

**DEBATES AND PROCEEDINGS OF THE THIRD**

**KWAZULU-NATAL PROVINCIAL LEGISLATURE**

**FOURTH SESSION**

**THIRD LEGISLATURE**

**TUESDAY, 27 NOVEMBER 2007**

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

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

The Speaker took the Chair and read the prayer.

- 2. OBITUARIES AND OTHER CEREMONIAL MATTERS**

**THE SPEAKER:** There is no matter pertaining to this item that has been brought to my attention.

- 3. ANNOUNCEMENTS BY THE SPEAKER**

**THE SPEAKER:** The first announcement I wish to make is that the hon Deputy Speaker, Professor L B G Ndabandaba will be unable to attend the sitting from 27 to 29 November 2007 as he is attending a CPA Conference in London.

I also have to announce that the Premier of the Province is not in the country. He is in Namibia on business. It has been reported that Dr Z L Mkhize is the acting Premier in his place. [Interjections] [Cha akuwena, Bhungane, kodwa uDkt uMkhize. Uma ufuna ukuthi kube uwena, nawe faka isicelo nje.](#)

Those are the two announcements that I needed to make in respect of apologies.

We are pleased to welcome Ms Yondela Roboji and her team, the committee staff from Ugu District Municipality. They are here to interact with our committee staff of the Legislature with a view of sharing experiences and information. We hope this is the start of a long and fruitful working relationship with Ugu District Municipality.

As we begin the of 16 Days of Activism Campaign of No Violence against Women and Children, and in line with the commemoration of the World Aids Day (1 December), the International Day of Disabled People (3 December) and International Human Rights Day (10 December), we have arranged a Wellness Awareness Day for both MPLs and staff of the Legislature on Thursday, 29 November 2007. As our contribution to the celebration of human rights, we have adopted and will practise the adage which says "prevention is better than cure". A request is made to MPLs and staff to avail themselves to the screening and health services at the staff cafeteria on the ground floor of the Administration Building. The screening will be for the following: tuberculosis, HIV/Aids, healthy life styles, weighing and mental health.

The other announcement deals with birthdays. May I take the liberty to wish the following members a happy belated birthday: the hon Mrs Thakur-Rajbansi who was born on 17 November; the hon Mr P Govender who was born on 21 November and the hon Mr S N Mtetwa, the Chair of Committees, who was born on 23 November. [Interjections] The years are not reflected here. Mtetwa, for instance, could have been born a few hundred years ago. [Laughter] Hon members, as far as your birthdays are concerned, we wish all of you very well. Sithi unwele olude kinina.

That concludes my announcements on these matters.

The last announcement I wish to make is in respect of my friend and colleague, the hon Mr Alex Hamilton. The hon Mr Hamilton came to me and told me that, in his haste to arrive on time for the sitting, he misplaced his jacket. He is therefore not wearing his jacket, but is still wearing his shirt and tie. [Laughter] We agreed with him that this is the first and the last time that he will be allowed in this House in that state. [Laughter] I hope it does not set a precedent for all members to start misplacing their jackets. Please, do not forget to wear your jackets and also do not misplace them. I have given the hon Hamilton permission to be in the House even without his jacket. He has not been given permission to be outside of the House.

**DR B M RADEBE (ANC):** Mr Speaker, I seem to recall that the late Dumisane Makhaya once collected money for buying Mr Hamilton a jacket. [Laughter] I want to know where that money went to. [Laughter] Perhaps we can all add more money and assist in buying Mr Hamilton another jacket, because there was once a collection precisely for that purpose! [Interjections] Yes, a black one this time, not a cream one! A black one this time! [Laughter]

**THE SPEAKER:** Hon members, I will take that sympathetic view to Mr Hamilton and hear what he says of it. Thank you, hon members. That concludes the announcements from the Speaker's Office.

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

**THE SPEAKER:** I now call upon the acting Premier to indicate whether there are any announcements. I need to alert you to the fact that I had been approached by the acting Premier, indicating that there will be an announcement.

**DR Z L MKHIZE (Acting Premier):** Thank you. Mr Speaker, I wish to convey the apologies of hon Premier Ndebele who is in Namibia on party business. He was asked by the African National Congress to represent the party in the Conference of the South West African People's Organisation.

