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**DEBATES AND PROCEEDINGS OF THE THIRD**

**KWAZULU-NATAL PROVINCIAL LEGISLATURE**

**FIFTH SESSION**

**THIRD LEGISLATURE**

**THURSDAY, 26 JUNE 2008**

**THE HOUSE MET AT 10:07 IN THE LEGISLATIVE CHAMBER,  
PIETERMARITZBURG.**

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

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

**2. OBITUARIES AND OTHER CEREMONIAL MATTERS**

**THE SPEAKER:** It is with great sadness that I have to announce the passing of another councillor yet again. This is Councillor Wilson Memela, the Mayor of uMziwabantu Municipality. A memorial service will be held today, 26 June 2008, in Harding Town Hall at 14:00. The funeral service will be held on Saturday, 28 June 2008, at his residence in KwaMachi next to the sports grounds at Harding at 10:00. May I request that we rise for a minute of silence in respect of his passing away?

*The House observed a minute of silence.*

**THE SPEAKER:** May his soul rest in peace. Amen.

**3. ANNOUNCEMENTS BY THE SPEAKER**

**THE SPEAKER:** Hon members, it gives me pleasure to wish the following hon members belated happy birthdays: Hon A Singh (22 June); hon Dr B T Buthelezi ...

**[Insert isiZulu 10:16]**

... Hon MEC Mthimkhulu had a birthday. May you have many more returns.

**[Insert isiZulu 10:17]**

I have received apologies from the hon MEC Mrs C M Cronjé; the hon MEC Mr B H Cele and the hon MEC Dr B M Radebe. They are not attending today's sitting because of other official commitments.

I also have an apology from the hon member Mr J S Vilane who will be accompanying the MEC for Education to uMkhanyakhude (??) for the opening of Gamula (??) High School at Manyiseni (??) Reserve.

**[Insert isiZulu 10:18]**

I need to make two other announcements. The pupils whom you saw in the gallery just a few minutes ago were from Longmarket Girls High Schools. That is the announcement that has been brought to me.

I also need to record that the the hon MEC Mrs Nkonyeni is going to arrive a bit late. She has had to attend to an urgent health matter in uMzinto. That is another announcement.

The final announcement that I need to make is that, when I read a letter from our Embassy or High Commission ... I cannot remember which it was ... in Australia about the trip of the Portfolio Committee on Transport, I omitted to report that they had also sent a present to us - a rainbow snake. I think it is befitting for us as a rainbow nation that we have a rainbow snake. This Legislature now owns a rainbow snake. I again wish to say thank you very much to that committee. We congratulate them for being so eminently recognised on our behalf. Thank you very much, hon members.

**3. ANNOUNCEMENTS OR REPORTS BY THE PREMIER**

**THE SPEAKER:** May I give an indication that I do not see an apology from the hon Premier. I am, however, aware that the hon Premier is down with 'flu. I will hand this slot over to the hon Leader of Government Business. If I did not announce the Premier's absence, it is because I did not receive any notification in that regard. Does the hon Leader of Government Business have any announcements or reports to make on behalf of the hon Premier?

**DR Z L MKHIZE (Leader of Government Business):** Thank you, Mr Premier. May I

tender an apology on behalf of the hon Premier?

**MR R M BURROWS (DA):** He is the Speaker - not Mr Premier!

**DR Z L MKHIZE (Leader of Government Business):** Sorry! I meant to say Mr Speaker!

**THE SPEAKER:** No, thank you, [uKhabazela](#). ??

**DR Z L MKHIZE (Leader of Government Business):** I want to tell your leader to discipline you, you know? Roger Burrows ... [Laughter]

**THE SPEAKER:** Thank you for that slip of the tongue, but as long as you withdraw that, it is fine! [Laughter]

**DR Z L MKHIZE (Leader of Government Business):** I am sorry, Mr Speaker. [Laughter] The hon Premier called me this morning and asked me to tender his apology. He is actually down with a heavy 'flu and is not able to make the sitting. However, there are no announcements from the Office of the Premier.

**THE SPEAKER:** Thank you, hon Leader of Government Business.

## 5. TABLING OF REPORTS OR PAPERS

**MR M A I KUBHEKA (Chairperson of the Portfolio Committee on Local Government and Traditional Affairs):**

[\[Insert isiZulu\]](#)

I hereby table the Report of the Joint Committee of the Portfolio Committee on Finance and Economic Development and the Portfolio Committee on Local Government and Traditional Affairs on the 2007/08 Mid-Year Assessment of Municipalities in KwaZulu-Natal.

**THE SPEAKER:** The hon Leader of Government Business, it seems as if you also need to table some stuff.

**DR Z L MKHIZE (Leader of Government Business):** Mr Speaker, I am sorry. I wish to table some municipal finance reports on [uNgungundlovu](#), [Ulundi](#), [Indaka](#), [Mpofana](#), [Ezinqoleni](#), [Madhlandeni](#), [Nongoma](#), [Nquthu](#) and [eThekweni](#). ??

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

**MR V C XABA (Chief Whip of the Legislature):** Mr Speaker, there are no motions from my office.

**7. NOTICES OF BILLS OR MOTIONS**

**THE SPEAKER:** Hon members, I believe I have captured all your names. Please be seated. Let us start with the hon member Mr T Jeebodh.

**MR T JEEBODH (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 disgraceful conduct of marchers led by the IFP in Durban on Saturday, and

That whilst exercising their rights, they willfully violated other people's rights by smashing, looting and stealing property, all in the name of exercising their right of showing displeasure at the street name changes done democratically and inevitably by majority vote.

**Therefore resolves:**

To call on the MEC for Community Safety and Liaison and the police commissioner to charge these hooligans, and

To make them pay for damages caused to shopkeepers, street hawkers and car owners.

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

**This House noting:**

The abrasive and confrontational leadership style of the outgoing ANC provincial leader;

The breakdown of trust between the dominant political parties in KwaZulu-Natal,

and

The low morale in the Legislature and the repulsive attitude towards the IFP.

**Therefore resolves:**

To congratulate the ANC on its wisdom to elect a visionary and conciliatory leader, Dr Zweli Mkhize, because there is now hope for peace, stability and reconciliation in this Province.

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

**This House noting:**

The total collapse of security and community safety in Zimbabwe, and

The refusal of the Zimbabwean government to accept a proposed negotiated settlement in the election impasse.

**Therefore resolves:**

To call on the South African government to immediately put pressure on Robert Mugabe to postpone tomorrow's irrelevant election, and

To bring the two sides to a round table conference to conclude a settlement.

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

Ukudlula emhlabeni kukaMnu. Reggie Khumalo kuzoshiya esikhulu isikhala emsebenzini wokugcina nokukhuthazwa kokwazisa kokuthanda izinto ezingamagugu neziwusiko sesizwe samaZulu.

Ukudlula kwakwe futhi kushiye isikhala emndenini wokoMntungwa njengomuntu obengubaba nomkhulu.

INdlu inquma ukuthi:

uHulumeni wesiFundazwe akenze konke okusemandleni ukuqoqa wonke umsebenzi weqhawe eselilele ngokuba ubhalwe phansi ukuze izizukulwane ezizayo zikwazi ukuncela kulo mbele obugwansile.

ukukhalisana nomndeni wakwaMntungwa nezihlobo kanye nesizwe sonke samaZulu nalabo abebewuthanda umsebenzi wakhe.

**[This House noting:**

*That the death of Mr Reggie Khumalo will leave a huge void in the field of conservation, promotion and value afforded to the culture and heritage of the Zulu nation, and*

*That his passing away has also left a void in the Khumalo family as he was a beloved father and grandfather.*

**Therefore resolves:**

*To urge the provincial government to do everything in its power to collect the body of work that belongs to this fallen hero so that it could be recorded for the benefit of future generations.*

*To pass our condolences to the Khumalo family and relatives, as well as the Zulu nation as a whole, including those who loved his work.]*

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

**LeNdlu:**

Ibongela i-ANC KZN nge-Conference enhle ebenayo ngempelasonto edlule nokuhalalisela abaholi abasha abakhethiwe nezithunywa (delegates) ngokuziphatha kahle; iphinde

Ifisela iqembu le-IFP i-Conference enhle nenokuthula kule mpelasonto esiya kuyo. Sengathi ingakhetha abaholi abanohlonze, nemibono eyakhayo abangeke badalele iqembu leli izinkinga.

**[This House:**

*Congratulates the ANC on a successful conference held during the week;*

*Further congratulates its newly elected provincial leadership and delegates for being so well-behaved, and*

*Further wishes the IFP a peaceful and fruitful conference during the coming weekend. We further wish that they elect leaders with integrity and vision, and that their opinions will not cause problems for the party.]*

**MRS B S MOHLAKA (IFP):** Mr Speaker, I hereby give notice that I shall move on the next sitting day of the House as follows:

**Le Ndlu:**

Ishaqwe umbiko wezindaba kumabonakude oveza ukuthi isibhedlela i-Nelson Mandela esakhiwa ngezimali ezishisiwe futhi singesezinga eliphezulu, sisenkingeni yokwehla kwezinga; futhi

Umbiko walesi sibhedlela uyisithombe sokonakala kwezinto kuzo zonke izingxenywe zempilo ezweni lakithi.

**LeNdlu inquma:**

ukuxwayisa izakhamuzi zaleli zwe ngokuthi ukubona kanye ukubona kabili;

ukuzeluleka izakhamuzi ngokuthi akusekho okungcono ezingakulindela ku-ANC. Osekusele ukuba bayixoshe iphume iphele emandleni.

**[This House:**

*Is shocked by television reports that the Nelson Mandela Medical Hospital, which was built at great expense and which has always maintained high standards, is plagued by the lowering of standards.*

*This report paints a picture of a health sector in crisis in our country.*

***This House therefore resolves:***

*To warn citizens of this country to avoid having to experience the same problem twice, and*

*To advise the citizens that they cannot expect anything better from the ANC. All that is left is for them to vote it [the ANC] out of power.]*

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

**This House noting:**

The absence of a soccer stadium in Phoenix which has a population in excess of 650 000;

That the eThekweni Municipality has already spent approximately R1 million on earthworks at the Eastbury site for a stadium;

That the MEC for Sports and Recreation does not support provincial funding to complete the stadium, saying Phoenix is an advantaged area, and

That this site is currently being prepared for housing purposes.

**Therefore resolves:**

To call on the MEC for Local Government to immediately intervene to halt the housing project, and

To ensure that a stadium is constructed by the eThekweni Municipality.

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

**This House noting:**

That in this country it is a constitutional right for anybody or any group to peacefully participate in a protest march, and

That the protest march held in eThekweni last weekend caused enormous damage to property.

**Therefore resolves:**

To urge organisers of marches to ensure that their marchers or protestors always respect the law and the right of others who do not want to participate in an organised protest gathering.

**MR M R MZUBE (IFP):** Mr Speaker, I hereby give notice that I shall move on the next sitting day of the House as follows:

**LeNdlu:**

Yethuswa imibiko yocwaningo evenza ukuthi iNingizimu Afrika isidume ngokukhwabanisa kangangokuba sekuyikwamdaphuna nje kubantu abangu-90%; futhi

Okudumazayo ukuthi abantu bawela ekukhwabaniseni nje ngoba uHulumeni obaholayo engesiso isibonelo esihle ngendlela aphatha ngayo imali yomphakathi.

**LeNdlu inquma:**

ukuzwakalisa ukudumala kwayo ngalemibiko eyihlazo;

ukuthuma uHulumeni ukuba abeyisibonelo esihle kubantu ngokulwa nokukhwabanisa ngaphakathi emiNyangweni yakhe kuqala; futhi

uyala izinkantolo zalelizwe ukuba zingasineki lapho zibhekene nezigilamkhuba ezidla izimali zabantu.

**[This House:**

*Is shocked by the latest research findings which reveal that South Africa is notorious for its fraud trends, and that it has become a home for fraudsters who make up over 90% of the population;*

*Notes its concern because the government is not setting a good example if one looks at the manner in which it manages public funds.*

**This House therefore resolves:**

*To express its shock at these reports;*

*To call on the government to set a good example to the population by fighting fraud within its departments first, and*

*To advise our courts not to be lenient when meting out punishment to those who commit this type of crime.]*

**THE SPEAKER:** Hon members, I just want to alert you that we have delayed you for five minutes when we had technical problems. We are therefore going to allocate an additional five minutes to this item. We will stop at 10:35. Mr Krog, please proceed.

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

**This House noting:**

The flood damage of between R3 billion and R5 billion caused by the floods on the KZN South Coast;

The slow response from national government's disaster fund during previous flood and fire disasters, and

That the road damage during floods on the South Coast alone amounted to R600 million.

**Therefore resolves:**

To call on the national government to act urgently, and

To award funding for repairs caused during this disaster.

**MR M MABUYAKHULU (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 disaster caused by torrential rains in the eThekweni and Ugu districts, resulting in the death of 15 people, the destruction of roads, bridges, houses and

other infrastructure, and

The hard work and prompt action by the provincial government to redress the plight of the people of Durban and Ugu.

**Therefore resolves:**

To applaud the provincial Cabinet for declaring the affected areas as disaster areas,

To support all efforts of the provincial government to normalise the lives of the affected communities, and

To call on all political leaders to resist the temptation to exploit the plight of our people for party-political gain.

**DR B T BUTHELEZI (IFP):** Mr Speaker, I hereby give notice that I shall move on the next sitting day of the House as follows:

**LeNdlu:**

Iyakunaka ukuthi iNkomfa ye-ANC lapha KwaZulu-Natali ihambe ngesizotha okuyinto engasejwayelekile eziNkomfeni zika-ANC.

**LeNdlu inquma:**

ukuhalalisela i-ANC yaKwaZulu-Natali ngokuziphatha ngendlela enobuntu;

ukuhalalisela futhi abaholi abakhethwe kuleNkomfa ye-ANC;

ukuzwakalisa ithemba lokuthi labaholi abasha bazoletsha umoya omusha womqondo ozinzile kwi-ANC ukuze izinikele ekusebenzeleni ubunye nenqubekela-phambili phakathi kwamaqembu amabili amakhulu kulesisiFundazwe.

**[This House:**

*Notes that the ANC's KwaZulu-Natal conference was very peaceful, which is something that has been somewhat of an anomaly when it comes to ANC*

*conferences.*

***Therefore resolves to:***

*Congratulate the ANC in KwaZulu-Natal for conducting themselves in a humane manner;*

*Congratulate the newly elected leadership of the ANC;*

*Express its hope that these leaders will bring about a new spirit of stability within the ANC, and that they will work towards prosperity and unity between the two biggest political parties in this Province.]*

**THE SPEAKER:** Mr Singh, you will probably be the last speaker on this item. I see it is almost 10:35.

**MR A SINGH (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 terrible storms that ravaged the KwaZulu-Natal South Coast;

That roads and bridges which link communities to important facilities have been washed away, and

That people are living under difficult circumstances.

**Therefore resolves:**

To call on the national government to immediately declare the KwaZulu-Natal South Coast a disaster area.

**8. ORDERS OF THE DAY .../ END OF OO1 by JAX**

**THE SPEAKER:** Hon members, we have concluded that item. Can we go on to item number 8, Orders of the Day? Sub-item 8.1 is the debate on the IFP motion. It says

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here, "*Moved by Inkosi B N Mdletshe*", but according to the Speakers List the introduction will be made by hon M B Gwala for 10 minutes and I understand he will also be the mover of the motion.

**MR M B GWALA (IFP):** Mr Speaker and hon members, this debate centres round the hon Inkosi B N Mdletshe's motion moved on behalf of the Inkatha Freedom Party. The motion reads as follows:

**This House notes:**

The ANC's verbal commitment to the preservation and cultivation of Zulu traditional institutions;

The listing in the PFMA of the KwaZulu-Natal House of Traditional Leaders as a public entity, and

**Further notes:**

That in practice the House is not formally accorded either the respective status or the funding to function in line with this legal definition.

**This House therefore resolves:**

To condemn the ruling party's hypocrisy in pledging to respect the House as a legitimate stakeholder but, at the same time, treating it as a mere rival party-political institution.

Responding to Question 35 from the hon Inkosi Mdletshe which dealt with the same subject, the hon Mr Mike Mabuyakhulu, MEC for Traditional Affairs in this province, while acknowledging that, indeed, the KwaZulu-Natal House is listed as a public entity, advanced some arguments which to him justified his current position of not regarding the House as a public entity.

The MEC argues that, since its inception, the House has never complied with any of the requirements stipulated in the PFMA. He said this dates back to the time before he assumed office. The MEC continues to state that when he assumed office he did ask the House to provide him with the records of its meetings, its annual reports, its quarterly reports, its business plans and its strategic plans. To his surprise, he was told that the

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House had never had all these documents required by law.

On the basis of this response, he came to the conclusion that at no stage did the House become a public entity.

Let us focus on the MEC's conclusion. Did the MEC take any steps to engage the House with a view to ensure that it corrects this anomaly? Did he carry out his obligations as a leader charged with overseeing the smooth running of his department and its institutions? Did he leave no stone unturned to help or guide the House towards fulfilling its legal obligations? This does not transpire in the reply he gave to Inkosi Mdletshe's question. Then if he did not, I am afraid the MEC abdicated his responsibility. To me, therefore, without first having taken steps to ensure the correction of what was wrong, there was no justification on the part of the MEC to come to the conclusion that the House was never a public entity.

Another question is: Did the MEC make the leadership of the House aware that because they had failed to abide by the law, he had decided to revoke their rights as a public entity?

What is even more puzzling is that the law of the country stipulates clearly that the KwaZulu-Natal House of Traditional Leaders is a public entity and, as far as I understand, it does not say that its status is conditional on the House adhering perfectly to everything it says. However, MEC Mabuyakhulu simply decides that, just because the House has failed to carry out certain legal obligations, he will not implement what the law says. To me that is contravention of the law.

Is the MEC being fair? How many government departments have been chastised by the Auditor-General and by other bodies because they are pathetic? Would it be fair for the MEC for Finance to simply withdraw budget allocations meant for such departments just because they have failed? No! Instead, there must be interventions to help them carry out their obligations.

Lest we forget, MEC Mabuyakhulu is an ANC member deployed in this department by the ANC under the leadership of the Premier, the hon J S Ndebele. Yet, despite the fact that this controversy involving their deployed leader and the House has been going on for some time, the ANC has not lifted even a finger to call their deployed member to

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account. The ANC's silence is disquieting.

It is because MEC Mabuyakhulu is carrying out the mandate to deal decisively with Prince Mangosuthu Buthelezi. One is tempted to draw this conclusion when one looks at the unfortunate developments around the House. First, when the elections were going on, there were attempts to bribe *amaKhosi* not to elect Prince Mangosuthu Buthelezi. Indeed, there were talks to the effect that the ANC wanted to deal with new faces now. Those attempts failed dismally.

When those attempts failed, a resolution was taken apparently to make the House ungovernable, to make the kitchen so hot that Prince Mangosuthu Buthelezi would have no choice but get out of the kitchen. Lately, there has been this ultimatum that both the chairperson of the House and his deputy must be employed full-time.

As I take my seat, I wish to ask the hon MEC that today he must produce to this House and, in fact, hand out copies of the letter he alleged to have been written by the House where it asked that both the Chairperson and his Deputy must be full-time positions. We have heard a lot about it without seeing it. For the sake of the record and transparency, let him show the letter.

For the sake of posterity, I feel I have no option but to place all the unfortunate developments between the Department of Traditional Affairs and the KwaZulu-Natal House of Traditional Leaders within their proper context. The real reason why we see all this hullabaloo is that this House is led by Prince Mangosuthu Buthelezi.

History knows that the anti-Buthelezi spirit within the ANC is traced to the breakdown of relations after the 1979 London meeting between the delegations of Inkatha and the then ANC mission in exile. However, even before that meeting, there was no unanimity within the ANC as far as their relations with Prince Mangosuthu and Inkatha were concerned. There were those who strictly followed what the ANC referred to as "liberatory intolerance." They hated Buthelezi with a passion, simply because he refused to be the ANC's fetch-and-carry boy. It is history that the ANC told some businessmen in one of the meetings in Dakar in the 1980s that when they took over power, they would ban Inkatha.

Clearly some members of the ANC have never been healed from this demonic anti-

Buthelezi spirit up to now. They are still committed to that evil plan to wipe Buthelezi and the IFP out of the political scene. Unfortunately, most of these members are found here in KwaZulu-Natal.

It is therefore our considered view that MEC Mabuyakhulu is operating within that mandate in his dealings with the House. We say this without implying that he belongs to that faction. He may be one of those whom Lenin referred to as “useful idiots.” [Laughter]

Against this background, this House, for the sake of protecting multi-party democracy, must endorse the IFP’s position as put forward in today’s motion under discussion: To condemn the ruling party’s hypocrisy in pledging to respect the House as a legitimate stakeholder but, at the same time, treating it as a mere party-political rival and to turn amaKhosi into second-class citizens.

**THE DEPUTY SPEAKER:** [Siyawubonga umnikelo wakho,Mhlonishwa](#) hon M B Gwala. The next speaker will be the hon Chief Whip, V C Xaba.

**MR V C XABA (Chief Whip of the Legislature):** Mr Speaker, it does not give me pleasure to participate in debates like this one. I just do not think that we should waste our time. Instead of discussing issues that unite the people of this province and make their lives better, we rehash issues that have the potential of sowing discord and drive parties away from one another.

