadvantaged areas more dignity.

Also, teacher salaries, this has to be high on the agenda, the senior teacher status has to be fast-tracked. The OSDs are just not going to work because it is a very unfair way to look at performance.

With these words I want to thank you for the good work that you are doing. [Time expired]

THE ACTING SPEAKER (Mr S N Mtetwa): Thank you very much.

Bekufanele kulandele ilungu elihloniphekile uMhlonishwa u-J M Downs, akekho-ke. Sizodlula kuyena kodwa-ke lokhu kunginika ithuba lokuthi ke ngithi ukuphefumula ngibingelele uMvelase. Nginyaqala ukumbona ngihleli kulesi sihlalo. Ngibingelela uKhawula. Ngitsheliwe ukuthi elinye lamalungu laxoshwa kuSishayamthetho sesihleli, kwathiwa: cha, cha, cha izimemba okungesizo ezala endlini ake ziphume kanti yila ma-Whips asebenza umsebenzi wale ndlu wokuqikelela, engazi. Labuyiswa ilungu selingaphandle kwathiwa: hhayi-bo selifungile, elala endlini. Cha, uxole nje lungu elihloniphekileyo, kwakwenziwa umsebenzi.

The next member to speak, hon B J Msomi, for four minutes.

MR B J MSOMI (UDM): Thank you, Mr Speaker. If one considers what the MEC for Education, Mrs Ina Cronjé, said, it is clear that there is some improvement on school readiness for effective learning and teaching on the very first day of schools opening this year.

This is a step in the right direction. The MEC and her department should be applauded for being able to turn things around. The failure to deliver LTSM timeously has been a concern for all of us in this august House. I agree, there are still some outstanding

issues which need to be addressed, like the failure of certain Section 21 schools to place their orders for LTSM timeously.

I will continue to lament about the standard of education for our country. The type of education system that we have I do not think is an appropriate one since it fails to produce matriculants who are able to construct a single simple sentence in English. It is worse now. Even those who are isiZulu speakers, like myself, very few of them understand idioms or phrases in their own vernacular. Even the percentage of 63.3% for matriculants who passed last year, is misleading if one considers the marks adjustment that were affected for last year. If it was not done, I am afraid it was going to be a disaster.

I was happy to hear the MEC giving us high percentages of educators/learners attendance during the opening of the schools, but I did not hear the MEC saying anything about the new safety measures for the teachers and learners alike on school premises. As far as I am concerned, the climate for learning and teaching is not there. We as members of this House want to know what is being done by the department to ensure that our children and educators are safe in state schools in this province.

The improvement on school readiness as alluded to by the MEC in her report, is being undermined by workshops that are still being conducted during school hours. It causes a lot of inconvenience, especially for the parents. There are parents who depend on public transport, so if they are asked to fetch their kids earlier than normal, it is too much for them because they have to ask permission from work to fetch their kids as they have to provide transport for their kids. So I would be happy if the MEC can try to do something to minimise the number of workshops that are conducted during school hours.

As far as the infrastructure is concerned, I am aware that there are some shortages of classrooms, toilets, as my colleagues have alluded to, but I think we do not have to lose sight that some of these problems were inherited from previous governments. So, we do not expect that in one term all these things can be addressed. No, I am not happy about the progress, but we have to understand that some of these problems were inherited from what was happening in the past. I understand it is 14 years but the MECs have changed. I think the MEC has got only four years now, if I am not mistaken, and you

cannot expect her to do miracles with this thing. I have tried to be realistic because I am realistic about this thing. Thank you. [Time expired]

THE ACTING SPEAKER (Mr S N Mtetwa): Siyabonga Mhlonishwa uNomndayi. Ilungu elilandelayo lizokhuluma imizuzu eyishumi, uMhlonishwa u-LXH Hlongwa.

MISS L X HLONGWA (ANC): Ngiyabonga Somlomo. Angibingelele amalungu ahloniphekile, sibonge ithuba esalinikwa uSomlomo ukuthi sihambele izikole ngesikhathi zivulwa. Ngifisa nje kafushane ukusho ukuthi onke amalungu asekhulume ngaphambi kwami akhulume amaphoyinti okuyiwona futhi akhuluma amaqiniso. Ngizothi kuNgqongqoshe siyawubonga kakhulu umbiko wakho osiphe wona. Ubalulile ukuthi usuku lokuqala kulo nyaka lwaletsa intokozo enkulu yokubuyela kwabafundi esikoleni uma uqhathanisa nesikhathi esedlule. Nathi lapho esasikhona nethimba engangihambisana nalo, iNkosi uMathaba neNkosi uMthuli, safica impela izingane zisesikoleni. Loku kukhombisa ukuthi abantu imfundo sebeyithatha siriyasi kunesikhathi esedlule.

Ngiyawabonga-ke la malungu ukuthi azilungisele kakhulu azinikele ekutheni sibheke ukuthi imfundo iyalekeleleka esifundazweni sakithi. Okunye esakuthola mhlonishwa uSihlalo ngesikhathi sihambele esifundeni seLembe ukuthi othisha kulezi zinsuku ezintathu babengekho. Esinye sezizathu yilokhu okubalulwe uNksz Swartboo kokuthi izikhala zothisha zazingakavalwa. Sicela ukuthi uMnyango ukusheshise kakhulu lokhu ngoba kuba nomthelela ekufundeni ikakhulukazi emabangeni aphantsi. Abanye-ke babafundi Ngqongqoshe kwabikwa laphaya esifundeni seLembe ukuthi basahamba amabanga amade ukufinyelela ezikoleni. Balinganisela kumakhilomitha ayisikhombisa. Lokhu kwenza ukuthi bathi befika esikoleni babe sebekhathele. Siyacela kakhulu ukuthi uMnyango Wezemfundo ubambisane noMnyango Wezokuthutha bakubhekelele lokhu ngoba kungaba nomthelela omubi kakhulu ekufundeni kwabantwana bezwe lakithi.

Bese ngiza ohlangothini olukhalisa wonke amalungu lwe-*infrastructure*, ukuthi izikole eziningi esizihambele lapha kweseLembe bekuyizikole zasemakhaya. Saya kwesinye isikole nje okuthiwa iNkwenkwezi. Ngiyakhumbula ukuthi sasingenamafasitela; onke ayefile. Wawungafunga ukuthi kade echotshwe yizinyoni. Uma simbuza uthisha omkhulu wangaba nayo impendulo saze sazenzela olwethu uphenyo olwasiholela ekutheni ngesikhathi kunokungezwani phakathi kwakhe nothisha kwasetshenziswa

izingane ekutheni zibulale i-*infrastructure*. Siyacela ukuthi abazali kanye noMnyango bakubhekele lokhu ngoba izikole yilapho kungenziwa khona ukuthi intsha yakithi ibe ngcono kakhulu. Yilapho esingacija khona amathalente amaningi. Ngakho siyadinga ukuthi uMnyango Wezemfundo ngobuhlakani bukaNgqongqoshe ubize umhlangano ukuze kukhulunywe ngalezi zindaba. Lapha kungabizwa othisha, amakhosi, abazali kanye nabaholi bomphakathi.

Enye yezinto esazithola lapha Ngqongqoshe ukungabikho kwamanzi, ugesi kanye nezindlu zangasese. Noma izinga lokungabikho kwezindlu zangasese selehlile kodwa siyafisa ukuthi uMnyango impela lokhu uku-*prioritis*-e kulo nyaka wezimali. Abanye-ke bakhala ngokuthi i-*physical planning* ibathathisa isikhathi eside kulokhu kuthiwa abaye kuloya Mnyango, bakhonjwe komunye umnumzane njalo njalo. Lokhu sabona ukuthi kuyasibambezela kakhulu ohlelweni lokuthi senze ngcono impilo yabantu bakithi.

Bese kuba uhlangothi lwezinsiza zokufunda; izincwadi nezinto zokubhalela. Njengoba uNgqongqoshe eshilo ukuthi lokhu noma kungafikanga esilinganisweni uMnyango owawuzikalele sona, kodwa izikole eziningi besezikutholile ngesikhathi sifika. Okunye-ke esakuthola ngesikhathi sihambele esifundeni seLembe nalaba bahlonishwa ukuthi othishanhloko kubukeka sengathi abazi ukuthi kufanele basifake nini isicelo sezincwadi noma sezinto zokubhalela. Kusho ukuthi-ke kune-*challenge* enkulu kuleya *area ye-administration ne-management* esingafisa ukuthi umhlonishwa ayilandele njengoba kade esho amanye amalungu ukuthi kwalona lolu hlelo lokuvakashela izikole akufanele kube yinto nje ka-*once off*. Sengathi singabuyela laphaya sibheke ikakhulukazi lokhu okade kushiwo umhlonishwa u-Burrows ukuthi kufundwani ezikoleni ngoba abanye othisha esabafica laphaya othisha abano- standard ten, ama-matriculants, engingakholwa ukuthi ase-ready kakhulu ukuthi angafundisa ezikoleni zethu.

Siyafisa ukuthi uMnyango ukubhekisise kakhulu lokhu ukuthi uma sikhuluma ngemfundo yanamuhla sazi imfundo endala ukuze sikwazi ukuthi silwe nenkinga yamakhono namanye ama-shortages esinawo njengezwe kufanele ukuthi sibe nothisha aba-*well-trained* ngokusezingeni lokuthi bamelane nawo wonke ama-*challenges* e-21st century.

AN HON MEMBER: Kunjalo

MISS L HLONGWA: (continues) Ngifisa ukukhuluma ngezikole ezimbili mhlonishwa uNgqongqoshe, nokho ebezingeyona ingxenye yalezi zikole ebesizivakashele.

Bekukhulunywa ngazo ezindabeni. Esokuqala isikole esiseNkandla iLungelani Primary School, esesidale isimo sokufundela ngaphansi kwezihlahla kanye nesikole iNomuwa High School esisendaweni yaseNtambanani, naso esiphenduke umjondolo ngenxa yokuza kancane kosizo lwezakhiwo. Lezi zikole Ngqongqoshe azikho futhi ngiyafisa ukuthi uMnyango uzilandele kakhulu, ikakhulukazi iLungelani ngoba sekuze kwangenela nomasipala nabazali impela bathembisa ukuthi babhikishe balibangise eMnyangweni Wezemfundo uma lokhu kunganakwa ngokushesha.

