

DEBATES AND PROCEEDINGS OF THE THIRD

KWAZULU-NATAL LEGISLATURE

FOURTH SESSION

THIRD LEGISLATURE

THURSDAY, 21 JUNE 2007

**THE HOUSE MET AT 10:02 IN THE LEGISLATIVE CHAMBER,
PIETERMARITZBURG.**

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

The Deputy Speaker, Prof L G B Ndabandaba, took the Chair and read the prayer.

2. OBITUARIES AND OTHER CEREMONIAL MATTERS

THE DEPUTY SPEAKER: Hon members, it is with great sadness that I inform the House of the passing away of the hon Prince Nhlanhla Zulu, former member of the National Assembly, on 14 June 2007. He will be laid to rest at Ezinhlendleni Royal Kraal, kwaNongoma on Saturday, 23 June 2007. May his soul rest in peace. Amen.

Members of the House observed a minute of silence.

3. ANNOUNCEMENT BY THE SPEAKER

THE DEPUTY SPEAKER: Hon members, it is my pleasure to welcome a new member to the House. The new member is *Inkosi Mhlabunzima Zwelinjani Mthuli* who represents NADECO. He was sworn in on 12 June 2007. [Hear, hear.] I wish to take this opportunity to heartily welcome the new member. I wish him well in his new service. I hope he will make a big contribution to this House, and I hope he will enjoy his work.

We have received an apology from our hon Speaker – that is why I am sitting here – and the Secretary of the Legislature. They are both attending a meeting of the Speakers’

Forum in Cape Town. They are therefore not able to attend today's sitting. I trust their apologies are accepted by the House.

Since this is a House that cares for its members, I wish to extend a belated birthday wish to Mr T D Buthelezi. The hon member celebrated his birthday on 12 June 2007. We wish him all of the best for the year ahead. Unfortunately we do not know whether he turned 18 or 21 on his birthday. Congratulations.

4. ANNOUNCEMENTS OR REPORTS BY THE PREMIER

There were no announcements or reports by the Premier.

5. TABLING OF REPORTS OR PAPERS

MR T JEEBODH (Chairperson of Portfolio Committee on Housing): Mr Speaker, I wish to table a report by the Portfolio Committee on Housing on the KwaZulu-Natal Elimination and Prevention of Re-Emergence of Slums Bill, 2006.

MRS J M DOWNS (Chairperson of the Standing Committee on Public Accounts): Mr Speaker, I wish to table two reports. The first report is the Resolutions of SCOPA, and the second report is the Quarterly Report of the Auditor-General on the submission of financial statements by municipalities and the status of Audit Reports as at 31 December 2006 for the financial year ended 30 June 2006.

THE DEPUTY SPEAKER: Hon members, I refer you to page 2, number 4, entitled "Tablings". All those reports which appear there are deemed to have been tabled. We will therefore not go through the formalities of members having to stand up to table each of them. They are all taken as tabled.

6. FORMAL MOTIONS AND NOTICES BY THE CHIEF WHIP

MR V C XABA (Chief Whip of the Legislature): Mr Speaker, I wish to table the following motion without notice, moved under Standing Rule 93(g) with the unanimous concurrence of all the members present in the House. The Presiding Officer is requested to put the motion to the vote for approval as a Resolution of the House under Standing Rule 91(2):

This House noting:

That Standing Rule 200(1) provides that the debate on the Second Reading of a Bill may not commence before at least one working day has elapsed since the Committee's report was tabled or since a member had addressed the House in terms of Rule 199;

That the Portfolio Committee on Local Government and Traditional Affairs has earlier today tabled its report on the KwaZulu-Natal Elimination and Prevention of Re-Emergence of Slums Bill, 2006, in terms of Standing Rule 198, and

That Standing Rule 3 provides that any provision of the Standing Rules relating to the business or proceedings of the House may be suspended by resolution of the House.

Therefore resolves:

To suspend Standing Rule 200(1) for purposes of the proceedings of the House, as reflected on the Order Paper for the sitting held today, Thursday, 21 June 2007.

THE DEPUTY SPEAKER: I now put the matter to the vote. Will those in favour ...

MR R E KEYS (DA): Mr Speaker, on a point of order. Each party needs to indicate whether they agree that the Rule be suspended. Each party in the House needs to indicate that they support the request that the Rule be suspended.

THE DEPUTY SPEAKER: Hon Keys, thank you for your guidance. Now there is a true example of being "old" in Parliament! Thank you for your advice.

MR H L COMBRINCK (Chief Whip of the Official Opposition): Mr Speaker, I have a problem. We have not seen the resolution, although the Chief Whip of the Legislature has spoken to me. I hope what he has said to me is exactly what is contained in that motion. The IFP will support it.

MR R E KEYS (DA): We support it.

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

MRS J M DOWNS (ACDP): We support it.

MRS M V NOEL (ANC): The ANC supports it.

THE DEPUTY SPEAKER: I wish it to be noted that the Minority Front is absent.

Question put and agreed to.

7. NOTICES OF BILLS OR MOTIONS

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

This House noting:

That the findings of the South African Institute of Race Relations released yesterday reveal that the popular support of the ANC is galloping in an unprecedented way, and

That the findings indicate that, should elections be held today, it would be the ANC - and not the DA - that would be the main beneficiary of the electoral support.

Therefore resolves:

To congratulate the leadership of the ANC, especially its President, the hon Thabo Mbeki, for having remained steadfast on the correct route to lead this liberation movement which is the people's only hope for a bright future in this country.

MR G B BHENGU (IFP): Somlomo, ngokuhlala kwale Ndlu okulandelayo ngiyophakamisa kanje:

Ukuthi Le Ndlu –

Izwakalisa ukudabuka ngemibiko yokushona kwabagijimi ababili, uMnu. Willem Malapi noMnu. Michael Gordon, ekade begijima emjahweni we-Comrade Marathon ngeSonto ngomhla ka-17 Juni 2007. Kube yisehlo esethusa kakhulu le Ndlu.

Inquma ukwedlulisela amazwi okukhalela yomibili imindeni elahlekelwe kanye

nabahleli balo mjaho odume kangaka emhlabeni wonke.

Izwakalisa ithemba lokuthi lesi sehlo asiyukubathena amandla abanye abagijimi ukuba bangelele lo mjaho ngomuso

Yeseka umbono wokuba kuqinise izinhlaka zokuqapha impilo yabo bonke abasuke bangelele lo mjaho.

MR S J GCABASHE (ANC): Ekuhlaleni kwale Ndlu okulandelayo, Somlomo, ngiyophakamisa kanje:

Le Ndlu –

Iyakunaka ukuthi njengoba izolo bezingu-20 Juni 2007, bekuwusuku olubaluleke kakhulu ezweni njengoba bekuwusuku lapho bekuqhakanjiswa futhi kufundiswa khona ngamalungelo abo bonke abantu abangabagijimi besuka emazweni ehlukene.

Iyakunaka futhi ukuthi lokhu kubonakele lapha ezweni lakithi kwenzeka.

Ibonga kakhulu labo ababambe iqhaza ekutheni bakwazi abantu bakithi ukuthi bafundiswe ngalesi simo esibhekene naso emhlabeni wonke.

Ibonga futhi iqhaza elibanjwe uhulumeni kuzona zonke lezi zinhlelo

Yethemba futhi ukuthi esikhathini esizayo lezi zimfundiso ebekukhulunywa ngazo ziyokwazi ukuthi zisabalale nakulona lonke leli lakithi ukuze baphatheke ngendlela efanelekile laba bantu abangabagijimi njengoba kwenzeka emhlabeni wonke. Ngiyabonga.

MR M B GWALA (IFP): Mhlonishwa Somlomo, ngokuhlala kwale Ndlu okulandelayo ngiyophakamisa kanje:

Ukuthi le Ndlu –

Iyakubona ukuxhashazwa kwabantu baKwaZulu-Natali ngohlelo lweNdlu olwethulwe emsakazweni uKhozi FM njalo ngamaSonto ebusuku oluthi "IPhalamende" oluqhutshwa iqembu elibusayo okutshala isithombe sokuthi le

Ndlu imelwe uKhongolose kuphela njengephepha lale Ndlu "Iso Elibanzi" elikhuluma ngoKhongolose kuphela.

Ikhulwa ukuthi iPhalamende limelwe amaqembu amaningi ezombusazwe, ngakho kwenza inhlekisa ukuba kutshalwe isithombe seqembu elilodwa kube kusetshenziswa izinkece zomphakathi ukwenza lokho.

Inquma ukuba uSomlomo alubuyekeze lolu hlelo ukuze la maqembu aphikisayo abeneqhaza ukuze abantu baKwaZulu-Natali bangafunzwa imibiko eyinxemu nechemileyo ukuzuzisa amaphuzu ezombusazwe iqembu elilodwa.

AN HON MEMBER: [Iphuzu lokuqondisa.] Oqeda ukukhuluma ulahlekisa le Ndlu. Umfundisi uMbatha yilungu le-Nadeco obekade ekhuluma ngeSonto emsakazweni. Ngiyabonga.

THE DEPUTY SPEAKER: Hon member, you may proceed. Have you finished your motion?

MR M B GWALA: Bengithi umhlonishwa uyangihlohloza.

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

This House noting:

The ongoing strike that has had a serious effect on schools and the health of our community.

Therefore resolves:

To urge government and trade union teams at national level to negotiate earnestly in finding an acceptable settlement.

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

Ukuthi le Ndlu –

Isinakile isinyathelo sabaphathi be-Premier Soccer League sokusayina

isivumelwano sokusakazwa kwebhola lezinyawo nenkampani yakwa-Supersport okushiye ngaphandle i-South African Broadcasting Corporation, SABC.

Ibona ukuthi i-Supersport esakazela labo abanamandla okukhokhela umabonakade futhi ayinayo imisakazo njenge-SABC.

Izwakalisa ukukhathazeka ngalesi sinyathelo esinengozi sokwephuca izigidi zabathandi bebhola abampofu ilungelo lokubuka imidlalo kanye nokuyilalela emisakazweni.

Inxusa i-Premier Soccer League, i-SABC ne-Supersport ukuba benze konke okusemandleni ukuqinisekisa ukuthi lezi zigidi zabathandi bebhola azilimali ngenxa yalesi sinyathelo.

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

This House noting:

That according to media reports, Mr Fikile Mbalula, President of the ANC Youth League, likened the University of KwaZulu-Natal to Bombay.

Therefore resolves:

To express our vehement disgust at what amounts to a racist statement by Mr Mbalula, and

To call on the ANC leadership to publicly distance itself from this statement and to chastise Mr Mbalula for a statement which may incite racial hatred.

MR S N MTHETWA (ANC): Somlomo, ngokuhlala kwale Ndlu okulandelayo ngiyophakamisa kanje:

Ukuthi le Ndlu –

Iyakunaka ukuthi ukuhlupheka kwabantu bakithi kuyaziwa kanti nezidingongqangi ziyaziwa ukuthi zibalulekile, ziyaphuthuma futhi zinkulu zonke.

Iyayinaka futhi iyayibona imizamo kahulumeni emazingeni onke ukuzama

ukuphuthumisa izidingongqangi zabantu ngokuhlanganyela.

Inquma ukuthi ukuxhumana kwezakhiwo zikahulumeni nezezisebenzi ziqiniswe kwenziwe njengalokhu kubonakele esiGungwini soSotswebhu sale Ndlu ngesonto eledlule lapho iqala ukuhlanganisa bonke oSotswebhu balesi sifundazwe nakuhulumeni wasekhaya esidlangaleni sokufundisana.

MRS L A MNCWANGO (IFP): Mr Speaker, I hereby give notice that I shall move on the next sitting day of this House as follows:

This House noting:

That the MEC for Community Safety and Liaison and the MEC for Education briefly stepped out of their ministerial limousines to show solidarity with the striking public servants, despite the fact that they represent the social forces against which the strike was targeted.

Therefore resolves:

To urge the provincial Cabinet to explain its understanding of consistency across government, both to the public and to their own members, and

To urge individual MECs not to jump onto the populist bandwagon, but rather to contribute to a peaceful resolution of labour disputes.

THE DEPUTY SPEAKER: The hon Rev Mbatha is next.

MRS L A MNCWANGO (IFP): Viva, Sadtu! Viva!

MR S J GCABASHE: Ngicela, Somlomo, ukuthi livikeleke ilungu elihloniphekile, umama uMncwango. Ngizwa laphaya ubaba uMathaba ethi uNksz Limousine. Akashongo njalo.

MRS L A MNCWANGO (IFP): Bah!

THE DEPUTY SPEAKER: Hon Mrs Mncwango, we need your protection here. Please don't do that in future.

REV A H MBATHA (NADECO): Mr Speaker, I hereby give notice that I shall move on the next sitting day of this House as follows:

This House noting:

The devastation caused by the public service strike in South Africa;

The dire lack of labour relations management ability from government, and

The absence of any other alternatives to ordinary citizens.

Therefore resolves:

To call upon the provincial government of KwaZulu-Natal to come up with contingency measures for the people of KwaZulu-Natal in the areas of health services and education, since people cannot continue suffering while there is a government in place

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

This House noting:

That due to wholesale intimidation, it is impossible for patients to obtain the attention from health care professionals that they need at our hospitals;

That due to unresolved negotiations between government and trade unions, patients have died, and those that require TB and ARV medication are being put at risk if their prescriptions are interrupted, and

That our pupils are being severely prejudiced with each additional strike day.

Therefore resolves:

To condemn the tri-partite alliance for their inability to resolve the impasse that evidently stems from a power struggle between alliance partners.

THE DEPUTY SPEAKER: Hon members, we thank all members who gave notice of motions.

8. ORDERS OF THE DAY

8.1 Report by MEC for Education on the issues affecting uMzinyathi District

MRS C M CRONJÉ (MEC for Education): Mr Speaker, I hope the reports have been distributed, because they certainly are available. Have members received them?

MRS J M DOWNS (ACDP): No.

MRS C M CRONJÉ (MEC for Education): Oh dear. Mr Speaker, I suggest we request the staff to distribute them. They were delivered this morning at about 09:00 already. Should I wait until they distribute them?

THE DEPUTY SPEAKER: No, MEC, you can go on while they are distributing them in order to save time.

MRS C M CRONJÉ (MEC for Education): In this report I will focus on the progress we have made in Msinga with regards to service delivery and, in particular, the delivery of infrastructure.

According to information by Stats SA, collected in the 2001 census, Msinga is one of the poorest areas in the country. The Ngubevu ward in Msinga had the highest poverty score in the Province. In calculating the poverty score of a ward, the literacy level, average income per year, as well as the dependency ratio are taken into account. The literacy level in Nqubevu in 2001 was recorded as 23,85%; the average income per year R2 283,89 and one household comprises 89 people. That is extremely high.

As I have stressed before, to free our people from the shackles of poverty, we have to start with education. Realising the liberating power of education, the KwaZulu-Natal Department of Education took a conscious decision to uplift communities in the Msinga area, efforts that have now started to pay off.

Infrastructure

The department has made good progress in the provision of classrooms, toilets, administration blocks, computer laboratories and libraries since 2004. A list to prioritise the greatest needs was drawn up in each of the education regions and schools in the Umzinyathi district and Msinga circuit, in particular, benefited from this system, as the

area has acute historical backlogs.

Since the 2004/05 financial year to date, the department has spent more than R179 million on infrastructure delivery in the Umzinyathi district. Of this amount R133 million has been spent in the Msinga area alone. There has therefore been a major injection into the economy of that area.

Infrastructure projects in the Umzinyathi district

PROJECTS	SHORTAGE BEFORE 2004	DELIVERED FROM 2004 TO DATE	AMOUNT INCURRED IN PROGRESS	IN PROGRESS 2007/08	IMPROVEMENT %
Classrooms	1758	691	96 740 000	288	56
Mobile Classrooms		75	7 452 000	129	
Toilet Seats	3898	1200	48 000 000	735	50
Mobile Toilets		66			
Administrative Blocks	250	48	6 720 000	52	40
Fence	302	123	20 150 000	68	63

Msinga is one of four circuits in the Umzinyathi District. The circuit comprises 171 public ordinary schools, one school for learners with special educational needs - but it is a very modest school – one Further Education and Training College campus, 90 Adult Basic Learning and Training centres, 61 Masifundisane centres, 104 Early Childhood and Development sites and three education centres. Of the 171 schools, 168 schools have received “no fee” status. That gives hon members some indication of the poverty in the

area, if out of 171 schools in the area, 168 are “no fees” schools.

Infrastructure projects in the Msinga Circuit

PROJECTS	SHORTAGE BEFORE 2004	DELIVERED FROM 2004 TO DATE	AMOUNT INCURRED IN PROGRESS	IN PROGRESS 2007/08	IMPROVEMENT %
Classrooms	879	345	48 300 000	158	57
Mobile Classrooms		28	3 080 000	42	
Toilet seats	1952	569	22 760 000	350	47
Mobile Toilets		66			
Administrative blocks	103	12	14 420 000	41	51
Fence	146	22	44 550 000	13	32

Twelve schools have already been repaired or are being renovated as per plan for the 2007/08 financial year. In addition, close to 50 schools have been put on the emergency and reactive list for renovations and additions in this financial year. The majority of these tasks have already been completed.

A large number of the schools on this list had to be repaired as a result of storm damage and, in particular, damage to the roofs of the buildings. The fact that so many of our schools suffer from storm damage is also a legacy of the past. In addition to the neglect of the education of black children during the apartheid era, the expenditure on infrastructure for black children, especially in the rural areas, was minimal. Parents dug deep into their pockets to build classrooms for their children, the result often being poorly

constructed structures with inferior building material, because that was the best that parents could afford at the time. These are the classrooms that are now collapsing, and we have to replace them.

In the report hon members can see a photograph of Siphakema Secondary School dating back to 2003. Back then the pupils were housed in a leaking old stable. In 2004 we put mobile classrooms there as an emergency measure. Here is a picture of what it looks like in 2006, and as members can see, they now have beautiful new brick classrooms with proper roofs.

As the government of the day, we want to thank parents for their contribution and tell them that it is our turn now to help them by building new structures and repairing the old ones. We really thank our parents for their historical contribution.

Infrastructure delivery remains a moving target as buildings reach their expiry dates and storms damage schools. Migration is another factor that determines the need for more classrooms in particular areas.

In the Mxamalala area we could bring good news to the community after research proved that the area is in great need of a high school. Ziningaye High School, which will be built at a cost of approximately R4 million, will open its doors next year. It will provide access to education in a deep rural area where the drop-out rate has been very high due to the long distances the children have to travel to get to school. The construction of nine classrooms, an administration block, ablution facilities and fencing will commence this year. The sod-turning ceremony occurred in March this year, in conjunction with the hon MEC Mr Cele. He and I went in our ministerial limousines to a place that had never had a road before. We turned the sod, both for a new road and for a new school in this area. [Interjections] We would have done much better to go in our 4x4s! However, you know, we have an image to keep up. [Laughter]

A brand-new school for learners with specials education needs for delivery in the 2008/09 financial year will also bring great relief to Msinga parents and learners. Planning has already started.

Nutrition

To many children the warm meal they receive at school once a day, five times a week, is

the only meal for the day. The department has increased the number of schools in the Msinga circuit that provide food as part of the National Primary School Nutrition Programme.

In the 2005/06 financial year 22 262 learners at 54 schools in Tugela Ferry, Bhambatha, Ngubevu, Pomeroy and Keates Drift education wards received meals. In the 2006/07 financial year, it increased significantly so that 28 564 children at 96 schools were included in the feeding scheme. The schools also received cooking utensils last year.

True to our commitment to provide opportunities for the local communities to earn a living, the department increased the number of local contractors in the scheme from 53 in 2005/06 to 96 in 2006/07. The number of service providers increased from 19 to 36 service providers, and one co-operative for women is operating in the area.

Mobile Library

In the report there is a beautiful picture of a mobile library. A report by the KwaZulu-Natal Department of Education in 2003 indicated that 77% of schools had no libraries. Reading is the most important skill, without any doubt, a learner must master to acquire other skills. That is the starting point. If you cannot read, you cannot do anything else. Even a rocket scientist must be able to read well. A child who is not exposed to books cannot be expected to read well. Besides building libraries at new and existing schools, the department also uses mobile libraries to reach schools in rural areas. A mobile library has been allocated to the Msinga Circuit recently.

Msinga Campus (Umgungundlovu FET College)

Our nine Further Education and Training Colleges and their 74 delivery sites are the best kept secret, and they have delivered one success story after the other. I have reported on this to this House on a number of occasions. FET colleges have been designed to address the education needs of both our out-of-school youth and adults. They are open to learners after leaving school at the end of grade 9, and cater for adults of any age. We can also go – all of us! Some courses are as short as a few weeks. Others span over years.

These former technical colleges have tremendous potential to fight poverty in KwaZulu-Natal as their strength lies in their responsiveness to the market. Each college has a

dedicated researcher, as well as a marketer to ensure that delivery sites offer relevant courses in the area they serve.

Taking education to the people cannot be just a slogan. This is exactly why we opened the Msinga Campus in Msinga, a delivery site close to the people who need it. The campus is one of the many delivery sites of the Umgungundlovu FET College. It started in 2004 when we opened it on the premises of the Msinga High School, offering computer programmes, public administration and office practice. The campus has a well-equipped computer laboratory with two full-time lecturers. Should the numbers grow, more courses will be offered. I want to repeat this. I repeated this at Msinga, as well. I said we are disappointed that not more students are attending. We cannot extend our menu of courses unless we have students who will make it viable for us to employ the lecturers. So we really appeal to the people to attend the classes. Should the numbers grow, more courses will be offered. To encourage students to enrol, they get a 50% discount on their courses. Obviously, we know that that area is one of the poorest areas.

The campuses are Northdale, Msunduzi, City, Plessislaer, Edendale, Pietermaritzburg; Richmond; Bulwer; Msinga (currently established: Appelsbosch, Howick, Mooi River).

Adult Basic Education and Training

It is no coincidence that the department has 90 ABET centres and 61 Masifundisane centres in Msinga. The areas has a very high illiteracy level which research has shown has a direct link to poverty. Our ABET component provides tuition to adults who want to follow the formal route of education, i.e. obtaining a matric certificate.