We are preparing for elections, but as we do it we must conduct ourselves in a responsible way.

It is common knowledge that in October 1994, hardly five months after the 1994 elections, Inkosi N J Ngubane, the then MEC for Traditional Environmental Affairs, introduced the KwaZulu-Natal House of Traditional Leaders Bill. There was a debate at the time, whether the requirements of Section 183 of the Constitution of the Republic was satisfied. This section provided that:

The traditional authorities resident in the province, shall be consulted on a day to be introduced, providing for the establishment, the composition, the election or nomination of representatives and powers and functions of the House of Traditional Leaders and for the procedures applicable to the exercise and performance of such powers and functions and for any other matter incidental to

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the establishment and function of such House.

The King at that time had not been consulted. The IFP argued that there was no reference in the Constitution to the King. The King was not a traditional authority. He was just another traditional leader responsible for *Usuthu*, again another assault on his Majesty.

They further argued that the consultation that took place in Ulundi on 14 October 1994, in a meeting attended by some 260 Amakhosi, constituted sufficient consultation as envisaged in the Constitution. Inkosi Ngubane, the hon member, argued that those Amakhosi, including the King who failed to attend the meeting on 14 October, was just their own "indaba".

It is again common knowledge that the Bill in question introduced for the first time a motion of a Traditional Prime Minister, an attempt to rival a democratically elected Premier of the province. In the KwaZulu Government there was never a traditional Prime Minister. There was a Chief Minister who ruled that geographic entity alone for some 20 years. The King was then reduced to another traditional leader. The IFP argued that the position of traditional Prime Minister was fundamental to the Bill. The IFP motion that we are debating today notes that the House of Traditional Leaders was listed as a public entity and that lack of recognition of the institution as a fully fledged public entity reflects the ruling party's hypocrisy.

I want to state that the IFP was in government from 1994 to 2004 and they never saw it fit to do what the IFP is accusing the ANC for not doing. Was it hypocrisy on the part of the IFP? Was it an anti-Buthelezi stance on the part of the former Premier, Inkosi Ngubane, and the hon Dr Mtshali, the hon member, that they never instructed the MEC, Inkosi Ngubane, to give the House the so-called legitimacy?

I want to state today that the PFMA defines a public entity – and maybe the hon members do not know this – the PFMA defines a public entity as follows: A provincial government business enterprise like Eskom, if you do not know, or (b) a broad commission company corporate fund or other entity which is established in terms of legislation, or a provincial constitution. We do not have a provincial constitution because the IFP voted against it, once again exposing hypocrisy of the worst order. They wanted it and they were even prepared to kill for it. They threatened the transition from the

minority dictatorship, to a democratic government based on the will of the people, with violence and destruction.

Secondly, the body needed to be fully and substantially funded either from the Provincial Revenue or by way of a tax levy or other money imposed in terms of legislation. We argue that this body is not either fully or substantially funded from provincial revenue – instead this government, in the same way as the previous governments, is spending money on the House, we are not appropriating money to the House of Traditional Leaders. Instead we are actually spending money on it in the same way as the Department of Economic Development spends money on the Liquor Board. So there is no argument, therefore it does not meet this requirement.

Lastly, the body must be accountable to the Provincial Legislature. In this case, because the institution is not receiving money directly from this House, it is not obliged to account to this House, except that the House may actually call it to come and report to us. That is the argument that is being made. In fact the body faults on two accounts. Firstly, that it is not receiving funds from us and secondly that because of that it is not accountable to this House, that it was never recognised as a fully fledged public entity, not by this government, but by even the previous government. If the previous government wanted this to be a fully fledged public entity, they would have actually voted money to this institution and thereby made this institution accountable to parliament, and that was never done.

So I want this point to be made clear, and we have since received a legal opinion, Mr Speaker, which opinion talks to this issue. The opinion says in a sense that what is called the entity that is currently listed, namely the KwaZulu House of Traditional Leaders, ceased to exist the day the KwaZulu-Natal Act of the House of Traditional Leaders, which actually established this entity, was repealed by the KwaZulu-Natal Traditional Leadership and Governance Act, 2005, which was passed on 16 January 2006. Thus it cannot be funded or recognised as a public entity, legally speaking. The fact that it has not been officially delisted may be due to an oversight on the part of the Department. Treasury does not automatically delist. They wait for departments to apply for delisting, but it does not render the entity a body that has any legal status. The 2005 Act established a new entity called the KwaZulu-Natal Provincial House of Traditional Leaders, which is not the one that is in question today, which is not decided a public

entity for purposes of the PFMA as we are debating.

So again it may be due to an oversight on the part of the Department, that until such time as it has been officially listed as a public entity, it cannot be recognised as such in terms of the PFMA. So this is the legal advice we got from the legal adviser. In fact all that it suggests is that the debate is misplaced. We are talking about a body that has since been repealed. What the hon Minister should be talking about, should actually be coming to this Minister and requesting that this new body, the KwaZulu-Natal Provincial House of Traditional Leaders, be in fact requested.

In fact let us ask ourselves, why does the IFP want this body to be listed? Let us actually lift the mask. Despite the fact that they have not produced a business plan, they have not produced quarterly reports, they have not produced records of meetings, they do not meet as often as it is required and so when they meet they need to discuss party political issues, they need to discuss IFP issues. [Interjections] Yes, when the House meets it needs to discuss IFP issues, not the issue for which it was created. [Interjections] Yes, so that is the problem with the House and it is the House that is created to exclude people who do not have any affiliation to the IFP. [Interjections] Yes, let us ask ourselves, who is the Chairperson of this House? The Chairperson of this House is none other than the President of the IFP. Who are the members who are in the Executive of this House? Those are people who are members of the IFP and not just ordinary members, but senior office bearers of the IFP.

So it is just an extension of the IFP and the IFP in its mind thinks that by legitimising this body the way they want it, they will then have another extension ...

**THE DEPUTY SPEAKER:** Hon Chief Whip, you have got two minutes left.

**MR V C XABA (Chief Whip of the Legislature):** Yes. You have got another extension of the IFP.

You see what the IFP wants, you know, they basically want... [Interjections]

[Bayangi disturber labantu](#)

**THE DEPUTY SPEAKER:** Hon members, do not disturb the speaker. Are you through, Chief Whip? Please continue. [Interjections]

**MR V C XABA (Chief Whip of the Legislature):** I think Mr Krog wants to...  
[Interjection] Mr Krog is not an Inkosi, nor IFP, I do not know what he wants. [Laughter]

**MR J KROG (DA):** I ask you that question, do not ask me, I ask you the question.  
[Laughter]

**THE DEPUTY SPEAKER:** Hon Krog, you are not on the stage please.

**MR V C XABA (Chief Whip of the Legislature):** I think let us face it, it is about power, it is mainly about power, they need money, they need a budget, they need power to discipline Amakhosi, they need executive power. I mean the IFP must know that there is no way that power that is vested in this government, will be shared with any other institution that is not recognised to share power with government by the Constitution of the Republic of South Africa, I think that must be clear. So...

**THE DEPUTY SPEAKER:** You have one minute left.

**MR V C XABA (Chief Whip of the Legislature):** Mr Speaker, I want to...  
[Interjections], they are interrupting me. [Interjections]

**THE DEPUTY SPEAKER:** Hon Chief Whip, are you done?

**MR M A TARR (ANC):** Mr Speaker, a point of order, could you inform the House who is actually speaking, we are very confused here. [Interjections]

**THE DEPUTY SPEAKER:** Hon Tarr, thank you for that. I did do that a few minutes ago and I need to remind hon Gwala for the second time.

We thank the Chief Whip for his contribution and our next speaker will be hon M Z N Madlala, for six minutes.

**INKOSI M Z N MADLALA (IFP):** Thank you, hon Deputy Speaker. Firstly, I would like to express some words on what our Chief Whip has said before this House, to say that this is about power and Amakhosi or the House needs a budget to discipline Amakhosi, but I wonder how, because the Leader of the House who is the Inkosi of Buthelezi clan, was democratically elected by Amakhosi. So how can we ask for power and budget to discipline those people who elected our leaders as well as members of the Executive by the very same Amakhosi?

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Hon members, to make my contribution to this debate, I wish to invite the hon members to go with me through the same response by the hon Minister Mabuyakhulu to Question 35 already eloquently alluded to by the hon M B Gwala. The hon Mdletshe, Inkosi of the Mdletshe clan, posed the following question to the hon Minister:

Does the Provincial Department have a right to ignore the stipulations of a National Act if and when the Minister of that department does not feel abiding by the stipulation of that Act?

The Minister's response is:

I am not in a position to answer on behalf of my predecessors in office, nor am I in a position to answer why my predecessors did not ensure that the Provincial House fulfils the requirements of the public entity and that it operates as such.

Hon Speaker, it has always been Minister Mabuyakhulu's defence to blame his predecessors each time this issue is raised. Let me state first for the record that during the tenure of the hon Inkosi N J Ngubane, Amakhosi had no problem whatsoever with regard to acquiring resources for the House. We had good working relations with the then Minister and his Department, but that changed completely when the current Minister took over. For the first time Amakhosi were made to feel like unwelcome beggars. So the two are incomparable, but the Minister's counter argument is also flawed for another reason. Let us agree for argument sake that the Minister's predecessors did not do what they should have done, but does that give the current Minister an excuse to defy the law and abdicate his responsibility to put right what he found not right?

The Minister's colleague, the hon Dr B M Radebe, has stated in this House what he found not right when he assumed his current position, but he did not fold his arms and say, "Just because my predecessor did not do A, B, C, I will not do it" and it would not have made sense for him to fold his arms. Why does Minister Mabuyakhulu not learn from his colleague? Two wrongs cannot make a right. To simply fold his arms and not remedy the situation just because his predecessors did not do something, is an inexcusable dereliction of duty by the Minister. The Minister is duty bound to implement the stipulations of the law. This is not his private property. It is the government which must serve the people. So he, as a servant of the people, must simply do what is

expected of him to do.

Hon members, replying to the same question, the hon Minister Mabuyakhulu further stated:

The Act is however clear that the public entity, unless it is established by a specific law such as Ithala and KZN Ezemvelo Wildlife, its existence is entirely at the discretion of the executing authority. There is therefore no legislation in KwaZulu-Natal that specifically establishes the Provincial House as Public Entity.

Hon Speaker, this is the gist of the issue and the cat is out of the bag here. All other reasons such as that he came to the conclusion that the House was not a public entity because it had failed to carry out its legal obligations are just a smokescreen. The real reason why Minister Mabuyakhulu does not accord the House its status is that...

**THE DEPUTY SPEAKER:** Ndabezitha ususalelwe imizuzu emibili

**INKOSI M Z N MADLALA (IFP):** ... is that there is no law in the province which stipulates to that effect. In other words, even if the House had submitted the required documents, the Minister would not have felt obliged to recognise its public entity status because there is no such law in the province.

The question is why is it that the Minister has not seen the need to have such a law promulgated, because the House is not a matter of importance to him? Since when has the provincial law taken precedence over the National Act? Who is at fault for the fact that there is no such a law? Is it the House or the Minister? If it is the Minister, must the House then be crucified for the sins of the Minister? These are crucial questions!

The Minister reminded the hon Inkosi Mdletshe that the public entity status of the House is at his mercy! This is the true colours of the ANC. This is the attitude that differentiates the IFP from the ANC, as the Chief Whip has alluded to, as if we had to differentiate between the House of Traditional Leaders with that of the IFP, to say the Chairperson will continue carrying on with the duties of the IFP. So this is why we as the IFP are asking that this motion of making the House of Traditional Leaders be considered. Thank you. [Hear! Hear!]

**MR R M BURROWS (DA):** Thank you very much indeed, Mr Deputy Speaker. You

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know, the courts say when you come to the court in a civic action you must come with clean hands. Well, the DA sees both parties with dirty hands. I must be quite frank with you.

If we look at the repealed legislation, which was repealed in 2005, it established the KZN House of Traditional Leaders and it created a public entity. However, the IFP never treated it as a public entity! Never! It was never the case that it was separately funded. I know. We sat in Finance and we sat in SCOPA. It was never treated as a public entity. Then, when the KZN Traditional Leadership and Governance Act, 2005 was passed, the same thing occurred.

Quite honestly, the Chief Whip of the ANC uses a reverse argument. His argument is this: Because it does not comply with the PFMA, it should not be listed in the PFMA. The reality is that it is listed! It is listed in the old PFMA! It is listed in the current PFMA as a public entity. [Hear! Hear!]

He argues that the legislation, the requirements of provincial revenue and accounting to the Legislature should be complied with. Who requires them to comply with it? This House, nobody else, this House! So, if the old House of Traditional Leaders did not comply, we should have then made the then IFP head of government and the ANC government, which succeeded it in 2004, comply with the public entity legislation. We never did. We abdicated our responsibility.

The current situation is to ask fundamental questions. Is the new House a public entity? I want to quote the hon Mabuyakhulu to the hon Mabuyakhulu. He says in his speech, introducing it:

The establishment of local houses is a resounding success and has today culminated in the establishment of this, the House of Traditional Leaders of KwaZulu-Natal. Today's proceedings is the pinnacle of the transformation process which sought to restore the legitimacy of the institution of traditional leaders enjoyed prior to the distortions introduced by the colonial and apartheid regime.

He goes on to say:

The government of KZN will continue to give all the necessary support to the House of Traditional Leaders so that it can perform its roles and functions. It is

because of the importance that we attach to this House that we have improved significantly the budget allocation to it.

These are his words – not the IFP's, but his! And so it does, in fact, get revenue from this House. [Interjections] You have said so! These are your words. They are not mine! Here they are!

We increased them from R2 million in the financial year 2004/05 to R3 million in the current year in order to enable the House to perform its functions.

With respect, if you have a House of Traditional Leaders and it should be advising this House, then it has the same status as the National Youth Commission. It is a public entity. It exists. What this government should be doing, and what the last government should have done, is to have created it as a separate entity to advise us, because as long as you tie it to the purse strings of the department, as long as you tie its existence to the MEC, as long as you tie the salary of the head of the House of the Traditional Leaders to an MEC's whims, then it will not have independence. Then it cannot advise this House with what is required, which is an independent and correctly argued view of what traditional leadership in this province views of legislation and regulations are. We need to argue very strongly that this separation of the House of Traditional Leaders from the department is exactly where we should be going. It is exactly what was intended with the old legislation, and I would argue it is exactly what should be argued with the new legislation. Thank you, Mr Speaker.

**THE DEPUTY SPEAKER:** We thank the hon member Burrows for his contribution. The next speaker will be the hon Rev A H Mbatha, for six minutes.

**REV AH MBATHA:** Ngiyabonga Somlomo, ngithanda ukuqala ngokuthi ngikhumbuze amalunga alendlu ukuthi, aMakhosi akusiwona eqembu likaKhongolose, futhi akusiwona eqembu leNkatha. aMakhosi aMakhosi abantu bawo esiqhamuka kulabobantu thina njengoba silana. Umasikhuluma ngawo sifanele ukuba singawenzi ibhola lombusazwe, nokusengathi sithanda ukuziqoqela amavoti ngamazwi esiwashoyo ngaMakhosi, kumbe singawafakazeli ngezenzo lawo mazwi. Ngibonga egameni leNADECO, ngifuna ukubongela iNkatha ukuthi ukwazi ukuveza lelithuba ukuba kesibonisane lapha nalendlu, nangodaba olubucayi, lendlu yalesi siFundazwe yaMakhosi. Ngizokhuluma ngibuiye nganeno, ngoba kukhona i-debate khona namhlanje ekhuluma ngombiko

weKomidi le-SCOPA, kulowombiko sinalo loludaba. Ngizokhuluma ngibuye nganeno ukuze ngingaphambanisi inkulumo, ngokwethu sibona ukuthi ungqongqoshe ufanele ukuba athathe isinyathelo sokwenza indlu yalesi siFundazwe yaMakhosi kube ngumzimba wangokomthetho walendlu, ukuze ukwazi ukuthola izimali ngokufaneleyo. Ngibona ukuthi ngesikhathi sokubusa kukaKhongolose, kubekuhle ukuthi aMakhosi endabuko anikezwe isikhundla esithi embikweni wethu, kufanele ukuba anikezwe, siyakubonga lokho kakhulu ukusekelwa, njengoba kade kusho isikhulumi ebesingaphambi kwami, ukusekela kukangqongqoshe indlu yaMakhosi, ubukhosi bendabuka, siyakutusa kakhulu lokho. aMakhosi afanele ukuba asukume, abe ngoshampeni bentuthuko ezindaweni zawo, kubantu bawo. aMakhosi afanele ukuba abathande abantu bawo, awadingi umthetho aMakhosi ukuze kuphoqwe abantu ukuba bawahloniphe, kodwa yiwona afanele ukuba abangele abantu bawo bathi akushawe umthetho, ukuze bathande aMakhosi abo njengokuba bewathanda.

Kukhona obukhulu ubunzima kubantu ezweni elikhululekile ukuthi babone iNkosi yabo yesekela iqembu elithile, kumbe bona bengashongo ukuthi akubenjalo. Lokhu kudala ukuthi kubenokwehlukana phakathi kwesizwe esisodwa. Amaqembu wonke alapha endlini ayawathanda aMakhosi. Amanye awathanda ngoba efuna ukugaya ngawo amavoti, amanye awathanda ngempela ngoba kusekhona umoya onamandla wokuthi bavela kuphi njengoba belapha nje. Lesi sikhathi nalomoya akwazimuntu ukuthi uyoqhubeka kuzekubenini, ezizukulwaneni eziyolandela. Esifanele ukuthi sikuqaphele lapha ukuthi, thina esiphila namuhla, kungabibikho sizukulwane namuntu kwabayosilandela oyothi ibukhosi abuphele ngenxa yokwehluleka kwethu namuhla ukusho, nokwenza, nokukhuthaza, nokwethembeka, nokwenza ncono isimo sabantu phansi kwamakhosi. Impilo yabantu bakithi ayifanele ibekwe sengathi ukusalela kwayo emumva kudalwa aMakhosi. Akufanele ukuba abantu babone sengathi ukuba ayikho iNkosi ngabe bathuthuke kancono. Indaba engithanda ukufika kuyona namuhla ukuthi abaholi bendabuko abalethe inhlonipho phezu kwendlu yaMakhosi, ngokuthi bangenzi izinto eziziphoka thina Bantu sehluwane sibangelwa ukwehluleka kwalendlu ukwenza umsebenzi. Sengathi kungaba khona inhlonipho ngodaba lwaMakhosi aMakhosi sengathi angeze aphenyuka ibhola lombusazwe. Khona umoya othi ukushuba phakathi kwendlu yesiFunda yaMakhosi, kanye sesikhundla seSilo sakwaZulu Natal. Lomoya awufanele ukuba ukhuthazwe, futhi kufanele ukhuzwe masishane ukuze thina esingabantu esithanda ubukhosi singazitholi sifanele ukukhetha phakathi kwendlu

yaMakhosi omdabu yesifundazwe neSilo samabandla. Kufanele ukuba abantu beNkatha abayiqembu lombusazwe bangasebenzisi loludaba lokwehlukana kwabo luze lufike nakithi esingenandaba nalokho kwehlukana. ubuKhosi buhlangene nobuthina, uma indlu yaMakhosi ingalekeleli ukuba abantu bayo bathole izindlu, bathole imisebenzi, bathole intuthuko, bathole imfundo ekhululekile, abantu bayothi uma beba-urbanised bawalahle aMakhosi. Ngiyabonga.

**MR BJ MSOMI:** Somlomo angibonge, njalonje uma ngikhuluma ngezinto ezithinta ubukhosi nobuholi bendabuko, ngiye ngikhathwazwe ipolitiki efakwayo uma uma kuqhubakala izindaba ezithinta bona ubukhosi. Kunombuzo esengike ngawubuza la cishe kwakungu 2005 uma ngingaphosisi, wawuthi kwasekuqaleni kwenziwelani ukuthi umnyango lo wobuholi bendabuko uhlukaniswe nomnyango weSilo? Angikhumbuli kukhona abangiphendula. Ngikubuza lokhu ngoba kuthiwa aMakhosi awaseNdlunkulu, uma aMakhosi kungawaseNdlunkulu, yini indaba kuzothi umnyango weSilo ubewodwa eceleni besekuzothi aMakhosi siwabeke eceleni, ngoba ikhona okudala isihlava bese kugcina kunaMakhosi abukeka amanye engathi ayaqhela eSilweni, amanye alandela abanye. iSilo sasisho la endlini sisizwe futhi iSilo sithi aMakhosi angamaduna aso. Nithi pho ke yinike ngoba ngokwami ngibuka engathi kwasekuqaleni kwakuyiyo ipolitiki yona leyo ukuthi kwehlukaniswe leminyango. Osekuyiyonake inkinga manje elokhu iqhubeka njalo, ngoba namhlanje sinabantu abakhona la endlini abakhulama sengathi bakwazi kancono ukuphatha izindaba zobukhosi. Okungelonake iqiniso, ngoba **umakukhuthuzekile** noMnumzane la uMhlonishwa uBurrows uke wabeka.