Ngiyazi ukuthi umhlonishwa uNgqongqoshe uzinikele kanganani ekuletheni ushintsho ekufundeni, kodwa lezi zizathu ezingenhla, izakhiwo, ukungabikho kothisha abanele, inkinga yamabanga amade ahanjwa abafundi kanye nezinsiza zokufunda kusengela phansi yonke imizamo yakhe.

Ngiyathanda futhi ukuphawula ngezinga lokuphasa. Bonke ozakwethu sebephawulile ngezinga esilibone ngonyaka odlule ukuthi noma lona lilihle kodwa besingacela ukuthi umhlonishwa noMnyango babhekisise kakhulu kula mabanga aphantsi ukuze u-Grade 12 kube lula ukuthi kuphuyelelwe kuwona. Ngisho lokhu ngoba izinkinga noma izimpendulo zokuphumelela azikho ikakhulukazi ngothisha bakwa-Grade 12 nakwi-*percentage* esihlala njalo siyibheka kodwa zikothisha bakwa-Grade 1 naku-ECD. Ngakho othisha uma bezoqeqeshwa ukuthi bafundise kahle ikakhulukazi u-Grade 1, u-Grade 3, u-Grade 6 no-Grade 9, mhlonishwa singakwethembisa ukuthi indlela yokuphasa kwa-Grade 12 izophucuzeka kakhulu.

Okunye umuntu angakuphawula kulo mbiko waNgqongqoshe udaba lolu lokudicilelwa phansi kwezikole ebesengike ngaluphatha namanye amalungu aluphathile ukuthi siyacela ukuthi umhlonishwa ehlangene nawo wonke amanye ama-*stakeholders* balubhekisise lolu daba. Kwezinye izikole esasihambe kuzo safica ukuthi iminyango ayikho, abantu bantshontsha baze bantshontshe nama-*seat* asethoyilethi. So siyacela ukuthi le ndaba yokubhekisiswa kwezikhungo zemfundo kube wudaba lwalo lonke ilungu lePhalamende elilapha eNdlini kungabi udaba nje loMnyango kuphela kodwa futhi uNgqongqoshe abe ne-*solution* okanye aba ne-*plan* yokuthi sikwazi kanjani ukuthi sikhulume ngalolu daba lungakaphumi esandleni.

Sibonge-ke nomzamo womnyango wokugquguzela bonke abangaphasanga umatikuletsheni ukuthi bathole elinye ithuba lokuzakha kabusha, ngoba yibo laba bantu

abasha esikhuluma ngabo ukuthi basibangela isihlava sobugebengu, ukudayiswa kwezidakamizwa nokwenza ezinye izinto esithi ama-*social ills* asemphakathini.

Siyakubonga kakhulu lokhu Ngqongqoshe ngoba kuzosisiza ukuthi siqande le nkinga ebisiqala ukusehlula. Okunye-ke mhlonishwa ozakwethu abakhulume ngakho indaba yolimi engicabanga ukuthi ngesikhathi silaphaya kweseLembe abahlonishwa engangihambisana nabo bayakhumbula ukuthi kwaba nesincomo sokuthi asicele uMnyango Wezemfundo ukuba wenze *i-feasibility study* ekutheni asikwazi yini ukuphayilotha izikole ezimbili noma ezintathu esifundazweni ukubheka ukuthi asikwazi yini ukufundisa isi-*French* ukuze sikwazi ukuxhumana nabantu abaqhamuka kwamanye amazwe ase-Afrika noma kulawa manye aphesheya. Bese kuba udaba engicela ukuthi uNgqongqoshe asibeke kulo esithombeni ukuthi kwenzenjani ngesifundo se-Agriculture (Ezolimo)? Safica ezikoleni eziningi laphaya neNkosi yakwaMathaba neyakwaMthuli, saluphakamisa lolu daba lokuthi kunendlala, ngakho indlala izoliwa ngokuthi abantu bonke basebenze ngokuzimisela. Ikakhulukazi wonke umuntu wase-Afrika bekufanele ukuthi abenesiqeshana somhlaba azosebenza kuso.

Siyafisa-ke ukuthi uNgqongqoshe lapha eNdlini asichazele ukuthi inkinga yini esihlangabezane nayo mayelana nalesi sifundo. Ekugcineni-ke Sihlalo ngifisa ukumbonga kakhulu uNgqongqoshe ngoba ungowesifazane onombono futhi ozimisele ekutheni enze ngcono imfundo yakithi noma isenezinselelo lapha nalaphaya. Kodwa umuntu uyafisa ukusho ukuthi akekho omunye obengalungela ukuphatha lo Mnyango okwedlula yena kuze kube unyaka wesine engakashintshwa. Siyethemba ukuthi uzohlala njalo-ke ebambisene namalungu neziphathimandla eminyangweni ukwenza ngcono ikusasa lentsha yakithi. Siyabonga Somlomo

THE ACTING SPEAKER (Mr S N Mtetwa): Mina ngibonga wena ngokunginika imizuzwana okuzongenza ukuthi ngikhawe kahle. Ilungu elilandelayo ukukhuluma umhlonishwa u-S. W. Mcoyi *for seven minutes*.

MR S W MCOYI (IFP): Mr Speaker angibonge kakhulu leli thuba. Angisho ukuthi ngiphatheka kabi uma ngithi ngibuka la kwi-lilst ukuthi kungathi sikhuluma ngendaba esemqoka kangaka yemfundo eyayikade ilwelwa, eyayikade abantu beya ekudingisweni ngayo, eyayikade abantu babeboshwa ngayo kodwa bese bethi uma bebophela bangabe besabophela abantu abamkantsha ubomvu. Abantu abathi uma bekhuluma

bangulule phezulu. Abantu abaqala ngokuba bazenze ama-poet akhuluma akutshela ngetshe elifudumele lihlezi kahle uma lisentabeni. Kahleni bakithi buyani! U-ANC lo Musani ukukumbhuquzisa phansi. Ngidlule lapho.

At the same time, I know the howlers are now entertained. Let us come to some serious business. I remember very well when the Minister took over this position of becoming an MEC for Education. She said in that weekend newspaper: "This is the time when I will have to sit in the backseat and read my newspaper while somebody else does the job." MEC, please, we ask you not to become comfortable in the backseat. Stand up and do the job. There are crises. There are crises in this place. [Interjections]

Ngixoshiwe njalo last week ngenxa yakho. Namhlanje uyangiphinda futhi!

[Laughter]

THE ACTING SPEAKER (Mr S N Mtetwa): Order, hon members! Order!

MR S W MCOYI (IFP): The people of KZN need delivery. They need schools in the truest sense. You will all agree that when there is no school, there cannot be any success within the schools. When there are no teachers, there cannot be any success within the schools. Similarly, hon MEC, there cannot be success when there are no books or when there are no exercise books.

The bad results which we have today are because of the results of the past two or three years. There was a lot of corruption within your department which you overlooked. If you overlook the corruption, you become an accessory to the criminal act. [Interjections] Let us leave the howlers and come back to the speech.

You know very well what happened when Indiza was taken aboard through corrupt means. Indiza was given tenders through corrupt means. You know very well that Indiza went and bought things somewhere else. They would buy exercise books for 65c and sell them to the department for R3,20. They were not supposed to do this. We know very well how corruptly that Indiza got in there, with or without VAT. [Inaudible] The MEC knows this very well. The MEC wanted me to come up with the facts. We went to the site office and then we discussed ... [Interjections]

AN HON MEMBER: Isandla phambili.

THE ACTING SPEAKER (Mr S N Mtetwa): The hon member ...

AN HON MEMBER: Ngicela ukubuza ukuthi ilungu lingawuthatha na umbuzo ohloniphekile wokuthi wayekade eyi-*sub contractor* yini?

THE ACTING SPEAKER (Mr S N Mtetwa): Hon member, Mcoyi ungawuthatha umbuzo? Ngeke awuthathe, qhubeka-ke baba.

MR S W MCOYI: Mr Speaker, the hon MEC must know that the people of this House and all the people of the KZN are neither stupid nor foolish. She thinks that they can easily be swayed by her sweet talking and that they will overlook all the corruption, mismanagement and collusion with criminal acts that the Office of the Minister is involved in. I have just mentioned that Indiza was formed through corrupt means. The same Indiza got those tenders through corrupt means. [Interjections]

The said hon MEC knows very well that Indiza charged this Legislature inflated prices. The MEC knows very well that a 72-page book was 65c, and they charged more than three rand. They were not supposed to do that. They were supposed just to give it all.

THE ACTING SPEAKER (Mr S N Mtetwa): Hon member Ms Shabalala?

MS L F SHABALALA (ANC): I rise on a point of order, Mr Speaker. Ilungu elihloniphekile lithi "Indiza" (*English tone*) kodwa liyi-*former teacher*. "Indiza" ngesiZulu.

THE ACTING SPEAKER (Mr S N Mtetwa): Qhubeka mhlonishwa uMcoyi.

MR S W MCOYI (IFP): You know very well what they say: Once a teacher, always a teacher. You cannot call me a former teacher, so it is the wrong advice. [Laughter]

The MEC knows very well that the faulty calculators that were brought from the eastern countries and sold at inflated prices to our children and to our schools was also corrupt. She knows about that. She never did anything. She knows very well that Indiza, before it started doing these corrupt things, it was given payment of about R14 million before they did anything at all. That is the money they got. She knows it very well. However, nothing was done about that.

She also knows very well that there are schools which never received books purchased from Edusolutions and Indiza in the year 2005/06. Yet, these very companies, under the

guise of supplying, were given extended time to fleece this province further. Will it be wrong for anyone to suspect that the MEC was part and parcel of this scam? The question still stands as to why she never acted promptly? Was suspending the CFO for a few hours enough compared to the millions that this province was robbed of? [Interjections]

MEC, you remember the R44 700 000 million which was given to Indiza? Where were the supporting papers? [Interjections]

THE ACTING SPEAKER (Mr S N Mtetwa): Hold on. Hon member Zondi?

MS W P ZONDI (ANC): Ngicela ukubuza ukuthi kuwumthetho yini ukutih ilungu lithi “Mshaye! Mshaye!” Lisho u-MEC ukuthi mshaye?

THE ACTING SPEAKER (Mr S N Mtetwa): Hon members, let us not ... [Interjections] I did not hear that. Just continue, hon member.

MR S W MCOYI (IFP): Thank you. I am asking about the R44 700 000 that was paid through Indiza without supporting documents. That was the time when money was just pushed over so that the department could look good, as if there was no over-expenditure or under-expenditure. This was taxpayers' money. Nothing was done until only the SARS, the revenue service, took steps. However, the department never did anything, except give them more time to fleece us.