Masifundisane is an exciting joint venture with the Office of the Premier which offers an informal route to education. It offers basic reading, writing and counting, and 1220 people in Msinga have already registered since the launch of the programme last year. We are happy about that. We obviously will want those numbers to grow.

Education Centres

Education centres have been introduced to assist educators and communities in rural areas. A small centre based in Tugela Ferry assists with the offering of computer courses and the training of teacher librarians by the University of KwaZulu-Natal. We really have taken the university to the people. The centre will be expanded in this

financial year with the addition of more rooms and services.

Two school-based communication centres at Mhlangana Primary and Inyonyezwe Primary, respectively, assist neighbouring schools to fax, photocopy and courier documents.

Information Communication Technology

A 2003 report by the KwaZulu-Natal Department of Education found that 75% of schools in the province had no computers. In 2006 the department ensured that 50% of our schools received at least one compute for administrative functions. A further 900 computers were provided for school administration purposes, and about 100 new computer laboratories, consisting of 20 computers each, had been established. Some 800 FET educators received accredited International Computer Drivers Licenses, and for the first time the department has also trained school management teams (3 100 educators) to use computers. You can get a driver's license for computers. I never knew that, but it is true!

In Msinga itself 26 schools received computers last year, and 76 educators were trained on how to use computers. Computer laboratories have been built and fully equipped at Fundokuhle Secondary School and Mhlumba Primary School.

Training for Parents, Learners and Educators

Sixty two teachers have been workshopped extensively on HIV/Aids life skills. Some 130 educators received training on care and support for children affected by and infected with HIV/Aids. Sixty of these educators were from Msinga Circuit.

All Umzinyathi school governing body chairpersons attended an information session on services rendered by the department. All chairpersons were trained on their roles and responsibilities.

A career expo by the Msinga and Umvoti Circuits was attended by 1 482 learners, 51 educators and 15 exhibitors at Greytown High School.

Youth leaders from high schools in Msinga were inaugurated as Representatives of Council of Learners.

Co-curricular Programmes

Participation in sports and cultural activities is very important for the development of our children. It stimulates their minds, bodies and souls, and it keeps them out of mischief. They also get valuable lessons in co-ordinated teamwork and people skills.

We encourage schools to participate in these activities. Out of 81 schools that participated in the senior phase choral music competition, seven schools from Msinga managed to proceed from district level to the next level. We congratulate them.

In the school sports mass participation programme – a joint venture between ourselves and the Department of Sports and Recreation – 18 schools from Ngubevu ward (10 primary and eight secondary) have benefited. Job opportunities for 18 sports assistants have been provided. Athletes from 47 schools in Msinga have participated in the 2007 Organised Schools Athletics, while schools also play netball, soccer, volleyball and participate in drum majorette activities, while scouting and girl guiding are currently being introduced in Msinga.

Msinga is one of the most beautiful places with its rugged, unspoilt landscape. I love it. However, while its people may enjoy the beauty of the environment, they also deserve to excel in our democracy. The KwaZulu-Natal Department of Education is ready to excel in Msinga. I thank you, Mr Speaker.

THE DEPUTY SPEAKER: I thank the hon MEC for the report that she has presented to this House.

8.2 Debate on the Arts, Culture and Tourism Report tabled by the MEC during the “Taking the Legislature to the People” sitting held at uMzinyathi

MRS L R MBUYAZI (IFP): Angithokoze Somlomo, ngiyathokoza. Kuyiqiniso elingephikwe ukuthi uMnyango Wezobuciko, Amasiko Nezokuvakasha yiwona Mnyango obhekele ukuba lesi siFundazwe sakithi sibe nentuthuko. Futhi kuyiqiniso ukuthi lo Mnyango yiwona omusha kunayo yonke kulesi siFundazwe njengoba lo hulumeni ephethe. Futhi kuyiqiniso ukuthi isabelo sezimali sincane kunayo yonke.

Ngakho-ke sizogqugquzela ukuba kube khona ukuthi kube khona okwenezelwayo kulo

mnyango. Mhlonishwa Somlomo, i-IFP iyeseke izinhlelo zokukhulisa umnotho. Ngifisa ukuzwakalisa ukuyishayela ihlombe imizamo yomnyango yokwenza ngcono impilo yabantu abadala nabancane nabakhubazekelie njengoba umhlonishwa uNgqongqoshe ebekile laphaya kwiphalamende elalihleli eMsinga. Kube khona nenkulumo ayibekileyo egqugquzela ekutheni kukhona ukuqeqeshwa kwabancane nabadala nabakhubazekile ekwenzeni izinto. Lokho futhi sikushayela ihlombe mhlonishwa.

Wase ubeka nodaba lokuthi kuzofunakala kube khona izindlela zokugcina amasiko ngendlela yemisebenzi yezandla, nangomculo wesintu, nezicathamiya. Ngifisa ukuphakamisa, kuke kwaba khona inkulumo evelileyo laphaya ngeSonto ngenkathi uMthiya ebambe loluya hlelo. Kwakhona umuntu othile oshaye ucingo wakhalaza ngokuthi baye benze ama-demo, kuma-demo laphaya akazi ukuthi athukuswa kuphi, lezi zinto abasuke benze ngazo ama-demo bese begcina bengaveli bacashiswe, bacasha laphaya bangaveleli ekusebenzeni kwabo. Ngakho-ke kusho ukuthi kukhona abathile abahlala phezu kwemisebenzi yabantu, yilokho-ke mhlonishwa esizocela ukuthi akutatulule laphayana kulama-demo agcina bawenza abantu babuye baphinde nangonyaka olandelayo bayowenza kodwa lo msebenzi wabo ungayi ndawo ngoba kukhona abantu abathile abahlala phezu kwemisebenzi yabantu.

Engathi manje mhlonishwa, kungathi uma kuyiwa kulezi ndawo-ke, ngiyezwa ikakhulu ubukhuluma ngoMsinga kodwa sona lesiya siFunda saseMzinyathi sinezindawo eziningi njengoba zibalwa njena oMvoti nobani-nobani nakuzo zonke-ke ezinye iziFunda. Bekuyoba kuhle mhlonishwa mhlawumbe kube khona indlela yokuthi ake kuyiwe manjena ke kube khona imincintiswano yale miculo ukuze bavele la bantu. Kukhona abantu abakade baqala ukusebenza lezi zicathamiya kodwa abaveli ndawo. Ngisalukhuluma nje lolu daba, ngiyafisa ukuthi impela engathi singake senze ukuthi kuzo zonke iziFundazwe zakithi, ake kuvele sithole lawa makhono alaphaya, ebese eqoshwa ngokusemthethweni ukuze nabo phela badle. Siyaqala nje ukuba namhlanjena sekukhona oShwi Nomnt'ekhala, besiqala ukuba abantu bakithi bevelele, yebo siyawazi Amambazo. Ngisaphatha Amambazo nje, ngifisa ukudlulisa ukuthi engathi singaba nendlela yokuba sifisele umholi wawo esizwile ukuthi uyadunguzela, aqhubekele phambili kube khona ubungcono.

Mhlonishwa-ke ngoba kulolu daba ziningana izindaba ezithintiweyo, ngiyafisa baba ukuthi mhlonishwa Somlomo ke ngibeke laphaya maqondana noMtapo wezincwadi,

njengoba uNgqongqoshe ephawula, kumqoka kakhulu ukusabalalisa izikhungo zoMtapowe zincwadi. Izingane zakithi ezinye azazi ukuthi kukhona izincwadi nje umuntu ake afike aye khona kayofunda endaweni ethile. Engathi lezo zinto mhlonishwa ungaqikelela impela ukuthi zibe khona njengoba sizwile laphayana ukuthi usuqalile kulesi siFundazwe. UMnyango ozama konke okusemandleni awo njengoba sikuzwile umhlonishwa ekubeka. Okunye-ke mhlonishwa yile mikhankaso yokuhlunyeleliswa kwezimilo, nalapho kuyinto ebalulekileyo Ngqongqoshe ukuba uqhubeke nayo. Sikushayela ihlombe futhi lokho ngoba kubalulekiel ukuba nanxa sisizonda isono kodwa futhi ukuba sibone ukuthi umenzi wesono uyahlunyeleliswa isimilo sakhe ngoba mhlawumbe siyasinaka isono kodwa singakunaki ukuthi uhlunyeleliswa kanjani lo owumenzi wesono. Mhlonishwa lolu daba lusenzelisiyweni yethu njengo-IFP futhi yilo olunokunquma ukuthi siyophumelela kanjani. Futhi lento idinga isivunguvungu sokuguqula, esinomfutho okumele sigubuzele izwe lonke. Somlomo kuyiqiniso ukuthi kunabahloniswa abakithi lapha abakhula enhluphekweni, hhayi ukuthi izimilo zenziwa kakhulu ngoba sekuthiwa zenziwa yindlala, kukhona abahlonishwa bakithi esibahloniphayo, singekhohlwe ukubala abahlonishwa abanjengoMntwana wakwaPhindangene, abahlonishwa abanjengoSobukwe, obaba u-Alpheus Zulu. Bangingi bonke abaholi bazalwe enhluphekweni ethile kepha laba baholi abasilahlanga isimilo bakwazi ukuthi baqhubeke nezimilo zabo bakhe isizwe ngalokho. Ngakho-ke ukuthi yingoba abantu behlupheka okwenza ukuthi zizimilo zilahleke, ngithi asizukuhambisana ngoba bonke ... [Time expired.]

MR G M SITHOLE (ANC): Ngiyabonga baba umhlonishwa Phini likaSomlomo. Engithanda ukugxila kukho enkulumweni yami ukubonga uNgqongqoshe emizameni yakhe yokwakha umsebenzi wakhe ongaqhelekile ukuthi usize abantu abangahlangane kwabona. Ziyingcosana izinhlango zabantu bezobuciko ezibumbene futhi zithi uma zingqongqoza emnyangweni zibe ziyimbumba. Okubonakalayo njalo ukuthi abantu abenza umsebenzi wobuciko bazizamela ngabanye ngabanye ukuzisuthisa ngokwabo. Lo mkhuba udala ukuthi umnyango ungakwazi ukuhlaziya ukuthi inkinga yezobuciko ingakanani.

Lokho kuphinda futhi kudale ukuthi umnyango wehluleke ukuhlela ukuthi uzozima kanjani izinsiza eziyizidingo zomphakathi owenza umsebenzi wobuciko, ikakhulukazi ngesabiwomali somnyango esiyincikinciki.

Okunye engingathanda ukukubiza njengezinsalelo zethu thina esakhele lesi sifundazwe yisimo, okokuqala, sokukhulisa izivakashi zomhlaba ezweni lethu. Okwesibili, ukufundisa izingane zethu imvelaphi yazo. Okwesithathu, ukugqamisa amasiko ethu akhelwe phezu kobuntu. Okwesine, ukuhlupheka kwethu okwadala ikakhulukazi izifikanamthwalo kuleli zwe leli, baba Maphalala. Okwesihlanu, ubuqhawe bethu obabakhelwe phezu kobukhosi bethu njengezizwe zokuqala kule ndawo esiyakhele. Okokugcina, ukuphakamisa ubugugu bobukhosi bethu ngaphandle kokwehlisa ukubaluleka kwendlela entsha yokwazisa intando yeningi.

Ezinyangeni ezimbalwa uNgqongqoshe uThusi ethathe izintambo zomnyango, wakhe amathuba emisebenzi uhulumeni angayeseka. Usehambe waze wayofika eNquthu naseNdumeni. Sesizwile singetshe ukuthi eMvoti naseMsinga uyaya. Inselelo kodwa efuna siyibhekisise ukuphelelisa ubuntu nobuzwe bethu nokuziqqaja ngesiyikho. Zolo lokhu, ithimba lezempando belivakashele phesheya. Abantu bakhona basigiyele ngemilando nangamagugu namaqhawe abo. Sibuye sibhocobele ngendlala esiyibona ibhokile kwelakithi kodwa sibe sinone kangaka ngomlando ngamagugu nobuqhawe bethu.

Uma nje uthi uya kwaDukuza, uthola ikhanda elingaphansi kwelami kuthiwe elenkosi uShaka. Akusona isithombe esingangesithunzi senkosi uShaka. Ikhanjana nje elingangenqindi yami. IBhuyafu esiyaziwa nge-Bluff manje kwakuyindawo yakwaLuthuli kodwa abelungu babakhipha. Angazi ukuthi abakwaLuthuli sebehlalaphi manje. Izwe lakwaCele ladliwa yisibhicongo selokishi laseMlazi. Abelungu abasafisi ukuvakashela eMlazi ngoba kunamasela ezimoto nazo zonke lezi zinto, manje asitholi mali laphaya eMlazi.

Idlinza lobukhosi bakwaMthethwa alivakashelwa yize bakhulisa iNkosi uShaka. Angaphika ubaba uMthethwa uma ethanda. UNdunankulu wethu uNdebele akazi ukuthi kukuphi nezwe kwaBulawayo. Akukho sivakashi esazi umlando wethu esingakwazi ukuyositshengisa amadlinza enduna uMadondo, induna uNdlela, induna uNozishada kaMaqhoboza. Akukho muntu esingamtshengisa uMzila kaMzilikazi nenkosi yesifazane umbekamakhosi okwakuthiwa uMkabayi. Abanye bethu abalazi indlinza layo. Indawo lapho iNguce eyaphelela khona ngeklwa ayaziwa muntu.

Mhlawumbe uNgqongqoshe uThusi kufanele, ngemvume yami, azisondeze kuSolwazi

uMaphalala noGcwabe futhi azisondeze kuyena ngoba uzomnikeza imali khona la magugu ethu ezokwazi ukuthi azeke. Sengizoziphoxa-ke kwabangakithi ngapha. Ngizothi kade ngiphuma eNgwavuma lapho bengiqala ngqa ukubona idlinza lenkosi uDingane. Ngiyazi-ke ngizothethiswa ngapha ngakithi kodwa, lelo dlinza lakhiwa uMntwana uShenge. Lelo dlinza bayaya abantu kulona. Sengithi angizincame noma ngingazi ukuthi ngiyophelelaphi kodwa iqiniso elikhulu – ngeke ngiye lapho [uhleko.] - ukuthi amaSwazi ayefuna ukuthatha indawo yethu singamaZulu. UMntwana uShenge wenqaba.

REV A H MBATHA (Chairperson of Portfolio Committee on Arts, Culture and Tourism): Ngiyabonga kakhulu Somlomo futhi ngibonga Somlomo ukuthi ngithole ithuba lokukhuluma emva kokuba sekukhulume izikhulumi ezinekhono elihle kangaka njengamalungu eNdlu asebekile. Ngithanda ukubonga kakhulu kuNgqongqoshe walo Mnyango ngomsebenzi awenzayo kanye nomsebenzi awenza noMnyango wakhe.

However, I wish to address an issue that was raised by the public and which has also been raised by the speaker before me, the hon Mbuyazi, on *uKhozi FM* over the weekend. It seems that we have not been able to make an impact on the most contentious matter of our music artists. I know the hon MEC for Finance and Economic Development has allocated funds towards the building of a studio in this Province so that we can begin to address some of the frustrations of our creative people.

We find ourselves with the biggest public service radio station in the country, situated here in Durban. It has more than six million listeners. There is an outcry from our emerging artists that their music is not getting a fair share from public radio and public television. This situation requires a closer look by the Legislature. If an artist is not exposed through public media, there is no alternative for that person. At present only radio and television are public. The rest is commercial.

If an artist, particularly an emerging artist, is precluded from the exposure of public radio and public television, that person is doomed to oblivion. There is no other alternative that an ordinary, emerging artist can ever have if that person is precluded from exposure by radio or television.

Now and again we get media reports alleging payola and nepotism in these two areas, that is, public radio and public television. Whether those allegations are true or false, the

fact of the matter is that, unless this House proves to ordinary artists that it represents their interests at these two stations, people are not going to believe us when we say we are acting in their interests.

We determine the success of our music artists within the boundaries of this Province. We determine whether they are going to emerge and grow, or whether they are destined for oblivion by refusing them any chance of success by keeping quiet when we are supposed to represent their interests.

I now come to the matter of creating writers in our Province. There are many mysterious activities that we do not understand when it comes to the purchasing of scripts for dramas. If I were to ask the hon MEC about that, I would actually be meaning to embarrass her, because she may not have the answers to this. My request is that this House and the MEC's department should find a way of getting answers about the criteria. Is it thematic? Is it because of a particular writer's experience? We would like to know if a person has a creative talent for writing drama. If so, at which point will that person be exposed to radio and television?

In conclusion, I want to address myself to ICASA. I know this matter belongs to the national Department of Communications, but I have often wondered how this House interfaces with or influences what ICASA decides on with regard to music quotas for local content. I am forever amazed at the fact that, while most of our radio stations are supposed to carry the interests of our culture, they always seem to have a very low quota of local music content. Most of them sound just like American music stations. When it comes to music genres like *umaskandi* or *isicathamiya*, as was said earlier, or classical music which still controls a huge chunk of listenership amongst people even in this House ... Apologies to the hon Khuzwayo who refuses to eat unless he listens to classical music! [Laughter.] Except for *umaskandi*, these other two genres are dying. You will not hear them. Instead, when you switch your television set on, you will see everything except that which epitomises our culture in this province.

Onke amazwe Hounorable MEC, ubheka amathelevishini awo ubone ukuthi abantu bakhona baphila kanjani kodwa-ke akunjalo lapha kithi. [Time expired]

THE DEPUTY SPEAKER: Our next member to deliberate is the hon Rajbansi, but I do not see him in the House. We therefore proceed to the next speaker on the Speakers

List who is the hon Mrs Downs.

MRS J M DOWNS (ACDP): Mr Speaker, I find myself in complete agreement with the hon Rev Mbatha, which is somewhat unusual these days. Having said that, I think the hon MEC's report is a good start. It just shows the way in which we misuse our potential. I had no idea that we had a hot springs in KwaZulu-Natal! It is one of the things that we could capitalise on. I think we can also get involved in the beauty industry. It is a niche tourism market. For example, some doctors in Gauteng - and it is something that we should be looking at - are doing what is termed "surgery safaris". People come to South Africa to have facelifts and cosmetic surgery, because it is very, very cheap compared to procedures in Europe and America, and we have First World hospital facilities. Woman - and men, I may add - are now combining surgery with tourism. In this province we have spas and hot springs, so it is something we could really capitalise on.

Secondly, our people have amazing abilities in the area of crafting. However, they do need to have some artistic development. There are some places that have initiatives in place, such as the BAT Centre. Some things that have been distributed in this House, such as little wire baskets, for example, are absolutely exquisite. However, they are not generally available in the craft centres. I believe some craft centres sell Zimbabwean and Mozambican craft items instead of our own crafts. The crafts all seem very similar, and we should therefore encourage our own people to develop their skills. I believe that kind of training is something that can be done to great effect by this department.

There is such an art development at the old prison here in Pietermaritzburg. There are people who go to the prison to teach prisoners how to make artistic items from waste that comes from the rubbish dump. They made CD cases out of papier maché. It may sound tacky, but they are absolutely fantastic! They really are amazing!

Batik work is expensive and difficult. It is something they do in Tanzania. When the hon MEC and I travelled to Tanzania, we bought a lot of batik work. However, instead of using wax, our artists can use flour and water. There is so much that we could be teaching our crafters that we are missing. I believe this department has a crucial role to play in that.

I am asking the hon MEC to cast her mind back to our trip to Tanzania. The rings, the bone work and other crafts we saw were awesome. With the right training we in

KwaZulu-Natal could do even better. This would provide a livelihood for people who are really battling to make ends meet. Thank you, Mr Speaker.

THE DEPUTY SPEAKER: Hon member, we thank you for saving some time. Our next speaker to deliberate is hon Khuzwayo.

MR D N KHUZWAYO (ANC): Mangibonge Bab' uSomlomo neNdlu ehloniphekile. Mhlawumbe umuntu akaqale lapha nje; impela ubaba uMfundisi umhlonishwa uMbatha uqinisile ukuthi le nto okuthiwa umculo ngiyazifela ngayo, kangangoba ngiyacabanga nje uma ngibuka lapha eNdlini abahlonishwa, ngibone ukuthi ngingavusa ikwaya evuthayo bhe. Hhayi-ke, mina ngiyokhondaktha nje baba. Cha, asidlule lapho.

Angiqale lapha ngaphambi kwenkulumo-mpikiswano ngombiko kamhlonishwa uNgqongqoshe. Isisho sesizulu sithi: "Umuntu ubongwa esefile." Kodwa namhlanje ngithi angibonge umhlonishwa uNdunankulu uDokotela uSbu Ndebele esaphila ngokuhlukanisa uMnyango Wezobuciko Namasiko kowezeMfundo. Somlomo baba, mina njengomuntu owakhulela ezindaweni zasemakhaya, iMinyango ebesiyazi bekuyiminyango yezoLimo nowezeMfundo obowusondele kakhulu kithina. Umuntu omnyama ubezoyazelaphi iminyango yo-*Arts, Culture and Tourism*? Konke lokhu kungenxa yomhlonishwa uNgqongqoshe, umam' uThusi, nezintombi nezinsizwa - abathathe uMnyango bawusa le emakhaya. Phela yingakho namhlanje sikhuluma ngombiko wesifunda saseMzinyathi. Umhlonishwa uNgqongqoshe umama uThusi uwethulile umbiko eMsinga kusiFunda saseMzinyathi. Angingabazi ukuthi umphakathi wesifunda ujabulile ngombiko wentuthuko endaweni yawo. Okungihlabe umxhwele: ukubhekelela kakhulu omama, intsha nabakhubazekile.

Siyazi ukuthi lo Mnyango unesabelo esincane kuneminye iminyango kodwa, kuyamangaza ukuthi kunezinkulungwane ezingamashumi ayisithupha nane zamaRandi umnyango osezuzisebenzisile ukulekelela. Somlomo baba, umbiko kamhlonishwa uNgqongqoshe uma ngabe uhlanganisa ezobuCiko namaSiko, izigidigidi zamaRandi ezibhekelele isifunda saseMzinyathi. Sithi, halala Mzinyathi halala! Yafika intuthuko iholwa inqola emasondosondo, u-ANC.