Somlomo, uMhlonishwa ubaba uMbatha ukhulumile la nge resolution esisazoyixoxa yesiKopha, kodwa ngibona kubalulekile mhlawumbe ukuze silekeleleni ngikusho nje singakafiki lapho ukuthi siziqoqe, ngoba ithi le-resolution, eka 45 2008, the house resolves that by counting officer at the Department of Local Government and Traditional Affairs, take the necessary steps to National Treasury for the delisting of the KwaZulu-Natal House of Traditional Leaders, if deemed necessary the MEC for Local Government and Traditional Affairs for the listing of the new entity, the KwaZulu-Natal Provincial House of Traditional Leaders.

To me, this is the issue that we should be debating. The questions that we should ask, is whether the Provincial House do meet the requirements of being a public entity? If not, what should be done to meet the necessary requirements? I want to plead with my

colleagues here in this House, that if we love uBukhosi as some of us claim to do, let us put aside politics and be holistic in our approach, but I am afraid if this will ever happen since both IFP and the ANC want to use the Provincial House of Traditional Leaders as their political weapon.

As far as I am concerned, I do not think in the foreseeable future this House will be able to come up with an amicable solution to the funding of House of Traditional Leaders. If this House can give the old legislature Building at Ulundi, to be used by the Traditional House, which cost millions of rands and still cost this Government a fortune in terms of its maintenance. I do not think there can be a problem if the House is listed as public entity, but politics aside.

**THE DEPUTY SPEAKER:** Hon members, allow the speaker to make his contribution peacefully.

Somlomo , ngikusho lokhu sihlale sikusho la endlini sithi likhona ibhilidi elisoLundi, elingasetshenziswa aBaholi bendabuko njengendlu yabo. Uma, cha ngicela ningilalele, kusho lendlu, kusho lendlu. Ngithike uma lendlu ikwazi ukwenza lowomnikelo, kungani ngempela singathi, ngeke lendlu yenziwe i-Public entity, that is my argument, because there is a lot of money it was spending ekulekeleleni indlu yamakhosi. Ngiyafisake mina ukuthi mhlawumbe ilungiswe lendaba, kodwa okungiphatha kabi kukho konke ukuthi ipolitiki esiyisebenzisayo ngingacela impela, ngingazi ukuthi kuyoqhamuka bani, ake asenze sonke siphume as politicians sikhulume njengabantu abangamaZulu nagngabantu ababuthandayo ubukhosi, ngoba kumina ngibona kuzothatha isikhathi eside uma siyixoxa njengoba siyixoxa lendaba. Ngiyabonga.

**THE DEPUTY SPEAKER:** Siyabonga Nomndayi, ilunga elihloniphekile elilandelayo elizokhuluma u-hon J Krog, imizuzu emithathu

**MR J KROG (DA):** Thank you, Mr Speaker. The hon Roger Burrows summarised the position correctly. The ANC must decide whether it supports the traditional structures of Amakhosi and the House of Traditional Leaders or it must decide whether it does not support. We hear from hon Xaba that there is not a House of Traditional Leaders. We hear from hon Mabuyakhulu that there is such an institution. The ANC must not use this institution for political purposes.

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The PFMA requires certain processes if the ANC accepts the House of Traditional Leaders. Those processes are quite clear. A budget must be provided and certain aspects in terms of the budget and accounting procedures must be followed. However, we see this on all of our public entities, on all of the Schedule 4 listed business enterprises of this government. This government does not accept the requirements of Section 38 of the Public Finance Management Act, it does not accept Regulation 8 of the Public Finance Management Act – I just list a few.

What is the KwaZulu-Natal Agricultural Development Trust? Have we had statements of the Agricultural Development Trust?

What is the KwaZulu-Natal Development Service Board? What has happened to Umsekeli? We do not have statements, but it is still listed.

What has happened to the Provincial Taxi Council? This government thinks it can bring it into the government and still not account. If it is a public entity, you need financial accountants and you need financial accounts, you need audited financial statements. I just read Regulation 8.4 to Section 38 of the Public Finance Management Act, a short summary:

An accounting officer must maintain appropriate measures to ensure that if there are transfers and subsidies to these entities, are applied for their intended purposes.

Regular reporting procedures is required; regular monitoring procedures is required; audited statements are required; scheduled or unscheduled inspections are required; reviews of performance; any other control measures. Now this government does not do it to schedule 4 entities, I will list those schedule 4 entities. We have not seen audited statements of Cowslip. We have not seen audited statements of Mjindi Farming.

**THE DEPUTY SPEAKER:** Hon Krog, you have one minute left.

**MR J KROG (DA):** Thank you, Mr Deputy Speaker. These aspects need the urgent attention of this government. I hope that the new government with the new leadership will probably give that necessary attention, but the ANC must decide whether it supports the House of Traditional Leaders, as hon Mabuyakhulu says, or as the hon Xaba said, it does not support it, and then the PFMA must follow. Thank you. [Hear! Hear!]

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**THE DEPUTY SPEAKER:** We thank the hon member. The next speaker will be the hon Ndabezitha Madlala, for seven minutes. Ndabezitha?

**INKOSI M Z N MADLALA (IFP):** Thank you, hon Speaker ...

**MR J KROG (DA):** Ask to make a speech, man!

**INKOSI M Z N MADLALA (IFP):** Hon Speaker, I must express our heartfelt gratitude to those members of this House who seem to support the motion which is before us. They show that they are paying allegiance to ubiKhosi. We must also thank hon Burrows. In spite of being a white man, he shows support to ubiKhosi.

This attitude of aligning IFP with ubiKhosi, and I believe they must go on doing that in supporting the institution of ubiKhosi. On the one hand, you have the IFP born and bred on the soil of Africa. Having spent all its life in Africa the IFP is steeped in African humanism which charges it to respect things indigenous and African, including African institutions such as ubuKhosi. On the other hand, you have the ANC, which - though born on the African soil by indigenous leaders - was forced into exile and consequently had her soul and character uprooted from Africa and thus influenced by things foreign to Africa. Therefore despite the lip service the ANC pays to the African patterns and ways of thought, behaviour and life, it is spiritually and culturally still living in exile worshipping gods foreign to Africa. [Laughter.]

This is the gist of the problem. To better understand it, you need to look at the history of upheavals between the traditional leadership in the whole country and our government since CODESA. If you doubt what I am saying just ask ordinary South Africans how they interpret a government position which says, girls younger than 16 years old girls must never undergo virginity testing, while in the same vain it allows 12-year-old girls to abort ...

**THE DEPUTY SPEAKER:** Ndabezitha sekusele umzuzu owodwa, kuyashesha impela

**AN HON MEMBER:** qhubeka.

**INKOSI M Z N MADLALA:** ... without even notifying their parents.

Mhlonishwa

Somlomo, I have another very typical example. We had a member in this House iNkosi Zibuse Mlaba. The circumstances which led to his resignation are still a mystery up to this day. Yes, we heard the political reasons for his resignation. However, history is yet to tell us the real reasons behind his resignation. What is worse, the ANC did not put another iNkosi in his place. Consequently, among all the ANC members of this parliament, no one is an iNkosi. Just look at how many IFP Members of this parliament are amaKhosi.

This makes us understand the deafening silence on the part of the ANC when Minister Mabuyakhulu plays party-political games with a public institution which is the custodian of our very being as uZulu. In short, until the ANC is struck by lightning like the Apostle Paul, they will never do anything which promotes African forms of governance.

It is against this background that this House must support today's motion to the effect that:

“This House must support the motion ...

**THE DEPUTY SPEAKER:** [Ndabezitha isikhathi sakho sesiphelile](#)

Hon members, [Ndabezitha](#)

**MEC FOR LOCAL GOVERNMENT AND TRADITIONAL AFFAIRS (Mr M Mabuyakhulu):** [Somlomo ohlonophekile, namalunga alendlu, sibonga ukuba sithole ithuba lokuba nathi senze umnikelo, kulenkulamo mpikiswano phambi kwalendlu ehloniphekile. Okokuqalanje Somlomo, sifanele phela ukuba amaqiniso siwabeke njengoba enjalo, ngoba ukumbuluzwa kwesinye isikhathi akwaxhi kwenza ukuba izinto zingemi ngendlela okuyiyo. Uma kukhona abathi basola ukuthi uNgqongqoshe womnyango akawenzi umsebenzi, ngokwehluleka kwendlu. Iqiniso kuwukuthi, umthetho owashaywa ngo 1999 kwakulindeleke ukuthi kushaya unyaka ka 2000 zonke lezo zinhlaka ezibhalwe la ku-schedule 3, zibe sezihlangabezane nama requirements azo. Ama-requirements phakathi kwawo ayebale ukuthi, sibone ukuthi labo ababekhona ngalesosikhathi emandleni uma babefuna lendlu eyayikhona, hhayi lena ngoba sikhuluma ngendlu endala, iKwazulu House of Traditional Leaders ukuba yamukelwe njengedlu engakwazi ukuba ithole izimali eziza kuyo, abakwenzanga lokho. awukwazike ukuthatha ukoma nokwehluleka kwakho bese ukuphosa komunye umuntu, okokuqala lokho. Okwesibili, ake phela sikhulume sibheke umthetho. Umthetho uthi njengoba](#)

bekune-kwaZuluNatal House of Traditional Leaders eyayakhiwe ngomthetho osuwaphelake ngoba sathi ngokwakha umthetho omusha u-act no.5 ka 2005, wonke lomthetho owawukhona wachithwa. SesinekwaZulu Natal Provincial House of Traditional Leaders,

Ngithe umangilalela ngathi Somlomo, kulendlu ehloniphekile, umangizwa nje sengiqhathanisa ukukhuluma. Namuhla sibona uxamu oyogeza esizibeni, ususa insila engeke ize isuke, sibona iqaqqa elifisa ukunukisa okwezimbali, into engeke ize yenzeke. Uma uzwake lokhu okukade kukhothwa ngalendlela ngathi hawu bakithi, asiqhubeke futhi.

...KwaZulu-Natal Provincial House of Traditional Leaders - a new entity and that is exactly what I thought the hon Burrows and others completely spoke out of their depth in terms of understanding the true situation. That new entity has never been listed here. What is listed is an old entity. This is even backed by a legal opinion which is independent of the very same legislature about the very same matter. The hon Burrows must accept that for now he ignored a legal advisor of this legislature and therefore his opinion must actually remain with himself.

Let us then proceed. We must then also say, when hon Gwala says; "We do this because we are targeting the hon Prince M G Buthelezi," laws are never done with individuals in mind because incumbents come and go. What remains is a piece of legislation. I think it is important that the IFP and some of the colleagues, because I will not say all of them – they must be disabused of this notion that their leader is omnipotent and that everybody will just be gunning for the Prince of KwaPhindangene. We actually have no issue with KwaPhindangene. We are dealing with issues here and there is not an issue which is personal. So we must disabuse you of this very skewed notion in your heads. I must also say to you that there is one matter, unfortunately when we deal with a matter like this when somebody brings a matter that is not included. Just go and get a letter, hon Gwala, from the Chair or the Deputy Chair. I do not want to give you a letter that you will think I have changed. Go and get the letter and read in that letter the purpose of the letter dated 17 July 2007 go and read the first clause. Go and ask for it. If you do not have it, go and ask. You cannot come ... [Interjections]

Let me then say this, we actually need to exercise a goal ...

**THE DEPUTY SPEAKER:** Ngqongqoshe engathi kune point of order!

**MS W P ZONDI (ANC):** [kumhlonishwa u, ubaniyena lo onetshebe, angeke akhombe ungqongqoshe athi.

"I shall kill you! I shall kill you! yini lento ayishoyo I shall shoot you! I shall shoot you!

**DEPUTY SPEAKER:** Hon member ... [Loud noise] members order, order please [Loud noise] order please [Loud noise] hon members let us have order. Hon Burrows, let us have order please. Hon member, we heard your point, we shall investigate that internal business. [Pause]

**THE MEC FOR LOCAL GOVERNMENT AND TRADITIONAL AFFAIRS (Mr M Mabuyakhulu):** Thank you very much ...

Hon Minister, just one more minute ...

**MRS MOHLAKA:** The hon member is not in her place. Thank you.

**DEPUTY SPEAKER:** Hon Minister, proceed please? [Loud noise]

**THE MEC FOR LOCAL GOVERNMENT AND TRADITIONAL AFFAIRS (Mr M Mabuyakhulu):** Hon Speaker, I must therefore say we emphatically want to make this an issue for record. The issue of who chairs the House? Who deputises the House that those who are chairing and deputising and the members of that committee is not and we repeat, for us it is not a *sine qua non* and we have absolutely no qualms with whoever is actually in those positions legitimately and democratically. We must then say that to hear the hon Gwala quoting Lenin, I was sitting here and reminding myself how he actually have almost chastised communism and communists and today he is almost like in a glorified context, quoting Lenin and quoting Lenin out of context.

Ngithe uma ngilalela ngathi Somlomo, kulendlu ehloniphekile, uma ngizwa nje sengiqhathanisa ukukhluma, namuhla sibona uxamu uyogeza esizibeni, ususa insila engeke ize isuke, sibona iqaqa elifisa ukunukisa okwezimbali into engeke ize yenzeke. Uma uzwake lokhu okukade kukhoshwa ngalendlela ngathi hawu! bakithi, asiqhubeke futhi.

We must clarify that the IFP consistently failed to achieve what they think they can

achieve today. And, to argue here, we have never squeezed the House of resources. We have allocated money within the budget of Traditional Affairs and at every term since I assumed office on 3 November 2004, not a single meeting of the House has never materialised because there was no money; not a single activity of the House we have never supported. When we made the speech, the speech was not that we are going to give money to the House. The speech was that we were going to spend money on the House. The difference is there. If you cannot know it, I will not tell it now because it tells you how you are. [Interjections]

I must then say we will not do what people are camouflaging politically. The debate here is a political camouflage - precisely, political camouflage - of people who are saying today ... What they actually want to ask, is to say we want money to be able to create parallel organs of governance and to ensure that you actually appear to be another state organ or a fourth sphere that is parallel. We are saying; We will support the money to be spent on legitimate programmes and therefore we will account for those programmes and that we will not therefore be able to venture into the political gimmicks of political camouflage. [Interjections.]

As for the status of the House, here it is the only House in the first instance, the defunct House, not now, was the only House that was listed here, no other House in the whole country. However, I can only quote for you here that you have got other parties that no longer exist; that are still quoted here. They cannot come up as ghosts and want to actually be given public entity status. [Interjections.] The KwaZulu-Natal Private Township Board, the KwaZulu-Natal Marketing Initiative, the KwaZulu-Natal Economic Council, the KwaZulu-Natal International Airport Development Initiative ...[Loud noise]

**MR BURROWS (DA) :** Can I take a point of order, Mr Deputy Speaker?...

**THE DEPUTY SPEAKER:** Hon Minister, *Nggongqoshe*, there is a point of order.

**MR R M BURROWS:** Mr Speaker, may I place in the hands of the hon MEC the new updated PFMA so that he is quoting from the right authority. [Laughter]

**MR V C XABA (ANC):** Mr Speaker, on a point of order. Mr Speaker on a point of order ...[Loud noise.]

**THE DEPUTY SPEAKER:** Hon members, point of order. Proceed, hon Chief Whip.

**MR V C XABA:** Speaker, on a point of order... [Loud noise] the hon MEC is ... [Pause: Laughter.] The hon leader of the Democratic Alliance is misleading the House. What has changed in this is just a cover because ... [Loud noise.]

**THE DEPUTY SPEAKER:** Hon Chief Whip of the IFP?

**MR H L COMBRINCK (IFP):** Mr Speaker again on a point of order, on a point of order, on a point of order, on a point of order! We are not allowed to do that! [Loud noise] Thank you, Speaker.

**THE DEPUTY SPEAKER:** Hon members, we have had a point of order, point of order which is unnatural. We shall now proceed.

**THE MEC FOR LOCAL GOVERNMENT AND TRADITIONAL AFFAIRS (Mr M Mabuyakhulu):** Thank you hon Speaker. Hon Speaker we must say this. We must say it calmly and collected that anyone who knows the truth would know that the activities of the House continue and that the funding of the activities of the House and its functionality happen on a day to day basis. Even frequent meetings that are being convened by the House are funded. Let us therefore remove the smokescreen. To argue that the ANC soul has been uprooted in exile, is a question that we must ask ourselves. The hon member, M Z N Madlala is again only arguing politics. [Interjection.] No, he is a hon member in the House, he is a hon member. The hon member is arguing politics and it is precisely these things that we are actually dealing with. When one party here, the IFP, believes it is the only party that must be dominant and dictate matters pertinent with traditional leadership and therefore they actually pollute ...[Indistinct]

**DEPUTY SPEAKER:** [Ngqongqoshe ususalelwe imizuzu emibili](#)

**THE MEC FOR LOCAL GOVERNMENT AND TRADITIONAL AFFAIRS (Mr M Mabuyakhulu):** ...and they actually pollute the Institution. It is that, that we think we should actually, all of us rise against. We must also say that to argue, which is actually not correct, that when someone resigns like people have resigned in the IFP, you say you must explain circumstances. We have never explained the circumstance of a member of this House who has resigned and to try to twist things that you know for sure have got nothing to do with the question of traditional leadership is again ... [kufana nomuntu omuka nomfula, osebamba yonke nje into ekhona](#) to try and actually maintain

an argument.

We therefore say, now, today, tomorrow and as long as we are in this office that we will not have a public entity of the House of Traditional Leaders. Thank you.

**THE DEPUTY SPEAKER:** We thank the hon Minister for his contribution. Before I call upon the next speaker, I just want to make a special announcement: Kindly note to the House that a Housing Portfolio Committee meeting will be held at 14:00 at the ANC caucus room. This comes from the Housing Chair, hon T Jeebodh. We now call upon the next speaker, who is hon M B Gwala,

**MR M B GWALA (IFP):** Hon Deputy Speaker, in closing this debate, I first wish to deal with some distortions and blatant lies which have been bandied about by the ruling party in this House before responding to individual contributions by hon members.

Some ANC zealots have made it their business to spread propaganda to the fact that iNkatha did not do anything for the people of KwaZulu during the years when it was leading the administration of the KwaZulu government. Even a child would know that it is poppycock to compare apples with oranges, as the ANC die-hards try to do. The KwaZulu government, as we all know, was an administration operating in the harshest and cruellest conditions of apartheid oppression and subjugation. They lived in circumstances in which it was the apartheid government's policy to keep black people as hoers of wood and drawers of water.

It is history that the architects of apartheid had created the policy of separate development in order to keep us forever dependent upon the whites for survival. Consequently the governments of the self-governing territories did not control any budget. They only received allocations from Pretoria. You will be surprised to learn that the budget for the KwaZulu government was less than the budget of a department in this democratic government. However, history shows that the IFP-led KwaZulu government succeeded against tremendous odds in the big schools, including colleges of education, comprehensive and technical high schools, as well as the Mangosuthu University of Technology.

It was during the time of the KwaZulu government that the extra-mural division of the University of Zululand was established in the Umlazi township. Some members here are

the product of this institution. If some hon ANC members here are honest, they can stand up and testify that they received their education, training and even bursaries from the same KwaZulu government. [Interjections]

The ANC, on the other hand, operates in a democratic environment and it is the government of this whole country. As the government, the ANC controls the finances and the entire government machinery. There is no way therefore that anyone can compare the KwaZulu government with the democratically elected government. It is therefore cheap politics for the ANC to proclaim themselves as holier than the IFP. The issue of the Department of Traditional Affairs and traditional leaders in KwaZulu-Natal is a crisis situation which needs to be addressed urgently. It will be recalled that the IFP decided not to participate in the first democratic election in 1994 if there was no mediation on the issue of the institution of the monarchy and all other outstanding issues. It was only on 19 April that an agreement was signed that international mediation would take place as soon as possible after the first democratic elections on 27 April 1994. It is now history that the agreement on international mediation was dishonoured. For the hon Mr Xaba to argue about issues before the PFMA was put into place is a disgrace.

The hon Prince of kwaMadlala said a mouthful. In fact, he understands this issue of traditional leadership more than some hon members of this House. Thank you, Ndabezitha, for the clarity you have given regarding the tenure of the hon Inkosi Ngubane which has been distorted by some hon members of this House. Indeed, the ANC hates the institution of ubuKhosi with a passion.

The hon member R M Burrows also made a valuable contribution on this matter. I thank him. Indeed, two wrongs cannot make a right. If the IFP made a mistake, it does not mean the ANC must do the same.

I must thank the hon Rev A H Mbatha for his contribution, as well as the contributions by the hon B J Msomi. AmaKhosi are not asking for more powers, but they want what they are entitled to in terms of both the Constitution and the PFMA.

I support the sentiments expressed by the hon J Krog. The ANC must not be on the fence. They must either support amaKhosi fully or come out openly as an opposition to them. The ANC is using the Department of Traditional Affairs as a Trojan horse to

destroy the institution of ubuKhosi and the MEC Mabusakhulu is being used as a political tool in making sure that Prince Mangosuthu Buthelezi is out of the political arena. I am not surprised that MEC Mabusakhulu is deliberately using an old PFMA document to suit his ambitions. Let us give amaKhosi what is due to them in terms of the law. I thank you, Mr Deputy Speaker.

**THE DEPUTY SPEAKER (Prof L B G Ndabandaba):** Thank you, hon member Gwala. Hon members, before we proceed to Item 8.2: Debate on SCOPA Resolutions, once more I just want to make a short announcement. The hon member Shabalala wishes to ask hon members of the NCOP to meet in the ANC Caucus Room at 12:45 today. We now proceed to the next order of the day, Item 8.2: Debate on SCOPA Resolutions. I do have a list of speakers in front of me here, and I will therefore call upon the Chairperson of SCOPA, the hon A H Mbatha to talk to the House for 10 minutes.