There is R90 million that was given over to some private lawyers. We want to know why that money was given to them. Do the rules of the PFMA allow for that to happen? Regarding the R11 million, which was said to be money to be paid to the lawyers, I wish we would be supplied with the tax bill at the end.

Mr Speaker and hon members of this House, you will agree with me that it is impossible to have success when we have this kind of handling of this department.

THE ACTING SPEAKER (Mr S N Mtetwa): Hon member, your time is up. [Interjections] Just listen, hon members.

MR S J GCABASHE (ANC): Sir, I rise in terms of Rule 245(g). When the hon member was deliberating, he suggested that the Minister was part of the corruption. By saying so

he is misleading this House and I would appeal ... [Interjections]

THE ACTING SPEAKER (Mr S N Mtetwa): Hon member Mr Combrinck, let us hear what the hon member Mr Gcabashe is saying.

MR S J GCABASHE (ANC): I will therefore appeal to you to investigate whether this member has deliberately misled the House.

THE ACTING SPEAKER (Mr S N Mtetwa): Hon member, before ... [Interjections] ... before ... Hon members ... kuzofanele nilalele phela. Ngaphambi kokuthi ngiluphenye lolu daba, ngiyafisa ukuzwa kulo ilungu elihloniphekile ukuthi ngokwazi kwalo ikhona into enjalo? Lizimisele ukuxolisa na, ukuhoxisa, *not* ukuxolisa? Kodwa futhi uma lingazimele bese ngiphenya-ke.

MR S W MCOYI (IFP): The record could be checked. There is not anything of the sort. The House is now being misled by that member who is coming with that point of order.

THE ACTING SPEAKER (Mr S N Mtetwa): Okay, I will then investigate the matter. Your time has expired.

MR S W MCOYI (IFP): I end by saying: Cry the beloved country. [Interjections]

THE ACTING SPEAKER (Mr S N Mtetwa): Thank you hon members. We have now come to the response of the MEC, C M Cronje for fifteen minutes.

MRS C M CRONJE (MEC for Education): Mr Speaker, I am going to start with the hon member, Mcoyi. However, let me say to this House, having listened to him, I feel dirty. I feel dirty. I am going to say to you something in my mother tongue: "Meng jou met die semels en die varke vreet jou op." Let me translate that. If you mingle with dirt, the pigs will eat you. That is how I feel, I feel I have been mixed with dirt here.

Be that as it may, the IFP and their hon member Buthulezi have had to publicly apologise to me and place an advertisement in the newspaper because they had defamed me. I sued them for defamation and their lawyer – and I do not blame their lawyer, he was just doing his job – could not run fast enough back to my lawyer to say: My client does not have a single leg to stand on. Let us settle!

I do have the letter of apology in my possession and I would make it available to this

House. I regret bitterly that I did not pursue the defamation case. Then, hon Mcoyi, you could have put your filth in court. You could have put your filth in court to be tested.

Now I challenge you to step outside and repeat and I will sue you for defamation and you again will have to apologise! [Interjections] Step outside and repeat it! If you are not a coward, step outside and repeat it. [Interjections] If you are not a coward, step outside and repeat it. [Interjections]

THE ACTING SPEAKER (Mr S N Mtetwa): Order hon members. Hon members ...

MRS C M CRONJE (MEC for Education): I will sue you for defamation again. And this time I will not be nice and settle! This time I will not be nice and settle! Hon Buthelezi knows I was nice to him. I settled because I was not in it for the money. Hon Mcoyi ...

THE ACTING SPEAKER (Mr S N Mtetwa): Hon MEC ... Hon member, MEC! Hon Mcoyi, I am reluctant to give you this opportunity to speak, but I am going to give it to you because you have a right as per the Rules.

MR S W MCOYI: Mr Speaker, I was just going to ask if it is parliamentary for a member of parliament to point her finger at me? If it is not so I ask her to be stopped? Thank you.

THE ACTING SPEAKER (Mr S N Mtetwa): Hon MEC, please continue.

MRS C M CRONJE (MEC for Education): For the record, there are currently three court cases around Indiza Motswedi. One is between Indiza and Motswedi because they have certain matters that they need to settle. The other one is because we with Finance have put in a trust account R128 million, which we acknowledged was spent on stationery, but we are not prepared to pay it over until the court resolves the outstanding dispute between Indiza and Motswedi. That money is safe. Thirdly, Indiza, the other matter, and I am not talking about the merit because it is *sub judice*. The third matter relates to the fact that we did not continue to allow Indiza to supply stationery. It is common cause and those members who care to inform themselves of what is happening in this department, will know that we have trained our Section 20 schools, hastily but thoroughly, to order their own stationery and they have done a very good job and we are very proud of them. That is why the stationery was in the schools.

So there are three outstanding court matters. It will go for oral evidence and to trial and

perhaps the hon Mcoyi should volunteer to be witness and then you can spread your filth in court. Spread your filth in court where it can be tested! Do it! Go for oral evidence. You have this wonderful information and for the record, you know this, hon Mcoyi, every single issue that you brought to my attention and to the attention of the SU who are sitting there, we followed up on it. It is common cause that there were disciplinary hearings, it is common cause that the Special Investigations Unit came in. It is common cause that the police came in. It is common cause that the Scorpions came in to deal with this matter. It is common cause and I have explained this to you a million times, but there is none as deaf as those who will not hear. You want to distribute your filth. Carry on and do so, but go and repeat it outside. [Interjections.] Let me now turn to people who actually are interested in education and not in filth.

First of all, Mr Govender none of the issues that you mentioned are new and you know it. I understand you find yourselves in a very difficult situation because you sit in the IFP. You too are mixing with filth and you have to say what you have said. You actually understand education. So, do not come to this House and give me back what I told you yesterday or two days ago. It is a bit disingenuous. Not one of the issues that you mentioned is new. They have existed under the IFP government. They have existed in every single department that has had run education. There were at one stage 14, I think, Mr Burrows?

MR R M BURROWS (DA): Sixteen.

MRS C M CRONJE (MEC for Education): Sixteen. Thank you. However, they were worse. We are addressing attendance. I have given you a report. Indicating that both the attendance of teachers and learners were well over 90% on day on, which is a first in this province, and you know it! Teachers inflating figures ... I sat in this House as a member of Scopa and as a member of the Finance Committee when there were not only ghost teachers, but also ghost schools under the IFP government, whole schools that were ghosts. [Interjections]

Ghost teachers, ghost children, do not make it sound as if it suddenly is happening for the first time. It has vastly improved. Our grip on the numbers of children, of teachers is much firmer. We had to go and dig into a cesspool to resurrect the truth and we are still trying to do that. You are raising valid issues, but do not portray those issues as if it

suddenly happened from 2004. They have improved since 2004.

It is interesting hon Govender, that you are totally silent on the LTSM, because for the first time we did not only reach our target, hon Linda, we have exceeded it. In our service delivery charter we said we will deliver 90% of LTSM by the first day of school. We were well over that. We were the best in the entire country and we are very pleased with it. However, and I said it last week, I stand for perfection. I will not be satisfied until we have 100%. Let us just make one thing very clear. Those queues and queues and queues and queues of poor mothers, children, fathers and grannies who stood outside this very Shuter and Shooter when it was here down the road, standing there buying text books and stationery they are gone. Why? We are supplying it. You siphoned off the money, which you were instructed by this legislature to ringfence for LTSM. You never did it. For ten years, you never did it. For ten years, you never did it. You have defied the instruction of this legislature. I was part of that committee. I was part of that resolution. You have never ringfenced LTSM money. It was siphoned off for all sorts of things purposes and let us not go into it now. It never reached the children. Today our children have books and stationery and let us not now suddenly be quiet about it.

I wonder, hon Mcoyi, were you once a supplier of text books and stationery? Is that perhaps why you are shouting so loudly? Were you once a supplier?

AN HON MEMBER: He was.

THE ACTING SPEAKER (Mr S N Mtetwa): There is a member standing, hon Mcoyi?

MR S W MCOYI: Mr Speaker, I would like you to check this misinformation by the hon Minister, that I was a supplier.

MRS C M CRONJE (MEC for Education): It was a question.

THE ACTING SPEAKER (Mr S N Mtetwa): Which rule?

MR S W MCOYI: Rule 103.

THE ACTING SPEAKER (Mr S N Mtetwa): Hon member, MEC, please continue.

MRS C M CRONJE (MEC for Education): If you are so clever, you should know the difference between a question and a statement.

Miss Swartbooi, thank you for a very balanced contribution, because you understand education and you have always, whether it has been in the Portfolio Committee or whether it is in the House, honestly highlighted the problems, and they are there. Not one of us would be mad enough to stand up in this House and say that there are no problems. Those problems are 350 years old when the education of particularly African children, first of all was non-existent and when it was very reluctantly offered, it was offered in a way that it was not even education at all. That is the legacy that we are battling. In the 37 years of IFP rule, you did sweet blue nothing to improve the situation. Nothing! Nothing!

Let me tell you about infrastructure. And by the way, I have gone back to the records. I can give you the records of what you did not do. Let us talk about one year. [Interjections] You know very well what I mean, hon Combrinck. Let us talk about the year 2007/08 – the year that we are in. The year is not even finished yet. Five totally new schools ...

AN HON MEMBER: Where?

MRS C M CRONJE (MEC for Education): We can tell you where. ... 644 class rooms, 3 756 toilets, by the way unlike you, we keep records. We have built 180 admin blocks.

THE ACTING SPEAKER (Mr S N Mtetwa): Order hon members.

MRS C M CRONJE (MEC for Education): 180 admin blocks in this financial year addressing the situation where principals under your rule did not have offices. Where do these backlogs come from, hon members? Do you think we demolished the schools that the IFP have built? Do you think we demolished the admin blocks that you have built? Do you know that we demolished the libraries and the laboratories and burnt the books? No, no, no! [Interjections] They have never been there! Where do these backlogs come from that you are now so holy about? You never built laboratories! You never built libraries! You never built admin blocks! You never built toilets for your own children!

THE ACTING SPEAKER (Mr S N Mtetwa): Order, order!

MRS C M CRONJE (MEC for Education): You never built toilets for your own children because you did not respect them! That is the truth! [Interjections].