Somlomo neNdlu yakho ehloniphekile, kwakuyiphupho ukuthi ungabona umtapo wolwazi emakhaya, ongabiza izigidigidi zamaRandi. Mina sengikubonile lokho - isifunda saseSisonke endaweni yaseBhulwa. Ekuhlunyelisweni kwezimilo, siyawubona

uMnyango ungena emajele njengoba umbiko ubeke kwacaca ukuthi laphaya ejele lase-Glencoe, iziboshwa zizoba yingxeny e yokuhlunyeleliswa kwezimilo. Umbiko kaNgqongqoshe uThusi unamazwi engizowacaphuna athi, “kubalulekile ukusho ukuthi lo Mnyango awuvele nje ukhiphe imali bese ukhohlwa njalo. Siyalandelela ukuqinisekisa ukuthi abantu benza lokho abathembisa ukuthi bazokwenza. Ngakho, uma nicabanga ukuthi nizoza kithi nizocela usizo bese ninyamalala nemali – khohlwani, ngoba sizonilandela sibuyisele imali bese sinigquma ejele.” Thina njengekomidi, la mazwi asijabulisile ngoba kusobala ukuthi izimali zizolandeleka kahle.

Baba Somlomo, ekugcineni engizokusho kunye, ukuthi; “Masisukume sakhe KwaZulu-Natali.” Ngiyabonga.

THE DEPUTY SPEAKER: Hon Khuzwayo, thank you for your contribution. The next member to deliberate is the hon B J Msomi. I do not see him in the House, so I now call upon the hon G Mari from the DA. He will speak for seven minutes.

MR G MARI (DA): Thank you, hon Speaker. I must say at the outset that I was not present at uMzinyathi, as I was in Mexico with the Portfolio Committee on Arts, Culture and Tourism. I want to thank the hon MEC for her report which I perused as soon as I received it.

The people of uMzinyathi must be pleased with the allocation of R1 million for projects in the area. I am particularly pleased with the support given to crafters in the Msinga and Tugela areas. The Department of Arts and Culture plays a significant role in generating income for communities, especially women and the disabled. This assists in the alleviation of poverty to a small degree.

As I have said, I have just come back from a study tour in Mexico where we looked at the role of arts and culture in creating employment in communities. One person in charge of an organisation called FONART made a very significant comment which stuck in my mind, because it related to advice given by parents to their children. They tell their children if they want to remain poor, they must stick to arts and crafts. In Mexico they call them artisans. However, on the other hand, parents advise their children that if they want to be rich and successful, they should get involved in professional and technical fields. Now, this is a very significant statement that they are making, because local communities in the rural areas in Mexico are very poor. They rely solely on the

marketing of arts and crafts to earn an income.

For many centuries the parents of these children were artisans who were involved in manufacturing arts and crafts. However, there was no market for the arts and crafts as the locals were not purchasing the products. This institution called FONART was formed by the government to find a market for these crafts. They are given a grant with which to buy their own raw materials. The crafters and artisans then manufacture their products and sell them to this institution. This institution then markets the products nationally and internationally, because the quality of the crafts is such that they are easily marketed.

FONART also provides skills training, equipment and machinery in order to increase production. In other words, if they get an order for a thousand items from overseas, they assist the crafter in manufacturing a thousand products.

We also need to look at institutions that will promote our artists and that will find markets for these craft items, rather than have our crafters stand next to the roadside to display their arts and crafts. They have to rely on passing motorists or tourists to stop and buy their wares. This does not really work for them. They sit for many, many days and weeks with the same arts and crafts at the side of the road.

HON MEMBERS: Hear, hear!

MR G MARI (DA): I also wish to comment on the acting and film-making industry. This industry must be encouraged to grow locally. We have some of the best programmes on television today. Let us not immediately run overseas and use overseas companies. There is enough talent available in South Africa and we could use these talented people. Let us use local actors and film-makers in order to give back to the communities. Organisations that are similar to FONART can play a significant role in promoting acting and other organisations that are involved in film-making.

Lack of access to information is a common complaint from communities, and the construction of a library in Tugela Ferry is welcome. However, libraries should not only be a place where books are borrowed, read and returned. Libraries should be centres of excellence where computers are installed with Internet facilities for use by the communities. It should incorporate bookstores, coffee shops and other facilities that would make them sustainable. This is a concept that we also saw overseas. All

universities and museums have such facilities.

The committee also noticed craft shops in libraries and museums where local people were given an opportunity to display their wares. There are little shops in museums and at universities where artisans make available their crafts for sale to tourists who visit these institutions.

The rate of unemployment in rural areas is also a matter of concern. The promotion of tourism in rural areas must increase to create jobs in the local community. The department's investment of R6,6 million must be used to train and skill the youth and women in tourism promotion, since this would create sustainable jobs. The potential is there. We just have to harness it.

KZN has become the number one tourist destination in South Africa, and I agree that we must not lose this title. The Provincial Tourism Committee must move to promote our rural areas – and not only the cities - as destinations for tourists.

I agree with the hon Rev Mbatha that emerging artists, especially singers, composers and other people who are involved in the music industry, are not being given airtime on our airwaves. Where else can they go to be heard and recognised? There is no other place where they can go and be recognised, apart from standing on street corners, singing and playing the guitar.

There have been calls for quotas to be introduced for local artists and local content on our airwaves. This must be pursued vigorously. The excuse given by radio stations for not playing local content on radio is that the quality is not of a high enough standard. This must not be accepted. This trend is across most radio stations. Radio Lotus is one station that is often criticised on the airwaves for its lack of promoting local content. I thank you, Mr Speaker.

THE DEPUTY SPEAKER: The next member to deliberate is the hon R Maharaj, for seven minutes.

MR R MAHARAJ (ANC): Mr Speaker, at the outset I want to state that since the hon Mrs Thusi took over as MEC for Art, Culture and Tourism, there has been tremendous progress. The hard work by our MEC and her officials is highly appreciated.

However, it must be recognised that there is always room for improvement in whatever we do. This is a reality. Positive and constructive criticism and support are always necessary. Arts, Culture and Tourism can and must become a major force for job creation, poverty alleviation and nation building. Much work has been done in this area, but much more needs to be done.

I want to look ahead to 2010. All South Africans are looking forward to our country hosting the 2010 Soccer World Cup tournament. As loyal South Africans, we must all ensure that this historic event is a spectacular success. The year 2010 is also of historical significance for us, as it marks the 150th year of the arrival of Indians in South Africa. They came here to work in the sugar cane plantations of KwaZulu-Natal.

In spite of numerous Draconian laws enforced during the repressive colonial and apartheid regimes, Indians have made phenomenal progress from plantation to parliament. As an integral and proud part of South Africa and the South African nation, the Indian community has made a sterling contribution to the development and prosperity of KwaZulu-Natal in particular, and South Africa in general, in all spheres of human endeavour through untold sacrifices and struggles.

In the Indian diaspora, the largest concentration of Indians is resident in KwaZulu-Natal. I believe it is imperative that the KwaZulu-Natal Legislature takes the lead in ensuring the success of the celebrations commemorating the 150th year of the arrival of Indians in South Africa. Our Department of Arts, Culture and Tourism must provide the necessary resources and support, including funding. Massive outdoor events could be organised in areas such as Chatsworth, Phoenix and Northdale.

I further propose that participants come from all ethnic groups in South Africa. Let it be a collective South African effort and celebration. Patrick Ngcobo, a singer of the world class calibre, should be included in all programmes.

Furthermore, I want to call for the construction of a heritage centre which will reflect not only the history of Indians, but of all ethnic groups in a comprehensive and integrated manner. This centre, like the famous one in Singapore, could become a must-see tourist attraction.

Mr Speaker, if we want to preserve and promote culture in an efficient and effective

manner, we must focus on our youth. On this point I fully support the hon Mbatha. Our youth and our emerging talent certainly need greater exposure on our radio stations. I believe the time has come for a reasonable quota to be set for playing music by local artists on our radio stations.

I also believe that the time has come for a specialised youth programme facilitating mass participation by youth in cultural activities. School buildings, which remain largely unused or underutilised after formal school hours, can become hubs of community activities as is the case in a country such as Denmark.

I further propose the introduction of a Culture Day at schools. It would be appropriate to have such a day during Heritage Month or Heritage Week. On this Culture Day learners from diverse cultural origins can showcase their performing arts and hold exhibitions depicting their heritage. All our schools are healthily integrated, but to bring our youth together like sport has done, we need a Culture Day. On this day they can get together and share what they have. This would build respect for people of various cultural backgrounds.

This activity will not involve only school children, but also adults who belong to the school community. Such a type of activity, if initiated by schools, can enhance intercultural understanding, appreciation, goodwill and harmony. This will also add to one of our national assets which we call "cultural diversity." Unity in diversity is an ideal which we all strive for in South Africa. Let us use this human resource which we have in our schools, as this will then fan out to the greater community. It is this kind of multicultural activity that will lead to social cohesion, human solidarity and nation building in our beloved country, South Africa. Thank you.

INKOSI B N MDLETSHE (IFP): Somlomo, ngifisa ngiqala nje ukusho ukuthi ngenkathi le *report* yethulwa umuntu wayengekho la, ngisho okufanayo nokushiwo yilungu elihloniphekileyo uMnu. George Mari.

Somlomo, kunezinto ezinhle esizibonile kule *report* ezenziwa uMnyango kodwa iqiniso libuye lithi kukhona okunye okufanele sikulungise eMnyangweni. Ngiyafisa nje ukuphawula lapha Somlomo ngokuthi izindaba zama *Art Centres* zisemqoka kithina. Sekufanele manje sibuke indaba yemali le esihlale siyifaka laphayana e-Playhouse, ukuthi selokhu yaba khona i-Playhouse asikaze sizuze kabanzi thina bantu abamnyama

ngayo. Ukuqhubeka kwethu-ke sigxingxe inyumbakazi akusizi lokho. Bengibuka-ke ukuthi kuyoba yinto enhle lokhu okuqalwa umhlonishwa kulo Mnyango ukubuka ukuthi lama *Art Centres* ayanwebeka kuyo yonke indawo KwaZulu-Natali, ukunikeza ithuba abantu bethu ukuba babambe iqhaza ukukhombisa amakhono abo.

Kusemqoka futhi okwesibili ukuba namhlampe umuntu abuke ukuthi singedale yini ama-*festivals* athinta i-*Arts and Culture* la KwaZulu-Natali, okuzokwenza ukuba ke sibuke abantu abanamakhono ukuthi, bangobani, sibabhekelela kanjani. Okwesibili ngihambisana nalokhu okukade kushiwo ngumfowethu uGeorge Mari, okokuthi kufanele njengoba kukhona abantu abakhiqiza imikhiqizo yabo bayibeke emgwaqweni, sibe nendlela yokuyiqoqa le mikhiqizo, sikwazi ukubalekelela ekuyidayiseni ukuze bazuze ngayo, ekugcineni kosuku babone ukuthi imikhiqizo yabo inenzuzo kubona.

Sibalekele futhi okwesibili ukuthi kube khona umuntu wesithathu ongase athathe le mikhiqizo njengoba kwenzeka ngapha ngakithi, athathe le mikhiqizo ngemali ephansi ayidayise ngenkulu imali-le kuzuze yena ekugcineni kosuku. Uma ngase uMnyango ukucabange lokho ukuthi senze lezo zinto, sizokwazi ukusizakala. Bese ngibuyela ephuzwini elithintwe umhlonishwa ethinta i-*moral regeneration*. Mhlawumbe kufanele sivume manje ukuthi maningi amaphutha esawenzayo ngesikhathi sizabalaza, amanye awo okungukukhohlisa intsha ngezinto ezingafanele. Kufanele sivume manje ukuthi konakala, ikakhulukazi kunina eningaphesheya. Kuvumeni ukuthi konakala, bese nilungisa lawo maphutha-ke ngoba yiwona la maphutha enza intsha yethu iphume kulayini.

Okunye engifuna ukukuthinta Somlomo, yindaba ye-*tourism* – ayikho indawo e-South Africa engcono ukwedlula iKwaZulu-Natali - kodwa iqiniso ukuthi asiwenzile umsebenzi ofanele ukuba siyikhombise le ndawo njengendawo engazuza kangcono kwezokuvakasha. Njengoba kade besho ozakwethu, kade siphesheya, kwezinye zezinto esizibonile ukuthi iKwaZulu-Natali ikhishwa inyumbazane, ishaywa ngendololwane la e-South Africa, kufanele si-*engage* iKwaZulu-Natal Tourism Organisation ukuthi yenzeni ukukhombisa iKwaZulu-Natali emhlabeni. Kuncane uma ngingase ngithi akukho mhlambe kwesinye isikhathi, abakwenzayo ngeKwaZulu-Natali. Ngiye ngithi uma ngicabanga, ngingasho ngoba ngifuna ukuqinisa ubuZulu bami, kodwa uma ngicabanga ukuthi iyiphi indawo la e-South Afrika engadlula umnotho kwezokuvakasha KwaZulu-Natali?

Kusho ukuthi kukhona okufanele sizibuze khona mhlonishwa singene sithi shi ukuphakamisa leli fulegi lethu elihle kangaka. Ngibonile-ke ukhuluma nangeNgome, kuyasijabulisa lokho mhlonishwa ukuthi kube khona amaprojekthi ayilolu hlobo, kodwa ande phela abonakale kuyo yonke indawo KwaZulu-Natali. Akube khona isizinda sokubuka izindawo ezingase zingenise ezomnotho KwaZulu-Natali. Okunye esikubonile endaweni ephesheya ekade siye khona nathi singoMdletshe nje, sibone ukuthi awukwazi ukuhlukanisa *i-heritage ne-Arts and Culture ne-Tourism*, sakukhuluma-ke lokho ekomidini. Yila KwaZulu-Natali la kwehlukane khona singazi izizathu yiziphi, kodwa iqembu elibusayo kufanele luvuke manje libone iqiniso lalezi zinto esikhuluma ngazo. Ngeke uthathe okunye ukufake lapha kwa-Premier i-Heritage okunye ukushiye lapha. Nithule ikhokhasi kakhongolose ayikhulumi ngani ngalezi zinto ilungise lesi simo lesi, ngoba awukwazi ukuzihlukanisa lezi zinto zombili, ngaphandle uma kukhona izizathu. Kuqala sasikhona isizathu ukuthi mhlambe uMnyango wawuphethwe uNarend Singh, kodwa asisekho manje isizathu ngoba uMnyango uphethwe uNgqongqoshe ka ANC- *why i-Heritage* ingathathwa ibuyiselwe kwa-*Arts and Culture* ngoba lezi zinto ziyahambelana ziyefana? Ake nikubuke nje ngoba kade ninenkomfa angazi le nkomfa ekade ninayo la kade nenza khona ama *policies* ukuthi nikubukile yini lokhu, ngaphandle kokubuka izindaba zokushintsha amagama kuphela, kushintshe amagama aseThekwini lapho ngizwe khona uMchunu, ilungu elihloniphekileyo uMchunu likhuluma lize libe ngaka umlomo, likhuluma ngokushintsha amagama eThekwini – alikhulumi ngalezi zinto ezingama *fundamentals*.

Ake nixoxe kwikhokhasi, nixoxe nakuNdunankulu ukuthi kungayinto enhle nxa *i-Heritage* ingabuyela kwa-*Arts, Culture and Tourism* – kungenza ukubumbana okungcono, kwenze umnotho ongcono la KwaZulu-Natali. Ukuze kusizakale izinto asizibuke ngamehlo afanele, asingazibuki ngokuthi uma ngenza ukuthi, ngiyobe ngiphakamisa udadewethu lona onguNgqongqoshe, cha asikubuke ngokuthi kufanele yini lokhu ukuba kube lapha kuloya mnyango, kuphathwe kuleya ndawo leyana ngoba kufanele ukuba kube kuleya ndawo leya. Sisiza uKhongolose-ke, siyanisiza bafowethu ukuba nizibuke lezi zinto ngeso elinjalo. Asixabene nani, thina asinandaba thina boMdletshe nani, thina beNkatha nje sizonitshela lapho niphambuka khona njengabantu bakithi abamnyama sinitshela indlela okuyiyonayona ukuze niyilandele. Yekani-ke ukuzikhukhumeza nibe bakhulu nibe ngango-*flour*, sengibongile Somlomo.

MRS W G THUSI (MEC for Arts, Culture and Tourism): Mr Speaker and hon

members, when I presented my report on 28 May, hon members of the portfolio committee were away on an international study tour. I am happy that they are here and that they are taking part in the debate today. I hope they got my report. In fact, I have just heard that they did get my report. They will have had an opportunity of going through the report. Chairperson, thank you for that. I hope they will be able to share with the department all the lessons they have learned in Mexico, so that we will be able to improve the lives of the people of this province.

I wish to express my gratitude to all hon members who took part in the debate, even Inkosi Mdletshe.

[Inkosi uMdletshe](#), at the end of his speech, [wabuya wenza lezi zinto zakhe. Kodwa-ke sesiyakwazi-ke Nkos' uMdletshe](#).

Thank you to all hon members.

Before I respond to the debate, I wish to introduce the newly appointed Head of Department, Mrs C M Khumalo, *uStella*. She was appointed on 1 June this year.

[Mam' uMbuyazi](#), thank you very much for your comments about funding. I always say the portfolio committee will assist us in making sure that we get more funds to run the department properly.

[Ama-demo mam' uMbuyazi enziwa ngama-private companies](#).

However, I am happy to report that the hon MEC for Finance and Economic Development has added R100 million, over and above what we have, to ensure that our artists are recorded and that their music is sold. This will enable them to benefit from the proceeds of the sales.

We have also organised an Arts Indaba from 26 to 27 July. We want to meet all the artists and we want to hear their concerns. We intend to go to districts and make sure that they meet and select their delegates through the conference, so that all the genres in the arts industry are represented at the conference. When we go to the districts for our *izimbizo* and meetings, we do use the local artists so that they benefit from the department. We do give them some money. We do not let them perform for nothing. We also request other departments to do the same. I know they already do that, but I wish to

emphasise this request.

There are some 170 libraries in the province, [mam' uMbuyazi](#). We are putting computers in our libraries so that students are able to use libraries and the internet for their studies. We also encourage students to use our libraries.

[Bab' uSithole](#) is not here. It is true that the artistic community is not organised at all. That is a problem. One finds that when one meets 10 different people in one day, they are all talking about the same thing. That is why we felt it is important for us to have an arts indaba so that they can start organising themselves. In that way we can address artists' concerns through their various organisations.

[Ubab' George](#) has also spoken about [i-history yethu](#). We have an archives unit in our department, and we do go out and collect oral history so that our history is kept in the archives and people are able to access it.

I cannot stress enough the importance of the tourism Industry. We have a provincial tourism committee that meets at least once in a quarter. We do invite all the districts to come to the meeting. There are representatives from the districts, because we want the districts to identify places which tourists would be attracted to. We try and work on those things and improve them.

[Bab' uMdletshe yilokho nje naw' obukhala ngakho](#).

I wish to thank the Chairperson of the Portfolio Committee, the hon Rev Mbatha, for his comments. I listened to him on the radio. He was very good. The comment about our artists being given airtime is very important. We are going to have a meeting with [ubab' uBhodloza Nzimande](#). I shall talk about that point when I meet with him.

What has been said about creative writers, writers of drama ... yes, that is true. We do not know what has happened, but I have been approached by some of these drama writers. We are going to meet. One of them has just written *i-Family Bonds* [evela ku-TV](#). We are going to have a meeting, and I think the Arts Indaba is going to assist us in making sure that these people are given an opportunity to showcase what they have.

I want to thank the hon Mrs Downs for her comments. Our tourism authority in KZN is also looking at medical tourism. I hope your idea of surgery safaris will also be included

in that.

We are also going to have a Crafts Indaba. We did not want to mix arts and crafts together. In July we will have the Arts Indaba. In August, because it is mostly women who are involved in craftwork, we are going to have the Crafts Indaba. I know you have a group of women that you work with, who do craft. We will invite them to the indaba. So we talk about these things and we inform them of the agencies that can assist them in making sure that they do produce quality work and how to sell their work.

[Bab' Khuzwayo](#), your comments are noted. [Ngiyabonga kakhulu](#) [Thank you very much].

I have already responded to the hon George Mari's concerns. We are working with the Department of Finance and Economic We shall definitely report to the portfolio committee on developments in the film industry. We also want to attract our artists back from Gauteng, which is where most of them are. We want to attract them back to the province so that they can develop other artists we have in the province.

I want to thank the hon Maharaj for informing us about the 150th anniversary of the arrival of Indians in the country. We will definitely work on that. In fact, our HOD has already started working on the idea of art centres. There is a cry about arts centres. My HOD has started working with the HOD of Education. I am not sure whether the MEC has been involved in this. We would like to ask for the use of schools after hours. We also wish to develop school-going children in the arts industry, after hours. Our HOD has started talking to the HOD of Education.

I now come to Inkosi Mdletshe who spoke about art centres. Yes, we also wish to have art centres in each local municipality. That is a long-term project. However, as I have just said, we will be talking to the Department of Education. We do not have money to build art centres in every area. We want to ask if we can at least use schools after hours. We need responsible people to do that.

We have also spoken to Ithala, because they say they do have buildings that are white elephants. They might give us those buildings and refurbish them for us to use as art centres. We are trying very hard to make sure that every area has an art centre.

We have started working together with the Playhouse Company, having programmes together. We will make sure that they reach out to every part of the province. They get

money from this department to work for the people in the province, and they have started doing that. When we go to *imbizos* or our meetings, we take them along. When hon [iNkos' uMdletshe](#) goes back home, he must encourage the people in his district to come to the provincial tourism committee meetings. It helps us if we know where the tourist attractions are. Please tell them to come, because many of them do not come to our meetings. They just send junior officials. We want people at the meetings who are able to make decisions.

In conclusion, I wish to thank everybody for contributing to this debate in a constructive manner [nawe Nkos' uMdletshe noma ekugcineni-ke ubus'uhambisa ngendlela yeNkatha. Ngiyabonga kakhulu.](#)

8.3 Debate on the KZN Elimination and Prevention of Re-emergence of Slums Bill

MR M MABUYAKHULU (MEC for Housing, Local Government and Traditional Affairs): Hon Speaker, hon colleagues and hon members of this august House, distinguished guests, ladies and gentlemen, it gives me and the Department of Housing great pleasure to introduce the KwaZulu-Natal Elimination and Prevention of Re-emergence of Slums Bill to this august House.