## 8.2 Debate on SCOPA Resolutions

**THE DEPUTY SPEAKER:** Hon members, before we proceed to 8.2. Debate on Scopa Resolutions, I once more just want to make a short announcement; the hon Member Shabalala wishes to ask members of the NCOP to meet at the ANC caucus room at 12:45 today. We now proceed to the next item on the Orders of the Day, 8.2. Debate on Scopa Resolutions. I do have a list of speakers in front of me here and I therefore call upon the Chairperson of Scopa the hon A H Mbatha top talk to the House for ten minutes.

**REV A H MBATHA:** Thank you hon Speaker, the Standing Committee on Public Accounts met on 22 May 2008 and 3 June 2008. I would like to bring to the attention of the House a few issues that we felt we needed to report on. Our view is that we need to make regular reports to this House so that issues do not pile up and the members find it difficult to follow up the issues that we raised.

The first one is the Department of Agriculture and Environmental Affairs, the problem here is that Scopa feels that we need to get some privy into the forensic audit report so that we do not pursue the issues that have already been covered in the forensic audit report and we believe that the two MECs together with Treasury can assist us in this

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regard. I think it was addressed at some point at our last meeting at this House.

KZN House of Traditional Leaders

Our view is that we need to delist the existing House and then that the hon MEC pursues the new provincial House of Traditional Leaders as a public entity.

**THE DEPUTY SPEAKER:** Hon member, there is a point of order. Dr Mthsali, please.

**DR L P H M MTSHALI:** I rise on a point of order, hon Speaker, that the member is not presenting the report, that he is presenting a NADECO perspective.

**THE DEPUTY SPEAKER:** Hon member, we shall investigate that. Proceed, hon Mbatha.

**REV A H MBATHA:** Thank you, hon Deputy Speaker.

I was on the Ministerial Houses at Ulundi, the matter of the occupation of the ministerial houses at Ulundi has been discussed in the Standing Committee on Public Accounts over a number of years. In an attempt to move forward with this matter the committee has passed Resolutions 46 and 47 of 2008 for adoption by this House.

Department of the Royal Household

The committee met on 3 June 2008 to consider the 2006/2007 report of the Auditor-General on the Department of the Royal Household.

At this meeting, the committee expressed its concern at the almost complete lack of financial controls in this department during the 2006/2007 financial year. The seriousness of these matters is reflected in Resolution 48 of 2008 which recommends that a forensic investigation be conducted by Provincial Treasury into the administration and financial management controls of the department with specific reference to the 2006/2007 and 2007/2008 reports of the Auditor-General.

There were two unauthorised expenditures, the committee considered two amounts of unauthorised expenditure in its meeting held on 3 June 2008. The first being an amount of R195 854.92 for the Provincial Legislature which was explained to us. The second being an amount of R9.4 million for the Department of Arts, Culture & Tourism in the

2005/2006 financial year. Both these amounts were authorised subject to various conditions which are included in Resolutions 50 and 51.

Hon Speaker, I thank you and I also would like to politely say to the hon member Mtshali, who is a member of our committee; I was presenting the report of the committee as a member of Nadeco in this House and I apologise if I do not sound as old as you seem to sound. I would now like to table the resolutions for adoption by the House.

**THE DEPUTY SPEAKER:** Hon Rev Mbatha, I suppose your apology is taken kindly. The next speaker will be hon P N Ngcobo for seven minutes.

END OF TAKE OO13

[Insert Take OO14](#)

**OO15**

**MRS L A MNCWANGO:** *Uyabezwa - nongenadosi uyatinyela.* Hon Speaker Sir, hon members and colleagues, I again thank the IFP, my honourable Party, for affording me yet this opportunity to stand here in this august house and air my views on this issue which is at hand right now.

Generally, there seems to be a trend for the departments to over expend their budgets. *Ama-Departments kulula nje ukuthi a-expende noma yikanjani* just because they know they are going to come back to this House and ask for more money. Well, this should be stopped because the budgeting process then is rendered futile. What is the use of having all this hullabaloo – *nesikhwama sika-paper bag nezinto eziphakathi bese kuthiwa kuyabhajethwa, kuqhamuke iDepartment yakwaHealth ne-over spending ngamamuliyoni angaka. Kwenziwelani lokho?*

Ok, let us come to the Royal Household; it is a very sad scenario for the Royal Household to be always on the lips of the people in this house painting a very poor picture of same. *Ngake ngasho nangaleliya langa ukuthi nokungebani nje kuyatinyela – nokungenalo nodosi, kuyatinyela ngoba nje kuzithola ukuthi kusemandleni okuthi kube la kule Ndlu elalelwayo bese kukhohlwa nanokuthi oNgangezwe lakhe kuphela kufanele anikezwe indawo yakhe.* I once debated on this issue and said that it is the executive authority the hon Premier of this Province, the first citizen of KwaZulu-Natal, in whose

department this Royal Household is attached - who is supposed to decisively take action *ngale ndaba? Akungabe lokhu kushoniwa ngapha nangapha. Kuyaziwa ukuthi munye umuntu okumele akwenze lokho, akwenze decisively ukuze iphele yonke le ndaba ukuthi ikhulunywe.*

Dr Shongwe, hon member has just said the person that has got to be spoken to – *umuntu okufanele kube nguyena oshawayo uShongwe, aze akhiphe iqiniso. Angikuboni ukuthi kungenzeka kanjani lokho. UShongwe akaziphethe. UShongwe ungangabo bonke abantu. UShongwe wabekwa laphana. Kunomuntu okufanele ngabe uyena omkhumbuzayo, uyena omtshelayo ukuthi kufanele enze kanjani. Kungani uPremier ehluleka ukudila noShongwe decisively? U-Dr Shongwe uyekelweni? Ungaphezulu komthetho? Akathinteki ngoba kwenzenjani? Namanje ngisemi la ngisasho kona lokho ukuthi i-view ye-IFP ithi: his majesty the king has got nothing to do with all these things. I-administration iphathelene nabafanele bayiphathe. Umuntu okunguyena owathi yena angayiphatha kangcono iRoyal Household wayifaka kuDepartment yakhe ephethe onke amaDepartment ngoba lowo wayethi nobani nobani noSports uyatholakala kwaPremier. Kulungile-ke phela o.k. fine sekwenzekile-ke. Kuyacelakala phela ukuthi akenze lokho okufanele akwenze, akwenze ngendlela efanelekile. Sekwenele manje ngeSilo. Sekwenele manje ngeNdlunkulu. Wonke umuntu nje nongazi nokuthi eNdlunkulu kukuphi naye unombono ngaleyo ndaba. Njengamanje nje sibhizi sixabana sodwa siyoze silanyulwe yibo obaba uBarrows noKrog, abelungu. Yihlazo maZulu, yihlazo lelo. khulumani ne-Executive Authority kube iyona ekhulumayo.*

*Siqhubekela phambili-ke siyiyeke eyaseRoyal Household. Kunendaba yakhona lapha ekhaya Provincial Legislature i-unauthorised expenditure ka-2002/3 ewu-R195 854 92 - ihlala le mali... kudala le mali yenzeka. You know, people simple just spend njengoba bengike ngasho. Kuyaye kuthiwe sinomona asifuni ukuthi inkululeko iqhubekela phambili – abantu akufanele baye ebantwini kuthathwe imisebenzi iduplikhethwe kuthiwe akuphume lonke iPhalamende kuhanjiwe kuyiwe ebantwini. And, those are monies, onke la ma-adverts ahlale egcwele emaphepheni i-advert iyodwa nje – angiyiphathi-ke e-colourfull ingena kule newspaper nakule newspaper nakuleya newspaper – how much does all that cost? Bese kuthiwa – uma ngabe umuntu ebuza – hhawu imali encane kabi leyo. Why are these departments allowed to abuse the authority that they have been given? To spend imali everyday seeing pictures of all the Ministers everyday... Asisho ukuthi abangayi ebantwini but it is an over tree bakwethu ngale nje kwepolitiki – it is an*

over tree. *Kufanele kuyiwe ebantwini but ngiyazi ukuthi naphakathi kwenu kukhona abayibonayo le nto mane nje abasazi ukuthi bazoyisho kanjani kodwa ngoba mina nginayo-ke indlela yokusho ngingavelelwa yilutho ngoba ngingapha kwa-IFP ku-opposition, sengisiza nalabo benu bakwa-ANC abangayithandi le nto eniyenzayo. Kulungile akuyiwe ebantwini angiphiki kulokho zikhona izinhla zokukwenza lokho. Akhona amaPortfolio Committees okufanele ahambe ayokwenza i-over sight. Kungani sonke isikhathi...* [Interjections]

**DEPUTY SPEAKER:** Hon Mncwango sekusele umzuzu owodwa.

**MRS L A MNCWANGO:** *Ngiyabonga baba. Ok asidlule-ke lapho, sengiza kwa-Arts and Culture madam. Nayi indaba nakhona – same applies here, same applies here. Ngo-2005/6 kuno-R9 4038 25 million owa-over expenda ngawo kodwa nanamhlanje sisabona njalo amaphepha... Kanti kunini la kuthekh'lishwa khona amabhande? Sizwa kuthiwa aliboshwe ibhande, aliboshwe ibhande, kanti elikabani ibhande eliboshwayo? UHulumeni oNational uthi abantu ababophe amabhande indlala iphethe abantu kodwa still everyday abantu spend as if there is no tomorrow. Kwenzekalani? These are peoples' monies – abantu bafuna ukuthi imali iye la okufanele ukuthi iye khona, eziswini zabo. Niyaziwa ukuthi nikhona but ukuthi zonke izinsuku nilokhu nathi yimi uNgqongqoshe sengathi awukholwa ukuthi uwena uNgqongqoshe. Please guys you should know ukuthi you are here for a reason and for a reason only hhayi ukuzoba uNkulunkulu.*

*Ngiyabonga Sihlalo.*

**DEPUTY SPEAKER:** Hon Mncwango I would like to remind you not to use the word “guys” in the House.

**MRS L A MNCWANGO:** *Ngiyaxolisa Sihlalo, ngiyaxolisa kakhulu. Hon members...*

**END OF TAKE OO15**

**THE DEPUTY SPEAKER:** The next speaker will be hon Burrows, for five minutes.

**MR R M BURROWS (DA):** Thank you, Mr Speaker. You know, the hon Paulos Ngcobo, I thought he was going to spend his whole speech on the previous debate and not on this debate, but if I can just respond to him on the House of Traditional Leaders. That's the old PFMA published in 1999 and it lists the KZN House of Traditional Leaders. This is the new PFMA with the new listing and it is published when? 2006 and listed in this is the House of Traditional Leaders from KwaZulu-Natal. Now it is a reasonable assumption that if we change the legislation in 2005 in this House and repeal it, that this is correct. [Interjection] Exactly, or it is not correct, so you or the MEC made a mistake and the House which is listed there, is not the House that we in fact passed in 2005.

All right, that is fine, let us leave it, that was the last debate. I am simply saying to you that the resolution that we have is an interesting one and this is what we are calling for and we are about to pass this, Mr Speaker

*"This House resolves: The accounting officer of the Department of Local Government and Traditional Affairs takes the necessary steps to apply to National Treasury for the delisting of the KZN House of Traditional Leaders and if deemed necessary by the MEC for Local Government and Traditional Affairs, for the listing of the new entity, the KZN Provincial House of Traditional Affairs."*

Now I want to challenge this MEC – is he going to list it, because if he is not, he goes against everything that he has actually said about the House? I move on.

The hon MEC for Finance has got to come to SCOPA and he has got to come to Finance and he has got to tell us the state of the forensic report of Agriculture. It is not the MEC for Agriculture's responsibility, it falls under Treasury, we need it and we need it now.

The Ulundi Minister of Houses in the committee, Mr Speaker, declared an interest, I was on the Cabinet when this matter was being discussed, as were my two colleagues on the other side and some members on this side, the whole matter was discussed in Cabinet, there was a Cabinet resolution passed on this matter in February or March of 2003. That Cabinet resolution, I believe, has got to be critically examined by SCOPA and the whole matter reassessed. Resolutions 46 and 47 we would support.

The Royal Household: You know, the problem that we have got here, Mr Speaker, is

that we have got now an accounting officer who is one person and the Head of Department who is not the accounting officer who is another person and the Head of Department who is not the accounting officer, was the accounting officer in the time under dispute and he is the responsible person who has actually got to produce the documents, but he is not the current accounting officer. So we have actually said that there actually has to now be a full forensic investigation into what occurred in the Royal Household Department during the period under question. There are audit queries that are not being answered, but in particular his focus on the assets in the Royal palaces, whether they are state assets or whether they are personal assets, we have actually got to come to a conclusion because this is a question that has been going on since this Department was created.

Then we have got two matters of unauthorised expenditure. The first regarding this Legislature and I do want to just say to the hon Mncwango that this expenditure did not have anything to do with advertising, it had to do with members' salaries and so members' salaries being what they are, we are I think more than willing to authorise them because in fact they were promulgated salary scales by the President, it had to be implemented and National Treasury did not wholly come to the party to fund them and so we would recommend they be authorised.

Arts and Culture is slightly different. The R9.4 million is unauthorised. We are in fact recommending that it be authorised but conditional and the conditions are very severe, Mr Speaker. The first of them is, if Treasury can say to us that in the Provincial Revenue Fund there is R9.4 million in order to be able to cover it, that is fine. If that does not exist in the Revenue Fund, then it will become a charge against Vote 15, against this Department for the coming budget and for future budgets, so it is a very strong conditional matter and that they should financial control measures. However the committee, SCOPA, was quite clear that we would condemn that overexpenditure. Thank you, Mr Speaker.

**THE DEPUTY SPEAKER:** Thank you, hon Burrows, for your contribution. The next speaker is hon Rev A H Mbatha, for six minutes.

END OF TAKE OO16

[Insert Take OO17 \(Maseni\)](#)

**OO17**

**REV A H MBATHA (NADECO):** *Nginyabonga Somlomo. Manje-ke sengikhulumela iqembu lami, iNADECO. Okukhulu kulo mbiko – noma uthinte izinto ezinye osekwakhulunywa ngazo – umzamo walo mbiko ukuba siqoqe izinto ezilokhu zihleli isikhathi eside zingaxazululwa, lezi ikakhulukazi ezimbili: indaba yezindlu zoNgqongqoshe nodaba lolu loMnyango weRoyal Household. Kuxubene-ke nodaba lolu ngoba udaba lweRoyal Household luphathelene nendaba yokucwaningwa kwamabhuku okungenelisiyo ngenxa yombiko wakwaRoyal Household ongenelisiyo. Ngithanda ukukuchaza lokhu ukuthi kubonakala sengathi aboMnyango wakwa-Economic Development bakubona ukuthi akusebenzi kahle base bekhetha ukuba kubekhona i-Accounting Officer kanti futhi kukhona ne-Acting HOD kuwo lo Mnyango.*

*Into enkulu mina engiyibonayo Somlomo, kufanele ukuba lo Mnyango ube neHOD. I-HOD yalo Mnyango ibe yi-Accounting Officer. Ayiphela le ndaba yokuthi kube noMnyango osukhona kuhulumeni wesibili – uma ngingaphosisi lo Mnyango wawukhona kusewuhulumeni oholwa yi-IFP, kune-Acting HOD. Namanje uhulumeni oholwa nguKhongolose – sesiyaphela isikhathi kulokhu kune-Acting HOD. Sekuhambe kwahamba le ndaba ye-Acting HOD yagcina ...*

**DEPUTY SPEAKER:** Hon Reverend Mbatha, there is a point of order.

**DR L P H M MTSHALI:** Hon Speaker, I am rising on a point of order. The hon member has made an error in his presentation. There was no Acting HOD. Dr E B Gumbi was a fully fledged HOD. Thank you.

**DEPUTY SPEAKER:** Hon Dr Mtshali, we shall investigate that and come back to you.

**REV A H MBATHA (NADECO):** *Siyabonga Somlomo. Indaba enkulu...what we would like to see happening is that we get a fully fledged HOD of this department so that he/she takes the responsibility of accounting as to what is going on but most importantly, the perpetual story is that in this department you cannot negate the requests that come through financially. It is because of that reason that you need a fully fledged and a fully empowered person who is an HOD who has got capacity to say “yes” and to say “no”; who has capacity to pass the buck to the requisite authority so that we do not sit with a situation where the Acting HOD says, “you people are talking like this because you do*

not know the pressure that I have to operate under.”

*Sifuna ukuba uHOD afike lapha athi, “cha ngakudlulisa lokhu ngakudlulisela kuNgqongqoshe, uNgqongqoshe wathi ‘yebo’ noma wathi ‘cha’.” Yilokho kuphela esikufunayo. Ngibona ukuthi lo mzamo wokufuna omunye umuntu kuthiwe uyi-Accounting Officer, omunye kuthiwe uyi-Acting HOD, kusazoqhubekisela phambili lezi zinto ezingasiphethe kahle kulo Mnyango. Bese kuthi mayelana nezindlu zoNgqongqoshe, mina ngibona ukuthi singena thina kule ndaba kuphela ngokuthi kufanele le ndaba icaciswe manje iphele uma kunabantu abahlala ezindlini bengakhokhi ngokufanele, bakhokhe phela. Uma kunabantu abahlala ezindlini kufanele ngabe bayalekelelwa kuzo kanti abalekelelwa, balekelelwe phela yiPhalamende. Yilokho kuphela esinendaba nakho – akusiwona umbusazwe ophathelene nokuthi lezo zindlu zikuphi khona.*

*Isicelo-ke sethu sokugcina yilesi sokuthi iForensic Audit Report yakwa-Agriculture and Environmental Affairs, sithole indlela... we need to be privy to that report so that we do not continue barking at the same tree all the time when those issues may have been addressed by the Forensic Audit Report. Ileyo nje... asiqondile ukuthi ukuthembeka kwePhalamende kuphumele obala kodwa esikuqondile kuwukuthi... empeleni noma kungathiwa ukuthembeka kwePhalamende akuphumele obala - which is what Parliament is here for - we need to know if somebody did something wrong. It is actually wrong that we keep on saying it remains confidential as though we know what the contents are. We actually do not know. Therefore, we cannot determine whether we need to keep it confidential or not. Let us be trusted at least as this house or as the committee so that we do not keep on barking at the same tree all the time and end up unknowing what to decide because there is a Forensic Audit. Otherwise we would have said we need a Forensic Audit on this issue, but we already...[Interjections]*

**DEPUTY SPEAKER:** Hon member, *sekusele umzuzu owodwa...* [Interjections]

**REV A H MBATHA (NADECO):** *Somlomo akushongo mina kusho le nsizwa eseceleni kwami. Mina engikucelayo kuwukuba lezi zinto zibekwe obala. Ngiyaxolisa kakhulu elungeni elihloniphekile lekomidi futhi uMhlonishwa uMtshali uma ngesikhathi sokubusa kwakhe afaka uHOD ophелеleyo. Mantshinga ngiyakuhoxisa ukuthi ngithe awufakanga uHOD ophелеleyo. Ngiyakutusa kodwa ngiyakhala ngokuthi wasiqalela i-monster*

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*esiphethe kuze kube...*

## **END OF TAKE OO17**

### [Insert Take OO18 \(Maseni\)](#)

**MRS S THAKUR-RAJBANSI (MF):** Thank you, Mr Speaker. This report has quite a few resolutions within certain departments only, so I think I am just going to say what is the most important thing that I think needs to be done, because a lot of this report is very indecisive, especially the wording of the resolutions, because I do not think that we can, as parliament, ask for things like an assurance must be given for something.

In parliament we are dealing with matters where we have to decide and as an important committee of SCOPA, I think that the resolutions need to give more direction as to what should be done and that is why I think that if we are going to continuously look at resolutions like this, then obviously we are going to be moving goalposts all the time when it comes to the dates by which certain things must be given. I say this because for the past nine years sometimes this committee seems like a soap opera, because you know it goes so slow, the same resolutions. The reason why this happens is because we are not decisive about a timeframe by which something must be done and we are also not clear sometimes as to who has to do this and by the time we move across whose role this is and what time we need to get something done, that is why we have things like prescription occurring. When prescription occurs then we start thinking now what do we do with the new matters that are coming up and yet we do not put in a proper policy where it may just be a policy issue.

So with those general comments I want to say that with the Department of Agriculture, you see a thing like a missing report is unacceptable, because if you were a craftsman and you did not have your tools, you obviously cannot get anything done. The same thing with this missing report, it does bring about a lot of suspicion in the minds of members because you do not have something to work with and obviously everyone can then see why those documents are so important.

Then with the ministerial housing, we can see prescription has already occurred because we were dragging our feet on the whole matter. Now with the new matters that are arising, we should be thinking, let us have a clearer policy, because if you do not

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have a clearer policy, by the time the next parliament comes in, we are going to have prescription again even on matters that are now current.