In four years we built over 13 000 toilets for our children. It is still not enough! [Interjections] That is the backlog! That is your legacy. Hang your heads in shame! [Interjections] Hang your heads in shame! In addition to that we built 40 media centres in this financial year, 42 computer centres in this financial year! When I took over in 2004/05, there was not a single cent in the budget for computers, not a single cent! I have always been very enthusiastic about bring our children into the 21st century. I came in at the time of the budget. One of my first questions was: How much do we have for the development of ICT, putting computers in our schools? You what the answer was? Zero, zilch, nothing and that is the truth, but we have changed that.

We have built 118 specialist rooms. We have completed fencing 108 schools, 129 contractors are on site and 300 are on tender. [Interjections]

You are right.

Infrastructure remains a major, major, major issue.

Hon Maphalala, you were describing pig sties. I saw them in 2004 and I was horrified.

MR S J GCABASHE: [Ya! La ekade kusho khona u-Professor! La ekade esho khona Benijabulelani kanti?](#)

MRS C M CRONJE (MEC for Education): I was horrified to see the depth of the neglect in particular of our African children – horrified and haunted by the neglect of 350 years and in particular over 37 years of IFP rule. [Interjections]

I suppose if you looked at it from the perspective of the colonial rulers ... [Interjections]. They never professed to look after the interest of our African children, but you professed to do so and you did not. Shame on you. Shame on you.

AN HON MEMBER: Shame on you.

MRS C M CRONJE (MEC for Education): Hon Burrows, about the temporary teachers, I will give you a written response. [Interjections]

THE ACTING SPEAKER (Mr S N Mtetwa): Unfortunately MEC your time has expired.

MRS C M CRONJE (MEC for Education): May I say to hon members, that where I was

not able to deal with their legitimate concerns and questions, I will do so in writing. I am sorry that I had to spend what could have been a very constructive debate getting the filth out of my head and out of my mind. [Interjections]

THE ACTING SPEAKER (Mr S N Mtetwa): Thank you, MEC unfortunately you have fallen into the provocation. There was a point that was raised on rule 143. It says something different from what hon member, Mcoyi stood for therefore I am not going to investigate anything.

8.3. DEBATE ON THE CONSOLIDATED STATEMENT OF MUNICIPALITY BUDGET REPORT

MR M B GWALA: Hon Speaker, the Official Opposition shares the MEC's concern over the financial fate of the province's municipalities in the face of uncollected debts soaring to R4.4-billion. The reasons behind this cumulatively high figure are complex, but let me touch on three particular aspects of the problem that will undoubtedly ring a bell in the government benches.

Firstly, it is clear that the ANC's long cultivated culture of non-payment during the apartheid years has simply backfired and the ruling party is now unable to turn the situation around. To be fair, it is not an easy task to convince municipal residents to pay for service delivery which is often inadequate, if not shocking.

In many municipalities, traffic lights do not ever get fixed and roads are permanently full of potholes. Some municipalities, like Msunduzi right on our doorstep, are reportedly downright bankrupt. And the persistent media reports of municipalities having to suspend dozens of officials for their alleged involvement in corruption, nepotism and kickbacks do not inspire much public confidence either.

Secondly, the underlying problem of uncollected municipal debts is that the ruling party is essentially soft on credit control and debt collection for fear of losing votes. The debt situation has steadily deteriorated over time due to this lack of political will.

And thirdly, the ruling party's political preoccupation with rapid transformation and affirmative action at the expense of sound management practices, has effectively robbed municipalities of the necessary human resources and the capacity to provide proper accounts for services delivered. As a result, municipalities' capacity to collect money

owed within a well-defined policy on credit control and debt collection has been compromised.

This status quo needs to be turned around as a matter of urgency, especially for the sake of maintaining free basic services such as free basic water and electricity. Urgency is of the essence here due to the additional challenges posed by the Eskom crisis.

The Official Opposition urges the provincial government to institute rigorous credit control and debt collection to ensure that those municipal residents, who can afford services, duly pay for them.

Wastages by the poor residents over and above the free basic services must also be prevented to ensure that these basic services remain sustainable and available to those who rely on them.

To meet these two essential objectives, the IFP urges the provincial government to assist in focusing capacity-building at municipalities on core matters such as finances and personnel. We have long believed that this capacity-building should be carried out by the individual provinces and not by decree from the national department.

The figures presented by the MEC regarding the "struggling" municipalities confirm the cumulative crisis in provincial and local government. Often the existing problems thrive within the structure imposed on municipalities from above. Let me give you an example.

Financial mismanagement and corruption are haunting municipalities across the province and preventing them from delivering basic services.

Yet despite this lack of administrative capacity, municipal managers generally earn well over R500 000 a year, excluding bonuses. In some cases, salaries account for over two-thirds of a municipality's budget.

In many cases, employment by the state is the only obvious benefit of local government.

When the government of the day is in crisis it looks for an opposition as a scapegoat. I was surprised to see the hon members of the ruling party being so emotional and agitated against the Official Opposition knowing very well that their party is indeed under severe political stress.

[Ukuhayiza nokuvukwa amandiki laph' endlini akunqandwe. Somlomo.](#)

THE ACTING SPEAKER (Mr S N Mtetwa): Thank you very much, hon member Gwala. The next member to speak is hon M E Sithebe for seven minutes.

MR M E SITHEBE (ANC): Thank you, hon Speaker, for giving one an opportunity to speak on this basic fundamental issue which is a cornerstone of our development in the country. I think it is quite important to, amongst other things, just say what type of society we intend building. We intend building a non-racial, non-sexist, democratic and prosperous society and it is for that reason that we have formulated and elected some pieces of legislation in the country like your Municipal Finance Management Act, like your Public Finance Management Act, like your Municipal Systems Act, like your Constitution of the country and it is for that reason that today we are getting quarterly reports on a quarterly basis for municipalities so that we are able to provide this sustainable development to our people out there.

Of course we are also saying we want to create this developmental state and also a caring state and in order for us to do that we can only do that if we have got this type very co-operative governance at a level of all spheres of our government in the country. So I think all we are discussing in this report emanates from that spirit and the letter that we intend to build a prosperous type of society in the country which was not in fact achieved before during the legacies that we have inherited when those governments were in power. So today at least we have got this type of interaction.

I think as a democrat myself, it becomes important that all of us should actually acknowledge the role that was played by our predecessors, predecessors like your Inkosi Albert Luthuli. One Inkosi Albert Luthuli said, "Let my people go". He said "Let my people go" so that there is this development that is directed to all and sundry, to all the people of South Africa and it is for that reason that we have created a wall-to-wall system of Local Government in South Africa, we have created a wall-to-wall system of wards in South Africa, but we are faced with challenges. We have set-up structures. As we have set up structures, the fundamental pillar of democracy is that one that is found in the popular participation of our people. We have gathered this type of a report from municipalities.

If we go to Brazil today, in Brazil they have got what we call a participatory budget and if

you talk of participatory budget that is implemented in Brazil today, it is something that we have got in our scientific document as the people of South Africa, that is the Freedom Charter, where we are saying the people shall govern. It is for that reason that we are saying, let us enable our people to participate so that we are well aware of the fact that at least whatever is addressed at that particular level, it seeks to be responding to the needs of the people out there.

I think in the report that the hon MEC highlighted, is that there is also a lack of capacity or willingness from councillors or municipalities to spend on capital projects and that is a serious, serious problem that we are faced with. If we have got municipalities that cannot budget, that will actually underspend on capital projects, it tells us that we are not going to be in a position of providing infrastructure that is such a dire need out there to better the lives of our people.

So that is the fundamental challenge that we are faced with and all of us in this House, irrespective of political affiliation, our challenge is that we must focus and provide undivided attention to these types of challenges. I think when Inkosi Albert Luthuli said "Let my people go", all of us must accede and adhere to that particular call by saying we are this sphere of government and we want to provide services to the people of this province. It is for that reason that the National Minister provided us with R50 billion of his budget because we are backward in terms of services.

Hon MEC, let me bring to your attention one particular disturbing feature of a problem that I am confronted with in the area where I am residing. The nature and the character of the problem that I have picked up and I have said, we do not have the type of municipalities that can manage their finances. There is an amount of R50 000 that was set aside for co-operatives from the municipality and that R50 000 did not benefit the very same co-operatives. What happened is that that R50 000 was actually embezzled on its way to co-operatives and there is a case that is being opened at the Municipality of eNdameni and I am really appealing that at least the MEC and his department should accede and provide some sort of direction when it comes to that particular aspect because we have said we want to create a system of government that responds to the needs of our communities out there and we as public representatives, ours is to play an oversight role.

Even when it comes to the question of Local Government, we should actually clamp down on corrupt practices and I am appealing that we come up with a very bold step to deal with that particular issue so that our people would at least at the end of the day be accorded with a better life for all. Having said that, I would like to thank you, Mr Speaker.

THE ACTING SPEAKER (Mr S N Mtetwa): I thank you too. The next member to speak, Hon G Mari, for seven minutes.

MR G MARI (DA): Hon Speaker, firstly I want to thank the hon MEC for Finance for tabling a report which informs this House on the precarious state of Local Government and the dismal performance of more than 50% of our municipalities in the province.

The DA has over the years drawn to the attention of the hon MEC for Local Government, the hon Mike Mabuyakhulu, the poor performance of municipalities, many of whom are dysfunctional, plagued by corruption, fraud, nepotism, mismanagement and a lack of skills to deliver services to the poor.

The DA has also said that Local Government was beginning to get into crisis. I think the MEC's report starts to confirm that situation at the moment.

A recent question that I posed to the hon MEC for Local Government was around the number of municipalities in the province that were under forensic investigation and what action the MEC for Local Government was taking against errant municipalities and the answer I got was quite staggering. The list provided to me indicated that 34 out of 61 municipalities were under forensic investigation! [Interjections] This is quite frightening and unacceptable. I could read out all 34 names but I do not have time.

Further to this, the lack of immediate intervention by the MEC for Local Government is also worrying. This lack of action enables a guilty official to be put on leave or on full pay or resign or even enter into a plea bargain to pay back the monies which he has stolen and I am sure that this actually does not happen. The DA believes that jail is the only place for these rogues who steal from the poor.

Let me come back to the list. Out of the 34 municipalities under investigation, the Department of Local Government is in the process of implementing the recommendations of the forensic investigation in possibly 18 municipalities.

This information may be available but maybe the MEC could comment on why the delays in action and what action could be taken. The others are either under investigation or are awaiting a response from the municipality.

What is also disturbing is only one matter has been finalised out of the 34 and that is Matatiele where the mayor repaid the money that he stole and the criminal civic claim matter has been settled out of court, but even more disturbing is that the major has not been fired, he is still in his job!