The cornerstone of our democracy, the Constitution of the Republic of South Africa, instructs us about the goal we need to work towards achieving with regard to housing. Firstly, it says that everyone has the right to have access to adequate housing. Secondly, it says the State must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right. Thirdly, it says no-one may be evicted from their home or have their home demolished without an order of court, made after considering all the relevant circumstances. No legislation may permit arbitrary evictions.

Today we present the KZN Elimination and Prevention of Re-emergence of Slums Bill to this august House. We have no doubt in our minds that the passing of this Bill into an Act will go a long way towards enabling us to carry out our mandate and the injunction given to ourselves, as the Department of Housing, by the supreme law of our country, the Constitution of the Republic of South Africa.

The issue of slums is a difficult and highly emotive one. While we may have our differences of approach in terms of how we can solve the challenge of the proliferation of slums, the people of KwaZulu-Natal are in agreement that slums and slum conditions are bad for our province and for our people.

Over and above being an eyesore to the casual observer, they depict poverty at its worst and are a physical expression of the gross inequality that still persists in our country. We believe no progressive individual or institution can argue with the fact that urgent and revolutionary action needs to be taken to address this challenge. If we successfully address the challenge of slums and slum conditions, we will have taken a gigantic leap towards attaining our goal of a non-racial, non-sexist, democratic and prosperous society. The Bill we present before this august House is a relevant weapon in the fight against the re-emergence of slums. It will help to speed up the process of improving the lives of our people through the provision of decent housing.

It has often been correctly argued that slums and slum conditions are a global challenge, and that even the most developed countries have struggled to come up with an answer to this problem. There are those who, after seeing this reality, seek to dissuade us from our objective of eliminating slums, because they argue that no country in the world has ever successfully dealt with this challenge. We believe this is a defeatist and a highly dangerous approach. The fact that no country in the world has ever comprehensively dealt with the problem of slums, does not mean that we in KwaZulu-Natal in particular, and the Republic of South Africa in general, cannot achieve this objective.

Motivational speaker and self-made entrepreneur, Nido Qubein, advises that:

When a goal matters enough to a person, that person will find a way to accomplish what at first seemed impossible.

The goal of preventing and eliminating the re-emergence of slums is a goal that matters enough to us in the Department of Housing. That is why we have come up with this Bill. We will achieve what may at first seem to be impossible.

We move from a premise that says slums are bad for our province, bad for our country and bad for our people.

It is for this reason that this province introduced a slums clearance programme in 2000

which has since been adopted nationally as one of the critical programmes of our housing delivery effort. When we did this, there were those who lamented the imminent death of the vibrancy that, according to them, characterised life in the slums. Today, seven years after we had introduced the slums clearance programme, the people of our province who had become victims of unscrupulous shack lords, are masters of their own destiny. They now enjoy living in safe and adequate houses. It is for this and other reasons that we cannot entertain those who mourn the death of vibrancy of life in the slums because, in glorifying slums, they are in essence glorifying poverty.

Our Constitution instructs us to “take reasonable legislative measures” to achieve the progressive realisation of the right of our people to adequate housing. This Bill represents a reasonable measure. It is also our considered response to the declaration of the AMCHUD [African Ministerial Conference on Housing and Urban Development] Conference, as well as the Johannesburg Summit on Sustainable Development.

What are the critical areas of this Bill? In essence this Bill is to progressively eliminate and prevent any re-emergence of new slums. In terms of this Bill, the progressive elimination and prevention of the re-emergence of slums is intended to operate alongside the sustainable housing development process embarked upon by the province in terms of the Housing Act, so as to ensure the replacement of slums with adequate housing.

This Bill seeks, amongst other things, to:

- Prohibit unlawful occupation of land or building without the the consent of the owner or person in charge thereof;
- Prohibit the provision of sub-standard accommodation to persons for financial benefit;
- Entitle municipalities to order unscrupulous landlords, who provide sub-standard accommodation to other persons for financial gain, to effect the necessary improvements or repairs thereto, failing which, to institute proceedings for the eviction of the occupants thereof; and
- Most importantly, make it obligatory for any owner or person in charge of vacant

land or buildings, to take reasonable steps to prevent the unlawful occupation of the land.

It is also important to note that the Bill does not contain any provisions for the eviction of persons from land or buildings, that is, should this become necessary. Instead it specifically provides that any eviction of persons pursuant to the provisions of the Bill must be carried out in accordance with the applicable provisions of the PIE [Prevention of Illegal Eviction] Act, the Constitution and other national legislation protecting the housing or occupation rights of people.

It must be said that this Bill is about preventing the re-emergence of slums. It is not about another Operation Murambatsvina. For us to achieve our goals of providing adequate housing by the year 2014 for all the people of South Africa, we must begin now, and we must begin by dealing with the issue of slums.

I want to refer to the words of a respected statesman who said, "The only limit to our realisation of tomorrow will be our doubts of today." We dream of a tomorrow where all of us can rightfully and proudly proclaim our citizenship. We dream of a tomorrow where unscrupulous shack lords do not take advantage of our people's despair. We dream of a tomorrow where children do not suffer from preventable diseases just because they live in unhealthy conditions. We dream of a tomorrow that is free of slums. This may sound impossible, but because we believe in this tomorrow, we have found a way to realise it. This Bill presents us with the rare opportunity to address a challenge that has plagued the world for a long time. Just as we pioneered the slum clearance programme, so we must take the second necessary step to eliminate slums.

Mr Speaker, I hereby introduce to this hallowed House the KwaZulu-Natal Elimination and Prevention of Re-emergence of Slums Bill for consideration and approval. I thank you, sir.

Mr T JEEBODH (Chairperson of Portfolio Committee on Housing): Mr Speaker, I am going to save the House a lot of time. My report is going to be much shorter than the MEC's introduction.

The Portfolio Committee on Housing met on 19 June 2007 to consider the KwaZulu-Natal Elimination and Prevention of Re-emergence of Slums Bill, 2006. The committee

agreed to support the Bill, subject to amendments effected in Annexure A which read as follows:

The committee recommended that the Bill be approved with amendments and agreed to it. The clean copy of the Bill is attached to this report.

We amended Clause 1 by changing the definition of “slum” to read as follows: a slum means an overcrowded or squalid land or buildings, occupied predominantly by the indigent or poor, without security of tenure and with poor or non-existent infrastructure or sanitation.

Under “Prohibition of Unlawful Occupation,” any person who contravenes sub-section 1 in relation to residential premises may be evicted from such land or building after following the procedures as set out in sections 4, 5 and 6 of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act.

We amended Clause 15 (1) to make it clear that to prevent unlawful occupation, an owner or person in charge of vacant land or buildings must within 12 months of the commencement of this act, take reasonable steps, which include, but are not limited to the erection of a perimeter fence around such vacant land or building, the posting of security personnel, or any other reasonable preventative measures to prevent the unlawful occupation of such vacant land or building.

The Portfolio Committee has held five public hearings, a record of which is with all members and the public. Four public hearings were very successful. The fifth one at Newcastle did not take place as nobody showed up.

I wish to place on record my sincere thanks to all the members of the Portfolio Committee on Housing who have attended the public hearings and who have made the interaction with the public such a success. I also want to thank all staff members, as well as officials from the Department of Housing and the Legislature for their efficiency in seeing to it that this process continued without any hindrance. Thank you, sir.

MR S V NAICKER (IFP): Mr Speaker, yes, as the hon Minister stated in his speech, this is a highly emotive issue. Housing is always an emotive issue, because we are attempting to address a state of affairs that has developed over hundreds of years. Nobody must believe that they have a panacea to the problems of slums clearance

overnight.

The need for this particular measure was important. We cannot implement this measure immediately. We cannot implement it overnight. That is not going to happen. If that is what people think, they have misunderstood. In most of these hearings we have established the human factor, the fact that people want homes. They do not care about any Act, pieces of legislation or even the functions of Parliament. All they want is a roof over their heads. That is what they want. We must therefore take into consideration the importance of the KZN Elimination and Prevention of the Re-emergence of Slums Bill, 2006. This Slums Bill is a product of the Housing Act, Act No 107 of 1997, which encourages provincial government to enact legislation to facilitate the objective of providing adequate and affordable housing.

Central to the Slums Act is to encourage interaction between, and support of provincial and local government. The hearings on this Bill that were held by the Portfolio Committee on Housing in many parts of the province revealed the need to expedite this Bill, and also to be in a state of total readiness to simultaneously provide housing as we attempt to resettle our people who live in informal settlements. Their situation is very sad, sir.

This Bill in itself cannot address this mammoth undertaking. It requires the support of various departments, such as Home Affairs, Public Works, Safety and Security, Environment Affairs, Land Affairs and even joint programmes by national and provincial structures, including Education. Allow me to give members a glimpse of the poverty in our province: Amajuba had 46,3%; eThekweni 35,5%; Inanda 61,8%; Ugu 62,5%, uMkhanya 71,8%, uMbumbulu 61,2% and Zululand districts 66%. This gives us a glimpse of the problem on the ground. This gives us a glimpse of the problem that is faced by the silent masses.

What is important is that this Bill should not be taken for granted or misconstrued. People in slums will not be given homes overnight. People have been on waiting list for many years. There will not be any interference.

Now let us look at the other aspect, namely evictions. We cannot move away from the Constitution. Section 26 of the Constitution makes it clear that people may not be evicted from their homes. Their homes may not be demolished without an order of the court,

made after considering all the relevant circumstances. No legislation may permit arbitrary eviction. There is this fear of eviction in the minds of people. They think they are going to be evicted overnight, without the option of alternative accommodation.

In a previous speech during the debate on the Housing budget, I emphasised the importance of inclusionary housing, where the middle-income group can be considered, leaving land again in other areas for the resettlement of these informal settlers.

In this programme of slums, urban renewal comes into the equation. There is another very important issue here, namely the undocumented asylum slums. I want to repeat this, sir ... the undocumented asylum slums. It is something that we have to take into consideration in the future planning of our province.

This is a measure that needs to be handled with the utmost sensitivity and with all the passion that it requires if we are not to compound the hardships of our people any further. What is more, it is questionable that our budget will be able to carry this load. However, it is a concept which asks of us, collectively, to handle it in helping to bring about a better quality of life for all.

At some stage, I would hope, the term "slums" will not be used. I hope we will find a better term for the word "slums". It is a reflection on us and, therefore, we should do everything humanly possible to bring about the dignity that our people deserve. I thank you, sir.

HON MEMBERS: Hear, hear.

Mr J H SLABBERT (ANC): Mr Speaker, after the very detailed and clear remarks by the MEC and the hon Chairperson of the Portfolio Committee on Housing, I do not think it is really necessary for me to debate this issue any further. Nevertheless, I will do that.

The first paragraph on p 2 of this Bill under debate says the following: "to provide for the progressive elimination of slums in the Province of KwaZulu-Natal; to provide for measures for the prevention of the re-emergence of slums; to provide for the upgrading and control of existing slums, and to provide for matters connected therewith". This Bill means just that and nothing else.

The only reason why this Bill came to light, I should think, is to improve the quality of life

of our poor people in this beautiful province. The Chairperson of the Portfolio Committee on Housing called for public hearings all over the province. I can say, without any hesitation, that there was wide consultation. However, I must say that in some places the turnout of the community was very poor and disappointing. Furthermore, despite the involvement of local authorities, they failed completely to attend the hearings on this Bill.

I want to emphasise the fact that you cannot remove anybody from a slum, unless you can offer him or her alternative accommodation in terms of the PIE [Prevention of Illegal Eviction] Act. This is where the local authorities come into the picture, and this will possibly come as a surprise to them because of their non-attendance of the public hearings.

I attended all the public hearings, but I must say that many of the oral submissions by members of the public at different venues had nothing to do with the actual provisions of the Bill. People's complaints and concerns ranged from general queries about shortages of housing to complaints about municipalities and their housing allocation programmes. It was very clear that there was a great factor of non-understanding about the purpose of the Bill. People were afraid that they would be removed without the option of alternative accommodation, possibly because of the word "elimination" in the title of the Bill.

The Portfolio Committee looked at various comments from various people. There was also input from some nameless people, which I did not take seriously. I do not look at anything if it is from a nameless person. There was also an input from senior council, which was a good contribution and which provided assistance to the portfolio committee.

This Bill was discussed backwards and forwards for at least three hours by the portfolio committee. Fortunately Mr Keys was not there, so the committee managed to get this Bill accepted unanimously! [Laughter] I thank you sir. I do not think I need to say anything else.

PROF J S MAPHALALA (NADECO): Ngiyabonga Somlomo. Kunemibuzo eminingi Somlomo okudingeka sibhekane nayo uma sibhekene nalolu daba ngoba lujule kakhulu. Owokuqala umbuzo uthi : "Yini edala izindawo eziyimijondolo? Yini zicindezele kakhulu abantu abangama-Afrika? Yini noma sekuwumxhaso kube yindawo abezinye izizwe abangeke bahlale kuyo? Zingaqedwa yini lezi zindawo eziyimijondolo?"

Umbuzo okufanele siwubuze wokuthi zingaqedwa yini-ke, okokuqala ziqondene nabantu bakithi abahluphekayo, abafayo abanjani kodwa zingaqedwa yini noma zingancishiswa yini? Singayixazulula yini inkinga yemijondolo ngokwakhela abantu izindlu zamahhala?” Ngenkathi sihlalanga nemiphakathi ehlala ezindaweni eziyimijondolo kwavela imibuzo eyethusayo emiphakathini esasiyihambela ethi: “Ngabe uhulumeni usazophinde abuye yini na ezobhekana nenkinga?” Bathi siyabonga ukuthi wasakhela izindlu zamahhala, kodwa manje njengoba zincane nje izingane zethu sezikhulile, sezineminyaka eyishumi nesishiyagalombili, neshumi nesishiyagalolunye, sezithombile – njengoba sezithombile izindlu zincane zizolala kuphi? Asisebenzi, asinamali, uhulumeni usazobuya yini? Siyabonga kodwa-ke manje nazi izingane.

Ngesikhathi sakhelwa kade zincane manje-ke sezithombile amagumbi mancane alezi zindlu esakhelwe zona. Kwabonakala-ke uma ulalele kahle ubalele laba bantu bakithi ukuthi. hhayi balindele ukuthi njengoba kwakhiwa mahhala nje kunompompi omkhulu wokwakha uphinde abuye uzobona ukuthi bangakhi asebethombile, uma usubatholile uphinde futhi uthole isiza uyokwakha. Yileyo into okufanele siyibheke.

Angisho ukuthi kubi ukwakhela abantu bakithi abadla imbuya ngothi mahhala kodwa lo “mahhala” usithatha ayosibeka ndawophi ngoba phela naba sebethombile, baswele ukuthi bazolalaphi. Kwakhulunywa kakhulu-ke ngesikhathi siKwaDukuza, bekhuluma impela abantu bethi siyajabula impela nafika kodwa-ke uhulumeni akayibheke leyo ndaba. Sihleli osizini, asisebenzi, sezikhulile izingane zindala. Ngiyazi-ke Ndiyema ukuthi umoya wakho Ngqongqoshe ulapha futhi unozwelo olukhulu lokuthi abantu bakithi bathole ukusizakala. Kodwa imibuzo lena okufanele siyibuze, ibuzakale ukuthi iyogcina kuphi. Bekungebe ngcono ukuthi u“mahhala” lo kufanele simbhokisise. Sike saya eNdiya okuyizwe elinezigidgidi zabantu, 1.3 *billion*, kodwa bama nje ekutheni ngeke sibakhele mahhala singamane sibize amabhange sihlale nawo phansi bese athi angakha bese bebona ukuthi-ke labo bantu ukuthi bazolungisa kanjani, ama-*developers* uma esebakhele bazokhokha kanjani, kodwa umahhala simbheke.

Kwakukuhle kona uma ngabe uhulumeni esafika enze usizo, kodwa umhlaba awunjalo, ngisho inyani iyayiphakela inyani ithi uma ikhula bese ibaleka yenzele ukuthi zizicingele, ngisho ibhubesi liyakhula bese libaleka uma selibona ukuthi uyakwazi ukuzibambela, manje-ke sikhuluma ngezilwane-ke lapha. Kangakanani thina esilapha usizi lusibhekile, uhlahlomali lukhulu, iziteleka zikhona phandle, abantu bakithi basalwa, njengoba

sikhuluma nje bayalwa, nathi sizwa ubuhlungu, imali ayikho eningi. Kufanele kube khona ucwaningo olukhulu lapho Ndiyema oluqondene nokuthi lo “mahhala” usengaqhubeka. Ngiyazi Ndiyema ungabeka ngisho kuhlangele bonke abantu futhi uyahlonishwa noma kuhlangele bonke oNgqongqoshe, izwi lakho linamandla ngoba phela sizigidi ezilishumi njengoba silapha nje KwaZulu-natali, uma sikhuluma uthi wena akukhulumi iKwaZulu-Natali kukhuluma umhlaba uma kukhuluma la.

Manje-ke kusho ukuthi ke leyo ndaba ingagcina ize ocwaningweni. Thina-ke izwe lonke siyakwazi ukuthi linezigidi ezingamashumi amane nesithupha, ababalingi kakhulu labo bantu, kodwa ukuthi nje kubonakale ukuthi imali angeke imgcine umahhala ingunaphakade kumele ngesinye isikhathi abantu bacathuze-ke, umnike agcine umuntu ezihambe ngezinyawo zakhe. Ndiyema siyayibonga imizamo yalo Mthethosivivinywa, muhle ngoba phela utshengisa ukuthi angeke kuyekelelwe izinto imijondolo ivele iqhubeke ingunaphakade. Ngesikhathi silaphana omele uMnyango washo echazela abantu lo we-Law, angazi noma uNkosi noma ubani, wakhuluma wathi madoda manje amakhulu ayisithupha angazi nabani eseyikhona kodwa akushiwo-ke ukuthi hambani niyodala eminye. Kusho ukuthi le ekhona ingabe isafakwa eminye phezu kwayo. Ezama ukuthi abantu bakithi abachazeleke ngesiZulu ...[Time expired.]

MRS J M DOWNS (ACDP): Mr Speaker, I have two concerns about this Bill. Firstly, we always have a concern when there is an expropriation clause. That is a given. We do not like to see the power of government increased in as far as we can prevent it.

Secondly, there seems to be a perception among some people that we are going to revert to the old apartheid-style clearances with bulldozers and so on. I want to refer to this perception, because it is not a reality. The Minister has made that quite clear. However, there is a perception out there that this is a possibility. Both the department and the municipalities will need to manage this perception.

Except for highlighting these two reservations, I do not think there is much more to be said on the issue. The ACDP support the Bill.

MR A SINGH (ANC): Mr Speaker, we in the ANC support the KwaZulu-Natal Elimination and Prevention of the Re-emergence of Slums Bill, 2006. This Bill will definitely bring dignity to our people and afford them better living conditions. This Bill will also give municipalities and the provinces powers. Landowners can now take steps to eliminate

slums. There are certain conditions that provide for certain processes to be followed, and for sanctions in the event of a breach after this Bill is passed. This Bill empowers the municipalities to act decisively against land invaders.

Written submissions that were collected during public hearings which people attended show concern about the title of the Bill. The title, of course, is the KZN Elimination and Prevention of the Re-emergence of Slums Bill, 2006. Whilst the title may sound harsh, the committee felt there was no way that we could give this Bill a more euphemistic title. Yes, members of the public were concerned. They felt intimidated when they heard the name of the Bill. However, what is very important is for them to know that, to the contrary, this Bill will ultimately improve the living conditions of our communities, and that the Housing Department will be providing adequate and affordable housing throughout the province within the framework of the national housing policy and housing development.

The other concern at the public hearings was that, once this Bill is passed, there will be bulldozers demolishing the slums. Other members have referred to this old apartheid-style manner of clearance. We want to reassure communities on that point.

I believe there are some concerned people in the gallery today, people who have come here to listen to the debate. There is not going to be a process of bulldozers demolishing their homes tomorrow. There is going to be a process first. Suitable accommodation will have to be developed. Places will need to be equipped with the necessary basic infrastructure and with proper sanitation prior to the occupation of persons concerned. This process will be carried out over a period of time, so that people will not have a situation where, once this Bill is passed, the bulldozers will be driving in. This Bill will try to have everything in place by 2014, as the hon President has requested.

We in KwaZulu-Natal are proud of the fact that our province is the first to start the process of ridding our province of slums by 2014, so that our people will not have to live in unhygienic conditions. Whilst the government is trying to eradicate slums in our province, we have unscrupulous people, landlords, who still practise the art of "shack-farming", charging exorbitant rentals from people who are desperate for housing. These slumlords will now have to comply with the law, or else they will face the law.

We fully support this Bill.

THE DEPUTY SPEAKER: The next speaker is the hon Mr Msomi. I do not see the hon member in the House. The next speaker is the hon Mr G Mari. Did I pronounce that correctly?

MR G MARI (DA): You got it right, Mr Speaker! Sir, may I take this opportunity of thanking the MEC for introducing the Bill that is in front of us today.

The Portfolio Committee had gone out on public hearings on this Bill. At these hearings the turn-out was poor, except for KwaDukuza and the Kennedy Road informal settlement, where the halls were filled to capacity. This was due to the wrong information given to the community, namely that the MEC for Housing was going to be in attendance at the Kennedy Road informal settlement.

This Bill, which wants to put mechanisms in place which will, over a period of time, eliminate slums in the province by providing decent housing on a phased basis, has caused much concern among communities who are living in informal settlements. The general impression among people was that this Bill was promulgated to eliminate slums, with mass evictions taking place and creating homelessness on a massive scale. The department must therefore diligently monitor municipalities, and see to it that they do not use the Bill to act against informal settlements willy-nilly.

The committee and the legal advisor did their best to allay people's fears at these public hearings. They indicated to them that this Bill is not intended to evict people from informal settlements, but rather to put in place mechanisms to enable municipalities to establish a programme of housing projects that will eventually see communities move into decent houses in close proximity to their homes or, alternatively, existing sites would be upgraded.