Look at the Royal Household. We have been speaking about asset registers for such a long time, yet we know that the problems that are accumulating in the Royal Household is ongoing, the reason being the Royal Household is expanding all the time. We see it happening and we know that it is going to complicate matters, but we are not finalising assets, which are state assets, which are the King's assets. I would not want to be a king or a queen anywhere and may be held to ransom by parliament although I do not think even a state should go through this whole frustrating process of telling the Royal Household or the monarchy in a province or a country, what has to be done. That is why I think the most important thing with the Royal Household is we have to fast-track the trust. If we sort out the trust issue, the trust issue then leaves the King to handle his own matters, the expansion of his own Royal Household and we do not have to worry ourselves over those matters. I think that that is the answer to that and the trust issue is always pushed aside, but these other issues continuously plague parliament with all the overexpenditure that occurs, as well as the staff problems obviously.

Then of course with the Provincial Treasury, that is an old matter and I do agree with the hon Mr Burrows, that should be authorised, that overexpenditure, because historically Treasury has always been underfunded.

With the Department of Arts and Culture, I think that the proper procedure should be followed when assessing and appropriating or approving any of the overexpenditures that occurred in this Department and the reason being, this Department – and I agree with SCOPA...

**THE DEPUTY SPEAKER:** Hon member, one minute left.

**MRS S THAKUR-RAJBANSI (MF):** And I agree with SCOPA that we cannot accept that overexpenditure of Arts and Culture, because there were some areas where money was spent so fruitlessly and I will give you an example, like the Reed Dance. The Reed Dance, we always in parliament allocated a particular funding and in that one year they just doubled it and then this was a gross violation of the PFMA and that is why you have to look very carefully at that overexpenditure and see what can be authorised and what cannot be authorised and whether the money is available and then it can be done.

So with these words I just want to say that really as parliament as well, we really need to get our house in order if we do not want these issues to plague us all the time. Clear policies in certain Departments are very important. If you have a policy, you have guidelines and people have to stick with that. You cannot only look at the PFMA and say that is the overarching legislation. Any problem we have, by the time we reach an Act to act a parliament, it takes a long time, but yet all Acts means that you have to have regulations that flow out of an Act, you have to have policies that flow out of an Act and those things will guide the procedures to be followed and that is the only way. You know you can have a million Acts in a country and they are very expensive to make up, but if those Acts do not have proper controls that come out of those Acts and policies, you will never be able to administer anything. That is why we are having so many problems with a lot of the Departments, so we need to start working more on policy developments, that our procedures can be better. Thank you.

**THE DEPUTY SPEAKER:** The next speaker is hon Downs. I do not see the member in the House. We therefore proceed to the next speaker, hon B J Msomi, for four minutes.

END OF TAKE OO19

**OO20**

**DEPUTY SPEAKER:** The next Speaker is Hon Downs, I do not see the member in the house, and we therefore proceed to the next Speaker Hon BJ Msomi for 4 minutes, Nomndayi.

**Mr. BJ Msomi:** thank you Mr. Speaker, Sir. Nami ngithi angiqale ngisike elijikayo , ngale tabling of [forensic] audit report yeDepartment of Agriculture and Environment Affairs, I think it is long overdue, in the sense that as members of this committee we are unable to perform our oversight role. But I am hoping that the MEC is working with treasury to resolve this matter. The waiting should be over, Mr Speaker. Ngiyacela impela ukuthi let us resolve this issue, because we keep on guessing of what might have happened in the department. As far as the Provincial House of the Traditional Leaders is concerned, I think I commented on this issue in the previous debate, about the delisting of the former House as well as the listing of the newly established, so I will not say much. Regarding the ministerial houses in uLundi, I think this matter has been on the agenda for too long. I wish it could be concluded, iphume la kulama-agenda ethu, because since I became a

member of the **August House** it has been on the agenda, but seemingly it can not be resolved. I will ask the minister concerned ukuthi enze konke okusemandleni ukuthi iphele lento, idlule. On the very household, I agree with my colleagues that have spoken before me. I am not against any action that can be taken against the accounting officer, but I think it is important for us to consider what was said in this house, by the accounting officer regarding the redundant personnel in the department who are still in the pay roll, the complexity of the royal household. I think there was an [XXX insert a word 12:44:23] that something needs to be done by this house as far as the budget of that house is concerned. We agreed ukuthi maybe there is something wrong with the budgeting of that department, we agreed that something like a zero budgeting mhlawumbe can be an option. I will be glad if something like that can be done so that we will be aware whether the budget that we have do accommodate the needs and the requirements of that department. I will like to support the authorization of the unauthorized expenditure for both, the Provincial Legislature and the Arts and Culture. I will also like to thank ubaba uMbatha who is the chairperson of this committee, because the report that he has given us and the resolutions that they have taken do assist us in moving forward. Thank you.

**END OF TAKE OO20**

**OO21**

**MR M R MZOBE (IFP):** Hon Speaker, members of the Legislature, it is an undisputed fact that we are engaged in a game of politics. However we must be realistic and put things in their correct perspective. The ministerial houses at Ulundi form a cluster like the residences in Cape Town and Pretoria. The only difference was that essential services were provided on communal basis simply because they were built in a traditional land under iNgonyama Trust.

In respect of the rent for the ministerial houses, the Cabinet of the day consulted quite extensively. The Director-General in the office of the President was consulted. The ministerial handbook was thoroughly scrutinized. A legal opinion was submitted by the Cabinet to the Legislature for its consideration. Tragically it was disregarded by the Legislature as a non starter. A research for an independent evaluator was embarked up. This attempt was also an exercise in futility.

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The Legislature Resolution 46/2008 states that since February 2002, the seat of the Legislature is in Pietermaritzburg where the MEC's are entitled to the benefits of the Housing Scheme in terms of the Ministerial Handbook. This is not true. The fact is that in February 2002, when the Legislature moved to Pietermaritzburg, the seat of Government remained Ulundi until 2004.

I would like to pose a clarity-seeking question. Sir, is it true that all MEC's stay here in Pietermaritzburg as it is alleged in the resolutions? It boggles one's mind when one considers some of these resolutions. How on earth can one be expected to pay market related rentals on houses built on traditional land under Ingonyama Trust Act while the Act has not been repealed?

The Department of the Royal Household has been understaffed for many years now. This Department has been run by an Acting Head of Department for some time now. What has the political Head of the Department done about these short-comings? The failure of the Head of Department of the Royal Household to comply with Sections 38, 39 and 40, amounts to misconduct in terms of the PMFA Act 1 of 1999. What has the political Head of this Department done? The answer is absolutely nothing.

Mr Speaker and hon members, we have had quite a number of Heads of Department whose heads have rolled. Nothing is being done about this one so that it is made a laughing stock of some people as well as the media.

**[insert isiZULU]**

Hon Speaker, during the earlier debate the leader of NADECO in this House – the hon Rev. Hawu Mbatha – admonished that Amakhosi should not be turned into a political football. The hon member's advice is good but it is too late. Amakhosi were made political football years ago and it is still going on.

Take for instance Resolution 48/2008 which charged the Accounting Officer of the Department of Local Government and Traditional Affairs to take the necessary steps to apply for the delisting of the KwaZulu-Natal House of Traditional Leaders and, if deemed necessary by the MEC, for the listing of the KwaZulu-Natal Provincial House. The use of the phrase 'if deemed necessary by the MEC...' provides evidence that Amakhosi are indeed used as a political football. How else would you understand the use of this

phrase? What circumstances would you make it not necessary for the House to be listed?

In fact, we should not run away from the fact that the controversy that is plaguing the House right now is attributed to the fact that it is not led by an Inkosi aligned to the ANC, and that in particular is led by Prince Mangosuthu Buthelezi. Those who doubt that should just revisit the records of broadcasts by the Radio Freedom and pronouncements by publications such as isiShaba (Sechaba). And, it is against this background that there is no urgency on the part of the Department to sort out this issue of the KwaZulu-Natal House of Traditional Leaders vis-vis the KwaZulu Provincial House of Traditional Leaders.

[insert isiZulu]

**END OF TAKE OO21**

**THE DEPUTY SPEAKER:** The next speaker is hon M A Tarr, for seven minutes.

**MR M A TARR (ANC):** Thank you, Mr Speaker. A comment was made earlier on in today's debate that there were no Amakhosi on the side of the ANC in this House and the Speaker pointed out all the Amakhosi on the side of the IFP in the House. Now what would interest me, Mr Speaker, is those Amakhosi on that side of the House, who do their communities support? Do they support the IFP or do they support all parties or do they support the ANC? The reality is that those Amakhosi, they are actually dividing their own communities, because if you sit in an Inkosi's community and the Inkosi is IFP, then what do the members of his community feel who do not support the IFP? [Interjection] Well, here you hear it now, they do not because they are too scared not to do it, they are too frightened not to do it.

So what I am saying, Mr Speaker, is the mere fact that we have got Amakhosi sitting in that house over there, divides their communities and it is one of the biggest threats to traditional leadership, the traditional leaders and it is my view now, involve themselves in party politics. It is not about the House of Traditional Leaders, the Chairman of that House, I mean he is the head of a political party. How can you say then the traditional leaders are there and should support their whole community, not just the IFP ones or push the other ones to support the IFP. You have seen this throughout Africa, you have

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seen this through our Inkosi, this is what is happening.

You know we went to Ghana recently. Do you know in Ghana the Amakhosi are not allowed to be in party politics, they are not, because they represent their community, they do not represent a party. [Interjections] Ja, that is in Ghana, So you see the problem, Speaker, with one voice they say we have got no Amakhosi here which is probably the right thing, but on that side it is full of Amakhosi and they divide their communities.

Mr Speaker, you know, we have got Resolution 45 relating to the delisting of the old House of Traditional Leaders and the resolution then says the new house will be listed if the Minister deems it necessary. Now we have had that debate in this House, I do not want to rehash it, but I think the Minister made it very clear that the new House would not be listed and there is no point in pursuing that debate any further.

Then we get onto the... [Interjections] You know the hon Krog, Mr Speaker, he makes about four or five speeches every sitting, you know, one when he stands up and then about four or five from his seat. [Laughter] Mr Speaker, then the Royal Household, Resolution 48 does make a request for a forensic. I think we need to understand in this House that the problems arose during the tenure of the previous HOD. Now I am not saying the previous HOD did not have... [Interjection] Sorry, you are right, the existing HOD, the previous accounting officer, but the one issue that underlies it all, Mr Speaker, is the lack of some document or manual or something like that which actually makes it absolutely clear what can be spent on the Royal Household and what cannot be spent, because the absence of such a document makes it extremely difficult for an HOD to actually stand up to or resist demands which may be legitimate that come from his Majesty. We have called for that in this House and we actually need that as a matter of urgency and I think that would go a long way to resolving many of the issues which are there.

However the fact of the matter is that the average expenditure occurred when the previous accounting officer was in place and if he was not happy with what was going on, it was his duty to put that in writing to the executing authority, which unfortunately for him he did not do.

That then brings me to Agriculture and I think many speakers have dealt with it, Mr

Gcabashe, Mr Burrows, Mr Msomi and the issue on Agriculture is not going to go away until such time as the committee has had an opportunity to view and deal with the forensic. Many of the issues relate to missing documents and I think it is perfectly clear now and everyone understands, we are not going to see those documents, they are gone and I think we need to understand that, that by calling for them repeatedly, we simply will not see them.

However the issue is going to remain on the table in front of the committee and in front of this House until such time as that forensic is actually dealt with.

Then the other thing which – sorry, if you will allow me to get back to Agriculture briefly – it is an issue which has come before the committee before and that is the actual slowness of the police or whoever may be, in actually dealing with cases which go to them, the slowness of disciplinary hearings, and I do not have the resolution in front of me, but there was a resolution...

**THE DEPUTY SPEAKER:** Hon member, you have one minute left.

**MR M A TARR (ANC):** Thank you, Speaker. There was a resolution where we were actually going to get a list of cases so we could actually specifically follow them up as a committee and as a House, because the slowness of dealing with cases I think is a major problem behind, for example, the forensic that we are asking for today, but it is also not good for discipline generally in the public service where cases drag on and on and on. We need justice to be done as quickly as possible.

Thank you, Mr Speaker, with those few words I support the report of the committee.

**THE DEPUTY SPEAKER:** We thank the hon Tarr for his contribution. The next and last speaker before we adjourn for lunch is hon A H Mbatha, five minutes.

**REV A H MBATHA (Nadeco):** *Ngiyabonga Somlomo. Ngizwakalisa, egameni leKomidi, ukubonga kakhulu* to the hon members.

It is indeed true that we all need to get the Royal Household sorted out and hon Burrows, indeed we need information that frees us from barking up the same tree on the forensic audit. The ideal is to have an HOD in the Royal Household or maybe we should collapse, as it was said in this House, the Royal Household with Traditional Affairs and

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then we will have one accounting officer or HOD.

Then Arts and Culture, hon Speaker, I just want to say something on this I happen to know, as the members do, when we got into this matter we were briefed as a committee that part of the reasons for the overexpenditure of Arts, Culture and Tourism was undue political pressure that was put on the Department and this was reported to us. Now, I urge the hon members to instead of continuing seeking to nail these people, to rather address this issue of undue political pressure which is exerted on accounting officers. It ought not to be so. The MECs are there to take the political pressure and in an ideal world as this parliament is, the HODs are not political animals. I know that the hon members, at my committee when I made this statement – one of them is here – interjected and said am I sure, but HODs are not supposed to be political animals to the extent that they would spend money which they do not have, simply because of undue political pressure. This House has got to assist us to stop that so that it does not continue if ever it once existed.

Hon Rajbansi, indeed, we provided deadlines and hon Gcabashe, I know you insist on the truth and nothing but the truth and I support you and I hope that when the forensic report from Agriculture comes out, all of us will be happy that we know exactly what happened in this good Department.

Hon Tarr also touched upon something, the smallness of the processes to arrive at outcomes. I do not know what needs to be done in this regard, but surely we cannot wait for the forensic report to be responded to by the police if we as politicians are to do our job, because we know how long the loop may be at the police stations in our country.

Hon Msomi, I support you, the ministerial houses in Ulundi must now come off our list and those people who owe the government or parliament, they must pay and those that are owed by parliament, they must be paid and this must come off now.

I do not disagree with the hon Mzobe, but hon Mzobe you are almost taking us back if we are now going to go and say the ministerial handbook was talking about freehold land or about communal land, I think this matter is going to drag on because we can even argue which is communal land and which freehold. I do not think that hon Mzobe – I thank you that you did not raise it at the committee and... [Laughter] and I want to request that we do not pursue that line of thinking at all and I agree with you that

Amakhosi should not be made into a political football and I honestly agree with you and I think you must say this in your own political party and please make them understand we love Amakhosi and we genuinely do. We are from Africa and we cannot otherwise explain our origins except to talk of Amakhosi. [Interjections] We love Amakhosi, we will continue saying this and we will continue saying the political parties must not exploit Amakhosi for their votes. We will continue Amakhosi belongs to all of us irrespective of our party affiliations – they must stop it! [Interjections]

**THE DEPUTY SPEAKER:** Hon member, your time has expired. [Interjections]

**REV A H MBATHA (Nadeco):** Thank you, hon Speaker.

**THE DEPUTY SPEAKER:** Hon members, the debate on the SCOPA Report is over and now...

**REV A H MBATHA (Nadeco):** Hon Speaker, I beg your indulgence. I would like to table the report to this House for adoption.

**THE DEPUTY SPEAKER:** The report is duly tabled. Those who accept the report, say “Aye” [Aye]. Those who say “No”? The Ayes have it.

That ends the first session of this part in the morning. We are now going to adjourn for lunch but before we do so, there is a short announcement here, correcting the times of the meetings. The Housing meeting is at 13:30 and the NCOP meeting is at 13:45. Now the House will adjourn for lunch and will come back at 14:05.

### **HOUSE ADJOURNS FOR LUNCH / RESUMES**

END OF TAKES OO22-OO23

**THE DEPUTY SPEAKER:** Would you like to be seated, hon members.

Hon members, when we adjourned before lunch we had just completed 8.2 on the Order Paper. This is now an occasion for us to proceed to 8.3, Debate on Midterm Municipal Budget and Performance Assessment Report.

I have been furnished with a list of speakers here and the first speaker is the hon Leader of Government Business, the MEC for Finance and Economic Development, hon Dr Z L

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Mkhize, for 30 minutes.

Hon Chief of the IFP?

**MR H L COMBRINCK (Chief Whip of the Opposition):** Speaker, can we just find out if we have got enough members in this House to go on with the debate?

**THE DEPUTY SPEAKER:** Hon Chief Whip of the IFP, thanks for drawing this to my attention. I think we qualify to proceed, we have sufficient quorum. Hon Minister, please proceed.

**DR Z L MKHIZE (MEC for Finance and Economic Development):** Thank you, Mr Speaker. It gives me pleasure to table this report which is referred to as the Municipal Media Assessment of KwaZulu-Natal Municipalities, a little bit of a misnomer, considering what actually is contained in this process. The midterm of a municipality's financial year is in December. I am informed by my team that when they do an assessment of these municipalities, they do not restrict themselves to the midterm activities but they look at the financial performance of municipalities going back and even forward or beyond the midterm and therefore as we deal with this matter, we need to understand it for what it is, though the name is not necessarily fully descriptive of what's involved.

Here the municipal hearings on 10 municipalities and these hearings commenced on 10 June, ending on 18 June. In total, 10 municipalities came before the Portfolio Committee, namely:

- eThekweni Municipality
- Ezingolweni Municipality
- Mpofana Municipality
- Indaka Municipality
- Nquthu Municipality
- eMandlangeni Municipality

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- Nongoma Municipality
  - Ulundi Municipality
  - uMgungundlovu Municipality
  - uMngeni Municipality

In preparation, Provincial Treasury conducted an onsite assessment of the municipalities, except at eThekweni because that was done by National Treasury and then of course did the briefing to the Portfolio Committee on 6 June.

Umgungundlovu and Umngeni Municipalities were called before the committee to discuss the progress on the transfer of the water and sanitation function. The calculation in our report was based on financial data supplied by Umngeni Municipality and has not been audited. We found that the net result of cash received overexpenditure from 01 July 2003 to 30 April 2007 for the water service by Umngeni Municipality is the minimum of R23.9 million, meaning that Umngeni should have transferred this money over to the District. The effect of non-payment by the Local Municipalities to the District is severely straining the District's financial resources. As Provincial Treasury is currently supporting the District in terms of our Municipal Support Programme, we are undertaking a complete reconciliation of the amounts due to or by the District to the Local Municipalities in terms of the provision of the water service from 1 July 2003 to present. The report is scheduled to be completed by the end of June 2008.

I must add that in fact part of the confusion, the reason here is that some of the staff has been transferred to the District Municipality, creating an almost untenable situation of a very high salary bill together with the overexpenditure or maybe expenditure which is uncontrollable.

## **ON-SITE ASSESSMENTS**

Our findings for each of the municipalities are as follows:

### **Mpofana Municipality**

- Municipality will not have sufficient cash to fund operations

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- Projected shortfall of R2.6 million at year end June 2008 (excluding commitments)
  - R66 million of consumer debtors owing (R56.8 million over 120 days)
  - No IT Policy, no Disaster Recovery Plan and no Back-up Policy
  - Fixed Asset Register not updated since 1 July 2007
  - No conditional grant register
  - No formal risk management policy or process
  - General ledger incomplete – no opening balances and suspense accounts cleared

When these reports are made available, members will actually see the assessment – as part of the process of assessment we had to look at the competence of the CFOs to do the task.