Secondly, I wish to make a brief statement to the House in relation to the FIFA Preliminary Draw held in Durban on 25 November 2007. The world, represented by 204 countries, converged in Durban, KwaZulu-Natal on the weekend of 25 November 2007. This event surpassed all other previous events in the number of countries that have ever visited this province at one occasion. The majority of FIFA delegates, including its president, Dr Joseph Sepp Blatter, arrived on Thursday, 22 November, and stayed in Durban until Monday, 26 November. Each of the countries was represented by a delegation that ranged between five and 10 people. These are the people who are presidents of football federations, team managers, coaches and celebrity players. Our country was represented by our President and a team of national Cabinet Ministers, the majority of whom serve on the local organising committee.

In addition, most of the Premiers of other provinces and MECs attended one or other events. The Premier and the provincial government, as well as the City of eThekweni,

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were fully aware that our province has been tasked with a responsibility that goes far beyond our province in its implications. The province put its best foot forward, arranging that a football match between Soweto Giants, Orlando Pirates and Kaizer Chiefs was played in Durban. This game, as usual, did not disappoint. It was the best game of football that has been seen in the country for a long time and showcased the skills of the province, showing that African football is known for the world over.

Listening to former players from France and Germany who had attended the game, they likened it to a semi-final game in the European Cup. Of course, about 50 000 football lovers of KZN were in attendance. This opportunity enabled us to showcase our country through our province and the city of Durban. The Orlando Pirates vs Kaizer Chiefs game, for instance, was broadcast on EuroSports, TV1 and other European channels.

During this peak hour, we were also able to showcase a five minute video of our province. This has gone to 100 million viewers in Europe who watched football during this slot. We managed to get an agreement with the airlines to whet the appetites of delegates who arrived by plane to screen another video of the province on all incoming international flights last week.

The preliminary draw, which was also broadcast live around the world, was billed as one of the best, according to FIFA representatives. In fact, the president himself in his "Africa meets the West" address conceded that what is normally a very boring event, became quite entertaining. Both the President of the Republic of South Africa and the FIFA president concluded that the event was a resounding success.

A brilliant presentation of the scenic beauty of our province of KwaZulu-Natal and its investment potential, with a message from the Premier, was billed live to 170 countries during that time. Our Premier hosted a cocktail event at the end of the preliminary draw, and it was attended by the majority of the delegates. During this event the Premier made a farewell address to all the delegates. The guests, including FIFA president, Mr Sepp Blatter, complimented our Premier and the province for the professionalism in which this whole preliminary draw was handled.

Through the public viewing facilities that were placed in Pietermaritzburg/uMsundusi, Harding, Newcastle and Esikhawini, our general public were able to be part of this great event. Our estimation is that it attracted 40 000 spectators in total. A number of small

businesses were given the opportunity to trade during this weekend, and our preliminary draw reports indicate that this was also a resounding success.

We are grateful to the management of our hotels in Durban that housed our visitors. There was only one incident, and even that incident was handled with care and professionalism that satisfied the parties who were affected. We are grateful also to the law-enforcement agencies who worked tirelessly to make this event a success.

Finally, we wish to record our appreciation to the organising team in the province, the LOC, as well as the city for an event that has put us in a position where we can compete for the opening ceremony for the games in 2010. We believe that we have all co-operated to put KwaZulu-Natal on the world map. The message was clear to all that Durban is ready. KwaZulu-Natal is ready. Most of all, South Africa and the African continent are ready for the FIFA Football World Cup competition. Thank you very much.

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

**THE SPEAKER:** Any tabling of reports? Hon MEC, Leader of Government Business and acting Premier, please go ahead.

**DR Z L MKHIZE (Acting Premier):** Thank you, Mr Speaker. I would like, on behalf of the Premier, to table the following reports:

Public Service Commission: Consolidated Report on Inspections of Public Delivery Sites – August 2007;

Public Service Commission: Citizen Satisfaction Survey, 2006/07: Department of Home Affairs; Department of Trade and Industry; Transport Services by Provincial Departments, September 2007;

Public Service Commission: Report on the Management of Poor Performance in the Public Service, August 2007;

Public Service Commission: Report on the Conflicts of Interest through Financial Disclosures, May 2007;

Amafa/Heritage aKwaZulu-Natali Annual Report, 2006/07

The above reports are tabled on behalf of the Premier. In a line-function capacity, I would also like to table the following reports:

Trade and Investment KwaZulu-Natal Annual Report, 2006/07, and

Ithala Development Finance Corporation Limited, Annual Report, 2006/07

**THE SPEAKER:** Thank you, hon acting Premier. That takes care of all the reports that have been tabled, as was indicated to me. Is there any further tabling of reports or papers? If not, let us then proceed.