There have been many moves to make provincial government and municipalities more accountable for housing delivery. Municipalities will have to report annually to the MEC on progress made in eliminating slums within its areas. However, the Bill goes even further. It forces owners of vacant land to take reasonable steps to prevent the unlawful occupation of their land and buildings. The committee, after much debate, amended the original version of forcing owners of vacant land to fence off their land, as this is a very expensive exercise. One cannot expect every property owner to suddenly fence off his or her property or take other steps as contemplated by the Bill. It is common knowledge

that in many cases land owners have fenced their properties, but people simply remove the fences overnight. It would be unfair to prosecute land owners whose fences have been cut or stolen when, in fact, they had complied with the provisions of this Bill.

After all is said and done, hon MEC, it is one thing to have this piece of legislation, but the truth is that the needs of our people must be met through the delivery of houses that will see our province free of slums by the year 2014. Municipalities must immediately submit an audit of slums within their areas, together with its housing backlogs, so that proper planning and funding can result in the delivery of housing. This Bill has now created expectations amongst communities in informal settlements.

The issue of community consultation has been a sore point, as there have been accusations that eThekweni Municipality, in particular, is known to have moved people from informal settlements to other remote areas without consulting communities beforehand. This is unacceptable. This results in people being moved to areas far away from their existing work places. This results further in the disappearance of housing allocations, selling or renting low-cost houses to others, and people moving back to another informal settlement nearby so that they can go to work.

There is also a growing call for the provincial Department of Housing to intervene. I am hoping that, with the department now being involved with the eThekweni Municipality, the issue of consultation will be put to rest in the communities.

I must also indicate that we needed a cut-off date to indicate as from which date the informal settlements become illegal entities. After that date, informal settlements or land invaders will be prosecuted.

The DA is concerned that the amendments of Chapter 2, clause 4(1) to delete the words "any land" and insert "residential land" is not going far enough to prevent slums on commercial land, industrial land or even farm lands. I suggest we look again at these amendments as a prohibition of unlawful occupation. It will relate only to residential land. This submission was made by G D Harpur, SC, on the basis that the PIE Act, as interpreted by the court, does not apply to commercial premises. I am of the view that the PIE Act should, in fact, be amended, rather than the Bill, because the Bill will now make provision only for residential land.

The issue of slums is a highly emotive one, I agree. Many communities in the past have taken to the streets in protest for decent houses with little response from the municipalities. We must not interpret this Bill as being a weapon, but rather as a piece of legislation that will deal specifically with the clearance of slums, replacing them by proper and decent housing that will instil a sense of dignity to our people.

The municipalities, especially the low-capacity municipalities, must be capacitated to put in place a slum clearance programme, with clear housing projects identified within their areas of jurisdiction that will eliminate slums. Housing provision must be sped up. The department cannot rely on the national Budget to deliver houses. We need to find other innovative ways to deliver housing on a faster basis. I would suggest that we look at borrowing money from other institutions in order to speed up housing delivery. If the escalation of building is going up by 10% and 15% annually, I am sure we can borrow cheaper and build houses for our people on the ground.

Thank you, Mr Speaker. The DA supports the Bill.

MR T JEEBODH (Chairperson of Portfolio Committee on Housing): Mr Speaker, we should regard this Bill as a tribute to the late Dumisani Makhaye. His legacy is the call to us to clear up slums. It started with him, and his legacy must continue.

The public hearing into the KZN Elimination and Prevention of the Re-emergence of Slums Bill, 2006 was a real eye opener. I have been to many public hearings, but I was really moved by the public hearings on this particular Bill. Hon members, we should leave our cocoons and start living in the real world. At these hearings the plight of real people with real issues regarding houses came out.

At the outset, let me set the record straight. In the eyes of ordinary people, shack dwellers and even noted academics, this Bill seems to be horrendous. It conjures up pre-1994 scenarios, of bulldozers and armed police and chaos. However, this is not the case. In reality, it is nothing of the sort. It is exactly the opposite.

This Bill gives hope to the many thousands living in slum conditions in KwaZulu-Natal. Slum dwellers and shack dwellers need not fear this Bill. The legal recourse of slum and shack dwellers is ultimately the Prevention of Illegal Evictions from and Unlawful Occupation of Land Act. In its preamble its objectives are made clear.

The National Housing Act, Act 107 of 1997 and the KwaZulu-Natal Housing Act, Act 12 of 1998 enable and enhance interaction between the provincial and local governments in the provision of housing and housing opportunities. This Bill seeks to introduce measures which seek to enable the control and elimination of slums in a manner that promotes, protects and delivers to the housing programmes of all spheres of government.

Before I go into the merits of this Bill, let us go back to its origins. At present some 353 000 families live in slum conditions in KwaZulu-Natal, the majority of them (160 000) in and around Durban-eThekweni. The rest are scattered around the province.

Informal settlement intervention in South Africa has been shaped by the experience of the apartheid regime's actions of forced removal and relocations. In a new democratic order, people living in informal settlements have increased. As such, the need for basic services, infrastructure and employment have come to the attention of the government for urgent redress. These developments involve people being moved from informal to formal housing and sites with services.

Informal settlements and new invasions characterise the landscape of several developing countries, with greater South Africa being no exception. Some governments have evolved policies from repressive, as in the case of South Africa before 1994 or the present Zimbabwe, to an accommodative post 1994 South Africa.

South Africa, a leader in most respects, sets the pace. In 1996 the United Nations adopted the Habitat Agenda at its conference on human settlements, eventually leading to the UN Millenium Development Goals, with a target date of 1015. South Africa and its President Thabo Mbeki began promoting the vision of a shack-free citizenry and a shack-free South Africa by 2014.

Since late 2000 the question of informal urban land occupation has received national attention as a result of invasions, evictions and tensions between policy, programmes and the judiciary. Such was the case in October 2000 when the Constitutional Court ruled in favour of a group of 9000 people in a case known as the Grootboom case.

It is important to note that the New Strategic Plan (NST) of the Department of Health, launched on 31 April 2007, acknowledges informal settlement communities as some of

the most vulnerable groups alongside women and children.

A noted academic from the University of the Witwatersrand states, and I quote:

Presumably, the idea for the Bill was derived from the unfortunate rhetoric of slum eradication. This rhetoric stems from a mistaken interpretation of Target 11 of the Millennium Development Goals. This target to “improve the lives of 100 million slum dwellers [that is worldwide] by 2020” is unwittingly also referred to as the “Cities without Slums” Target. This stems from the unfortunate slogan of Cities Alliance. It was intended merely as a normative statement.

I totally disagree with this academic.

In closing, I would like to read a statement referring to our national Minister, Lindiwe Sisulu on 20 February 2007:

This would include identifying and buying well-located and affordable land for low-income housing. Sisulu said that while more than 200 000 affordable houses were being built each year in South Africa, the number needed to be doubled in order to eradicate informal settlements by 2014, one of the deadlines of the United Nations Millennium Development Goals. According to the Department of Housing, while some two million low-cost houses have been built since 1994, it still faces a huge and increasing demand from about 2,4 million households in informal settlements throughout South Africa. The department has projected that delivery will increase to 265 000 houses in 2006/07, based on a conservative estimate of a 30% growth in the final quarter.

I reiterate that the people out there, the people on the ground and those who are victims of circumstances need not fear this Bill. This Bill redresses their fears. The promise of a better life by 2014 will be a reality. The ANC supports this Bill.

MR K PANDAY (IFP): Thank you, Mr Speaker. One needs to look at this Bill, both in the historical and the present context. Historically it is an undisputed fact that there were a number of reasons that gave impetus to these so-called slums. Politically, the mid-1980s call by the United Democratic Front for people to take over and occupy all available land also had negative consequences that led to the occupation of urban spaces alongside residential and business areas. This call by the UDF created the kind of settlement

which led to the degradation of our people. This call by the UDF was short-sighted.

The inherent poverty and degradation in the rural and semi rural areas forced large numbers of people to escape the legacy of apartheid and seek employment opportunities in the cities. For us in the IFP the dictates of our country's Constitution are of paramount important. Our *Magna Carta* is clear that shelter is a fundamental human right. We want all our people to have a liveable, comfortable and sustainable place, so that they can call these "homes".

There is currently a huge crisis in housing with regard to the backlog of houses. Do municipalities have the capacity to rise to the occasion to accelerate housing delivery? How does the department hope to accommodate people removed from slums when there are not enough houses, even as we speak today? However, one needs to look at the present dynamics of the situation regarding these human settlements and make wise and sustainable decisions based on solid planning principles, effective and efficient implementation and the establishment of tangible assessment and monitoring parameters.

We must now go into the examining and rectifying the dire ramifications of economic, political and ideological decisions and actions of the past, and we must do it decisively and concretely. In this process we need to follow logical, scientifically based and businesslike solutions that will, in the end, guarantee proper housing for all our people. The removal of shacks must take place with the provision of housing. Both of these must take place simultaneously. This we need to do urgently, as life in the rural areas still leaves a lot to be desired in terms of effective service delivery.

Given the fact that the new and previous Bills and Acts have made the layer of local government the axis of service delivery, every effort must be made to beef up and capacitate all organs of local government in order to deliver to the poorest of the poor. The 2006 state-of-the-nation document produced by the Human Science Research Council makes it clear that there are inherent problems at all levels of service delivery among most municipalities in the country. It is thus imperative that we all agree to implement the KwaZulu-Natal Citizens Charter, inaugurated by the hon Premier in 2005. However, how can we deal with public servants who do not have the capacity, nor the will to implement the principles of *Batho Pele* for the benefit of all our people?

Indeed, there are municipalities who have shown their commitment in many instances to provide liveable, affordable and sustainable housing to people in the form of upgrading, such as the eThekweni Municipality. It has been determined to upgrade the settlement of Banana City situated within the western campus of the UKZN. Unfortunately the leadership of the university has reneged on its agreement with the municipality, and the people of the settlement now refuse to sell the designated land for the upgrading. The UKZN leadership has gone as far as taking the settlement to court, to the High Court.

One needs also to look at the beefing up of finances provided for such clearances, upgrading of settlements and the provision of proper housing, because the question arises whether the national government can sustain all funding for such development and growth. It is high time to mobilise all our social forces and partners in order to make the guarantees and dictates of our Constitution a living reality.

Under such circumstances, and for the reasons that I have mentioned, the IFP supports the Bill.

MR M MABUYAKHULU (MEC for Housing, Local Government and Traditional Affairs): Mr Speaker, I am proud of the manner in which hon members of this House have participated in the debate on the Bill before the House. This Bill before us is indeed epoch-making. It is a mark that will remain with us for posterity. I think people will actually remember hon members of this Legislature for the major contribution they have made in redressing the social ills of society, and for taking a gigantic step forward in redressing the legacy of apartheid by coming up with a measure that is bold, focused and not emotional. This is measure based on very serene thinking and a well-calculated approach. This is precisely how this Bill has been captured.

It is important therefore to simply say we shall not be reckless in implementing the provisions of the Bill. There can be absolutely no doubt that this measure has been carefully thought out and, therefore, in the execution of the provision of the Bill, we shall ensure that we maintain the spirit and the letter of the law.

There can be absolutely no basis for anyone to even think that there will be any *male fides* on our part when we act, because we shall not act on that basis. Our *bona fides* shall always precede us when dealing in matters of this nature. I want to say that we understand the Constitution very clearly, as the hon S V Naicker said. He talked about

the progressive realisation of housings rights which must be based on the available resources of the country. For that reason we will do so. Hence, if you look at our budget, it begins to speak precisely to those issues.

We will also handle this matter with the sensitivity that it deserves, but we shall not shirk our responsibility in ensuring that we want to create a society where living in slums and in slum conditions, which is highly degrading to the majority of our people, should be dealt with by this government, together with the people concerned. We shall not act on behalf of people, but we shall act together with the people.

I want to deal with the question of slums, and the use of the term “slums”. I want to say this is an international definition of informal settlements. It has been agreed to by all the nations of the world who are members of the United Nations. The UN Habitat Conference that took place in Canada about two years ago agreed that there must be an international definition that is used globally, and it has been used in that context. We have not actually sat around and founded the notion of actually putting a degrading or pejorative term in describing what slums are. We have taken an international definition which is not pejorative. It has actually been agreed to by all the nations of the world.

With regard to the issues raised by hon Maphalala, I think the questions you have asked are questions that we are willing to pursue with you some other time, primarily because if we are to ask what is causing slums, we are dealing with the legacy that slums have always existed. However, we are also dealing with a reality that is a global phenomenon. It is not unique to South Africa. We are seeing a mass migration of people moving away from areas that are economically depressed to areas that they think carry their hopes for economic sustainability into the future. Therefore South Africa is not living in its own world. We are not living in a cocoon where we are protected, because we live in the real world of global realities. We must therefore accept that people shall move in search for better opportunities. Whatever theories we might attach to the thinking of those theories that drive people to mass migration, both inside and outside migration, shall not answer the question. The question that we must deal with is: What is it that we are doing when dealing with the question of slums?

What we have put before this House is a tool that should seek to redress the re-emergence of new slums. We are fighting the reality that slums exist now, and that those

that exist must be dealt with in a humane manner. We will not employ the strategies that have been employed elsewhere. We shall be very considerate. We are a different state from an apartheid state.

MR S N MTETWA (ANC): Hear, hear!

MR M MABUYAKHULU (MEC): We are a humane government. We are a government of the people, elected by the people for the people. We shall therefore act in the best interests of the people. We shall also act within the interests of the Constitution, because our injunction emanates from the Constitution. Our Constitution says we should also respect the rights of property and, therefore, anyone who goes and invades anybody's property, whether it is state property or private property, that person is acting in violation of the supreme law of the land, and we should therefore protect that. That is what the Constitution instils in us as an injunction.

With regard to the issues raised around free housing, I want to say about free housing: We are not advocating free housing. We are a developmental state that also has social responsibilities. We cannot negate the social responsibilities which our society has inherited. They are the poorest of the poor and the state has a social responsibility to provide them with adequate housing.

For those who should provide for themselves, the state says: You provide for yourself. That is why there are categories of people who qualify for subsidies. It is not on a wholesale basis. We do not provide subsidies *holus bolus*. We provide to those who qualify.

Hon Downs, the concerns you have around the power of government, where you claim that government may abuse the authority is misplaced. At all times the Constitution is supreme. The Constitution therefore deals with the issue of property rights. Therefore it bestows on us as government a responsibility that when we deal with matters around property, we should follow the spirit of the Constitution. Therefore, in doing so, we will do it in a responsible manner. There is absolutely no basis for us as government to go around grabbing land which belongs to others. I want to assure you that there shall be no apartheid or forced removals.

However, we will deal with those who have actually taken it upon themselves to use the

plight of the poor and who resist our efforts to house the poor. Those who intend to benefit from the plight of the poor will be dealt with severely. Those people will receive no mercy. We will deal with them very firmly, because we believe they are actually abusing the real conditions and the real situation of the poorest of the poor who are the majority.

I want to say, hon Mari, a perception of willy-nilly demolishing anybody's shacks is unfounded. I have already articulated this position. However, where it is absolutely not possible for us to find alternative land, when we find a slum or an informal settlement, we must actually do an *in situ* upgrading. We will move people into transit areas. Those transit areas will have some other facilities, but they will be defined by us, and we will have a regulatory approach and, therefore, approve that process.

I now come to the issue of land owners. Land owners cannot shirk their responsibility to protect their properties. If you allow people to invade your land and you become a shack farmer, you are abusing the plight of the people. If you charge them rent, we will charge you. The onus of proof that you have done everything in your power to protect your property lies with you. It does not lie with us. I think a competent court of law will deal with these matters on a judicious basis.

Let me deal with the question of municipalities. We have set up the schedule of eradicating slums. We say six months from the date on which this Bill is promulgated into law, municipalities will have to register each and every shack, the existing ones, so that we know no new shacks should emerge. In this way they can actually ensure that they prevent the re-emergence. This Bill is about preventing a re-emergence of slums, because we have to eliminate the existing ones. We must cost them. We must know where they are. We must then begin to have a process in terms of which money can be allocated to find alternatives to existing shacks. We have to project the time lines of moving people out of shacks to houses. We must be able to calculate when people can actually move into houses. When a person gets a house, the shack goes down. We will also remove the materials that have been used to construct the shack, so that no more shacks will emerge. This will be done once and for all.

I do not want to get involved in debating issues on housing in general, hon Mari. You know as well as I do why the state is the sole provider of subsidies for the poorest of the

poor. It is because financial institutions find those people to be “unbankable”. Because those people are “unbankable”, they cannot borrow money. A person who does not have money cannot repay a bond. It is for that reason that the state has become the sole provider to these people, because it mitigates the circumstances of the poorest of the poor. So those who can afford it ...

AN HON MEMBER: The state must go and borrow!

MR M MABUYAKHULU (MEC): Well, whatever the state borrows ... I think we would all be interested in hearing a debate by the DA on the state's deficit and how the state should manage its own public fiscus. Our colleagues have argued that we should be increasing the state's spending. However, the fact of the matter is that it reduces the available money on a year to year basis, because the state must then service that debt. I do not think that is a comprehensive DA argument. From what I have heard, the DA has always argued against this. However, it may be a new argument coming from hon Mari. I do not think the DA would fully support that argument, because it has its own consequences.

Finally, let me deal with the hon Panday. Hon Panday, there is no UDF call for any grabbing of land. The UDF made a call that people should be part and parcel of their own governments. Slums are an international phenomenon. You will find slums in Nairobi. There are even bigger slums in Kiebera, slums that are on a par with Soweto. There was no UDF call there. You will find *favelas* [Portuguese word for “slums”] in Brazil. There was no UDF call in Brazil. We should not be playing politics on a matter that all of us are agreed on. You and I agree that slums are a global phenomenon. They are an international phenomenon. You and I are gentlemen, so I will not discuss this matter any further. I just wanted to share that with you, because I know you are a gentleman.

Let me simply say that we are dealing with an apartheid legacy. Under apartheid no houses were built. The apartheid government stopped building houses for black people in 1980. Since 1980 Black people were never accommodated. We now have to deal with the legacy of people who have to provide for themselves. We are now addressing that matter. We are not accusing anyone, but we are being reminded of those things. If we are reminded of such matters, we are compelled to put them on the table. I am just

putting something on the table that all of us already know.

I wish to take this opportunity to thank all hon members for the way in which they have debated the Bill. I think the Bill is a healthy measure. We should be proud of ourselves for being pioneers. Thank you.

Question put and agreed to.

THE DEPUTY SPEAKER: Thank you very much for your co-operation, hon members. This brings us to the end of a very interesting debate. However, before we adjourn for lunch, I want to request the House to join us in congratulating three staff members of the Legislature who ran the Comrades marathon, and who therefore are comrades.

HON MEMBERS: Hear, hear!

THE DEPUTY SPEAKER: They are comrades in the sense of the Comrades Marathon! Their names are Mrs D Gatsheni, Ms S Simelane and Mr Philani Zondi who distinguished himself by completing this rigorous race. Thank you!

Hon members, we are not so good when it comes to time management today. We should have stopped at 13:00, but our lunch will therefore start from now.

Business suspended.

Upon resumption:

THE DEPUTY SPEAKER: Hon members, we now proceed to the next order of the day.

8.4 Debate on the Report of SCOPA

MRS J M DOWNS (Chairperson of Standing Committee on Public Accounts): Mr Speaker, the last time the Standing Committee on Public Accounts submitted a report with resolutions to this House, was at a sitting on 29 November 2006. That report contained resolutions 1 to 112 of 2006, which were all the Resolutions of the committee on the 2004/05 and 2005/06 reports of the Auditor-General.

However, due the late submission of annual reports and the high volume of work being dealt with by the committee at the time, by the end of 2006, the committee had not

completed its hearings on the 2005/06 reports of the Auditor-General. The committee therefore began the 2007 year which a series of meetings set out below:

25 January 2007 - Department of Social Welfare and Population Development

25 January 2007 – uMsekeli Municipal Support Services

31 January 2007 – Department of Agriculture and Environmental Affairs

2 February 2007 – KZN Taxi Council

6 February 2007 – Minutes, Resolutions and Outstanding Matters

7 February 2007 – KZN Nature Conservation Board (Ezemvelo)

7 February 2007 – KZN Gambling Board

7 February 2007 – Ithala Development Finance Corporation

I would like to draw attention to the following matters that were raised during the above hearings:

Department of Social Welfare and Population Development

There are a number of issues in this department which remain outstanding. government employees receiving social security grants has been a matter of concern for the committee for the past two years. It is unfortunate that this department has not responded to this matter. The vacancy rate in the department is a cause for concern, especially the fact that the vacant posts are not provided for in the annual financial statements. The committee proposes a transversal resolution on this matter which is set out in the resolutions report.

uMsekeli Municipal Support Services

Firstly, uMsekeli remains an area of concern for the Standing Committee on Public Accounts. A proper close-out plan has yet to be submitted to the committee, even though this has been requested since October 2005. The lack of a proper close-out plan resulted in an adverse audit report from the Auditor-General in the 2005/06 financial year. This is a matter of great concern for the committee. Once again, the department

has not provided the committee with timeous answers.

Department of Agriculture and Environmental Affairs

Since the meeting on 31 January 2007, the committee again met with the department on 5 June 2007. The committee is satisfied with the action taken thus far in the initial stages of the turnaround strategy of the department. At its last meeting, the committee received a report on the measures taken to address the matters raised by the Auditor-General in his reports on the 2004/05 and 2005/06 financial years. The committee agreed that, in order to give the new management team of the department time to implement the turnaround strategy, it would not meet with the department again until the 2006/07 report of the Auditor-General was considered in October 2007.

KZN Taxi Council

The Taxi Council has received qualified audit reports for the past three financial years. The Standing Committee on Public Accounts is concerned that the matters raised by the Auditor-General are not being adequately addressed and, as a result, the same matters are raised from year to year. At the last two meetings of the committee with the Taxi Council (11 October 2006 and 2 February 2007) the committee had urged the Department of Transport to assist in addressing these matters.