Further, the hon MEC reports that the Provincial Treasury has now identified 41 municipalities that currently require various degrees of support. What does this tell us? This tells us clearly that the situation is getting worse. It is quite clear that the dissolution of uMsekeli has had a direct impact on the performance of municipalities as this entity was providing a critical function in municipalities. The MEC for Local Government must take full responsibility for this bungle. The buck stops with the MEC for Local Government. Unfortunately under his leadership we now have two-thirds of the municipalities in this province in some form of trouble. There is no reason why action cannot be taken as Section 139 of the Constitution empowers the MEC for Local Government to act against errant municipalities.

When the hon MEC tabled his last quarterly report on the performance of municipalities in August last year, the DA highlighted the following: KZN had the lowest level of access to basic services and the situation was: For housing 33 out of 61 municipalities had less than 60%; for electricity 36 out of 61 municipalities had less than 60%; for water 41 out of 61 municipalities had less than 60%; and for sanitation 45 out of 61 municipalities had less than 60%.

It was also reported that 13 municipalities were in a state of collapse and were plagued by corruption, fraud, mismanagement and nepotism. It is an indictment that the hon Premier in his State of the Province address read the following figures: The hon Premier and I quote:

“In 2004 we (and here he was referring to the ANC) declared war on poor service delivery. As reports, some conditions are our predecessors (referring to the IFP)”.

He indicated that KwaZulu-Natal was the poorest performer in the whole of the country

in the provision of piped water, sanitation, refuse removal and electricity. The hon Premier went on to say that we have progressively eradicated the bucket system – well done, Mr Premier.

The hon Premier also said the following: “The total number of households in this province is 2.2 million. 700 000 or 31% of the houses are still without potable water. One million households do not yet enjoy basic sanitation. 773 644 or 34% do not have electricity connection.”

Who will help us get this backlog reduced in the near future in light of the load-shedding and Eskom’s inability to provide power to our people?

When one compares the delivery under the ANC and its promises of a better life for all and I quote hon Sithebe, one can easily come to the conclusion that the ANC has failed dismally to deliver on its promises, but it has also allowed municipalities to slide into chaos.

Mr Speaker, hon MEC, the Democratic Alliance agrees with your sentiments that if this poor record of spending continues, this province will not be able to eradicate the backlogs in the provision of basic services to our people. Therefore, hon MEC, decisive action has to be taken, not only against the underperforming municipalities, but also against the MEC for Local Government because he is responsible for the proper functioning of municipalities.

I strongly believe that the MEC has too much on his plate and resulting from that he cannot actually concentrate on Local Government, Housing and Traditional Affairs. The MEC and the Provincial Treasury has identified all the poor performing municipalities. It is criminal that capital budget set aside for infrastructure for the provision of basic services, is not spent.

Furthermore, operating expenditure also is not being spent and we continue to say there is a lack of skills and a lack of capacity and yet there are people of colour other than black, walking the streets that cannot be employed because of affirmative action and I am saying this today that affirmative action has a direct impact on the lack of skills in municipalities, because you can wait and wait and wait, you are not going to be able to get the skilled staff that we all would like in the department. Thank you, Mr Speaker.

THE ACTING SPEAKER (Mr S N Mtetwa): I thank you too. The next member on the changed list to speak for six minutes is from Nadeco, Inkosi M Z Mthuli.

INKOSI M Z MTHULI (NADECO): *Angibonge kakhulu Somlomo. Ngisho ngithi kuyisifiso sayo yonke le Ndlu yakho ehloniphekile ukuthi omasipala basebenze ngokubambisana noMnyango oqondene hleze zonke izinto zihambe kahle. Abanye bomasipala benze kahle kakhulu, abanye benza kabi kakhulu. Imbambezela eyenziwa yilabo masipala abangenzi kahle isho kona ukuthi kunento engaphakathi engahambi kahle okufanele isukunyelwe wuMnyango. Kunomasipala abangajabule ngodaba lwe-MIG (Municipal Infrastructure Grants), okusho ukuthi abayitholi ngokwanele noma ngendlela okuyiyona. Lokhu nje kukodwa akusho ukuthi-ke sebengazama ukuthi imali ekhona bayiphathe noma yikanjani. Kufanele bayiphathe njengezikhali zamantungwa leyo evele ikhona.*

Enye inkinga engingazi ukuthi iyonqontshwa kanjani yile nkinga ka-section 57 okungomeneja abariphotha directly kumameneja noma kumeneja. Abanye balabo meneja banenkinga yokwesatshiswa uma benza umsebenzi wabo ngokwethembeka. Lokho kwenzelwa ukuthi balungele izimo ezichaza ukuthi labo masipala indlela abasebenza ngayo bafuna nabo balandele leyo ndlela abafika kusetshenzwa ngayo ukuze bakwazi ukwenza izinto zabo eziyizinkinga kumasipala.

Sengiphetha, ngithi angidlulisele ukubonga kule Ndlu esithathe izinyathelo ezingqala ngokubona ukuthi kwabanye omasipala akuhambi kahle kuthanda ukuthi kube ikwampunzi edla emini. Ngakho-ke sekubonakele ukuthi kufanele kube khona abathunyelwa khona bayoqapha isimo ukuze labo masipala bayeke ukuphendula omasipala babe ikwampunzi edla imini.

Ngiyabonga Somlomo.

THE ACTING SPEAKER (Mr S N Mtetwa): Awu nami angibonge kuwena Nkosi yamaThuli ukunginika ithuba. Colleagues, I was advised by the Chief Whips that by 13:00 we will go for lunch and return, but before we go, just one announcement that says the officers that have come assist us with the drivers licences, they are still here till 14:00. Whoever wants to renew his/her drivers licence must do so before 14:00.

We will therefore now go for lunch until 14:00 sharp. The House stands adjourned until

14:00.

ADJOURNED FOR LUNCH / RESUMED

THE ACTING SPEAKER (Mr S N Mtetwa): When we left, the next speaker was to be hon Thakur-Rajbansi. Because of her absence we move to the next speaker which is M A Kubheka, for seven minutes.

MR M A KUBHEKA (ANC): Ngiyabonga baba Somlomo.

Mangiqale ngokuthi nami ngihalalisele uNgqongqoshe uMhlonishwa udokotela Mkhize noMnyango wakhe ngomsebenzi ojulile abawenzile ukuze kuthi namhlanje sidingide lo mbiko oqukethe nocacisa kukhanye kuthi bha ngesimo sokuphathwa nokusetshenziswa kwezimali yimikhandlu eyakhele isiFundazwe.

Maybe before I continue I am bound to briefly comment on some of the things that have been said, especially by the DA. Just one thing, hon Mr Mari, the DA's views on affirmative action are very unfortunate because they communicate a very wrong message - the message that: white is good and black is bad. One wonders what you are doing there in the DA if white is good and black is bad. I know that you might not necessarily believe that, but you are a member of the Democratic Alliance, what else will you do?

One of the things we undertook to do during the 2006 election campaign as the African National Congress (which has the mandate to govern the country and the province) precisely captured by our election manifesto theme which says: A PLAN TO MAKE LOCAL GOVERNMENT WORK FOR YOU, was to strive to build sustainable Municipalities to lead the work of building better communities. We put emphasis on making Local Government work better for the people because of our understanding that Local Government works closest to the people and because of our understanding that it is where each of our plans must be put into practise. We said Local Government must therefore be an effective instrument for change.

We further noted during that period that a number of municipalities faced serious challenges in the delivery of basic services and that many do not have the capacity they needed to lead economic development. With that understanding we declared that the ANC government should identify a number of municipalities that need intense hands-on

approach, which the MEC's report refers to as 'struggling' municipalities. It is in this context and against this background that I think the report of the MEC, which is the subject of today's debate, must be understood.

For me, this being the background, the question that begs an answer as we deliberate on the report is: are we on course to build sustainable local government? We still are to hear what members say. We have already heard what others said but I think to a greater extent it depends on each one's point of departure. A great deal of progress has been, and is still being made towards realizing that objective, but as the report shows, it is in the area of financial planning and control where we still experience some glaring weaknesses and still need continued focus in developing the required capacity so as to comply with the already existing policies and pieces of applicable legislation in the form of the Municipal Financial Management Act and other pieces of legislation.

Whilst it is a positive development that the number of compliant municipalities continues to grow, it remains a worrying factor that in a sizeable number of municipalities there is glaring evidence of lack of proper information management systems resulting in the submission of different figures to different users of their financial system information. This can be very misleading, not only to the different users of such information but to the planning processes of those municipalities themselves.

On the one hand, the low spending rate by some municipalities as noted in the report especially during the first quarter of the financial year, is an indication of the lack of forward financial planning by some municipalities and suggests that they only begin their planning once they know how much is in their accounts when in fact they should be planning in anticipation, hence the term Budget Estimates. This does not only put pressure on spending more during the last quarter but makes a mockery of the demand for more resources to be devolved to local government. Just yesterday the Minister of Finance hon Trevor Manuel announced an increase of about R6.4 billion in municipal equitable share for mainly the provision of basic services. Therefore, the capacity for municipalities to plan and spend must be improved if they are to cope with this.

The other important matter raised in the report is the difficulty faced by some municipalities. They are faced with the problem of huge and increasing municipal debts, especially debts over 90-days' category. Though not unique to the Province it is indeed

worrying more so for municipalities with low revenue base. In this regard, we commend the Provincial Treasury and the Department of Local Government and Traditional Affairs for establishing the Debt Steering Committee to assist municipalities to deal with this challenge especially on inter-governmental debts. This was to pick but a few of the issues as raised and make emphasis, Mr Minister.

Having carefully looked at the first quarter report before us, with the 2006/2007 last quarter report presented last September, still fresh in our minds, I wish to submit that my observation is that the shortcomings identified and evident in some of our municipalities are not necessarily a result of failure in policy or grey areas in legislation, but more as a result of a lack of capacity and necessary skills which of course require continuous development.

We might not as yet proclaim these as the best of times, but surely they are not the worst of times. Our plan to make local government work [Time expired] better for the people is steadily showing good results. We are indeed on good course.

I thank you.

THE ACTING SPEAKER (Mr S N Mtetwa): Thank you very much. The next member was supposed to be hon JM Downs from the ACDP, but she is absent. We move to the next member, hon BJ Msomi for five minutes.