### **Indaka Municipality**

- Anticipated operating cash deficit balance of R342 153 at 30 June 2008
- Lack of understanding of present cash position and future requirements
- R9.5 million of unspent conditional grants are not cash backed
- Conditional grants utilised to fund operating expenditure
- Key general ledger accounts (including conditional grants) are not reconciled
- Limited reporting of actual financial performance internally and externally
- Limited plan of action to resolve AG's 2007/2008 financial year concerns
- Non-compliance with budget procedures and lack of monitoring of budget process
- Salaries approximately 60% of total operating expenditure

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**Ulundi Municipality**

- CFO post vacant
- Undue reliance on consultants and no proper mechanism to monitor consultants' progress and performance
- Capacity constraints, lack of supervision and internal controls are evident
- Job descriptions for finance staff not yet approved
- Service Delivery Budget Implementation Plan, Performance Management System, monitoring and evaluation not effective
- Reconciliation of key control accounts in the general ledger were only updated to 1 July 2007
- Debtors owing R79.7 million of which R69.6 million over 120 days (R57 million provided for doubtful debts)
- 2008/2009 draft budget tabled on 25 April 2008, non-compliance with National Treasury circular 28
- Conditional grants register, records and reconciliation not updated since June 2007
- Salaries is 52.3% of the 2007/2008 budgeted expenditure
- Audit Committee dysfunctional

**Emadlangeni Municipality**

- S139 intervention by Department of Local Government and Traditional Affairs
- The general ledger is updated to the end of April 2008
- The debtors reconciliation has been completed up to the end of April 2008
- No creditors reconciliation has been performed

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- The bank reconciliation was last done in June 2007. Some were done after June, but these are not correct because of the opening balances. The recovery plan is trying to address this
  - No VAT reconciliations have been performed
  - The property rates reconciliation is done annually and would have to be done at financial year end
  - The grant reconciliation is updated to the end of March 2008
  - The Municipality has only one loan and there is no reconciliation done in this regard
  - From the cash flow it becomes evident that the Municipality does not have sufficient own cash resources to fund the operations until June 2008
  - The Municipality submitted a draft deficit budget on 14 May 2008 to Provincial Treasury, however the Municipality advised that this budget was not finalised and that a finalised draft budget would be submitted on 20 May 2008
  - Non-compliance with supply chain management regulations

### **Nquthu Municipality**

- Financial records are inaccurate and cannot be relied on
- Reconciliations of key control accounts are not performed
- Out of the Equitable Share of R28 million, budgeted salaries and wages account for 81% (R22.6 million) for 2008/2009
- R15.1 million of salaries and wages (2006/2007) were not allocated to the income and expenditure (recorded in a suspense account)
- Debtors owing R18.5 million (R13 million are over 120 days)
- Non-compliance to supply chain management practices

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- Utilisation of grants to fund operating expenditure
  - Budget statement not in compliance with MFMA
  - Unspent grant funding not cash backed

### **Ezingoleni Municipality**

- Projected operating cash flow deficits of R6.5 million at year end (June 2008)
- R7.1 million in unspent conditional grants, not cash backed
- Conditional grants utilised to fund operating expenditure
- General ledger reconciliations not performed since July 2007
- Unreliable, inaccurate financial records in general ledger
- Municipal Manager and CFO – not permanent appointments
- No plans to address the AG's concerns on 2006/2006 and 2006/2007 financial statements
- Lack of controls in the SCM process

### **Nongoma Municipality**

- Absa account as at 31 March 2008, R4.9 million. Municipality has subsequently confirmed that this is now their primary bank account
- Reconciliation of key control accounts are not performed
- Debtors outstanding as at 31 March 2008 – R15.2 million
- The Municipal Manager as well as the CFO's contract expire in June
- The finance staff is inexperienced
- Lack of IYM reporting to Treasury

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- Liabilities in respect of VAT, PAYE and Creditors suspense, unpaid and unreconciled
  - No register of conditional grants available
  - Projected cash deficit of R1.9 million in June 2008
  - Salaries 65% of total expenditure
  - Municipal workers went on strike 20-21 May 2008

### **eThekwini Municipality**

- Expected shortfall of R2 986 million for the Durban 2010 infrastructure that will have to be carried by the Municipality itself
- Relatively low capital expenditure of 36% as at the end of December 2007. According to the Municipality, this has increased to 62% at the end of April 2008
- The Municipality achieved a very good credit rating
- The City indicated it needs additional personnel from the South African Police Service to address the crime situation in the area
- Debtors collection rates are around 95 to 98%
- Total outstanding consumer debt as at 31 December 2007 was at about R2.9 billion – fairly high
- 68% of the debtors owing as at 31 December 2007 has been outstanding for a period longer than 90 days
- The cost of electricity losses amounts to R48 million and the cost of water losses is R92 million as at end of December 2007
- The Municipality intends to impose a 3% surcharge on electricity consumers to compensate for the loss of revenue due to load shedding

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## **Municipal Support Programme**

Stage two of our Municipal Support Programme (MSP) commenced on 17 June at cluster one, comprising the following:

- Indaka Municipality
- Ezinqolweni Municipality
- Mpofana Municipality
- Nongoma Municipality
- Nquthu Municipality, and
- Dannhauser

The primary focus is the updating of the financial records and the active management of the cash flow. With the exception of Dannhauser, all of the above were called before the Portfolio Committee. The other municipalities were also called before the Portfolio Committee but not included in the implementation of the MSP are Ulundi and eMandlangeni Municipality. This is due to Ulundi having two sets of consultants providing additional financial management capacity at the municipalities' cost and eMandlangeni being the subject of a Section 139 intervention by the Department of Local Government and Traditional Affairs.

The implementation part of the support at cluster one is envisaged to take between six to ten weeks after which the handover and monitoring will commence.

Cluster two will be phased in and will comprise the following municipalities:

- Mtubatuba Municipality
- eDumbe Municipality
- Umhlabuyalinga Municipality, and
- Big Five False Bay

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The extent of the support provided to each of the municipalities above will be determined by the funds available. Further, we have had preliminary discussions with the DBSA on the possibility of funding the MSP as part of the Siyenza Manje project.

In addition, we will be continuing with the support programme at Kokstad Municipality, which was part of stage one. We are currently preparing a service level agreement to utilise their Financial Management Grant for this purpose as Provincial Treasury has managed to secure additional funding from National Treasury as follows:

- This financial year (2008/2009) – R750 000
- 2009/2010 – R2.2 million
- 2010/2011 – R2.5 million

A concern from Treasury is that the current budget that's available is too limited to be able to cover the numbers of municipalities that are being challenged and the count now stands at about 41 municipalities requiring intervention. That is why there is a hope that we could approach the DBSA to try and get support from them and then from that they have got over R800 million that has been given by National Government, together with their own resources, which we should try and access as the province of KwaZulu-Natal in order to try and deal with the situation, because it looks like we will require a lot more. Currently the Treasury team is operating on a budget of about R15 million, so there is a need therefore to try and look for some other additional resources to be able to deal with the matter.

So in conclusion, Mr Speaker, based on the report of the Finance and Economic Development Portfolio Committee and Local Government and Traditional Affairs Portfolio Committee, it is also evident that our municipalities are struggling to effectively sustain their operations. This has resulted from long periods of poor cash flow management, lack of control with regard to spending and ineffective financial management and discipline. Most of this is a problem of capacity and poor planning. Part of it is also a problem of poor leadership at the level of the leadership of the municipalities. A combination of all of this results then in a situation where the municipalities are showing that they are being run down in terms of what their financial management capacity reflects. In fact a number of them need a lot of assistance so that

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they can continue to sustain their operations.

We have had, as I indicated earlier, there were some where we had to intervene earlier, like the cluster one, precisely for the same issues – poor management, poor leadership, poor planning, poor financial management – and then you end up with a bit of a chaotic situation within the municipalities. That is an issue that I think we need to face straight on, all of us, because when there is a need to intervene, we need to try and intervene, so whilst on their own it would have been a challenge anyway to satisfy the needs of the communities, but if the management is poor, then it means we land up with a situation where the resources which are scarce, are even more reduced.

So that is the kind of picture that we are painting, Mr Speaker, thank you very much, we look forward to the discussion.

**THE DEPUTY SPEAKER:** We thank the hon MEC for Finance and Economic Development for the exhaustive report and we now call upon the next presenter of a report, hon M A I Kubheka, for 20 minutes.

END OF TAKE PP1

**PP2**

**MR M A I KUBHEKA (ANC):** Thank you hon Speaker. As tabled this morning this is a joint report or the report of the joint committees on Finance and Economic Development as well as Local Government and Traditional Affairs. I will not necessarily read the report word for word precisely because it is a response at most of the issues as painted in the picture that has just been presented by the MEC in his report before this House. Almost all the issues that you see appearing here in all the municipalities that we have dealt with are at most the issues on which we have made resolutions as these joint committees.

I will only read the introductory part and highlight some few resolutions that I think are important. Both committees received a briefing on the sixth of June from the provincial Treasury and the Department of Local Government and Traditional Affairs on the mid-year finance performance assessment of municipalities in the Province for 2007/2008 financial year which ends on 30 June. We also looked at their draft budgets for 2008/2009.

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In terms of compliance with the Municipal Finance Management Act 56 of 2003, municipalities are categorised as high, medium or low capacity municipalities. The municipalities delegated to Provincial Treasury with effect from 1 July 2005 by the National Treasury can be categorised as follows: the three high capacity municipalities, 15 medium capacity municipalities and 35 low capacity municipalities. With the assistance of Provincial Treasury, the joint committees selected the following eight municipalities for hearings: the low capacity municipalities were identified as municipalities that have serious administrative and financial problems, as the resolutions themselves will show many with an audit disclaimer for the financial year 2006/2007.

Ethekwini Municipality - as a high capacity; although this municipality reports directly to National Treasury, the joint committees identified the need to meet with the Municipality due to (amongst others) the unresolved unfunded mandate issue, the identification of the Metro Municipality as one of the host cities for 2010 World Cup, the Dube Trade Port and the construction of the new international airport.

The seven low capacity municipalities from Eziqoleni, Mpofana, Indaka, Nquthu, Emadlangeni, Nongoma and Ulundi as noted at the MEC's report - we, in addition to these seven municipalities, also had to call before us Umgungundlovu municipality and Umngeni to discuss progress on the issue of transfer of water and sanitation function to the District which showed that both Umngeni and the District had funds budgeted for this particular function. The hearings were conducted between 16 and 18 June. The issues identified and resolved during the proceedings are summarised as I have said on the resolutions as they appear there from Ethekwini with six resolutions. Revolving around the issue of unfunded mandate as indicated on our first page, the attendance at Provincial IDP meetings by government departments – which is one issue that was raised during the interaction with Ethekwini as one issue that frustrates the municipalities in terms of them being able to properly integrate their programs with government departments, or in line with the programs of Provincial Government departments.

The Property Evaluation Appeals Board in the process of their implementation of the Municipal Property Rates Act and some issues around value for money audit queries in relation to the management of certain contracts Audited Financial Statements for ICC as a municipal entity. Resolution 93 on provincial debt which is a cause for concern with regards to provincial government departments owing large sums of money to the Metro

as well as other municipalities as you will note when we come to Ulundi and Nongoma, and the Dube Trade Port agreement. Basically, those are the resolutions that we took around Ethekewini Municipality – as I have said I will not be reading the report word for word.

There are two resolutions relating to Eziqoleni as we have noted there it will be Eziqoleni, Mpofana, Indaka, and the other low capacity municipalities. There was clear indication as we have noted in our introduction that those low capacity municipalities have serious administrative and financial problems. Resolutions taken in relation to these municipalities have more to do with those issues. I think the resolutions speak for themselves and I will not be going word for word on them, members will be able to pick up important issues for discussion.

Safe to say most of the resolutions taken - we hope, as the joint committees, to receive progress reports in the main from July 31 and most of the issues that we raised here which will assist us to then be able to engage in further discussion and make further inputs as both committees with a view of assisting in terms of resolving some of the challenges or the problems faced by these Municipalities.

I thank you hon Speaker.

## **END OF TAKE PP2**

[Insert Take PP3 \(Maseni\)](#)

## **QQ1**

**INKOSI MADLALA:** Mhlonishwa, thank you Baba Somlomo, although Somlomo I'm a bit unhappy that our MEC baba Mabuyakhulu is not here when we discuss such issues of a crucial importance. I suppose what will give us much joy is to see municipalities functioning efficiently and effectively more than to see the department intervening because a municipality has collapsed. Honourable Speaker, we discovered that some municipalities, for instance, are led by acting municipal managers, and acting chief financial officers. I believe the department should take interests in such municipalities earlier on and not to come in later when things are very bad to implement section 136 of the MFA, which threatens you with, the implementation of section 139 of the Constitution, should a municipality fail to meet the requirements.

Another issue that I will like to touch on is the issue between uMgungundlovu and uMngeni where they were here before the joint committees. I believe their type of war will eventually have a negative impact on the people or their clients they are leading. It will be advisable that they sort out their differences in due course. And another one is that of uLundi, where the department of Public Works must make sure that they settle the amount they owe uLundi, which is amounting to R8 million to that municipality, this will assist the municipality to run its programmes effectively and efficiently.

I thank you, hon Speaker.

### **END OF TAKE QQ1**

### **QQ2**

**MRS J NAIDOO (ANC):** Thank you, hon Speaker for giving me this opportunity to speak in this debate On the Audits of the Poor Performing Municipalities, the following matters were of concern: the non-compliance of actricable legislation, the municipal finance management act, and a fraud prevention and risk management was not in place. The municipal systems act, a sign perfoms contract for the MM is required by section 57 was not produced. Some of the municipalities have bad dead management; manage poorly, no proper management to enhance efficiency and effectiveness of bad debt collection. The major problem is also the lack of skills in some municipalities, in most instances two thirds of the budget is used on salary. Honourable speaker, some of these municipalities rely on consultancy, and there is a lack of ability to respond to the auditors' general queries timelessly and adequately.

Honourable speaker, in some municipalities key positions were not filled to enhance a skills requirement. It would help if managers in the top positions needed job descriptions. One of the challenges was that municipalities did not maintain a grant register to ascertain the value of unspent grants. These rocker city municipalities are really struggling as they have serious administrative and financial problems. Many we've been ordered to disclaim 2006 and 2007 financially. On the current financial status for ten months, from 1<sup>st</sup> July 07- 30<sup>th</sup> April 08 local municipalities' sales of water, only one municipality paid over to the uMgungundlovu District Municipality.

And thirdly municipality did not because; it did not have a system. So it was only one of

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the six municipalities that paid. The way forward is reaffirm the agencies requirements with the LN's on water provision .regular engagement local municipalities to improve access to water for all. The recovery plan is attract to recover moneys on outstanding. Honourable speaker, in one municipality the CFO deleted all financial information from his laptop, after he was suspended. Ever it was clear that in terms of the common law, one can not be criminally charged for the theft of information. But section 86 one of the electronic communication and transaction act of 2002, act no. 24 of 2002 provides us the following: while subject to the interception and monitoring prohibition act of 1992. A person who intentionally accesses or intersects any data without authority or permission to do so is guilty of an offence. It is shocking that some challenges, some of these challenges the municipalities are experiencing e.g. the cash flow challenges, high level debtors, low ordered committees, and it goes on, inability of stuff to user system, non availability of staff to assist consultance with the information most of these municipalities mitten budget reviews were finalised later. Municipalities are put in majors and placed to ensure adherence because time is the in-future. 131 of the municipal's finance act. Honourable speaker, an annual report must be sent to Parliament, the cabinet member responsible for local government must as part of the report refer to section 48 of the municipal's systems act, annual report to the Parliament with actions taken by the MEC, for local government to address issues on the audit general in audit reports on financial statements of the municipalities administral entities. These are healthy ways of a recovery plan. 135 primarily responsibility for the resolution on financial problems, want the primarily responsibility to avoid, identify and resolve financial problems in the municipality, res with the municipality itself. A municipality must meet its financial commitments. A municipality encounters any financial problems or anticipate problems in a meeting of financial commitments it must immediately seek solution for the problems. Notify the MEC for all the local government, for the local Government and MEC for finance in the province and notify organise local governments. Section 145, implementation of financial recovery plans in discretionary provincially intervention. Report monthly to the MEC for local government in the province on the implementation of the plan and such as to plan and determine. The financial recovery plan binds the municipality in the exercise of it executive authority, But, only to the extent to resolve the financial problems of the municipality. If that municipality can not, or does not implement the approved recovery plan. The provincial executives may in terms of section 139-1004 of the constitution take further appropriate steps to ensure the implementation of the

plan. Section 343 and 4 and 35 of the municipalities structures act apply for a provision executive to dissolve the municipality council in terms of sub section 3. Honourable speaker, this house needs to really monitor these municipalities' performances.

Thank you

## **END OF TAKE QQ2**

### **QQ3**

**MR J KROG (DA):** Thank you Mr Speaker. Again we have received a thank report from the MEC of finance, and I must note that the MEC for local government is not present to hear of the problems on his department, but I think he's already realized that he's on his way up. May I just also congratulate the hon Naidoo and in the maiden speech, the previous speaker hon Madlala, hon Naidoo, and my colleague hon George Mari will emphasise the problems in local government, as you have emphasise the problems MEC. However, I think what we really have to debate is a solution to these problems. We know that local government is a department that does the service delivery. They should with the help of the department of Housing and Local Development built the houses, supply the electricity, supply the water, supply the sanitation, In order that we can emphasize the importance of families in our society. Is that not where our problems really lie, Mr MEC?. We spent about R300 billion on national departments of Foreign Affairs, Social Welfare, The Presidency and what is happening on the ground?, do our families have the basics to live a good family life. Will that not change our expenditure? on social welfare, will that not change our expenditure on education where the family fall over the family and the mother in terms of your traditions and my traditions become more and more important. If we then spent R300 billion on national departments, R200 billion on provincial departments, R50 billion on our departments and we spent R4.2 billion on local government that must deliver the services, is our priorities right? Should we not ask that questions? I can go into the problems that we have and I would like to mention a few problems, but the structure of our society where we place our funding isn't that the wrong way around by placing a call in the topable structure on national departments, provincial departments instead of where the funding and the service delivery really should take place. The MEC has given us frightening statistics, I need to record to drive the point that I made initially home. Budgets performance reports of these

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municipalities by 25 January 2008 should have been available, they are not available.

Midway through the financial year, they have not spent on the infrastructure, is the problem that they do not have the personnel, the capacity to do that, must we not try and emphasize at the hardest capacity. Only 26 - 29 of our 61 municipality has an ability to provide water, a basic service for a family life is water. Basic service for learning is electricity, how can you learn without electricity? Our people in the rural areas are forced to learn by candle light. Twenty seven of our municipalities can supply sanitation.

How can you have a family life if you leave in squalor? Coming to this report and the report that we have been given by our committee of our local government, and finance, if we look at our grandiose plans for 2010, how are they going to work? If we don't supply the basic needs of the people. We expect a shortfall of about R3 billion in eThekweni for 2010 infrastructure, but our people let us to support this effort, but as to really fit into the success of Bafana Bafana. There is non-existent school programmes for soccer we hear it everyday, why does rack people form well, because the school programmes from Grade 2 or 3, I have seen in my son's place when he was in Grade 3, can we not implement something like that in soccer. Let us look at the basics, the bottom line of service delivery. The municipality achieve to the good rating we say of eThekweni, but I think the Chair of the Finance Committee is very polite to the manager of eThekweni Municipality. If I look at the implementation of a property rates up, is the chaos in which the role has been, the chaos in which the supplementary role has been that is going to kill the little bit of economic development that is initiated in eThekweni. We can't compare with Cape Town and Pretoria and Johannesburg unless we are competitive as a major city in this province. We have water losses of R100 million. We have electricity losses of R50 million, does it also not beg the question that we are not supplying enough water and electricity to the families that should form the backbone of this country. Yes, it easy Mr Jeebodh stay at the National party cubic but you were part of that Mr Jeebodh, yes it is easy but you were part of that 14 years down the line. Let us be positive, let us try and look at the solution, let's create a solution orientated debate here in this Chamber. "Prostitute", yes absolutely. What do you sell for money hon Jeebodh?

Thank you Mr Speaker, I again would like to conclude. Why do we have this qualified audit reports? Are we really serious in uplifting the poor of this country, and I think if we are serious about that, we need to change the approach that we have, we need to say

Foreign Affairs is now presidency with 500 staff members are nice to have. It is nice to pay grants to everyone that unless people take the future in their own hands, who will not have a solution. Thank you

### **END OF TAKE QQ3**

### **QQ4**

**SPEAKER: Rev A H Mbatha:** Ngiyabonga Somlomo, kuhle ukukhuluma emva kwalensizwa ekhuluma ize isho ukuthi ingane yayo iqala isengakanani ukudlala irugby kwesayo isikole. Awu suka lapha ngicabangile ukuthi engathi ngabe kuzwa lonke izwe, kodwa sobuye siyikhulume leyo. Ikomidi lokuphathwa kwezimali, Somlomo, sengithe ngayincoma lensizwa yayisiqhubeka. "Honourable Krog , he praised you so you must protect him".

Ikomidi lokuphathwa kwezimali libuye lithi ukudidedideka ngesinye isikhathi ngokuthi okwenziwa kulona kusondelana kakhulu nomsebenzi owenzewa ekomidini le-SCOPA, kubuye futhi kusondelane kakhulu nomsebenzi owenziwa kwa treasury, nomsebenzi owenziwa lapho kuphethwe nje izimali yonke indawo. Ngakhoke lokho kwenza ukuba uma kukhulunywa ngezinto eziningi zizwakale ziphindwaphindwa njengoba kade silalele ku Honourable member ebingaphambi kwami. Municipalities are our point of delivery. When ever people talk of service delivery the municipality layer or government is put on the spot. It a fact, that there are those municipalities who are high capacity as they are classified here. And those that are low capacity. From the financial point of view we need to assess the needs of Municipalities. Only when we do that can we be able to distinguish between poor performance of Municipalities and sheer in competence. when I went through some of the reports, I am glad the Honourable MEC has highlighted that a Municipality in uLundi has got a number of outstanding reports that are supposed to come in. if you look closely to those reports that are suppose to come in you do get a sense that it is not so that this Municipalities refusing to supply this information, but what is very clear is that there is nobody who understands what this report is all about. Now I do not know I think we can continue here pontificating and debating but the fact of the matter is unless we are prepared to do capacity building on our Municipalities, we are not going to get the results that we are expecting to get. A Municipality can not produce a performance indicator if it does not know what the performance indicators are like and

who can assist in providing those performance indicators, and also a Municipality can hire consultancy, but unless there is someone of capacity within the Municipality itself, to do quality control of the service provided by the consultancy indeed the situation will not change. It could be that these municipalities' needs to be capacitated to perform properly, some of the recovery plans that they are proposing or that are coming forth are good, but one would urge the department of local government to work closely to these

Municipalities in order to assist them to implement those recovery plans, we must accept that because of our system of politicising service delivery in our country. We are going to see a number of Municipalities failing to meet requirements. I think we all know now that each political party that controls a particular Municipality it appoints its own cronies on those positions. Now I am not going to try things that are I am going to convert the politicians of this country, but what I am pleading for is that the department must now be so capacitated that it is ready to deal with that kind of short coming, which we all have as a country, there must be people who are financially qualified in the department who can assist those managers who because of their political affiliation happen to become finance managers even if they do not know anything on financial management. A Municipality ought to keep record of students; I am just using this as an example, of students and skills of competence and competences that are available in their area. These skills and these students ought to be accommodated in the IDP of that particular municipality. In other words you need to go to the councillor and ask how many students are in your ward?, what type of development are you planning? So that when these students finish their studies they come back and be employed. You will not get that far, I can tell you, no counsellor will tell you how many students are in his/her ward and what is planned to absorb those students when they have finished their studies, that's what these people are for, that what we vote for and if, umakunjalo Ndabezitha, kuNdabezitha ngiyakhala. Akufanele kubenjalo. There is a good structure of the three tier government. I think the structure is good, but I do not think the structure is servicing the country at all. There are financial resources allocations that we go through in Parliament including conditional grants, MIG's, but quiet honestly Honourable MEC, the outputs do not match the inputs. I think there are lots of financial resources that are going into municipalities and we are not seeing the outputs matching that. If a Municipality uses its 52% of its budgets just to pay salaries, that is an employment agency and that employment agency

if we were to add consultancy on top of the 52% it tells you that the perception of a Municipality is that it is an employment centre, not really a service orientated institution. In this fore saying in South Africa, we are still worse of in spite of the three tier system of governments simply because we do not seem to be geared to ensure that where our money is, expertise will also follow to ensure that our last cent is spent where it is meant for, and these debates about how Municipalities are failing are going day by day.