The committee would also like to recommend that Resolution 6/2006, adopted in this House on 29 November 2006, quoted below be rescinded:

Department of Transport (Vote 12): KZN Taxi Council: Resolution 6/2006: Salaries

Noting: *That the Chairperson of the Taxi Council was being paid by the board while he was serving as a member of National Parliament,*

The House resolves:

1. *That the Accounting Officer fo the Department of Transport inform the chairperson of the Taxi Council in writing of the provisions of Section 3(2) of the Remuneration of Public Office Bearers Act (Act No. 20 of 1998), quoted below:*

“Section 3(2) – “ ... a member of the National Assembly or a permanent delegate who holds different public offices simultaneously, is only entitled to the salary, allowances and benefits of such office for which he or she earns the highest income.”

2. *That all amounts that are not reimbursements for direct expenses in the daily running of the Taxi Council be recovered from the chairman.*
3. *That the matter be referred to the Ethics Committee of the National Assembly.*

The reason for this recommendation is that the committee has had a legal opinion which states that the above-mentioned section 3(2) of the Remuneration of Public Office Bearers Act does not prohibit members of the National Assembly from being members of the Taxi Council and receiving a salary for this position.

KZN Gambling Board

Regarding the revenue sources of the Gambling Board, the committee is at present considering a resolution on whether the Gambling Board should be receiving a grant from the provincial government, considering that it raises its own revenue from casino income and monitoring fees. However, the committee will first ask the department to comment.

Ithala Development Finance Corporation

The committee has expressed a concern that the funding provided to Ithala from the provincial government is not being properly accounted for, because this money is placed in a pool and is not accounted for separately. The matter of loans to spouses of senior politicians and senior officials of the provincial government and to managers within Ithala was also discussed. The Auditor-General has been requested to report back to the committee on this matter.

Transversal resolutions

The committee noted during its hearing with departments that vacancies and the provision for funding of vacancies in the annual financial statements of departments was

a problematic issue. The committee will be asking departments to report on their vacancies, including information on which vacancies are additional to the needs of the departments, which vacancies are funded and, if vacancies are not funded, how these posts are to be filled.

International study tour

During the January/February 2007 hearing, the committee also finalised its decision regarding its international study tour. The committee will be making a combined tour to Indian with the Portfolio Committee on Finance in January/February 2008. Arrangements for the tour are progressing well.

In conclusion, I would like to express my gratitude to all MECs, accounting officers and their staff for their co-operation and assistance to the committee. I would also like to thank the Auditor-General and his staff for the support and advice given to the committee. My sincere thanks go to the members of the committee who attended and participated in the January and February 2007 meetings. Thanks also to the senior committee secretary to the Standing Committee on Public Accounts, Mrs S Engelbrecht, and to the legal advisors for assisting with our many legal queries.

I am not going to read all the resolutions, because I will greatly overstep the 10-minute deadline that I have been given. I would just like to reiterate off the cuff that we have an outstanding committee who work together very well. We never have any trouble coming to decisions, because we all have the same goal. I really attribute SCOPA's success to the committee members and the way in which they work.

THE DEPUTY SPEAKER: Hon Downs, thank you for saving us a little bit of time. The next speaker is the hon Sithebe who will deliberate for seven minutes.

MR M E SITHEBE (ANC): Ngiyabonga kakhulu Somlomo. Ngibonga ukuthola leli thuba lokukhuluma kuma-Resolutions eKomidi leli le SCOPA. Lolu daba kunodaba lapha oluthinta abasebenzi boMnyango Wezenhlalakahle abazifakela imali ezikhwameni zabo. Imali le ehlinzekela abantu laba abathola imali ye-social grant, social security grant, yokungaphatheki kahle. Bayithatha ke abantu bayifaka imali yabo ezikhwameni. Uma kuxoxwa kuma-Resolutions kwabe sekushiwo ukuthi cha kudinga ukuthi kube khona izindlela zokuthi labo bantu bakwazi ukuthi kushiwo ukuthi obani bonke labo bantu

abathola le nto bangaki bona bebonke laba bantu.

Impela ijazi kufanele ligcwale umoya kulaba Bantu, kubonakale ukuthi kwenzakalani. Kumqoka-ke ukuthi sazi ukuthi sekunemithetho nokho ekhona elawula ukusebenza kwamakomidi okwenza ukuthi sikwazi ukulandela zonke lezi zinqumo. Into ekhona edinga ukuthi masiyenze yile nto eqinisekisa ukuthi wonke amakomidi akhona ayakwazi, awalandela la ma-*Resolutions* asuke esuka kwi-SCOPA ukuze nawo njengamakomidi akwazi ukuzilandela lezi zinto kumakomidi awo imisebenzi yayo eyisebenzayo.

Kunesinqumo ke laphaya noma i-Resolution 1/2007 esikhuluma ngemali engango-R306 320. Le mali eyathathwa uMnumzane u-Holden wayesenza isibopho esasithi uzokwazi ukuthi njalo ngenyanga akhiphe okungenani imali engango-R1000 ukuze kukwazi ukuthi ekugcineni kugcine kutholakala le mali. Kodwa-ke into ebuhlungu yile nto ethi uMnumzane lo ugcine engakwazanga ukuthi ayibuyise le mali, agcine isibopho sakhe asenza sokuthi abuyise le mali ewu-R1000 njalo ngenyanga. So, ke uMphathi woMnyango noma iNhloko yoMnyango, ikomidi libe selithi cha akulandelelwe lolu daba ukuze athathelwe izinyathelo ezinqala phela nalo Mnumzane u-Holden le nkunzi engu-Holden ukuba ikwazi ukuthatha ibhekelele ukuthi le mali iyakwazi ukuthi iyikhokhe.

Kuphinde futhi kunxuswe ukuthi nemisebenzi ayitholayo kuSishayamthetho kufanele kubhekelelwe ukuthi akubi imisebenzi azokwazi ukuthi ayithole uma kuwukuthi akukho ukubambisana phakathi kwakhe ekuthenini akwazi ukufeza lesi sibopho asiphakamisa yena. Enye yezinto ecacayo la yile nto ekhuluma ngodaba lolu oluthinta udaba esithi mhlawumbe kudinga ukuthi sikubonge lokhu, ukuthi uhulumeni manje unezindlela zonke zokuthi kubhekakale ukuthi uhulumeni uma uhlinzekela izidingo kubantu kufanele ukwazi ukuthi abantu benzelwe izinto, izimali zisiwe lapho izidingo zikhona zabantu.

Njengoba iMithethosisekelo isikhona uma u-ANC uthatha kuleli lizwe ukwazile ukuthi ubeke uMthethosisekelo okuyiwona osinikeza imikhombandlela yokuthi yikuphi okufanele kwenziwe, yikuphi okungafanele kwenziwe. So, ke uma uzobuka laphaya u-*Chapter 10* we-Constitution yala e-*South Africa*, yiwona lo onikeza i-*Public Accounts* igunya lokuthi yiziphi izinto okufaneleke sikwazi ukuzibuka. Uma ubuka-ke wonke amakomidi kufanele azi ukuthi kunalo *Chapter 10* olaphaya kwi-*Constitution* odinga ukuthi ilandelwe so *that* sikwazi ukubhekelela siqande izimali ezigcina zingena ezikhwameni ngendlela engafanele zingayi ukuyosiza abantu lapho bekhona lapho

bedinga khona ukuthi bathole ukusizakala ngokulethwa kwezidingongqangi nezinsiza ezidinga ukuthi umphakathi ukwazi ukuyithola.

Okunye-ke okubukakala ukuthi kufanele masikuqinisekise lapha ukuqeqesha othisha, indlela yokusebenza kwamakomidi ukuthi amakomidi akwazi ukusebenza nama-*audit*, nama-*internal audits* akwazi ukulandelela imibiko eyayibekwe ngabaxilongi bamabhuku njengoba i-*Constitution* ku-*Chapter 9* ukwazi ukuyibeka le nto yokuthi kufanele kube khona ama-*auditors* sikwazi ukuthi njengeSishayamthetho sisebenze nama-*auditors*. Enye yezingxenye le edinga ukuthi sikwazi ukuyibhekelela njengabantu abathunyelwe ukuthi sibhekelele ukusebenza kweziShayamthetho ezikhona la ezweni.

Ngithanda ukuba-ke ekugcineni umuntu aphinde aphawule ngeqhaza elikhulu esiye salibamba ekutheni sibhekelele ukuba abantu bayakwazi ukuthi ohulumeni nje abakhona la e-South Africa, kubalwa nokoMkhulu bayakwazi ukubhekelele ukuthi lama-SCOPAS ayakwazi ukusebenza kube ama- *committees* amile. Kwezinye izindawo uma ubheka kumazwe athile akhona la e-Africa kule-*meeting* ebikade ilaphaya eMaputo kuye kwacaca ukuthi ama-SCOPAS akuwona ama-*committees* amile *but* ke baye bayithanda le nto yokuthi cha nabo kufanele kube ngama-*Standing Committees* asebenza njengamanye ama-*Standing Committees*.

Lokho kuzokusho ukuthi uma sisebenza ngaleyo ndlela sizokwazi ukuthi sikhuphe izwe lase-Afrika kububha nasezithunzini ezikhona ezenza ukuthi intuthuko ingabi bikho ngoba thina njengabantu bala eMzansi ne-Afrika, yithina bantu okufanele ukuthi sihlahle indlela yokuthi intando yeningi iqiniswa kanjani. Esithi-ke ngalokho uKhongolose kudinga ukuthi wonke umuntu okhona la eNdlini amshayele ihlombe lokuthi *at least* unezinkomba zokuthi intando yeningi ihlelelwe kufikwe nini, sekuqhele kangakanani kuyona kanjalo nentuthuko njengoba sibeke yonke le mithetho. Mangibonge Somlomo Baba.

THE DEPUTY SPEAKER: Sibonge nathi hon Sithebe. Ilungu elihloniphekile elilandelayo kuzoba ilungu u-hon Mzobe, imizuzu eyisithupha.

MR M R MZOBE (IFP): Hon Speaker, hon members of the Legislature, the Public Finance Management Act is one of the most important pieces of legislation. It is aimed at promoting the maximisation of delivery through the efficient and effective use of limited resources. It also provides for the responsibilities of persons entrusted with financial management.

It was extremely pathetic to note that the Head of the Department of Agriculture purposefully and deliberately violated the provisions of Sections 38, 39 and 40 of the PFMA. When he was asked about the over-expenditure in Programme 1: Administration, which is compensation of employees, the Head of Department explained that the over-expenditure was on goods and services and not on compensation of employees. Yet, according to the close-out report of the department for the 2005/06 financial year and the letter from the accounting officer to Dr Z Mkhize, MEC for Finance and Economic Development, dated 14 March 2006, both stated that Programme 1: Administration, which is compensation of employees, had overspent by R9,2 million. This, in actual fact, led to some heads rolling, which is a good lesson to those who would be tempted to follow suit.

Of great concern is the audit query regarding 2004/05 and 2005/06, that the financial vouchers had not yet been presented to the Office of the Auditor-General to be processed. That is a great concern.

In terms of Resolution 28/2006, at a meeting of Public Accounts and the Department of Local Government and Traditional Affairs, the accounting officer was requested to report regularly on progress made in the closure of Umsekeli. However, Umsekeli continued to incur expenditure which was covered by the department, even though Umsekeli was no longer operating and all members of staff were on special leave pending the finalisation of the closure.

AN HON MEMBER: [Hawu! Hawu!](#)

MR M R MZOBE (IFP): The fact that loans were offered to spouses of senior politicians and senior officials of the provincial government and managers within Ithala leaves much to be desired.

HON MEMBERS: [Hawu! Hawu!](#)

MR M R MZOBE (IFP): One of the major concerns is the fact that, under emphasis of matter, according to the Auditor-General's report of the 2005/06 financial year, financial statements had not been submitted by 31 May to his office. This was a deliberate contravention of Section 55 (1) (c) of the PFMA.

It was not financially prudent that the funding that was provided to Ithala from the

provincial government was not being properly accounted for, because it was placed in a pool and not kept separately as government money.

HON MEMBERS: Hawu!

MR M R MZOBE (IFP): Against this background, Ithala is required to clarify how the bank operated.

With regard to the remuneration that was paid to Mr A J Mthembu and Mr C B Ngiba of NADECO, it also emerged that there were some other members who benefited from the same fund, thus violating the provisions of the Remuneration of Public Office Bearers Act. It was against this background that the Auditor-General had to follow up this matter in the 2006/07 audit to ensure that the documentary evidence exists of the recovery of funds which was resolved by the Taxi Council. However, in respect of Resolution 46/2005, the Standing Committee on Public Accounts ... [Time expired.]

THE DEPUTY SPEAKER: Hon members, the next speaker will be the hon Rev A H Mbatha. I do not see the hon Mbatha in the House. We then proceed to the hon Rajbansi. He is also not in the House. The hon M A Tarr is the next speaker for seven minutes.

MR M A TARR (ANC): Mr Speaker, we are going through the Speakers List rather rapidly. I wish to refer briefly to the hon member who has just spoken, Mr Mzobe. You know, I thought I had gone back in a timewarp. I think we have had this debate on the Department of Agriculture before, but he obviously finds it the most important thing to speak of. However, let me quote what is stated in the report:

The Committee agreed that in order to give the new management team and the department time to implement the turnaround strategy, it would meet with the department again in October this year.

The matter is therefore under control. Mr Mzobe can relax until October this year. Then we can have a look and see. [Interjections]

I am not sure that I have the figures exactly right, but the number of resolutions of the Standing Committee on Public Accounts for this year is about half of what it has been in previous years. I think the figure that Mrs Downs gave us was about 60 resolutions, as

against 120 resolutions during previous years. That clearly shows a considerable improvement. Departments are actually taking note of the AG reports, and the departments are also taking note of the resolutions of the committee and dealing with them.

However, the reality is that it would be nice if we had no resolutions. It would be nice if we had no qualifications whatsoever in the audits. You wonder sometimes why this is not so, because every department gets management letters prior to the final reports being tabled. Now, you would think that if the management letters were taken seriously and the issues raised in the management letters dealt with, then of course there would virtually be no qualifications whatsoever in the AG's report. Of course, this does not happen and hence we get the qualifications in the reports.

Now, I do not think the management letters are deliberately not dealt with or that people are simply defying the AG. In most cases it relates to a lack of capacity in the departments to actually deal with them. Talking of lack of capacity – and I think the Chair will probably agree with me - in the years ahead of us, where we are now starting to deal with the reports of the AG on municipalities, I would expect that we are going to have a huge increase in the number of resolutions. Having said that, I should also point out that things have improved considerably.

Members will have received this document today. It is titled the “Quarterly Reports of the AG on the Submission of Financial Statements by Municipalities”. This referred to one table on page 2: Timeous Submissions of Financial Statements in 2004/05. Some 44% of municipalities submitted their financial statements on time, and that improved for the year ending 2006 to 71%. As the AG says, that is a great improvement, and something which we in this House should all be pleased to note.

In contrast, 35% were late submissions in 2004/05, and that improved to 21% which were late submissions in 2005/06. So, there we have a considerable improvement, but members of the Finance Committee will know from meetings we have held in the past few weeks, that this is an area where we can probably look forward to a large number of resolutions.

I would like to refer briefly to Resolution 11. What this House needs is some clarity on staff complements in different departments. Many departments are spending their

budgets, but at the same time they report that they are considerably understaffed. We have a situation where we have a budget for funded posts which are vacant, but then there are unfunded posts which we do not budget for. I assume that an unfunded post appears on an organogram somewhere, and presumably somebody somewhere decided that that is necessary in that department for their service delivery. We really need to get a grip on the staff complement, funded posts that are vacant and unfunded posts which obviously are vacant. We need to find out what the real situation is. I think the purpose of Resolution 11 is to simply get each department to tell us what is going on with the various posts they have.

There is something else we need. Maybe this is something we can look at as a resolution. We need a clear indication from all departments and all municipalities of their ability to comply with the Public Finance Management Act, in the case of departments, and the Municipal Finance Management Act in the case of municipalities. We need a clear indication for each and every one. Do they have or do they not have the capacity to do what is required under the Act? Until they can all say, "Yes, we do have the capacity" – and I think it behoves us to make sure that we do everything we can to assist them to get to that position - we are going to come up against many problems in the AG reports and elsewhere. I would suggest that is something we in this House should look at as a matter of urgency. We need to find out to what extent all these departments have the capacity to do what we expect them to do. Thank you, Speaker.

THE DEPUTY SPEAKER: Thank you, hon Tarr, for keeping the time. Our next speaker will be the hon J M Downs for four minutes.

MRS J M DOWNS (ACDP): Mr Speaker, this is where I get to raise my concerns as a party. There are just three matters I want to raise. The first matter relates to municipalities. Thanks to the hon Chief Whip, we had a workshop with the Whips and the whips of municipalities very recently. I wondered why he had roped me in on that one, but when I was there, I was very glad that I had gone.

As the Chairperson of SCOPA, I came to the realisation about how little capacity there was in municipalities to practise oversight, firstly as an administrative entity and, secondly, among the councillors themselves. The chairperson of that workshop, the hon Chief Whip, also came to the conclusion that, as a Legislature, we have a role to play in

assisting councillors to practise proper oversight.

Just for the benefit of the House, do members know that there is only one municipality in this whole province that has an oversight committee? It is not even eThekweni. It is eMnambithi. That is amazing, and that showed me that there is a lot of work that we need to do - in the Finance Committee, the Legislature as a whole and within SCOPA - to assist. It is not about being Big Brother. I am talking about the way forward to assist municipalities to be the best that they can be.

The second concern that I have is around Ithala. We are just not getting to grips with what is happening at Ithala. Several concerns have been raised, also in the newspapers. I have been assured by reporters that the information that they have been given about corruption within Ithala is backed up by evidence. Of course, they will not supply the evidence, because they have to protect their sources. However, we are battling to get information from Ithala. They use the Bank Act as a protection. If the Standing Committee on Public Accounts had access to funds, I would actually ask the Auditor-General to do a special investigation. Yes, it is a bank, but it is also a public entity. It has a special place, and I really believe in the role that Ithala plays, so I do not want to see it messed up by speculation of corruption. If there is not a problem there, an audit would make that public. It would actually do away with all the rumours that are flying around.

The third issue that I have again relates to capacity. There was a very interesting reply from Education to one of the questions that we asked. We cannot put our finger on it because, as the hon Mr Tarr has said, what does it actually mean? We asked them what their capacity shortage in the management structures was, and they gave us a whole list of various managers – financial managers, project managers and so on. They said the lack of capacity in their finance department was 100%. That figure in itself is frightening, but what does it actually mean? This was the question that Mr Tarr asked. Do people have a 5% lack of capacity in a specific area, or are they 100% incapable of doing what they are supposed to do? I suspect that is not the case.

We really need to look at auditing, and I do not mean auditing in the pure sense of the word. However, we really need to look at our capacity constraints in government. We need to look at ways and means of developing training and sorting out staff. If the members agree with me, that is going to be one of the major emphases of the committee

in this coming year. I am raising it in a political forum now, but I think this is a non-political issue. It is something that we need to be looking at. Thank you, Mr Speaker.

THE DEPUTY SPEAKER: Thank you, hon Downs. Our next speaker will be the hon B J Msomi. I do not see the member in the House. We will therefore proceed to the next speaker who is the hon J Krog, for seven minutes.

MR J KROG (DA): Thank you, Mr Speaker. My problem is the disregard that the Executive has for SCOPA. If we just look at the seats of the MECs here today, there is nobody present. Does that not show us that there is a lack of interest in what SCOPA does? The Premier promised us a transparent, zero-tolerance government. Cabinet promised us that. However, the Standing Committee on Public Accounts and its resolutions are disregarded by the Executive. [Interjections] SCOPA must be supported. I do not know what the Chair has to say about the fact that no MEC is present here today.

Why does the Chair of this committee permanently have to complain that there are not enough meeting slots for her to do her work? If we are serious about clean government, SCOPA must get preference when it comes to meetings. The Executive must ensure that the resolutions of SCOPA are addressed in this House.

Allow me to provide the example of the Premier. SCOPA Resolution 101/2006 was adopted by this House on 29 November 2006. That was six months ago. Five months later the Speaker had to intervene to get a report from the Office of the Premier. That report was dated 26 April and the reply was not satisfactory.

Some 290 misconduct cases remain outstanding. When will they be completed? We do not hear from the Premier's department. Millions of rands were fraudulently paid to government employees via social security grants. Has disciplinary action been taken? This happened three years ago! SCOPA resolutions of two and three years ago have not been followed up. I will go through these aspects through my whole speech.

On 2 February SCOPA and the Legislature asked Treasury to conduct an internal audit investigation on the payment of R490 000 – almost half a million rand - to Multay Productions by the Department of Arts, Culture and Tourism. Treasury has not taken any action to investigate that irregular expenditure. Have we received value for that

R490 000, that amount of almost R500 000? I refer to SCOPA Resolution 104/2006. What has been done about that? This matter has clearly been swept under the carpet. Is that transparent government? I am asking the question.

I wish to refer to another resolution. During 2003, just before the elections of 2004, the then MEC for Public Works entered into a lease agreement which was detrimental to the department in many ways. That was the start of the Highway House saga. I am of the view that only a political party benefited as a result of that deal. The people of KwaZulu-Natal did not benefit from that lease. You could not even take occupation on the lease and yet you paid the full lease price! Have we had action? This happened three years ago! That is the kind of disregard our Executive shows to SCOPA resolutions.

Three years later the department reports on 21 May 2007 regarding Resolution 87/2006: "*No further progress has been made in this respect.*" That is the report that we got from the Executive. [Interjections]

Mr Speaker, I wish to quote what the hon Slabbert said in SCOPA. I see the hon member cannot hear me at the moment, but may I quote him? Mr Slabbert said taxis will not be required in future, because government vehicles are being utilised for personal use and for drivers. The report of the Transport Department ... [Interjections]

THE DEPUTY SPEAKER: Order! Order! Hon members, let us give the hon member an opportunity to make his speech.

MR J KROG (DA): Mr Speaker, we impound about 20 vehicles per month for unauthorised use. We all see it happening! If there is a blitz to check on every unauthorised vehicle, I predict that we will get 200 vehicles every month. We need to do something about that if we want to follow up on the Premier's promise that we will have transparent government. We do have proper accounting systems and, with SCOPA as our watchdog, we have got to support them.