MR B J MSOMI (UDM): Somlomo angibonge. Nami angiqale ngokubonga umbiko esiwunikwe uNgqongqoshe uMkhize. Angisho futhi ukuthi kuyajabulisa ukubona ukuthi kukhona okwenzekayo ngezimali nakuba sibona ukuthi izikweletu eziningi ezenzekayo omasipala basahluleka ukuziqoqa. Okungeke kube yinto elula-ke neze ngoba abantu abaningi ezindaweni eziningi basakhala ngamaservices. Yebo, uma sikhuluma sikhuluma ngamanzi, sikhuluma ngemizi efakelwa amanzi kodwa asiyibali imizi esivalelwe amanzi. Omunye umuntu uma esivalelwe amanzi kuye kungabi lula kuyena ukusheshe akhokhe ngoba usuke engenawo amanzi, engazi ukuthi ukuwakhokhela kwakhe kuzomthatha eside isikhathi sokuthi aphinde awathole futhi. Angazi singenzenjani kekube neqhinga lokuthi abantu bangaphucwa amanzi ngoba behluleka ukukhokha ngoba akekho umuntu ongakwazi ukuphila ngaphandle kwamanzi. Kanjalo nakugesi kodwa mhlawumbe ungcono ugesi kunokuthi uphucwe amanzi.

Enye into engangikhale ngayo phambilini ezinkulumeni engake ngaba nazo ngalo Mnyango, izindaba lezi zamadumping sites. Kungaba kuhle ukuthi kube khona imali efakwayo ukuze andiswe amadumping sites. Ubona kunodoti omningi kwezinye izindawo nje yingoba abahlali bakuleyo ndawo abazi nokuthi ingakuphi idumping site. Ifuna ube nemoto, ube nezinto zokuthutha noma ukwazi ukuqasha imoto ezokuthuthela - engabizi-ke kancane. Uthola ukuthi abantu abawazi ngempela. Okungenani akube khona into ekhombisayo ukuthi akuphi wona amadumping sites nokuthi uma ngifuna ukulahla udoti ngenzenjani.

Ngiphinde futhi ngiselapho ngikhale ngala mapulasitiki asetshenziswayo okuthiwa o-garden refuse - lokhu okuwudoti wasengadini. Abiza ngendlela eyisimanga. Uma ngingalinganisa nje laphaya eThekwini awuwatholi kalula. Uma uwafuna eyi-12, imali yawo is close to R40. Akuyona-ke imali encane leyo. Kunganjani uMnyango ke ubhekelele kulokhu ngokufaka imali yokuhlangabezana nezakhamizi ukuze angabizi kangaka la mapulasitiki?

Okunye futhi engingathanda ukukhuluma ngakho yindaba yalaba omasipala abangakwazi ukuzimela. Yinkinga enkulu le. Laba omasipala abakwazi ukuthola imali engenayo, basadiphendele ekutholeni imali eMnyangweni wezimali. Kunganjani ukuthi kwakhiwe amaqhinga okuvula amathuba emisebenzi kulaba omasipala ukuze abantu bakwazi ukusebenza, nokuthi umasipala akwazi naye ukuzisebenzisela i-revenue kunoma adiphende kuhulumeni noma eMnyangweni?

Indaba yama-rates ibukeka iseyinkinga esazothatha isikhathi ngoba siyazi naseThekwini njengamanje banenkinga yokungazi ukuthi isimo sama-rates sizoma kanjani. Besingajabula ukuthi uMnyango uyigijimele phambili le ndaba, ungenelele ukuze kucace ukuthi uhlobo lwama-rates ezayo kube yilawo abantu abazokwazi ukubhekana nawo ngoba uthola ukuthi abanye abantu bakhokha imali enkulu kunabanye kodwa bonke bebe behlala endaweni eyodwa nezindlu zabo zilingana, ungabe usazi ukuthi kusetshenziswe yiphi indlela noma liphi ifomula lokuthi kuqhanyukwe nama-rates.

Ngeke ngiqede-ke ngingakhulumanga ngendaba yokuhamba kukagesi. Yebo siyayizwa inkinga, siyayizwa futhi nemizamo ekhona yokuthi le nto ye-load shedding singabhekana kanjani nayo. Okungaba kuhle ukuthi ke kube khona uhlelo, bathintwe phela abantu ngoba izimpahla zabo zihlala emafrijini, amaprescriptions odokotela ahlala emafrijini –

asheshe a-ekspaye uma kuwukuthi ugesi uhambile. Ngingabonga Somlomo uma kungenzeka kanjalo.

MR M A TARR (ANC): Thank you very much, Mr Speaker. I would like to welcome the report of the hon MEC for Finance because it certainly is a very serious issue which should be debated by us. Of course we also have another report that is going to be delivered later this afternoon and that is the report of the hon MEC for Local Government and Traditional Affairs and I will come back to that later on.

Let me just highlight one or two issues which I think are important and perhaps the hon MEC can address them, and it relates to his comments on capital budgets and to quote from his speech: "If this ongoing trend persists then it is unlikely that the province will be able to eradicate backlogs in the provision of basic services within the stipulated times."

The problem of course and what we need is firstly that capital budgets should address the IDPs of municipalities and I am not sure that that is actually the case at all and then of course what we need on top of that is that there should be co-ordination between the IDPs and the Provincial Spatial Economic Development Strategy. Of course that is easy to say, but it is not another easy thing to do.

Then of course the other point made by the hon MEC is the uneven expenditure where the first half of the year up to July is planning and thereafter the spending of the money, but in fact if there is an IDP and the IDP in fact is part of the MTEF, you would think it should be and if you produce the MTEF then there should not be uneven expenditure and that is the whole reason behind there being the three year running process with the MTEF.

So quite clearly we need IDPs the capital budgets obviously must talk to the IDPs and these in turn then must talk to the Provincial Spatial Economic Development Strategy.

The other issue of course is that all municipalities are now subject to the Municipal Finance Management Act, so by insisting on adherence to the Act and monitoring and putting in place the monitoring mechanisms that are required in the Act, it becomes easier to firstly identify where the problems are and of course it should be easier then to actually look where we should be devoting our efforts.

The hon Minister on pages 7 and 8 of his speech, he identifies the main problem

areas. I will not go into them all but perhaps simply to highlight what I believe to be the most important one of the lot and that is the situation of inadequately skilled financial staff. That is point number 7 that the hon MEC makes in his address. Now this is also an issue which is highlighted by the MEC for Local Government and Traditional Affairs because as the other speakers have done in this House today, we have done what is easy. We have sat down. We have identified the problems, which is good. Both Ministers have in fact identified the problems and we will never get to the root of resolving these problems until we have a plan to put people in position who are able to adequately address them.

I have brought it up before and perhaps the Minister can reassure us again today that in fact there is sufficient capacity in terms of staff within the departments to carry out what is in fact a very onerous responsibility in terms of the Municipal Finance Management Act.

Finally, there is another thing I would like to address and that relates to the oversight function of this House. Now in this House we have the Portfolio Committee on Finance, we have the Portfolio Committee on Local Government and we also have SCOPA. We are going to need in this House to address how we are going to coordinate the activities of these three committees to make sure there is no overlap, firstly, and secondly, to make sure that nothing falls between the gaps.

However it even goes further because the Municipal Finance Management Act places a lot of onus on what Treasury should be doing and it also places a lot of onus on what the Department of Local Government should be doing. Now the thing that concerns me again is, how do these two departments split up the job, so to speak, in terms of their oversight function in the MFMA and also in terms of their responsibilities to render assistance in terms of the MFMA.

I have seen a document which divides up the different clauses of the Act and different ones go to different departments, but I am wondering if an effective mechanism has been put in place to do this.

So in reality what we need to do is that all the role-players involved in rendering assistance to municipalities in oversight functions, to perhaps sit down and look at developing some sort of protocol to make sure that our tasks and responsibilities as

various arms of government, are carried out as the Act envisages.

With those few brief comments, I would like to welcome the report of the hon Minister because it brings onto the table a matter which we are going to need to urgently address and I also look forward to the report later on this afternoon of the hon Minister of Local Government. Thank you, Mr Speaker.

THE ACTING SPEAKER (Mr S N Mtetwa): Thank you very much, hon member Mr Tarr. The next member to speak from the IFP, hon M J Ngubani, for seven minutes.

INKOSI M J NGUBANE (IFP): Mr Speaker, if you could just bear with me for a minute or so, I am sorry.

THE ACTING SPEAKER (Mr S N Mtetwa): Do not worry, it is your minute, it is not my minute. [Laughter] You are eating your minute.

INKOSI M J NGUBANE (IFP): Hon Speaker, it must be pointed out, especially at the outset, that many of the financial and management problems outlined in the MEC's report, have traceable political roots. The hon MEC for Local Government is known across the province's municipalities as someone who will intervene in their affairs in a jiffy or not at all – depending on their political affiliation. If that is not correct I think the hon Minister will correct that.

Some IFP-run municipalities, like Abaqulusi, have seen ministerial interventions destabilise their capacity to get on with everyday duties. By contrast, the ANC-controlled councils, such as Msunduzi, have been allowed to disintegrate into bankruptcy without the MEC taking notice. If it is the IFP, the hon MEC will be found going even out on radio, shouting to everybody about the wrongdoings of that municipality and exposing what is going to happen in order to take steps in order to correct that, but on the side of the ANC there is none.

Therefore in order to further illustrate the municipal problems, financial or otherwise, often filter down from top rather than originate in the municipalities. I will mention the latest circumstances of the South African Local Government Association (SALGA), which in KwaZulu-Natal has been proudly controlled by the ANC since the last Local Government elections.

SALGA, as we know, is mandated by our Constitution to assist in the whole transformation of Local Government in South Africa. Amongst other functions, SALGA is mandated to assist municipalities with their financial management. Its own finances, according to the Auditor-General, however, are in such shambles that they cannot be accurately audited.

Despite having been given the worst possible audit evaluation for the third year in succession, SALGA's top three political leaders including its chairperson, Johannesburg Mayor, Amos Masondo, were re-elected last year for another five-year term. Ukugcwalisa ukuthi kokade bekwenza okungalungile ngezimali, akulutho. Kufunakala babuyiselwe ezikhundleni.

To give you an overview of SALGA's sins which are not unlike those committed by municipalities at large, the organisation has breached the Public Finance Management Act, it has breached the Public Audit Act, supply chain management regulations and also Treasury regulations. Similar to the municipalities it oversees, SALGA has a vacancy rate of about 20% and a high staff turnover.