I appeal to you Honourable MEC that we staff our departments in a manner that is commensurate with our practice of political appointments in Municipalities. Thank you.

#### **END OF TAKE QQ4**

[Insert Take QQ5 \(Maseni\)](#)

**THE DEPUTY SPEAKER:** Thank you, hon Tarr, for your contribution. We now proceed to the next speaker who is hon J M Downs. [Interjections] Not in the House. We therefore proceed to hon B J Msomi for six minutes.

**MR B J MSOMI (UDM):** Mr Speaker, the political decision to spread municipalities all over the province as is the case in other provinces, was a noble one as it was done with the objective to bring government closer to the people in terms of service delivery. However, if one considers the report by both the MEC, Dr Zweli Mkhize for Finance and Economic Development and the Chairperson of Local Government and Traditional Affairs, hon Mbuso Kubheka, to me some of these municipalities were not supposed to have been established right from the word go.

The report highlights the municipalities that are performing poorly, but if one looks at these municipalities, most of them depend on equitable shares and conditional grants. They do not have any means to generate their own revenue. In some instances, as the report says, salaries and wages account from 50% to more than 80% of their budget. Most of these municipalities are not in compliance with the MFMA. Debts owed to these municipalities are huge and there are also no strategies in place to collect these monies, mostly they end up being right-offs.

As far as I am concerned, Mr Speaker, I think we are asking too much from these municipalities if we expect them to perform according to the stipulated legislation, as they are incapable now and they will be incapable in the future, due to lack of capacity.

To propose a way forward, I feel very strongly that some of these municipalities should not operate as fully fledged municipalities. [Interjections] Yes, yes, yes. However the Districts should assume their duties and their offices should be used as satellite offices for the Districts, [Interjections] for maintenance, like the offices of Public Works before. [Interjections] What is the use to keep them yet they are a liability, if one considers their operating budgets. To be frank, these municipalities more than anything, are a vehicle to promote jobs for buddies, as my colleagues have said, it depends on who runs the municipality and whatever appointments are made are political appointments and that is why we are not going anywhere with some of these municipalities.

So, Speaker, *benginxusa impela ukuthi akube khona okwenziwayo ngoba lesi sibalo esikhulu kangaka angeke sisize. Hamba uye Eziqoleni*; where do you expect Eziqoleni to get or to regenerate i-revenue? No way. Go to others like *oMadlangeni, oNdaka nobani; bazoyithathaphi le mali* because they are very rural and *ayikho indlela abangenza ngayo imali* then you expect them *ukuthi bakwazi ukuzimela ezugcineni. Siyohlala sikhala ngabantu kanti asiboni ukuthi umsebenzi esibanika wona mkhulu kakhulu kunabo. Yilawo magama awumnikelo wami Gcwabe ukuthi ake kwenziwe okunye.*

It was political decision that was taken to have them and we can have a political decision also to rectify the situation. I thank you.

**THE DEPUTY SPEAKER:** Thank you, hon Msomi, for your contribution. The next speaker is hon G Mari, for five minutes.

**MR G MARI (DA):** Thank you, Mr Speaker. I am rather disappointed that the MEC for Local Government, Housing and Traditional Affairs is not here to listen to the debate. I think we must ensure that this report reaches his hands so that he can see for himself, under his leadership, the state of municipalities.

Having sit through the joint meeting on Finance and Local Government and listening to the Provincial Treasury and the Department of Local Government and the resolution adopted by the joint committee, I can only come to one conclusion and that is Local Government is in meltdown. The biggest obstacle is certainly capacity, the lack of skills, corruption and incompetence, political infighting.

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I have previously said in this House and that was sometime in October last year, that out of 60 municipalities, leaving out eThekweni, 34 municipalities were under forensic investigation for one reason or the other.

The Department has also informed me that they have intervened in 49 of the 60 municipalities in terms of the MAP programmes and what does that actually tell you? It tells you that the leadership and this government has actually failed the people of this province. No matter how much we can actually shout at municipalities, the buck stops with the MEC of Local Government, Housing and Traditional Affairs, the buck stops with him.

Now why does it have to come to this level that we are being informed of this? The MEC should be on top of things in municipalities. This is a Department giving him regular reports to say, "This is what is happening in these municipalities".

Now the MEC for Finance, Mr Speaker, has tabled several reports and every one of these reports have been highlighting the state of municipalities that are in paralysis, dysfunctional. Now that is the message that we got on several occasions and even the last report that the MEC for Finance has put to this hon House, the same thing appeared and yet very little seems to have been done.

I want to thank Treasury for the work that they have put in at these municipalities that we have identified already. Now there are 34, maybe there are more now, but we chose basically the seven that have come in front of the committee at the moment. There is a can of worms out there still, that is going to be highlighted again. Clearly what we need to be doing is, municipalities are not sustainable. They are operating as administrative entities and I want to agree with the hon Msomi, we will rather give the monies to the District Council and make the municipalities little administrative entities where they can deal with the nitty-gritty's of the potholes and the maintenance, etc, etc. Service delivery should be centred around the said municipalities, with the necessary funding.

Most of the municipalities, as other speakers have said here, are reliant on grant funding, DORA and MIG grants, but they still do not have the capacity to actually deliver. If we look at eMandlangeni, R7.2 million was allocated as a grant, R3.2 million of that was to fix up some 376 houses that were destroyed through the storm. That municipality is sitting with that money in its investment account and has not lifted a finger to actually

start the repairs to these damaged houses. People are still sitting out there without roofs, with very poor and damaged houses and yet this municipality is sitting with the money and they are waiting – what we told in the joint sitting – for the MEC for Housing, the same MEC for Local Government, for his Department to give the go-ahead to say, “You can now start the repairs to those houses”.

Now coupled with that, we have had these recent storms and floods. We are now asking National Government for funding and the question is, have these municipalities got the capacity to actually fix up those roads, fix up all the damages that have been done? They just do not have the capacity. Now what are we going to do about that? We need to have a different plan. Other speakers in this House have said, “This is what needs to be done” and again I am disappointed that the MEC for Local Government is not here, because if he was here, he would be listening to some of the suggestions that have been made by hon members in this House, and he is not here today, I cannot believe that he is not here really and really, if it was the private sector and the captain of the ship has not delivered, what would have been the case? You would have asked for his head, he must resign, that is what we would say, because he has not achieved or performed, undoubtedly, and I am saying if the hon MEC was on this side of the House, I am sure the hon members from that side would say, “We want your head, we want you to resign because you have not achieved or performed”.

**THE DEPUTY SPEAKER:** Hon Mari, you have got one minute left.

**MR G MARI (DA):** Thank you. Now, we want to make some recommendations to the hon Speaker. We must firstly hold the MEC for Local Government accountable for the mess that Local Government is in at the moment.

Secondly, we must hold the municipal managers, officials, councillors and mayors accountable for the proper running of these municipalities.

A very quick intervention in terms of Section 139 needs to be made, because again the MEC has been dragging his heels in terms of acting in terms of Section 139 of the Constitution. Irrespective of which political party runs that municipality, the MEC must act on them, whether it is the ANC, IFP, the coalition, the DA, whatever. The MEC has the powers in terms of Section 139, to act.

Now we must also ensure that regular reports are being given to the Portfolio Committee and I spoke to the Chairman, the hon Kubheka, about that, that the Portfolio Committee needs to start to say, "These 34 municipalities under forensic investigation, we want to take the first seven here and we want the Department to report in the first instance to the Portfolio Committee", because we can make the interventions there, the committee can go off and have public hearings, meet with the municipalities, like we have done previously, and say, "This is what is wrong and this is how we need you to actually correct that". What is happening now is, the last minute when we find everything is falling apart, we are sending Treasury in there and Treasury is coming out with this damning report that we have in front of us here today, tabled by the MEC... [time expired]

**THE DEPUTY SPEAKER:** Hon Mari, your time has expired.

**MR G MARI (DA):** I thank you.

**THE DEPUTY SPEAKER:** The next speaker will be the hon S J Gcabashe, for 11 minutes.

END OF TAKES QQ6-QQ7

**QQ8**

**DEPUTY SPEAKER:** The next speaker will be the Honourable SJ Gcabashe for 11 minutes

**SJ GCABASHE:** Sibonge Speaker, uyabona bengizilungele kabi kulokhu kusile, kodwa manje kuba namalunga avele akhulume ekungathi alele. Engathi umuntu uphupha ubuthongo bangempela, uzwe nje ukuthi uyacasuka ngempela ngoba lento isikhumbuza ukuthi sivelaphi, besiphethwe kanjani, kwenzakalani. Abakwazi abantu ukuqhamuka la kade bephethe more than 300 years, bazositshela ukuthi wonke lodoti ababewenza kufanele siwu corrected within 14 years. Lento icasula ngempela, ikukhumbuze izinto ezinzima kabi, kufanele babe careful umabekhuluma bangadiliki

**DEPUTY SPEAKER:** Hlisa umoya mnguni

**SJ Gcabashe:** Sibonga kakhulu i- report ethulewe u Minister Dr Zweli Mkhize, iyikona

ngempela lokhu esikutholile ngesikhathi sibhekene nalama hearings, ngiphinde futhi ngibongele udadewethu uhon member uRinah nge-speech sakhe asenzile sokuqala namhlanje la kulendlu. Inkinga enkulu eyokuthi ziningi izinto ekuzokufanele sizibheke la umangabe si-dealer nale report. Okokuqala kuyiqiniso ukuthi kunoMasipala abanenkinga, noma abanezinkinga. Izinkinga eziningi esibhekene nazo la kulaboMasipala kakhulukazi njengoba kushiwo, zisekutheni abantu esinabo noma abantu aba appointiwe ukuthi benze umsebenzi kwesinye isikhathi abanaso i-skill esifanelekile. Akuyonake inkinga yabo leyo, inkinga eyadalwa enye yama systems esikesabanayo kule-country, ukuthi iminyaka mingakanani, kodwa I-product yaleyonto usuyibona kahleke namhlanje. Umakufanele si-correcte, kufanele si-correct izinto ezifana nalezo, ukuze esikhathini singabi nathi nenkinga sikhonjwe njengoba kukhonjwa abangaphambi kwethu. Okwesibili

**Mr Krog chipping Mr Gcabashe:** so you must take responsibility

**Mr Gcabashe:** Ngiyoyithatha mina i-responsibility at any time, but not that is not mine, I was not there. Must I take responsibility that in the school where your kid goes, from an initial age of Grade R; he has at least a facility to play rugby. Must I take a responsibility for that?

**Mr Krog:** Who must take responsibility that you can play sports

**Mr Gcabashe:** where?

**Mr Krog:** in your school

**Mr Gcabashe;** where is the sports ground?

**Mr Krog:** in your school

**Mr Gcabashe:** that is why Chair ngithi ukukhuluma nalabantu kuzosichithela isikhathi kwesinye isikhathi, angiqhubeke. Enye inkinga esiyitholayo lapha koMasipala ilena yokuthi ngempela abanye oMasipala, njengoba umfowethu uMsomi kade ebeka nobaba uMbatha , bakiwa kodwa akuzange kubekhona ukucabangela ukuthi bazo-survivor kanjani. Kuyiqiniso elimsulwa ukuthi uma ungase nje, i-example ekeyabalulwa le ebibekwa uHon member, ukuthi uma uthatha uMasipala waseZingolweni ikhona imizamo ayenzayo,

1. ukuze abene-tax base noma i-rate base, ba-decider ukuthi ababe ne-traffic department, this traffic department iyonake ezobangenisela imali. Besekuthi i-consultant abayi aphoyintile ukuthi ibenzele wonke lomsebenzi bese ithatha u-80% waleyomali basale no 20%. Okusho ukuthi balahlekelwa kakhulu kunalokho ekade bethi bazama ukukulungisa, beseke bethi aku-kholekthwe udoti kulendawo abahlala kuyona, ngiyayazi indawo yasezinqoleni, angazanga ukuthi bawukholekthaphi lodoti, noma emakhaya , noma kulendawana engathi iyidolobha, nami angazanga kahle. Kodwake, basebebona ukuthi iyi-waste lento, base beyiyeka. Manje umasebayiyekile uyazibuza ukuthi uphike lodoti, kusho ukuthi usuhleli yini futhi uyingqaba uzo-causer inkinga kusasa, noma bewuvele ungenaso isidingo, oMasipala abafana nalaba bagcina abantu bebabuza lama Khansela ukuthi nina nenzani in terms of delivery. Ngabonake la sasihleli noHon member uShandu sibuka laboMasipala, kukhona la uthola ukuthi amaKhansela athatha i-resolution avele ayothenga u-grader, abanye bayothenga ugandaganda. Uma ubuza ukuthi u-grader owani, owokuthi nje ba-grader umgwaqo okungenani sekukhona into abayenzile, abanye bathenge ugandaganda uyolima kulungile. Umasebewuthengile u-grader ayikho imali ya-diesel, ngoba abanayo, uhlelike futhi manje uyabukwa, awusakwazi futhi nokuyolima emasimini, inkinga nje, basenkingeni ngempela oMasipala abaningi ukuthi kufanele benzeni. Ikonake nizwa sithi kwesinye isikhathi indlela abahleleka ngayo ayiyinhle, mhlawumbe kwakuzoba ncono ukube amaDisrtict iwona ayezoba responsible, besekuthike njengoba kade esho uMsomi,uHon member, laboMasipala labaya bayekwe benjeyana, kodwa owabo umsebenzi usekelwe ukuthi iziphi izinto abangakwazi ukuthi bedile nazo at that level, kodwa hhayi ukuthi besesithi abaphele laboMasipala , ngoba siyosusa umsindo omkhulu kulababantu ngoba sebewathatha ngokuthi iwona ama reference points abo, lapho bethola izidingo khona. Ileyontoke esiyishoyo not kuthi sithi abaphele nya. Kuzodinga kona ukuthi ibukwe politically ngoba ekugcineni siyohlala la zonke izinsuku sithole ama reports azobe efana. Ubanike i-conditional grant bayithathe baholelane benze yonke into, bahlale phansi babukane kuphele inyanga, uthi abenze i-report bangayenzi, ngoba bayazi ukuthi umabeyenza izosho ukuthi imali ingene emakhukhwini bahola. Hhayi ukuthi abanye ngoba kungekho abangakwenza, kodwa benzela kona ukuthi kungaveli ukuthi imali yenzeni. Kukhona izinto engizizwile ezikhulunywe kahle la, engifuna ukuthi

ngingazishiyi nakancane, ngikhulume ngazo. Khona oMasipala aba-reporter ukuthi kune-staff abasithatha noma abasi- inheritor from the previous government, abanye babekwiDepartment of Interior, ngiyayikhumbulake yayiphethwe ubaba uSthebe lo owayenolaka kakhulu, ngaphansi kukaHulumeni wakwaZulu. Wayethi uma esethetha abanyeke bengayazi lendaba abese ethi,” uKennic Ndlovu” , owayeyi leader yethu ye UDF, “awukhuze osikhotheni bakho la emalokishini, wena baba uNdlovu” ikona ngiyikhumbula njalo ukuthi yayingaphansi kwakhe leyoDepartment. Beseke uthola ukuthi laboMasipala ayikho imali abahamba nayo ukukhokhela lesi-staff abanaso, sigcina sesiyi-staff esi-extra nje abahlulekayo ukuthi basikhokhele, kodwake mina engikubongayo ama interventions both by Department of Treasury, isisize kakhulu njengoba ubona i-report isho. Kodwa ngifuna ukuphikisan nabafowehu abathi iDepartment yeLocal Government yenza okuncane. Ukuba yenza okuncane kungabe asikho lasikhona, ngabe asiwatholi amanye ama reports esiwatholayo. Kuma reports abasinikezewona kuyabonakala ukuthi ikuphi lapho be-intervene khona, benzani. Inkinga ukuthi i-intervention ayanele uma bengekho abantu abanama-skills kulezondawo nemisebenzi ekufanele ukuthi bayenze. Akukona okokuqala sithola ama reports, esikhathini esingaphambili ikeyavela i-reports ebitshengisa ukuthi i-intervention ekade yenziwa ye project consolidate kulaboMasipala ama-results akhona athini, ayabonakala. Sengigcinake nje Sihlalo, ngiyajabula ukuthi namuhlanje ngizwa abathi, “ukuba sine-staff esanele nesi-qualified enough kulaboMasipala, izidingo ezifana namanzi nogesi kungabe ziyatholakala ezindaweni zethu ”. ukube wawukhuluma ngalento ngaphambi kuka 1994 nona ngaphambi kuka 1999, abaningi babethi akufanele kwenzeke lokho, ngoba umasihamba sifaka ugesi yonke indawo uzoxhophisa izinkomo, nayoyonke into lena eyayiya eceleni, namuhlanjeke siyavumelana ukuthi ziyafuneka lezinto. Ngiyakujabulela lokho, angazike noma usekhohliwe uGeorge Mari ukuthi kwakune campaign efana naleyo. Ngiyabonga Sihlalo.

**END OF TAKE QQ8**

[Insert Take QQ9](#)

**QQ10**

**THE DEPUTY SPEAKER:** Siyabonga Hlabangani ngomnikelo wakho, isikhulumi esilandelayo kuzoba uHon MAI Kubheka, imizuzu emihlanu, 'Khathide'

**MR MAI KUBHEKA (ANC):** Ngibonnge Somlomo, ngicabanga ukuthi ngikhuluma njengoSihlalo walelikomidi, hhayo ngoba ngi-debater, ngifisa ukuthi ngikuqondise lokho, ngiyafisa futhi ukusho ukuthi on behalf of lamakomidi amabili, namalunga awowonke abekade ehleli kulesikhathi esisibalulile ekuqaleni kufanele siphinde sizwakalise ukubonga kwethu kwi Provincial Treasury, neDepartment of Local Government and Traditional Affairs ngemibiko lena abasinike yona, basinekela isimo njengoba sinjalo kulaboMasipala, ngoba lokho ikhona okusenze sakwazi ukubona ukuthi iziphi izinselelo izinga likaHulumeni elibhekene nazo lapha esifundazweni sakwaZulu Natal. Kodwa hhayi lokho kodwa, siphinde sibone ukuthi uMasipala ngamunye iziphi izinselelo lelizinga likaHulumeni elibhekene nazo lapha eSifundazweni sakwaZulu Natal, kodwa hhayi lokho kodwa, siphinde sibone ukuthi uMasipala ngamunye endaweni akuyona iziphi izinselelo abhekene nazo, nengicabanga ukuthi yiyo lento eyenza sikwazi ukuxoxa njengoba sixoxa lana. Listening to all members making their inputs on the debate, Hon Speaker, I think we all seem to agree as the MEC noted in his conclusion of the reports when he presented it, that some, I use this word 'some' and I want to emphasise this, not all. Some of our Municipalities are still struggling, and I am saying 'still struggling' purposely because I do not think that it will be a permanent situation, to effectively sustain their operations. More so as a result of poor cash flow management as noted by the MEC and general lack of control with regards to spending in an effective financial management and discipline as most members have referred to. I think it is important to say that they are still struggling. We are a society in transformation, and these structures are new. For me, I think there is a lot that we still need to do. Part of the exercise that we are doing as these joint committees, is that of accessing where the weaknesses are and in the process I am sure we will be able to arrest the weaknesses and strengthen and consolidate even more the Municipalities that are seem to be weak. It is true that in some areas it is not necessarily the question of Municipalities not being able to do their work for any other reason, other than lack of suitable qualified personnel, that what we saw when the Municipalities that appeared before us. There are those like Inquthu who **XXXX 04:28:28** a person who does not qualify as a CFO in few months time he get promoted to become a Municipal manager. It might happen to other Municipalities too.