Three years ago the MEC for Agriculture recommended to the Premier ...

THE DEPUTY SPEAKER: Just a moment, hon member Krog.

MR S W MCOYI (IFP): Mr Deputy Speaker, I rise on a point of order: Is it allowed for a member of the Legislature to sleep in this House? I think it should be ruled out of order.

THE DEPUTY SPEAKER: Hon Mcoyi, I agree that this Chamber is not a bedroom, but I do not know who is sleeping. [Laughter]

MR S W MCOYI (IFP): It is the hon member Mr Slabbert, sir. [Laughter]

AN HON MEMBER: Wake up, Jan. Jy is vas aan die slaap, man. [*You are fast asleep, man.*]

THE DEPUTY SPEAKER: You may proceed, hon Krog.

MR J KROG (DA): Mr Speaker, I do not have a problem with what is happening in the Department of Agriculture at present. I have a problem with what happened some time back. We have had three audit reports before action was taken. We then had a forensic audit. Six months down the line we still do not know what is happening in the forensic report. What is hidden? Why has it been swept under the carpet?

The Booyesen Report was released three years ago. What is happening with those properties that this government owns? SCOPA asked questions, but three years later they still have not been answered. What is happening to the rental income of the tenants of the building? Has a policy been developed by the Department of Housing? What is going to happen to those buildings? Have valuations of the properties been obtained? They might be sold at a profit for this government, but nothing is happening. We are being ignored by the Executive.

How can an attorney be paid interest of more than R1,5 million without surrendering an account for three years? Why does the Premier pay it, and not the Royal Household? Something is wrong, and this Legislature needs to assist SCOPA in being a watchdog.

Mr Speaker, you were demoted and it should not have happened. The Head of the Department should have been suspended. [Interjections] I cannot understand it. [Interjections] The promises of this government regarding transparency and good governance are not being met. I thank you.

MR S J GCABASHE (ANC): Mr Speaker, I rise on a point of order. The hon member is deliberately misleading this House. He was not part of any discussions that took place, so he must withdraw that statement.

THE DEPUTY SPEAKER: Hon Gcabashe, we shall investigate the matter. Proceed, hon Krog.

MR J KROG (DA): Mr Speaker, there are so many things that I want to say during my last nine seconds. We have the Royal Household buying a motor vehicle worth R1,6 million for the king. We have the Royal Household buying six Mercedes Benz vehicles for the queens in one year. Then we have R800 000 on rented vehicles! [Time expired]

THE DEPUTY SPEAKER: Hon members, our next speaker will be hon E S Mbatha, for seven minutes.

MR E S MBATHA (IFP): Ngiyathokoza Mahamba, Somlomo ohloniphekile. Cha nami impela ngithi angingene emazwini. Usethathe amazwi ami umhlonishwa u-Krog ukuthi ewu ama-*Cabinet Ministers* alapha ekhaya ama-*MECs* aphi uma sikhuluma udaba olubucayi kangaka. Kodwa-ke ngiyaye ngibezwe-ke abantu lapha phandle bethi Somlomo, ewu, bayamkhumbula uHulumeni kaMantshinga ngoba kwakuthi uma kukhulunywa izindaba ezinje behlale oNgqongqoshe belalele ngoba kuyisifundo esibi lesi ngoba iziNhloko zoMnyango zedelela i-SCOPA nje, kuqala khona lapha abahlonishwa uma benga-athendi ama-*sittings*.

Nokho-ke bekungukudlula nje lapho ke Mahamba, Somlomo oHloniphekile. Angingene-ke nami enkulumeni kule nkulumompikiswano yalama-Resolutions ethu akwa-SCOPA. Ngizoqala okokuqala ngikhulume ngoMsekeli Municipal Support Services. Kuyazeka ukuthi uhulumeni owawuphethwe yiqembu lethu le- IFP wasungula uMsekeli ngenhloso yokusiza omasipala ababephethwe yithi kuphela. Inhloso yayiyinye nje ukuthi omasipala kuyazeka ukuthi kwathi uma besungulwa basungulelwa phezu kwenkunkuma, uma ngingase ngikubeke kanjalo. Ngoba babengenziwa ukuthi bebesendaweni yokuthi uma sebeqala uku-*deliver* ama-*services* kubantu kubonakale ukuthi ngempela banawo yini ama-*adequate skills* nabantu abazokwenza lowo msebenzi. Kwase kusungulwa-ke uMsekeli.

UMsekeli wawukhonela ukuthi omasipala bagijime uma beletha i-*service delivery* kubantu. Hhayi-ke njengenhlayenza-ke lafika-ke igejambazo likaKhongolose elicije ngasohlangothini olulodwa libe libuthuntu ngapha. Lazohlalela-ke uMsekeli waphela kwayindikli. I-SCOPA –ke sesithe ke cha ababuyise phela i-report yabo, i-*close out report*. Ukuze kubonakale ukuthi yonke le nto ekade ikhulunywa uzakwethu phambi

kwami yokuthi lezi zisebenzi azazeki manje ukuthi zingaphi ngoba kusenabantu abawukindola abalaphaya kuMsekeli, abanye baseMnyangweni we-*Traditional Affairs* nezinto ezinjalo.

Manje-ke thina njenge SCOPA sithi makube yi-Resolution yale Ndlu. Kodwa-ke nje okusimangalisayo ukuthi hhawu kwenziwa yini zonke izinto ezasungulwa yiNkatha uhulumeni wakho Mnguni uzicekele phansi. Ngisho lezo-ke ebezisiza ngisho nina ngoba kuyiqiniso ukuthi ngisho omasipala benu bathwele kanzima nje, betibila kanzima, yingoba nahlakaza uMsekeli. Umbuzo nje angifuni mpendulo lapho ukubuza nje ngedlula ngendlela.

Okwesibili ake ngingene-ke kulo Mnyango. Cha Mhlonishwa u-Tarr, uma uthi uzakwethu la uMnumzane uMzobe oHloniphekile akathule ngalolu daba loMnyango wakwa-*Agriculture*, wenza iphutha. Ngeke-ke ngikusole ngoba ngiyakwazi ukuthi uyindoda enjani wawunathi ngapha wase ubona ukuthi woza ngapho kumnandi kuntofontofo ngapho. Thina-ke esingapha sizokhuluma amaqiniso ngoba zintela zethu lezi esizokhuluma ngazo.

Sizothi okokuqala, kube mnandi ukuthi iNhloko yoMnyango ikhishwe ngesango. Siyakwemukela lokho ngoba lesi sitofu asisilokhu sisikurufa nje sithi, kuzwakale ingcindezi ukuthi hhayi bo, kuyashisa ekhishini. Sasho sathi hhayi bo, kukhona okunuka santungwana. Kukhona indoda engaphansi komsila wengwe laphaya. UMahamba uhlezi laphaya nje kufanele engabe uwuNgqongqoshe, wayeyiletha intuthuko kubantu. Kodwa manje kwaxoshwa iNhloko yoMnyango ngezizathu ezithile kwenzelwe ukuthi ibalekiselwe umkhonyovu eyayiwenza eMnyangweni.

Manje-ke sizothi-ke thina beNkatha, cha, ngeke sikuvume-ke lokho ngoba zintela nathi zethu lezi. Siye sithi njalo uma sihamba siyothenga ngisho amasaka ezimpuphu kusale omfagolweni esitolo okuthiwa yintela. Babuya-ke labo omfagolweni bezoletsa i-*service delivery* kubantu. Ngeke siyivume iNhloko yoMnyango eneminyaka emide, ihambile yebo, kodwa-ke ake sibheke i-PFMA manje.

La ku-PFMA ku-*Chapter 10* wayo, kukhuluma kakhulukazi laphaya ku-*section 86* ngokuthi iNhloko yoMnyango *as an accounting officer*, uma kuwukuthi ukhona lowo muntu eMnyangweni noma akasekho, awenziwe phela ama-*legal proceedings* adinga ukuthi ekugcineni kosuku egcine egqunywe ejele. Le ndoda le idinga ukuba sezikhindini

uma kuwuhulumeni *o-responsible* ngoba akakwazi umuntu ukukhishwa enze inxaphanxapha enje. Kwakungasekhona phela ukusebenza kabi lokhu kwase kuwukusavuna, ngesiZulu. Angedlule.

Ngiluma nje ngiphephetha. I-Taxi Council. Uyabo lapha ku-Taxi Council ngiyazi-ke kunocwaningo olwenziwa ngoba phela abammeli ongqeqe. Yilowo mmeli uqhamuka nge-*angle* yakhe nomunye aqhamuke ngenye bese kuthiwa-ke cha ama-*legal opinions*. Kulama-*legal opinions* silulekiwe laphayana ku-SCOPA ukuthi hhayi bo, kubukeka engazuthi noma ama-*political office barriers* okuyithina amaLungu ePhalamende, sinemali esiyihola la, kwakungafanele ukuthi sibuye si-*serve* kwamanye ama-*public entities* I-*public entity* le ithola ukusaphotheka kwayo eMnyangweni we-*Transport* ukuze ikwazi ukusebenza. Kodwa manje iLunga lePhalamende eliHloniphekileyo uMnumzane uNgiba, uWuSihlalo we-Taxi Council. Ufika ahole ngapha ePhalamende abuye azocaphuna ngapha. Sithi-ke thina beNkatha cha bo, akusekhona ukuhola phela lokho ukusavuna imali yabakhokhi bentela. Manje uma kunjalo sizothi cha bo, siyakhuzana noma-ke i-*opinion* yavela thina beNkatha kodwa sisagula ukuthi hhawu umuntu angasavuna ngapha esavune ngapha! Uthi usuke esenayo inhliziyo lowo muntu ngoba imali yabakhokhi bentela. Uma kuwukuthi siyakhlonipha lokho.

Ngingena eThala manje. Indaba yeThala cha, iyasidida thina be-IFP. IThala siyalazi ukuthi lasungulwa uMholi wethu uMntwana waKwaPhindangene. Kwale noma bethi bayalinyakazisa oMnguni ngoba waze washo uMnguni ukuthi ku-SCOPA nakwa-*Finance* wathi ngeke wazi ukuthi liyohlala iminyaka emingaki kuphetha i-ANC. Uthi inkinga iyodwa manje ukuthi bazoliqalaphi iThala ngoba phela isimbelambela. Lisiza abantu namhlanje sizwa kuthiwa kukhona abanye asebethola nezimali, imihlomulo eminye ize ingene ngisho koNdlunkulu babo.

Manje-ke esikushoyo ukuthi thina eThala la kwambiwa umgodi omngaka. Siphasise imali la ifakwe eThala bese ivele ibekwa nje laphaya kulowo mgodi kodwa uma sesithi abazo-*account-a* la kuSCOPA singatshelwa lutho. Sizothi-ke thina be-IFP, cha bo, abantu aba-*account-e* ngemali ephasiswa yile Ndlu ngoba ekugcineni kosuku ngilokhu ngikhalile ukuthi imali yani? Yabakhokhi bentela. Uma abantu sibezwela sazi ukuthi ngempela ekugcineni kosuku abantu ababesivotele kufuneka phela senze sure ukuthi imali yabo ayichitheki inxaphanxapha.

Ekugcineni ake ngikhulume nge-Booyesen's Commission. Bakithi sekuphele iminyaka emihlanu yonke selokhu salinda sesize sapetuka amehlo. Siyamangala ukuthi uhulumeni kaKhongolose ukuthi kanti wenze njani ngoba lokhu salinda i-Booyesen's Commission Report ukuthi ilethwe kule Ndlu ukuze siyibheke phela ukuthi ama-*findings* ayo ekugcineni athini. Kodwa-ke ngoba yayiholwe yinkunzimalanga umyuzalala wejaji kothi ekugcineni kosuku li-appoint-we nguye uhulumeni wakhe njalo, ubani? UKhongolose!

Ekugcineni kosuku siyolokhu silindile ukuthi hhawu, nakhu kuhlwa *i-report* ingafiki, siyayidinga. [Time expired]

THE DEPUTY SPEAKER: We thank the hon Mthiya for his contribution. Our next speaker will be the hon Ngcobo for seven minutes.

MR P N NGCOBO (ANC): Mr Speaker, yesterday we received a fascinating report from the Chairperson of SCOPA about the recent international study tour to England regarding private:public partnerships whereby, if government does not have funds to build schools, the private sector builds a school and the government, in turn, leases the building from the public sector. The information we received from the Treasury regarding the proposed new government precinct is an indication that this province is moving in the right direction. This will enable us to use financial resources in a proper and equitable manner which will address the question of service delivery at the same time, and we will have an institution that will benefit the status of the House.

Talking about the management of government resources reminds of the way we are managing our government fleet. How can we talk about improving the lives of our people when so many of our cars are impounded by the Department of Transport because our public servants are using these cars as taxis, transporting unauthorised passengers, driving cars without authority, driving cars under the influence of liquor *et cetera*. Some of these vehicles have not even been released by the Department of Transport. This begs another question about the role of the Heads of Departments. We hardly hear of any action taken against these employees.

Whilst talking about this matter, one is reminded of the cases against some of the employees, particularly from the Department of Local Government, Housing and Traditional Affairs. In 1997 magistrates in the Inkhandla area were charged, and to date

nothing has been finalised.

I now come to those properties that were bought by the HOD of Housing. To date we do not know who owns these buildings or who collects the rent, if any. This debacle has been going on for almost four years.

These issues are not different from the Ulundi flats, the Mr Brown issue. If you go through Hansard, you will realise that this House is like a broken record. We speak about these issues year after year. Unfortunately the gentleman is not here, but it is like a Coega story, a Dube TradePort story and the Banana Express. At least the airport has been removed from the list, because of action on the part of the ANC.

The irregular expenditure by the Playhouse Company has been condoned by the National Treasury – *luister nou moo!* [listen carefully now] - which creates the amount of R490 300 to market production without adherence to the Supply Chain Management. The procurement of the said services was not done by the Playhouse Company, but instruction came from the Department of Arts and Culture to pay a particular service provider. It is very interesting that a particular HOD can just ignore Supply Chain Management regulations and nothing happens.

[Kucwebe iziziba.](#)

The other issue that we dealt with in SCOPA was irregular expenditure by the KZN Gambling Board. Certain members of the Board were appointed to serve on this Board, but failed to declare their previous activities, ranging from people having judgements against their names for driving under the influence of liquor to lying about whether the person is from KwaZulu-Natal or not. In this process the province lost monies that had to be written off.

[Udaba lweThala ...>](#)

You see guys, members of this House >

[udaba lweThala >](#)

is a very sensitive issue. You see, I know people sitting across there who benefited from lthala, because

izikweleti

were written off. If you want us to go back to the Nineties, we will get that information for you. [Interjections] Some of you benefited from that! [Interjections] We know about that! [Interjections]

THE DEPUTY SPEAKER: Hon Ngcobo, just a minute, please. Hon members, dialogues will not be allowed in the House. Please proceed, hon member.

MR P N NGCOBO (ANC): Ngiyabonga Mr Speaker, so udaba lokubolekwa kwezimali abezombusazwe nezihlobo zabo kanye nabasebenzi abaphezulu bakahulumeni nabaseThala ikomidi yavumelana ngokuthi ludluliselwe kumcwaningi wamabhuku.

THE DEPUTY SPEAKER: Hon Ngcobo, I see a member is standing up.

AN HON MEMBER: Mr Speaker, is the hon member Mr Ngcobo prepared to take a question?

Mr P N NGCOBO (ANC): Ngizoyithatha mina, uma ngiqeda ngizoyithatha, ima ngiqeda.

I am coming to you. I will answer any question from you.

Kubalulekile ukuthi umuntu akucacise ukuthi sonke siyavumelana ngokuthi akukho oku-*wrong* ngokubolekwa kwabo izimali eThala. U-AG sifisa ukuthi abheke ukuthi awekho yini amafastela aphulwa, akangalandela imigudu ejwayelekile. Inselelo yeThala ukuthi lihluke kangakanani kwamanye amabhange ejwayelekile. Umhlonishwa umama uDowns spoke about this issue.

Some of us attended the workshop in Durban last week. If she was there, she could have benefited from the way that they conducted themselves in that meeting, including the MEC who was leading the team from Ithala. They were being honest. They told us about the problems that they have. All of us - including you – agreed to have a follow-up workshop where we are going to deal with these issues. I know you! When you are here, you are *dof* [slang: dull] When you are outside, you are a different character. [Laughter.]

Elinye iphuzu ...

No, the Speaker will deal with you and do the same thing that he normally does to you.

[Laughter] At least one issue from my side is about the finalisation of the fixed assets register.

THE DEPUTY SPEAKER: Agb Krog, luister asseblief. *[Hon Krog, please listen.]*
[Laughter]

MR P N NGCOBO (ANC): We know that we are sitting with 7006 properties under the Department of Education, 707 under the Department of Health, as well as some 1 543 residential and accommodation properties. We have 707 tracts of vacant land and we are supposed to deal with the transformation of our economy, bringing in a broad-based black economic empowerment entrepreneurs into the sector. We have a situation where the government would lease properties from the BBBE, and give them long-lease agreements in order to enable them to pay back their loans.

The question for [umhlonishwa eduze kwami ukuthi](#) whether the Real Estate Department can do that. [Mangivale ngokuthi akulungile ukuthi iminyango kahulumeni ibe nezikhala eziningi zingavalwa bese ekugcineni iminyango izishaye izifuba ithi yonge imali kodwa abantu bethu befuna usizo kuhulumeni, izingane zethu zibe zingasebenzi, aziqashwe, ziqeqeshwe ukuze sakhe isizwe esinamakhono.](#)

The Highway House saga was raised by Dr Radebe. [Time expired.]

THE DEPUTY SPEAKER: There will now be a response by the Chairperson of SCOPA, the hon Mrs J M Downs.

MRS J M DOWNS (Chairperson of the Standing Committee on Public Accounts):
Mr Speaker, there are just a few things that I need to respond to.

The hon Mr Sithebe ... Okay, he is not in his seat. I see him now. SCOPA has often said we should blacklist certain contractors. The department says they cannot do it, because it is against the law. However, I have just had a thought while we were talking, and I think it is something we can look at from a legal perspective. I am quite sure SCOPA can take resolutions regarding the blacklisting of certain contractors. We can say, "If these guys are doing this, we in government cannot deal with them." They move from one department to another and cause mayhem. We need to be doing that.

Mr Tarr spoke about the number of resolutions we have. We started off by having 180

resolutions. This year we are down to 50. As far as governance is concerned, we are improving. We will have more resolutions, as Mr Tarr has said, but that has to do with the municipalities. We will, however, separate them out so that we will have reports on government departments and reports on municipalities. In that way we will be able to distinguish between the two.

Mr Krog, I just need to correct something you said about the sitting slots. That was a problem we had last year. This year I have been given sitting slots, and we are getting the slots that we need. I am thankful for the Speaker's intervention in the matter. After we discussed it with the Speaker, he made sure that we had the slots we needed. We can go to him, if necessary, for more slots. We are being given that kind of support. Mr Krog, as I have said before, I really think that SCOPA and the Portfolio Committee on Finance need a budget so that we can request special investigations when we want to. We can ask the Auditor-General to investigate a certain matter, and then we can pay for it. We often ask the AG to do something and then he says, "Well, I have done this work once. I cannot really do it again, because who is going to pay?"

Lastly, there are still some departments that are not giving timeous answers. They are Welfare, Works and Housing to a certain extent. We are not getting progress on the Booyens Commission. We also have one or two outstanding issues from the Premier's Department. I have to say to hon members that the last DG - whilst I had the greatest respect for his experience and managerial ability, and I certainly do not want to denigrate that at all - he did not have extensive experience in managing the public service and government. I really believe that Mr Kwazi Mbanjwa has a wealth of experience, and I am hoping that we will be able to have a much closer working relationship with him, and that Mr Mbanjwa will be able to shake up the rest of the Heads of Departments under his leadership. So let us see how that goes and whether he will be able to do that or not. I trust that that will be the case. I would like to be able to go to him and say, "Look, we are having problems with these departments. Can you do something about it?" I am hoping that action will be taken.

There are other people who have expressed concern about the Booyens Commission issue. It is an issue. These properties are worth a lot of money. We need to pick up on it and work on that issue. We have to make sure that it is finalised very quickly. Hon members, thank you for the debate. I shall end here.

THE DEPUTY SPEAKER: Thank you, hon Downs, for responding to the debate and thanks to all the members who contributed.

Report put to the vote before the House.

Question put and agreed to.

8.5 Debate in terms of Rule 30(7) on Motion moved by the Chief Whip of the KZN Legislature

Mr V C XABA (Chief Whip of the Legislature): Speaker, exactly two weeks ago, I gave notice of the motion in terms of which this House is called upon to pass it into a resolution. The motion reads as follows:

This House therefore resolves:

[1] That the Standing Rules of the KwaZulu-Natal Legislature be amended by the addition of Rule 30 (7) which will read as follows:

“30 (7) The Speaker, after consultation with the Chief Whip, the Chief Whip of the Official Opposition, representatives of other parties in the Legislature and the Leader of Government Business, may invite a person who is not a member of the House to -

- (a) address the House or the members of the House; or
- (b) attend a meeting of the House and state his or her views on a matter before the House.

That is the motion that I raised two weeks ago. At present the practice is that non-members of the House can neither address the House, nor can they attend a meeting of the House and state their view on a matter before the House. Our Rules do not allow for that to happen.

This proposed resolution seeks to talk to that issue. I invite hon members to support this motion so that our Rules can be amended accordingly. The Legislature of KwaZulu-Natal, true to its desire to involve the public in the legislative and other processes of the Legislature, as decreed by the Constitution of the Republic, embarked on a programme

of "Taking the Legislature to the People". This programme has been widely acclaimed by the people of KwaZulu-Natal. It was created to strengthen accountability and transparency, and it has deepened our democracy.

At the same time, it has exposed hon members of this House to harsh realities and challenges that our people face every day of their lives. Nobody can deny the fact that issues such as water, sanitation, land, electrification and so on - matters over which this province does not have competency - dominate all public forums within the Legislature and provincial government *izimbizo*. These are bread-and-butter issues. It is understandable that people raise them as concerns which beg immediate attention.