All this will tell you that the system of Local Government squarely falls on an obvious lack of accountability. Failing leadership is routinely re-elected and oversight institutions, such as SALGA, have simply become agents for the implementation of ANC policies. As such, SALGA in particular, no longer critically represent municipalities as it is supposed to, but their interests.

On a more practical level, most municipalities that fail to deliver basic services, do so on account of inadequate personnel. Replacing overpaid and underperforming municipal managers, to mention but one critical personnel category, with experienced officials, would be the fairest and cheapest way to build the capacity that many of our municipalities lack so desperately. Many municipal officials retrenched due to affirmative action, as one colleague has said, because they were surplus to requirements, would no doubt welcome the opportunity to come home and contribute to South Africa's development.

Laphayana nje, uma ungaya Mphathisihlalo kuMasipala wethu Ingwe, u-speaker kaMasipala uMnu Mtolo kwathi ephuce umshayeli kaMasipala imoto, wayishayisa wangabika kumuntu. Kuthe uma sekuthiwa aluphenywe udaba, wagijima - kuphenywa

yena - wayohlala esihlalweni wathi akuvotwe. Uyazi ukuthi uKhongolose muningi. Nangempela wathi uKhongolose hhayi akungavotwa. Hho, hhayi kwavotwa, beshiyeka abanye ngoba baningi bona. Kuvalwa ini? Kuvalwa ihlazo lokuthi lona ushayise imoto kaMasipala. Namanje akaze enze lutho. Ngaphandle kwalokhu, yena lo mnumzane lona wagijima wabiza umhlangano ophuthumayo ezoxosha uMunicipal Manager. UMhlonishwa ngale wambhalela embikela ukuthi kurongi lokhu okwenzayo. Waxoshwa-ke uMunicipal Manager. Walidlulisa icala. uMasipala, hon MEC wezezimali, kwafunakala ukuthi akhokhe ngoba inkantolo yathi akaphindiselwe emuva uxoshwe ngokungekho emthethweni. Wakhokha uMasipala izimali ezalahleka, zilahlekela ubala into okwakungafanele yenzeke. Yiko-ke sithi:

It is shocking that many municipal managers require a consultant to act as a mentor when they are paid on average of R650 000 per year with some earning even close to the million rand mark with performance bonuses. [Time expired] [Interjections] Amaminithi Sihlalo.

THE ACTING SPEAKER (Mr S N Mtetwa): Ngiyafisa ukukunika kodwa umshini awusangivumeli.

Let us hear the hon member Chief Whip of the Opposition.

MR H L COMBRINCK (Chief Whip of the Opposition): Speaker, I would like to draw your attention to something – I did not want to interrupt Inkosi Ngubane while he was speaking. There was a letter distributed under the heading of the IFP that the MEC at one stage will distribute. Was permission obtained from you, Speaker, that this letter could be distributed in the House, yes or no? Thank you, sir.

THE ACTING SPEAKER (Mr S N Mtetwa): The answer was yes and I do have a copy of it here in front of me, the original one.

We have now come to the response by the MEC for Finance and Economic Development, hon Z L Mkhize, for 15 minutes.

DR Z L MKHIZE (MEC for Finance and Economic Development): Thank you very much, Mr Speaker. Let me just say thank you to the members for their contributions. I do not intend to use all 15 minutes. I will just say to the members that having tabled the report, I am able to get the responses and the comments that the members are making,

but just because there will be anyway another report coming from my colleague, a lot of the issues that were raised now actually fall over on the issues that we may well debate at the time when my colleague is also doing his report.

I will not therefore waste too much time on the issues, but just to indicate the issues that hon Gwala was referring to, the culture of non-payment and then I just want to say that this problem of non-payment is not just new now that the ANC is in charge of the Local Government Department, it has been there for quite a long time before. Then of course in the earlier days, I do not think anybody wants to go and argue about why people did not want to pay for the services because at the time the issue was what were the services being paid for? But then the same ANC went out to encourage people to pay thereafter, so insofar as that issue, there was clear leadership that the ANC demonstrated.

However, the problems of non-payment are a lot more of a complex issue these days in relation to the municipalities. We have been talking about this for a while and this is something that part of it has got to do with the issues of capacity as one problem. Of course in some cases I think we are dealing with difficulties of communities that may not be able to pay, but where communities can, I think there is a challenge which we need to deal with in relation to the capacity of the municipalities to manage that aspect and it is not so much the communities as it is the weaknesses in the systems that we need to work on and strengthen.

I do not know if you recall, about a few years back there was Projects Consolidate, it was in response to these particular problems where we are trying to ensure that the capacity of the municipalities to manage their own affairs, has improved.

The issue around municipal managers' salaries is an issue that we are discussing and we believe that they need to be reviewed. They do not have any serious bearing on the side of the municipality, the budget and so on, so it is an issue that I think needs to be reviewed.

The hon Sithebe referred to the challenges on the expenditure of the capital budget. I think we share that and we think that it is important for us to deal with that capacity so that the infrastructure and investment does not go to waste.

The issue of fraud, that it must not be tolerated, I would agree with that, but in relation to the specific amount the member is talking about, I think we will need to get more detail.

Then the issue that hon Mari raised about people not being charged, not being arrested, I just want to indicate that as soon as the investigation has been done, the matter is handed over to the police. We might just be as unhappy as you are but I do not think that we can actually blame the same departments for lack of movement, it is up to the police to proceed with the cases and that is where the problem is.

Then the other issue that you raised about affirmative action, I think we must always make it clear because otherwise it sounds very, very difficult to think that your problem is affirmative action and I think if anybody wants to argue that way, it is quite a problem, but I think as we have said, what is important for us is to invest in trying to create as much capacity for all the municipalities so that we are able to get proper functioning municipalities and I do not think we can run away from the fact that we have seen that as a problem, that is what I tabled in my speech before.

Again, I would like to just confirm what hon Kubheka was raising about poor forward financial planning, this is something that we have a concern about, a concern by Mr Msomi about municipalities that are completely and totally dependent on grants we also agree with that, it is a thing that we have to deal with.

The issue of Eskom and the power outages has been discussed by Minister Manuel. I think we can deal with that in the context of the budget speech that was done yesterday.

There is, hon Tarr, adequate capacity. We have built up capacity to implement the MFMA in the department and on that basis I think you should be rest assured that we will be able to do our best in that area.

Hon Ngubane, just to say that it is not correct that the MEC is selective. He has done 32 forensic investigations, including extensions of what the previous MEC started, but there have also been interventions, Section 139, in a number of municipalities and not all of them are IFP. Abaqulusi was one. Mpendle is one, Kokstad, Utrecht and so on. So there is impartial intervention where there is a need to deal with that.

Of course the issue of SALGA, it is not a municipality so I do not know who can deal with those comments, but again I do not agree that SALGA is implementing something that is

party views because how do you determine when the majority of the members are ANC members, what views they are implementing because in any case there is a party mandate involved. So I do not think we can go very far with the argument as well.

Having said so, let me just say to the hon members, thank you very much for your comments, I think it is a challenging area this one of municipalities, particular their capacity and the weaknesses that we have seen, and it is an issue that I think we need to deal with objectively and try our best to see how we can resolve those problems and help the municipalities to survive. Thank you very much, Mr Speaker.

THE ACTING SPEAKER (Mr S N Mtetwa): I thank you very much, hon MEC, for some time that you have given us. Colleagues, we will now move to the next item on today's Order Paper.

8.4. REPORT BY THE MEC OF LOCAL GOVERNMENT AND TRADITIONAL AFFAIRS ON ANY OMISSIONS BY MUNICIPALITIES TO ADDRESS AUDIT ISSUES

MR M MABUYAKHULU (MEC for Local Government, Housing and Traditional Affairs): Thank you, Mr Speaker, hon members of the Legislature and all our esteemed guests. It gives us immense pleasure to stand before this august House to table a report on the critical aspect of the work that is being done by a very important sphere of our government – the local government sphere.

Before we progress in making remarks as we table this very important report, allow us, as the Ministry of Local Government, Housing and Traditional Affairs as well as the Department of Local Government, Housing and Traditional Affairs, to convey our best wishes to the Members of this House and the people of our province for the year 2008, which promises to be a good year.

At times, we tend to be bogged down by the very legitimate and necessary work of serving our people that we neglect to show that we care for those with whom we occupy the forward trenches in the struggle to build KwaZulu-Natal fit for all her people.

If charity begins at home, then all of us here are duty bound to go beyond assuming but actually showing that we care for one another within this Legislature. May we all have a successful 2008!

Hon members, we think it bodes well for our efforts as a department that, amongst the issues being dealt with by this august House at the dawn of this New Year is the critical issue of our municipalities and their response to audit issues.

It has been said repeatedly that our municipalities are the sphere of government where all our commitments as government find practical expression. Local government is, if you may, the face of government. It, therefore, goes without saying that everything that has to do with local government is of national importance.

The purpose of this report, which we table before this august House today, is to inform this House and to inform the people of KwaZulu-Natal of omissions by municipalities to adequately address issues raised in the Auditor-General's report in terms of municipal audit reports for the year ending 30 June 2006. It is always good to provide context within which a report or submission is being made so that all of us understand that it is informed by legal provisions and that we also understand what all of us need to do in response to that particular report.

In terms of the stipulations regarding the audit reports by the Auditor-General and municipalities' financial reporting obligations, it is important that we should observe the following:

Firstly, a municipality must address any issues raised by the Auditor-General in an audit report. The mayor of a municipality must ensure compliance by the municipality within this subsection.

Secondly, that the MEC responsible for local government in the province must first assess all annual financial statements of municipalities in the province, the audit reports on such statements and any responses of municipalities to such audit reports, and determine whether municipalities have adequately addressed any issues raised therein; and then report to the provincial legislature on any omission by a municipality to adequately address those issues within 60 days.

It is important therefore that submissions to this House must be understood and governed by the specific provisions of the MFMA (Section 127(3), 129(1) (a) & (b)) as well as the important principle of accountability that we have actually set up government structures that are accountable to the public whom we serve.

Based on this regulations issues in terms of the MFMA relating to the phased implementation of the Act, at this point in time only affect high to medium capacity municipalities where these municipalities are required to comply with the reporting provisions that are stipulated in terms of Chapter 12 of the MFMA. This was required to be happening by the end of June 2006. The list of the twenty five municipalities required to have to comply with this has been made available to the hon members in the separate report that is before you.