I think those are some of the challenges that are important. Njengoba amalunga

eseshilo, ngicabanga ukuthi inkulumompikiswano ngesibalo soMasipala, kufanele yini ukuthi babekhona, babeyilesibalo abayiso noma bangabi yiso. Angicabangi ukuthi inkulumompikiswano embi kangako. Kodwake, njengoba eshilo amanye amalunga kusukela kuMnguni, ngiyafisa ukuxwayisa ngokuthi, angicabangi ukuthi iyonandaba esesingagxumela kuyo manje. Ikakhulukazi ngoba yihlandla lesibili sibhekene nalokuhlala koMasipala bavele phambi kwalamakomidi. Akukade sikwenza lokhu. Manje ngalelihlandla lesibili sesisizakele ukubona ukuthi izingqinamba zikuphi. Angicabangi ukuthi sekungafanele sithi akukho okungalunga kulezinto esizitholile siloku sihlale ihlandla lesibili. Kufanele sifake imiqondo yethu ekubukeni ukuthi izixazululo zikuphi kulezizinkinga esizibonile, beme njengoba bemile laboMasipala, ngaphambi kokuthi siqhubeke siye ephuzwini lokugcizelela indaba yokuthi cha, noma ngabe yini esithi siyayiphakamisa kulesikhathi esikusona angeke yasebenza, noma seyehlulekile kungabe sekufanele sidlulele esinyathelweni esilandelayo, sokuthi akubekhona abanye, ukubakhona kwabo kuphele. Ngisho ngoba umsebenzi wethu lona wokukhanda laboMasipala, akusibona abazikhandayo, akusibona abaziqhamukelayo bathi sesifuna ukuba khona , bayi-product yethu yama processes ethu uqobo. Let us not loose hope Hon members; let us look at what is presented before us by the reports as we see them, access this weaknesses and strengths accordingly and make further inputs. What I think is more important is what other members said, starting from Hon Gcabashe and George Mari to say, what we need is close monitoring of the implementation of the resolutions that we have taken, including ensuring that the role of the Department of Local Government and Traditional Affairs ibheka ngeso lokhozi i-portfolio committee on Local Government and Traditional Affairs, isikhathi nesikhathi , sikwazi ububona ukuthi isimo soMasipala sime kanjani. Ngokubuka kwami ngibona engathi siyavumelana njengamalungu ukuthi izinselelo ezikhona zinkulu, futhi kufanelekile ukuthi sizibheke sikwazi ukuthi sibambisane ukuya phambili. Ngiyabonga Somlomo.

**END OF TAKE QQ10**

**QQ11**

**DEPUTY SPEAKER:** Thank you, Hon Kubheka for your exhaustive resolutions. We now request the Hon MEC for Finance and Economic Development to close the debate for us.

**MEC FOR FINANCE AND ECONOMIC DEVELOPMENT (Dr Zweli Mkhize):** Thank you very much Chair Person, this was indeed a very interesting debate. I suppose added to it is the flowery presentation by the Hon Mantshingane, its makes it quiet interesting. Let me just go through a few of the issues here colleagues, because I think there are some which I think we need to understand clearly. The report that relates to unfunded mandate about eThekwini, it's an issue that we must understand, it is not so much that we have refused to pay money to eThekwini. This issue arises nearly more from the point of things that eThekwini was doing, budgeting for it, budgeting for them and doing them, then in the process there is a constitutional chase that burn assigns those functions. The functions now are assigned to the departments at a provincial level. Because of that then eThekwini said well, you owing us money, the **xxx 04:32:46 [insert a word]** were negotiated, it is not like somebody is withholding money as it was, and we debated this one for quiet a long time, we talked about, e.g. this issue of Municipal services and primary health care. Everybody runs their own clinics, as soon as you got this particular definition, if you say all this clinics must go to Municipalities, that means the Municipalities are actually doing the work that is suppose to be done by Provincial Government. That is why some of these things are taking time, but they need to be negotiated. Some of the issues in relation to the debts, we have few issues that relates to the issues of race, it's a problem I think everywhere that has to be dealt with by the Department of Public Works. But, others such as the issue of having to charge iNgonyama Trust for the rate of the fact that eThekwini has some of the facilities in the land which is owned by iNgonyama, it's a technical exercise, but it is a **[burocratic]** problem. I just want to touch on these because when the issues are tabled here, we must not sound like somebody is deliberately withholding money that should have gone to, some of these things were not really budgeted for in the same way, because there is still a challenge after it. The relative cost of running the same facilities from provincial to local government. The issue of the R2.9 billion is the issue of the expectation of what other infrastructure eThekwini needs to put in place that is being discussed here. However, this issue does relate to having to discuss with the National Government, because some of the responsibilities are not necessarily the responsibilities of the Provincial Government in terms of the origination. It's a whole preparation for 2010; there may be things that the National Government needs to deal with. The issue that has been raised, is the issue of uMsekeli, Hon iNkosi Madlala, all I can say is that there were problems during the times of uMsekeli, a lots of municipalities did run into problems

during that time, in fact the project consolidate was trying to rescue a few of those. Just that it was not only here where we were having problems; all over the country we had the same problems. There is no special value that we believe that uMsekeli will continue to offer under the circumstances, that is why it was closed down, because much got much to do with only of the reasons that we might be surmising as members and leading to some whatever motive that members might want to attribute to that. The one other issue that I want to also clarify is the issue of section 139 intervention. Hon Mabuyakhulu does not need to be here to debate that issue. It is an executive committee decision, a Cabinet decision. I am fully convinced that there was a need for intervention, but I think we need to understand that because the first place where this section 139 was implemented was Abaqulusi. But we spoke about this before; I do not see why we have to go back to it. The Municipality was paralysed in fighting of one party, members of one party, that is where the infighting was. And it was not that the infighting was manageable. The party tried to fire some of it members, appointed other new Mayors, they were taken to court, the court ruled in a way, then we ended up with a paralysis. I think we must just face the fact, because that is where the problem arose. The problem arose because the party to which these members belong was defined by those members and therefore they ended up with a chaotic Municipality, they could not take decisions. If that is the case, I actually thought that Mabuyakhulu's department took too long to intervene. It could have been much earlier and make sure that there was order if the party was failing to put the matter under control, and that is important, we must face it. The issue of Kokstad, the problem there was different. The leaders in the Municipality, part of their problem they have been dealing with all these municipal managers, they are coming in and out, the last one they decided to fire the Municipality when some of them have been in the office for two weeks, and some of the members were not there when the Municipal manager was there. They did quiet more what they were actually firing the Municipality for. There were a lots of things that were done wrong, there were supposed to be **XXX 04:38:30[INSERT A WORD]** there were supposed to be paying back and all of that, and they were dragging their feet, and the first intervention was to say 'if you do not sort these things out, then you are going to actually have the whole Municipality dissolved' there of course to shape up an **XXX 04:38:46 [INSERT A WORD]**. The fact that the Municipalities are run by members of the ANC was beside the point. IMpendle it was the same thing. We had the Municipal manager, she got fired and then someone was acting, there was a problem, the CFO ran away and in the process somebody else

was seconded from the District Municipality taken to that Municipality and there was a fight. The two of them were ultimately displaced. The leadership of the whole thing was a problem, and again we agreed that we need to get the department to go in there, account the officials who are critical in the running of this Municipality, once we have done that we can leave them, but, if they continue again, they are going to be dealt with. In this one I can tell you there is no partisanship on it, but because sesizoya kubantu kuzwakala kahle, siyobaphendula. We must not do that, we must face the issues. Same thing here with uMgungundlovu, here the ANC did exactly the same thing, as a party they went in there, they groped all the members to resign and those who did not resign, they moved a vote of no confidence, and moved them out, when they were out they then got another **XXX 04:04:10.[INSERT A WORD]** if that was not done section 139 would be the only way. The thing was sorted out long before that. If the same thing had happen in Baqulusi, there will not have been a need for it, nobody wanted it. But if we behave in a particular way, we are a calling section 139, ukuthi hhayi woza ngala, that is a problem. The Hon Rinah Naidoo, congratulations on your maiden speech, I agree with all the things you have said and I just want to say that, I think all of us as members here we are actually agreed on the real fundamental issues that are part of the challenge as we arte dealing with the issues of the Municipalities. It is a matter of concern and I d appreciate that all the members can see what the real challenges are. We might argue and differ here and there, that is not a big issue for me. But I think the realities that we can see and understand the problems, that is the purpose of the report and the review that we did an I am happy that we are all seeing the matter of the problem. Hon Krog, do not take chances, uma ngikhuluma isiZuu ngithi 'uyaphapha', uyaphapha ungenakuphi ezindabeni zika ANC, Mabuyakhulu is going no where, what is your story? Do not start throwing stories for nothing. We can talk about the issues

**Mr Krog interjected:** he is playing

**Dr Z Mkhize continues:** Yeah! no, listen, the recruitment office is open, in case you want to come and join this party, that is the only time you can start talking about what happens in the ANC.

**Mr Krog interjected:** You said it Mr MEC, I did not said it

**Dr Z Mkhize continues:** ya, thula. But the other issue, listen it is not a good argument

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that you raised about rugby, it is not an argument that you can repeat, in a friendly, it is not an argument you can repeat. The reason why rugby is doing so well is because there was a lot of investment at a school level, you must stay quiet, and that is what will make a difference. That is the government's policy, it invested in the white community facilities; do not even respond because you do not even have a sense of what you are talking about. The same government did not invest in soccer facilities at Mahlabathini, and you are asking the wrong question. The issue is historical. The issue of why rugby is doing well today is because the investment was done when you were small. The issue of football today is something you will see in the next 10-20 years, not now. You are asking the wrong question, iyeke lento ungaqhubeni nayo. This argument that you are raising about so many billions R300 billion for National, so much for Provincial, and so little...just remember, one, Municipalities do raise their own revenue, the big one's. Two, the Provincial and National Governments also invest in the same Municipalities on the ground. It is a matter of having to coordinate some of the resources and I do not know, you advocating somewhere I do not quiet understand, you can have a little control of resources at national level, but all of it goes to the Municipalities. At some point you mean that you might want to dissolve that layer of government. The national government has the responsibility to invest in different Municipalities that is where some of that money is going, apart from strategic issues where the National Government has to look at the general interest of the whole country. How we look at it? I do not know. Most of the money that comes from the national government let us take the largest budget, in schools every Municipality has a school, irrespective of the fact that there is no Municipality that is holding a budget for schools. That money comes from National and comes to Provincial. I do not follow what you are talking about; we can discuss all of that.

Let us take electricity, what are we really arguing about. Most of the electricity infrastructure is budgeted for at the National level and it comes into different localities on the basis of a master plan that is being run by a parastatal, that is the main issue. What they do at a local level is less; it is minimal, free basic services, local connections, and all of that. But the reality is that most of the infrastructures come from that, if it was not coming from that we will be having a serious challenge. How do you invest on such a massive infrastructure from a municipal basis, it is not possible. I do not think your reasoning is...the only think that I can also tell you about the 2010, we might have said

that there is some money, there is some shortfall in the budget for eThekweni, but in reality that is not **XXX04:45:55[INSERT A WORD]** call for everybody must now be pessimist about 2010. I do not know how you arguing on it, but if somebody we need this, that, and the other, we can not just scream all over the very same thing, saying how can 2010 happen. A lot of the things that we have were not budgeted for. Things are getting budgeted for as they get raised as we are talking now. I think we must be more positive about what we are talking about. Hon Mbatha, I think your point is very important. The issue of how do you employ a consultancy to do the work that you got no capacity to over see that consultancy. It is a difficult thing. You do not know the work, but somebody will come and do it for you, and you can not tell whether they have done it properly or not. It is a challenge that we have to deal with in terms of municipalities, even with the departments. We raised that issue, we do not take so many consultancies in some cases that consultancy that do as much of the work that person is getting paid to do, the issue of consultants I think we really need to deal with. Well, Hon Tarr interesting debate, I will love to put you in the same room with Hon Mantshinga and debate the issue of Municipalities. What do we do? I think it will make an open debate; we must talk about it, because it is practical problem. Yes, they are there now, should we shrink them? Should we remove the counsellors and just leave the administrating office, should we just leave everything, is there enough money to bring into all of this things, can we save any money with this, I think it is a debate that we must keep. Whether delivery will happen in the absence of the structures that are there now, all of that, maybe at some point you might begin to feed into an argument about whether we are getting value for money in provincial governments that is another issue. I am saying indeed it is an issue that we must debate. I will say to Hon Msomi, the issues that we must carry on debating, is a question of looking for solutions. I do not think all of us do have a solution, but maybe as we engage we might be able to get somewhere. Hon Mari raised the issue about a municipality being in a crisis in a meltdown and all of that. I also do not think we must really scream disaster! Disaster! Right now, we have a challenge in our hands that we must deal with it. There has been responses and we will keep referring to project consolidate. We have heard of the treasury...

**Members interjected:** *hhayi hamba uyeZimbabwe wena!*

**Dr Z Mkhize continues...**it is a pity that you are retiring, because you like picking up on debate. If you want to talk about Zimbabwe, let us table a motion here and talk about

it. the smallest amount of work that has been done on Zimbabwe was done by the ANC, any hope of anything that can be done in Zimbabwe is with the ANC, nothing with the DA. You can stand at the roof top and scream, I tell you...well you can decide what you want to criticise. We have a clear stand in Zimbabwe, and then there was time to try and work on something. Who is shifting positions; there is no shifting of positions. The ANC works in ways that are mysterious to non members like yourself, this whole organisation is your only hope of solving the situation in Zimbabwe, no one else. If you want a debate let us talk about it, but right now we are talking about Municipalities.

Hon Gcabashe again I want to agree with you, that there are problems but the reference have dealt with the issue that was raised earlier by the member. The challenges that we are raising are real. You got a municipality sitting there, that is suppose to deliver services and you find that some of the funds have gone to salaries, at the end there is very little delivery for them to implement, but they are still getting paid. I agree with Hon Mantshinga, it is a challenge. The question of the municipalities where you got enough money to pay the employees, but not enough money for the employees to do the work, it is a challenge and I do not think we must hide that, we must face that as an issue and see how we deal with it. That is a serious to me. If we did not have all the municipalities, I do not think we would be able to get as much information about the extent of the needs and the battles in the various municipalities. We must credit the wall to wall municipality with a real reason why it was put into place. What is subsequently happening is that the resources are inadequate, not that there was something necessarily wrong with the wall to wall municipalities. We can argue about the sizes and the extent of how we can reduce that, as I was saying that you might want to take the discussion forward. We need to avoid throwing away the baby with the bath water. Some of the debts that the municipalities are having challenges in collecting has more to do with the fact that the level of employment is also not good in some of the areas. In an issue like this one, we must be upfront in saying these are the challenges and this is how we can solve them, and try to share the views. I do not think it will help to highly politicise those issues, because they are real. They are issues where we could work together and solve them, and then challenge each other on other issues. E.g. I want to agree with Hon Mantshinga, we must say that we must avoid profligate expenditure. Spending sprees that we see in municipalities, but I can challenge Hon Mantshinga in the same way. Anokhuza Mantshinga kuthiwa kunezinkinga zezimali, kodwa sibona uMeya

waseZululand, unemali yezimbizo hhayi nje ngaphakathi kuZululand, uphuma ngemali ayovusa izimbizo emaHositela eThekwini. Usa khuluma ngoZululand khona lapho, abuye asuke ahambe ayoshaya izimbizo eGoli. Hhayi nokuthi uye la eduze eNewcastle kwamakhelwane, eGoli le phakathi. Leyonto leyo mina ngithi hambani niyokhuza Mantshinga, ngoba nathi sizoya kubantu sifike sibaphendule ngaloludaba, sibabuze ukuthi nithi uMeya wakhethelwa eZululand, pho ufunani eGoli? Ufunani eThekwini kukhona uMlaba. Sizobaphendula Mantshinga, baphenduke futhi. Kungabe ngiyezwake ukuthi Mantshinga ukhala nje imigwaqo yakhe eThekwini **xxx05:54:39[insert a word]** [laughter]

**Hon members** [interjected]

**Dr Z Mkhize continues...**hhayi cha uMantshinga muhlawumbe akalazi iKhansela eliphethe iwadi lakhe uKhansela uJesu. Hamba uyobika eKhanseleni lakho, ukuthi imigwaqo yonakele.

**Hon members interjected...**uSibongiseni Ngubane

**Dr Z Mkhize continues...**uSibongiseni Ngubane, ah hhayike, ngiyabonga ukuthi ungi-correct lapho, hhayi cha kanti iKhansela lakho uyalazi, kodwa the reality is that we do have to be very concerned about the extent to which a lot of municipal leaders, the counsellors, take decisions that have huge financial implications and course unnecessary debts to the municipalities. When I am talking about parts of the problems, a lot of difficulties arise when the leaders do not guide the municipalities properly and we end up with unnecessary expenditures, we believe that they need to limit the internal conflicts and politicking. If not, we as the leaders of those parties need to act. Because at the end of the day the structure may not be able to regulate itself, but it does require the senior leaders of the parties must actually get involved. That is a responsibility we have to carry, otherwise responsibility of ensuring that the municipalities spend properly is not only just the MEC's responsibility. We can not adequate our own responsibility and point at the department and the MEC and ask why is there such a problem? When we also do control those people whom have declared as parties into those municipalities, we need that kind of balance in both sides.

Ngiyabonga, thank you very much.

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**END OF TAKE QQ11**

**THE SPEAKER:** *Siyabonga kuNgqongqoshe*, Leader of Government Business, for concluding this debate so well. *Manje engathi ayaphuma ama-members, azogcina esengidalele i-problem.*

We do need to adopt this report and its resolutions. I now therefore put the report and the resolutions to the House. Those who support the report and the resolutions, say "Aye" [Aye]. Those who oppose it, say "No". The "Ayes" have it, therefore the report and the resolutions are passed.

Hon members, we have concluded the business of the day by concluding the Order Paper. I have just a few announcements that I need to make. The first announcement is around the Housing Development Agency Bill. As I was coming here I in fact discovered that it had been submitted to the Speaker's office and it does say:

*"Please be advised that at the NCOP Standing Committee meeting held today, 26 June 2008, to receive the final mandate for the Housing Development Agency Bill [BID2008], the required 75% majority Vote was not obtained. Therefore in terms of Standing Rule 233(2), the matter must be referred to the House for the determination of a mandate on the Bill. This matter is therefore brought to your urgent attention to put into today's Order Paper as the NCOP plenary on this abovementioned Bill is scheduled for tomorrow, Friday, 27 June 2008 at 09:00."*

It is signed by the Chairperson of our Standing Committee on NCOP matters, Ms L F Shabalala.

I just wanted to indicate to the House that I have made all the necessary investigations in respect of technicalities of entertaining this debate today and I have spoken to the Chief Whip about my observations as well, that it is not going to be possible to put this matter on the Order Paper for debate today. I therefore will inform the NCOP that this Legislature was not in a position to confer a final mandate and that we say the NCOP must go ahead. That is the report I needed to make in the House.

The second report is just an announcement by myself and it goes as follows: The recess for the Legislature commences on 27 June 2008 and that is tomorrow, and ends on 11 July 2008. Conscious of this fact, the Speakers Forum together with SALSA, have

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scheduled a SALSA Development Seminar to take place from 1 to 4 July 2008 at the Lord Charles Hotel in Somerset West in the Western Cape. The seminar will be hosted by the Western Cape Legislature and approximately 300 staff members and that is 30 per Legislature, from all of the Legislatures of South Africa, will converge on the Western Cape to discuss amongst others:

1. The Strategic Framework for the legislative sector
2. The most appropriate budget baseline for the Legislature
3. Governance in the legislative sector, that is who oversees the overseer
4. The role of the Chapter Nine institutions *vis-à-vis* the Legislature that are trying to find each other
5. Fulfilling its constitutional requirements of involving citizens in law making

Those are the five things that are going to be discussed.

Some of the key speakers will be the Auditor-General, Mr T Nomvembe; the Secretary of Parliament, Mr Z A Dugane; the Accountant-General for Treasury, Mr Philemon Nomvula; Judith Cohen from the South African Human Rights Commission; and Professor Ben Turok who is a Member of the National Assembly.

We wish our staff well in their deliberations and on behalf of the KwaZulu-Natal Legislature, we congratulate the Speakers Forum and SALSA on this very ambitious initiative. KZN was the first Legislature to host such a seminar in 2006 and it was a resounding success. We wish that the Western Cape becomes a success as well. I will be asking the Secretary of the Legislature to convey this House's well wishes for the forthcoming seminar. That concludes my report.

Effectively what we are saying, hon members, is that some time ago it was discovered that when we deal with all of these broad policy issues, most of our staff remain aloof, they are just unaware of the intrinsics of those policy matters. Now we have said, let us try and be as ambitious as possible to pull them all together to be almost on the same line with their senior leaders in administration. It makes it better that your staff are then developed to such an extent that they can be promoted. In this setup as it stands now,

you cannot even promote them better because their development is not matched by the developments of policy positions in the legislative sector. So bear with us as we try and bring them up. Therefore we will be sending our 30+ to attend that place. That is the final announcement which I thought is important to make.

In the absence of the Premier, the Leader of Government Business, I do not know whether there are any announcements that you are aware of in the Office of the Premier?

**DR Z L MKHIZE (Leader of Government Business):** No announcement, Mr Speaker, thank you.

**THE SPEAKER:** If there are no announcements, I therefore wish that all of us take the next two weeks relaxing and actually resting. [Interjections] Well that is exactly the reason. I am saying, relax, rest, before you start on 17 July because I can just safely guess that as you start on 17 July you are starting towards next year. It is unlikely that you will get another rest again, because I do not see any of you resting in December. I wish you that peaceful rest, all of you. Whether you achieve it, I do not know, but I wish you that peaceful rest. I now adjourn this House until 17 July 2008.

**END OF DAY**