In their pursuit to get themselves heard, they do not even differentiate between different spheres of government. They do not care which sphere of government has competency over which matter. They probably view the delineation of competencies between the different spheres of government as academic. These issues have come our way. They have been raised by people in the hope that this province will not shy away, but will act on them. In my view, these expectations are not misplaced, because this Legislature can find a way of managing them in such a way that all our people will be able to walk with their heads held high. They will be able to walk in the light of our hard-won freedom.

The majority of the people in this House come from areas that even today are still struggling to gain access to clean water, basic sanitation, land, electricity and so on. To them the promise of a better life may seem like an illusion and a failure. However, what they want is not inconsistent with the objectives of the government of the day. This House cannot be a spectator, not when we have seen these harsh realities ourselves. It is a matter that this side of the House will not compromise on.

It raises a critical point. Do we all share a common vision? Are we all bound together by a common desire to reach a common destination? This House occupies a strategic position in that it not only has competency over certain provincial matters, but it is also a player who can facilitate further dialogue between the public on the ground, whom we happen to represent, and the national government. Mr Speaker, I invite this House to support the proposed motion.

MR H L COMBRINCK (Chief Whip of the Official Opposition): Mr Speaker, thank you very much. It is so nice to have a beautiful speech written on a computer. We support

the hon Xaba when he says the functions of this province is not on the Constitution. We cannot rule over them. The national Government is responsible for electricity and water and all those issues. However, let us make it very clear that the Rule, as it stands, provides a problem. Therefore, if we cannot amend the Rule, an amendment will be moved by the DA Whip, Radley Keys, that we support with other parties. I will wait for his amendment to be moved. If that amendment is not passed, we cannot support this Rule.

However, we are talking about inviting a person. We are not talking about inviting a national minister, a foreign dignitary or a leader of a foreign country to come and report to the House. We are talking about a non-member. That opens up a problematic issue in that any member of the public can be invited to address the House. It could be the chairperson of Eskom. It could be the chairperson of Telkom, whatever the case may be. The point that we want to make is that we are not against it, not at all. We would like to play an oversight function over a national minister. We would like that minister to come here in a full plenary of this House to do his reporting. He can withdraw himself, sit in the VIP seat over there and listen to our debate. However, we do not want him to conclude the debate or make a reply, because that would open a channel for abuse. It opens a channel for abuse, because how can we attack a national minister who is supposed to be our guest? If that happens, that member or that national minister can therefore reply and attack back, but he is not a member of this House. So it is a very difficult situation to deal with.

We support the idea. Let us invite them. Let us talk to them. Let us debate the issue, but we do not want a reply on the whole issue. We can refrain from going into a plenary of this House. We can invite a member or a national minister on a Wednesday, like we did before. However, I agree with the hon Xaba that we may then have the problem that the matter is then not taken seriously enough, and that we need this kind of thing in a full plenary of this House.

We will therefore support the amended version, as will be stated by the DA Whip before this House. We need clarity on these issues. I did some research on this issue, and I have not found any example anywhere in the world where a non-member can report to or take part in a debate in the House, and then also reply at the end of the debate. It is common knowledge that international dignitaries have made speeches or reports before national Parliament in the past. It does not happen all that often, maybe on two or three

occasions in a year. He gets a round of applause, but that is it. They do not even debate it.

Maybe we are in a new scenario. Maybe we are trying to build in something new in our Rules. However, our Rules are not just here for today or the occasions of today. Our Rules are there for generations to follow. We have to have checks and balances, and I ask Jan Slabbert to keep his mouth shut. [Laughter] I mean, the hon Jan Slabbert. *Agbare Jan Slabbert.* [Hon Jan Slabbert.] We have to have checks and balances on the whole issue, because we are opening ourselves up to a serious problem in the future if this is going to happen. I shall leave it at that.

THE DEPUTY SPEAKER: Agbare lid Combrinck, baie dankie vir u toespraak. [*Hon member Combrinck, thank you very much for your speech.*]

MR S N MTWETWA (ANC): Eh angibonge Somlomo ithuba lokuthi ngikhulume ekuxhaseni le *motion* kaSotswebhu Omkhulu wesiShayamthetho. Egameni lika- African National Congress siyayisaphotha futhi siyafisa ukuthi wonke amaqembu ayibuke ayibukisise, ayithathe futhi ngale ndlela esiyicabanga ngayo njengalokhu uSotswebhu Omkhulu esho.

Angikhumbuze-ke kodwa-ke, kuqala, ngoba siyashesha ukukhohlwa, uSomlomo lona esinaye okaMacingwana uma engena emva kuka-2004, uthi uza ne-*agenda for change*. Kuleyo *agenda for change* ziningana izinto ebeziphakathi okunye sesikubonile kwenzeka *even* ama-*rules* ebesihamba ngawo uwashintshile, amakomiti ebesikuwona awushintshile, ngisho inombolo yakhona ishintshile ngisho ukuhleleka kwendlela yokusebenza kwabasebenzi balapha ekhaya kushintshile sino-*co-ordinator* namhlanje babengekho kuno-*secretary* kuphela njalonjalo.

Konke lokhu *is for the good of* isiFundazwe sakithi neNdlu ehloniphekileyo yeSishayamthetho. Ngiyafisa-ke ukuthi nakulokhu, njengoba akuzange kone muntu konke lokho, kodwa kwenze ukusebenza kwangcono kunakuqala. asikuthathe ngalelo so. Ukuthi nanku umbono ufika uthi: asilitholi ithuba lokuthi into esingenayo siyifune siyithole kulowo onayo ngokuthi simbizele lana endlini azoyisho sixoxisane naye kube semthethweni lokho. Now, uma sihambahamba ngoba angizukubala okuningi, uyabona ngingabala nalokhu kokuthi kwakona ukuphuma nje siye ebantwini sithole lezi zinto esizitholayo, uthole ukuthi abantu bakhala ngomhlaba bakhala ngama-*claims* abo

bakhala ngendlela okuthiwe uma umhlaba ubuyiswa kwakhiwa izakhiwo zezethenjwa (*ama-trust*) ngendlela okwenzeke ngayo kunezikhadlwana lapha kodwa asinayo into engakanani esingayenza ngenxa yokuthi asikwazi ukuyixoxa eduze nalaba bantu abathintekayo.

Ngithi-ke mina vele sekuyaziwa maLungu ahloniphekileyo ukuthi ngokukahulumeni ohola leli lizwe elithenjwe kangaka umhlaba wonke ngenxa yezinto ezintsha elafika nazo ngesikhathi lithola inkululeko. Alizange libheke ukuthi i-*tradition* yama-*colonial* ibimi kanjani bese lilandela lokho okuvale indlebe. Kulezi zinto ezintsha lohulumeni waseNingizimu-Afrika okufune nathi la kusiFundazwe sethu kunezinto ezintsha esizifundise ezinye iziFundazwe nakulokhu sisengazifundisa ezinye izifundazwe ukuthi hhayi-bo ikhona le nto iyenzeka futhi yenzeka nje kube kuhle.

Ake ngibeke lokhu okunye. Angithi uyabona kuyaziwa manje ukuthi esikhathini esingaka makuhambe ngendlela okuhleleke ngayo amanzi angase engenile kubantu bonke, izwe lingase libuyele kwiphesenteji engaka ugesi ungabe ungenile njalo njalo. Kodwa i-*question* ekhona ukuthi ubani owu-*number two* kulaba asebefakelwe ukusukela manje, ubani owokugcina. Wenza kanjani ukuthi ukuthi uma owokugcina kuyiKwaZulu-Natali, ngiyalinganisa, kungenzi ukuthi ibuye izoba u-*number two* noma ibe u-*number three* ngale kokuthi wenze ingxoxo u-*engage* labo bantu abasemandleni nixoxisane basibone isidingo senu ngokuthi simlethe lapha endlini saxoxa naye.

Kukhona-ke lokhu engingakuzwa kahle mhlawumbe ngizokuzwa uma uKeys esekubeka. Uyabona uma uthi uzoxoxa nomuntu ufuna ukumphesuweda akunike into bese uthi ufuna ukuba uthole ithuba lokuthi umtshela aphume ahambe. Wazi kanjani ukuthi le nto oyishoyo akanayo impendulo mhlawumbe abezothi uma ekutshela ngayo uthi “hhawu, oh no! akunjengoba bengicabanga”.

Kungabe phela sisho ukuthi sifuna mhlawumbe inkundla yokuthi hhayi thina sizoletha lowo muntu oqhamuka ngaphandle kodwa unqongqoshe noma ubani sizomusho simusho simusho bese sithi phuma uhambe. Cha akukona lokho. Sifuna thina kuze umuntu esizothi kuye nazi izinkinga esinazo lapha KwaZulu-Natali i-*service delivery* imi ngenxa yalezi zinkinga nalezi, nalezi ebese simlalela naye aphuwule phela abeke eyakhe imibono njalonjalo.

Angiqhubeke-ke angithi phela uye lo u-*Rule 30 (7)* esithi asiyivume ukuthi ingene.

Angikusho-nje mina ukuthi akulona icala ukwenza izinto ezintsha kunalokho kungukwenza kahle ngoba phela u-imphephelo ezintweni ezenzekile ezisuke zikhona futhi akusho ukuthi-ke uma kukhona ingxaki eyoba khona ngaleso sikhathi sekuyi *cast in stone* le *closure* angeke isashintsha. Then i-Rule Committee okubonakala ukuthi noma kukhona inkinga ekhona lapha nalapha siyohlala futhi sibuye siyishintshe. Nisabani?

Angigcine-ke ngelokuthi u-Speaker ukusho kwasobala ukuthi u-Chief-Whip akayukuvele abize noma ubani noma nini noma kanjani *but* uyoqale uma esekwenza lokhu ayithinte i-Chief Whip ye-opposition athinte nabanye abamele amaqembu ixoxiswane le ndaba *surely* uma kukhona izinto ezingahambi kahle kulawo ma-*consultation* kuyolungiswa. Yini engasatshwa lapha kuleyo ndawo *therefore* siyakusaphotha thina Sotswebhu siyafisa nabanye bakusaphothe lokhu ngokuba muhle uzosisiza. Siyakholwa ukuthi is for the good of our Province and for the House. I thank you.

MR R E KEYS (DA Whip): Mr Speaker, when we make Rules or pass pieces of legislation, we must design them for the worst possible scenario so that they cannot be tampered with. For instance, let us say the DA was in power and required that this Rule be passed into effect. [Interjections] I am 100% sure the ANC would oppose it. [Interjections] Mr Speaker, the worst possible scenario is that the ANC is in power, with the help of the Minority Front. [Interjections]

What is a member? A member of the House is a member who has powers, privileges and immunity. He or she is a participant of an association, an accepted member who ascribes to the norms and values of that association. He or she is empowered. A member has to be sworn in.

Now, if a foreigner comes to this House, whether it is a national minister, a traditional leader who is not a member of this House, if it is someone from Eskom or any other member of the public, if that member is brought into this House and addresses this House, our caucus does not have a problem with that. We support that. In that sense a minister from National Assembly or a premier from another province is welcome to come and address us.

However, as soon as that member sits in this House and responds to the debate, he or she is assuming the mantle of a member of this House. In that case, the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act does not cover

that minister. That minister will not enjoy any of the powers, immunities or privileges of this House and therefore cannot participate. That minister would not be sworn in as a member of this House, and in order to participate as a member in this House, one has to be sworn in. That is why we say let the member, minister or a visitor address this House, but not as a participant.

At the moment there is only one non-member who addresses this House and that is the King. At the moment we are widening that perspective. We do not debate the King's speech, and he does not reply to any debate of ours.

Constitutionally this is not feasible. We have ministers who will come and address this House. We have no problem with that. However, that minister has no jurisdiction over this House, neither does this House have jurisdiction over the portfolio of that minister. Now, we use a Wednesday to get people to come and address members. If it is to try and guarantee attendance at the meeting, this House today is an example of how poor the attendance is, and it is the MECs who lead by example.

I formally propose an amendment, namely to delete the words in paragraph (b) after the word "House" and (b) must therefore be read as "... attend a meeting of the House". We support the Rule up to (a) and in Section (b) of the Rule, after the word "House" all those words get deleted.

Mr Speaker, I move this amendment with the support of the IFP, the ACDP and NADECO. Thank you.

THE DEPUTY SPEAKER: Hon Keys, I have a copy of your amendment. We shall now proceed to the next speaker.

REV A H MBATHA (NADECO): Hon Speaker, NADECO would like to pinpoint the issue we have with the Chief Whip's motion. If we accept his motion and say that any person can come and debate with us in this House, we will have our first problem. Who will be chosen or invited to this House? People who will be invited, will always be the people who are supported by the ruling party in this House.

Secondly, if we say any member can respond or state his views, there will be competition amongst the citizens, because he who was invited can state his views in the House. We will not have the Rules under which that particular individual can be held

accountable. We cannot tell them what they may or may not say. Members of this House are sworn in. They take an oath whereby they subject themselves to the Rules of this House. They take an oath whereby they promise to uphold the integrity of this House.

If we now say any person can come here without taking an oath and without promising to uphold the dignity and integrity of this House, that person can simply come and engage in a debate and say whatever he or she feels like saying. At the moment there is only one Whip representing the minority parties. I therefore do not understand how representatives of other parties would be consulted. Is this going to be taken out of the Whippery?

Inkinga yami Somlomo, ngale *motion* ukuthi umuntu angafika la asithuke aze adele aphike ukuthi asinandlela esingayikhuluma ngoba phela ubemenywe ukuphathwa kukaSomlomo nabaphathi bephalamende. Singabi nandlela thina eyikuthi sithi chabo ngokwalo Mthetho nalo mthetho awufanele ukuba ukhulume kanje kanti okwamanje onke amaLunga ale Ndlu akhuluma azi ukuthi aphakathi kwemithetho ethile ewaphethe. Ngakho-ke ngibona mina sengathi uma sifuna ukuvula umnyango wendaba ethile ungabe sikhulume nje ngayo kuphela kodwa singavuli umnyango ngokuthi siqhamuke noMthetho *o-general* novuleke kakhulu okhuluma nje sengathi wonke umuntu angangena kanti empeleni siqonde abantu abazobe bethandwa *i-ruling party* ukuthi bangene.

Ngakho-ke iNadeco iyayi saphotha *i-amendment ye-DA* kuloludaba.

MRS J M DOWNS (ACDP): Mr Speaker, I thoroughly agree with the Chief Whip when he says that members of the public do not distinguish between municipal, provincial or national government. They see everybody in the same light. We therefore thoroughly and 100% support the broad aims and aspects of this Rule. We need to be able to get reports and debate them and discuss issues.

However, I have been persuaded by my other colleagues in the House that, in order to protect the dignity of this House and to protect our guests, we need to move this amendment. It is unthinkable – in fact, the hon Chief Whip himself said so - that we would have somebody as a guest and have an acrimonious debate, and then the guest gives an acrimonious reply. I must, however, point out to hon members that I have now supported that, if we do have a guest, it is unthinkable that we as members of the House

will engage in an acrimonious debate from our side, as well. Having said that, I do support the amendment of the DA and the thorough objects of what the Chief Whip wants to do. I am hoping that we will accept the amendment and pass this Rule.

THE DEPUTY SPEAKER: Hon Downs, thank you for your contribution. We now proceed and we call upon hon B J Msomi. He does not appear to be in the House. I therefore have the honour of calling on the Chief Whip of the Legislature to respond to hon members who have spoken on this motion.

MR V C XABA (Chief Whip of the Legislature): Mr Speaker, I have listened to the debate. Yes, it is true that it is not common for a member to be given an opportunity to reply. However, I want to submit that it is not a crime to break new ground. To change and do things differently is not a crime.

The Legislature has authority, given to it by the Constitution of the Republic of South Africa, to determine and control its arrangements, proceedings and procedures and to make Standing Rules and Orders concerning its business with regards to representivity, participatory democracy, accountability transparency and public involvement. You cannot dismiss innovation on the basis that it is unprecedented. Let us look at the merits of the issue again. Let us for a while free ourselves from the prison of our own political stereotypes. [Interjections]

The proposed Rule enables this House to invite a national minister to come and share information with us on matters which we, as members of this House, have an interest in. [Interjections] Yes, when there is a debate, he or she will have the right to reply. [Interjections] They will have the right to reply to any debate. [Interjections] I do not know what these hon members are talking about!

AN HON MEMBER: On a point of order, sir. Can we be protected? We want to listen to all the speakers. I know that these people are used to making noise under the trees, but we are now in parliament.

THE DEPUTY SPEAKER: Hon members! Hon Mcoyi, you are standing up without the Speaker's permission. Please sit down. Hon Mcoyi, you stood up before I called on you to stand up. Sit down, please. Hon members, let us have some order in the House. Please proceed, hon Chief Whip.

MR V C XABA (Chief Whip of the Legislature): Speaker, I am not aware of a situation where a person is not given a right to respond to issues that arose from his or her own input. I find it very odd. It has never happened here. We are not going to ask a national minister or anybody to account to us, because they are not accountable to provincial legislatures. The provisions of the Constitution are very clear when it comes to that. Section 55(2(a) of the Constitution says the National Assembly must provide for mechanisms ...

HON MEMBERS: Hoooo!

THE DEPUTY SPEAKER: Hon members, I am now requesting you for the second time to stop your “hooing”. Proceed, hon Chief Whip.

MR V C XABA (Chief Whip of the Legislature): Thanks, Mr Speaker. It says the National Assembly must provide for mechanisms to ensure that all executive organs of state in the national sphere of government are accountable to it. We will not be asking them to account to us, because they are not accountable to us. We are saying it is a platform for sharing information between them and us, especially on matters over which we do not have competence, but which constitute bread-and-butter issues in the Province.

The hon member Mr Keys talked about immunity. What immunity? Here he or she comes and says, “Look, you have given me a report on water. You have given me a report on land. You have given me a report on electricity. I am here today to actually give you information from my side as a minister.” The debate will be initiated by reports, emanating not only from this House, but also from public encounters that we have had from our initiatives such as “Taking the Legislature to the People”, from our *izimbizo*, from committee meetings and all that. Those reports have been compiled, some are being compiled. Those are the reports that would initiate a discussion with the minister. This is an opportunity, once more, for these hon members to add something to the report or the debate. If a minister has a right to reply, he or she can then start looking at the issues that would be raised by the members from the floor.

Mr Speaker, I want to propose the following - and here we are not talking about members, and we are not talking about ministers who have provincial counterparts. The Minister of Health has a provincial counterpart. The Minister of Education has a

provincial counterpart. We are talking about ministers whose portfolios constitute bread-and-butter issues. Here, hon members, you simply walk past them!

Hon members, can we consider Rule 76 which deals with a decision on a question that has been postponed ... [Interjections] ... a debate on a question that has been concluded in the House. The presiding officer may postpone the decision of the question until the next sitting day or another time agreed to by the Chief Whip, after consultation with the Whips. Thank you very much.

MR R E KEYS (DP Whip): Mr Speaker, I rise on a point of order. I rise on the last point that was made, namely the proposal by the hon Chief Whip. My point of order deals with Rule 76. The hon Chief Whip has placed you in an invidious position, because he has not consulted with the Whips of the other parties, and therefore he cannot appeal to this Rule.

MR V C XABA (Chief Whip of the Legislature): Mr Speaker, may I address you on that point? There is nothing in the Rule which says I must consult with the hon Chief Whip of the Opposition or the hon Whip of the other parties. The Rule is very clear. May I read it out for all members, especially those of them who do not have the Rule Book before them.

When the debate on a question has been concluded in the House, the presiding officer may postpone the decision of the question until the next sitting day or another time agreed to by the Chief Whip, after consultation with the Whips.

HON MEMBERS: Hooooooooo!

Mr V C XABA (Chief Whip of the Legislature): Mr Speaker, it will afford us time to look at the proposed amendment. [Interjections]

THE DEPUTY SPEAKER: Members, I am again requesting members to stop hooing in the House. If this continues, I will be forced to take action against whoever does that.

MR M A TARR (ANC): Mr Speaker, I wish to raise a further argument on the point of order. [Interjections] It is a point of order on the same Rule that we are talking about.

AN HON MEMBER: Which Rule? [Interjections]

THE DEPUTY SPEAKER: Hon members, a question about which Rule must come from the Speaker, not from the House.

MR M A TARR (ANC): Mr Speaker, the reality is that if this matter is put to the vote before the House, the motion is going to be lost. We can all count. What will happen then is that the baby is going to be thrown out with the bath water. The reality is that everyone in this House agrees that it is important for the Minister ...

MR R E KEYS (DP Whip): Mr Speaker, I rise on a point of order.

THE DEPUTY SPEAKER: Hon Keys, give me a chance, please.

MR V C XABA (Chief Whip of the Legislature): Mr Speaker, I have a problem. Rule 69 says that when a point of order is being raised, the member called to order must resume his seat. A point of order may not be raised on a point of order! The hon Mr Tarr was standing on a point of order.

THE DEPUTY SPEAKER: Hon members, it is now the Chair's prerogative to make a decision. The House will adjourn for a few minutes to give me a chance to consult.

Business suspended.

Upon resumption:

THE DEPUTY SPEAKER: Hon members, before the House adjourned, I said I was going to consult. Indeed, I have been able to stand on the shoulders of legal and other giants. In simple words, I have consulted, and my consultation leads me to the following decision: I postpone the vote on this matter to the next sitting.

I want to thank all the members who took part in the debate. I hope next time we shall come to an understanding and conclude this important matter. Thank you to hon Keys for the amendment. The vote is postponed until the next sitting.

I want to make a few announcements. In the absence of the Premier, I cannot ask him to make any announcements. From the Speaker's Chair I want to announce that the Chief Whip has asked me to announce the following: There will be a Whips Forum meeting

immediately after today's sitting of the Legislature. The venue will be here in the Main Chamber. All Whips must therefore attend the meeting.

I also wish to request that those who were not in the House be informed about the postponement of this important motion by the Chief Whip. I am sure the committee members will advise them.

In the absence of any other business, I want to announce that our next sitting will be on 19 July 2007, starting at 10:00 in the morning. Hon members, I thank you for your time and your patience. It was a rich and a full day.

The House was adjourned at 16:03.