It is important for me therefore to succinctly put it this way; that at a joint sitting of the Standing Committee on Public Accounts (SCOPA), the Finance Portfolio Committee and the Local Government Portfolio Committee of the our province's provincial legislature a request was made to municipalities in the province that they receive either a disclaimer or an adverse audit opinion for the 2005/2006 reporting period to serve before the sitting and make representations on their negative audit outcomes.

It must be said that this process was discontinued after a few hearings due to a lack of clarity on the role of the Legislature and the manner in which it should engage municipalities in terms of the MFMA, namely whether SCOPA, Finance or Local Government Portfolio Committee would deal with these matters.

Bearing in mind, that indeed the MFMA does also provide specific provisions for municipalities dealing with these matters in-house. Secondly, it was unclear as to which relevant committee or Sitting this report by the MEC in terms of Section 131 of the MFMA should be submitted.

Thirdly, there was a serious non-compliance with the provisions of Section 132(1) by municipalities in the submission of the relevant documents to the provincial legislature and only one municipality namely, Umgeni Municipality complied. Municipalities also did not submit documentation to the department despite various communiqué sent to municipalities by the department.

It must also be noted that the department is not privy to the municipal audit reports via the Office of the Auditor General until such time as the audit reports are tabled in municipal councils where there are also challenges, including delays.

Based on these, the joint sitting resolved that the secretariat to SCOPA would write to all

municipalities to obtain the necessary documentation and forward the same to the department for assessments. Numerous delays were experienced and to date, certain reports remain outstanding in respect of the previous reporting cycle as reflected in the detailed report before this House.

The specific non-compliance is reported and an assessment by the department on reports that were received was then undertaken.

An initial report highlighting the non-compliance was prepared at the end of May 2007 based on the requirement by the MEC to report within 60 days to this august House. This initial report and the subsequent report are included here.

The following variables are reported on in respect of compliance with the MFMA:

Submission of the Annual Financial Statements to the Auditor-General by the statutory deadline of 31 August 2006;

The audit opinion;

Submission of the Annual Report by the municipalities to the legislature by the statutory deadline of 1 April 2007;

Whether an Audit Response has been received by the municipality or not; and

Whether such response was considered adequate or not.

All of these are canvassed in the detailed report before this House.

As I have indicated earlier, in terms of the phased implementation of the MFMA, twenty five municipalities categorised by the National Treasury as either high or medium capacity were required to comply with the MFMA for the financial year 2005/2006 reporting period. For the municipal year ending 30 June 2007 all municipalities would be required to report and the department await the annual and oversight reports by municipalities which are due to be finalised and adopted by municipalities by 31 March 2008.

As for the report as at 31 May 2007, at the beginning of the current financial year, we referred to our municipalities as rising and shining stars. This we said primarily for the

reasons that, compared to the past, most of our municipalities have shown vigour and renewed interests to become centres of excellence.

We called them rising, shining stars because many of them had embraced the difficult, yet highly-rewarding responsibility of being the face of government. This commitment and subsequent efforts to turn around their fortunes, particularly those municipalities which had been struggling, convinced us that indeed we are leading a willing team, a team which understood that, for the challenges that faced it, it needed to up its tempo and do things differently - Business Unusual. We remain convinced that our municipalities are still rising and shining stars.

However, as the old adage says: Rome was not built in a day. It would be impractical for us to expect that the work that we have begun to do at local government level would yield results overnight. A new policy and legislative framework is not sufficient to ensure transformation.

Indeed while we have made enormous strides in helping to transform our municipalities into centres of excellence, the reality is that, for various reasons, some municipalities are moving faster than others in transforming their systems and processes. It is also critical to note that while ultimately the reasons for this slow pace may be attributed to municipalities, there are many other factors that contribute, some of which are beyond the control of those municipalities.

We, therefore, want to state upfront that while we are not going to tolerate lame excuses for non-compliance, particularly with existing financial management prescripts, we will do so with a view to build rather than destroy; to capacitate rather than incapacitate; to encourage rather than dispirit and to empower rather than disempower. Therefore, this report is a factual report which is not aimed at either naming or shaming nor is it about castigating.

This report aims to present the picture as it is with a view to enabling all spheres, led by our department, to firstly understand the enormity and the context of the challenge and secondly to devise effective and integrated means of responding to the challenge.

Of the twenty five municipalities required to comply with the MFMA, nineteen (19) or 76% submitted their annual financial statements to the Auditor-General (AG) by the

statutory deadline of 31 August 2006. Considering where we come from, this is a beacon of hope and this unequivocally informs us that all of us can comply. The list of municipalities is listed there.

One municipality, namely Umkhanyakude District Municipality, is still awaiting the finalisation of the audit by the AG's report. This municipality was late in the submission of its annual financial statements due to the suspension of the Chief Financial Officer and a lack of capacity. In summary, the audit opinions received from the AG reflects the nature of those:

Nine municipalities (representing 36% of them required to comply) received unmodified audit reports.

Eleven municipalities (representing 44% of the municipalities required to comply) received qualified audit reports.

Three municipalities (representing 12% of the municipalities required to comply) received disclaimers.

One municipality (representing 4% of the municipalities required to comply) received an adverse audit report.

Clearly, while there are challenges, with the positive attitude and spirit displayed there is definitely a huge potential to build on what we have towards success.

Also of concern to us is the fact that only three municipalities, of the twenty five, complied with the submission of the annual report to the Department by the statutory deadline of 31 March 2007, namely Ethekewini Metro, Umgeni and Umhlatuze Municipalities.

Responses to the audit reports have been received from two municipalities namely Ethekewini Metro and Umgeni Municipality within the statutory deadline. Umhlatuze Municipality submitted the annual report excluding the audit report which had not been received from the Auditor General by the deadline of 31 March set for the annual report.

Obviously, this remains one of the weakest areas in terms of our municipal financial reporting capabilities and it is receiving due attention from our department.

The members are at liberty to read the full report at their leisure in order to get a sense of our department's assessment of the two complying municipalities' responses to the audit reports.

I must therefore say that under number 5 of our reports we have detailed some of the municipalities that SCOPA requested we should report on although we were not suppose to report on them. Under 5.4 we also give a detailed response in terms of some of the measures that we are actually identifying some of the municipalities.

For the purposes of this presentation to the Legislature, we will not delve deep into detail on the audit findings and assessment of the responses of municipalities by the department. However, what we will attempt to do, in a précis format, is to give a list of incidents of non-compliance that cut across all twenty four municipalities under scrutiny. And we present that under (a) up to (g) of our report.

Of the twenty four municipalities, the responses of twelve municipalities are deemed adequate, eight are deemed partially adequate while four are deemed inadequate. Again we draw a sense of comfort from these figures because practically they mean that more than fifty percent of our municipalities have devised ways of ensuring that they respond to the issues raised by the AG's reports. However, our goal, in the short term, is to ensure that all our municipalities' responses to the challenges highlighted by the AG are deemed adequate. In the long term, we aim to ensure that all our municipalities, without exception, are given a clean bill of health. This might seem like a destination too far, but we have no doubt that, working together, we can attain this.

There are a number of general reasons for non-compliance. We have indeed enumerated this in the report and because of time we will not go into the details.

As far as remedial action is concerned, the reason we are tabling this report is not because we want to shame or ridicule anyone, but to the contrary, we want to state that the context and the reality as it exist now. We say this because we believe that, working together, we can overcome all the challenges that afflict our municipalities and realise our objective of turning our municipalities into centres of financial rectitude.

In our quest to achieve this objective, we have therefore identified a number of remedial actions which we have no doubt will go a long way towards helping our municipalities in

dealing with the challenges that have been highlighted in this report.

Without offering any excuses, we believe that it should be noted the reporting requirements in terms of the MFMA have been newly introduced to municipalities and it is expected that much support is required to promote and improve compliance.

In fulfilling our constitutional mandate, our department monitors the progress of municipalities and an indication of support or intervention needed by municipalities it is obtained by listing a number of practical action steps that we will be undertaking as a department.

Our department therefore provides hands-on support to municipalities. In a bid to deal with the challenges that have been highlighted above, we will and among other corrective measures, undertake specific fieldwork to verify implementation of plans and responses to auditors' queries. Apart from this, we have a number of measures that we ourselves took, which are statutory obligations that we have enumerated in this report as a way of taking action.

All these remedial measures are aimed at achieving one goal: to improve the fortunes of our municipalities. This is a goal that requires all of us to work together. We have no doubt in our minds that all of us can achieve this objective of turning our municipalities into centres of excellence. Our municipalities are still rising, shining stars. Let us all play our role to ensure that these stars shine even brighter for their glow will signal a better life for our people and will mark the fulfillment of our mandate.

We therefore present this report for consideration by this hon House and indeed hope that all of us shall individually and collectively contribute in strengthening the institutions of our municipalities helping them to develop much more practical systems that will make them respond in terms of the Constitution as well as the regulations. I thank you.

THE SPEAKER: MEC, thank you very much for what you have indicated. Hon members we have come to the conclusion of today's debate and today's sitting. With that then, I just need to verify from the Acting Premier if there are any announcements to be made after which I will then make one last announcement, if it is necessary then we will adjourn.

MR Z L MKHIZE (Acting Premier of KwaZulu-Natal): Thank you, Mr Speaker, there

are no announcements.

THE SPEAKER: Thank you very much, hon Acting Premier. The only announcement which I hope that has already been made by the Chairperson of Committees in relation to a breach of Rule 245. If it has not been made, I will make it. Chairperson of Committees, may I be made to understand if this announcement has been made already or not?

MR S N MTETWA (Chairperson of Committees): No it has not been made. Please make it, Speaker.

THE SPEAKER: It has been reported to me by the presiding officer who presided in my absence that there was a request for an investigation for breach of Rule 245 during the debate of the report of hon MEC for Education.

There is a following statement that we want to make. The statement comes from the legal advisers it says:

I have attempted to investigate whether hon Mcoyi breached Rule 245(2)(g) during his debate on the hon MEC's report. However, I have been unable to access the Hansard transcript or recording. This is beyond my and Hansard staff's control as there system does not allow for transcribing whilst recording and there is a problem with the audio playback of the recording. It will therefore be impossible to advise the hon member to make a ruling based on memory. I fear for the record reflecting facts contrary to what have been captured. I then wish to request that the ruling on this matter be deferred to the next sitting because I would then have accessed the record of proceedings. I am made to understand by the Chairperson of Committees that as presiding officer he acceded to that request that a ruling on this matter will then be made at the next sitting.

That is the only announcement that we need to make at this stage. Beyond that, we now adjourn the House until Thursday 28 February 2008 at 10:00.

The House was adjourned at 15:05.