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

**MR V C XABA (Chief Whip of the Legislature):** Mr Speaker, thank you very much. I have two motions which I wish to move. The first motion concerns an amendment to Rule 206 (2). The second motion deals with Rule 200 (1).

### **This House notes:**

[1] Rule 206(2) of our Standing Rules states as follows:

*(2) A money Bill appropriating money, as contemplated under section 120(1)(a) of the Constitution, must be introduced following the special procedure referred to in Rule 207(2). All other money Bills must be introduced following the ordinary procedure referred to in Rule 191.*

[2] The Authorisation of Unauthorised Expenditure Bill is not a Bill appropriating money as contemplated under section 120(1)(a) of the Constitution, and in terms of Rule 206(2) must accordingly follow the ordinary procedure referred to in Rule 191;

[3] The ordinary procedure referred to in Rule 191 requires submission of the Bill to the Speaker in English, isiZulu and Afrikaans together with an explanatory memorandum, Treasury certificate and State Law Advisor certificate.

[4] Rule 192 further provides that

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*(1) The Secretary must, on introduction of a Bill as contemplated under Rule 191, publish in the Provincial Gazette -*

*The Bill, as introduced, in English, isiZulu and Afrikaans;*

*The explanatory memorandum submitted together with the Bill; and*

*A notice inviting interested persons and institutions to submit written representations on the Bill to the Secretary within a specified period, but the closing date must be at least 15 working days from the date of publication in the Provincial Gazette.*

[5] An Authorisation of Unauthorised Expenditure Bill is a money Bill which authorises direct charges against a Provincial Revenue Fund as envisaged in Rule 205(1)(d) of the Standing Rules;

[6] In view of the unique nature of the Authorisation of Unauthorised Expenditure Bill, it could have been the intention of the Legislature that such Bills go through the same lengthy process that ordinary Bills must go through;

[7] It is in the interests of the speedy consideration and approval of such Bills that the Authorisation of Unauthorised Expenditure Bill be made to follow the same special introductory procedure that is followed by Bills that appropriate money; and

[8] Rule 4 states that:

*A Rule may be amended, revoked or added by a resolution of the House.*

**This House therefore resolves:**

[1] That Rule 206(2) be amended by the deletion of the words “*section 120(1)(a) of the Constitution*” and the substitution thereof for the words “*Rule 205(1)(a) and (d) above*”; and

[2] That Rule 206(2) to accordingly read as follows:

*(2) A money Bill appropriating money as contemplated under Rule 202(1)(a) and*

*(d) above, must be introduced following the special procedure referred to in Rule 207(2). All other money Bills must be introduced following the ordinary procedure referred to in Rule 191.*

**MR V C XABA (Chief Whip of the Legislature):** Mr Speaker, that was the first motion.

**THE SPEAKER:** Just by way of correcting the record, in the last paragraph that you were reading, you referred to Rule 202(1)(a). It should be Rule 205, according to the motion as we have it.

**MR V C XABA (Chief Whip of the Legislature):** Yes, Mr Speaker, the one that begins “a money Bill appropriating monies contemplated under Rule 205 ...”

**THE SPEAKER:** Yes. You said Rule 202 instead of Rule 205.

**MR V C XABA (Chief Whip of the Legislature):** Thank you for that correction, Mr Speaker.

**THE SPEAKER:** Thank you. There is the motion which is supported and accepted by other parties. Hon Chief Whip of the Opposition?

**MR H L COMBRINCK (Chief Whip of the Opposition):** Mr Speaker, you know, it is not a question of being difficult. The Chief Whip of the Legislature came to us at 09:45 this morning. My caucus was in session. When I went back, they were out. I do not have a mandate from my caucus to look at this. We are basically reading this motion for the first time, so it makes it very difficult for the IFP to support the motion. Thank you, Mr Speaker.

**THE SPEAKER:** Just for practical purpose, may I hear from the Whip of the day?

**MR R E KEYS (DA):** Mr Speaker, had the IFP supported the motion, we would have supported it, as well. We have no difficulty with this proposed Rule.

**THE SPEAKER:** However you see, I am not looking for that kind of statement. I am looking for a DA position. Do you support the motion or do you not support the motion?

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

**THE SPEAKER:** You support it. Can you please read it into the record, Mr Keys?

**MR R E KEYS (DA):** Mr Speaker, we do support what is in this proposal.

**THE SPEAKER:** Hon Rev Mbatha? That is in the absence of my understanding of who will speak on the matter. We are looking for unanimous concurrence with this resolution.

**REV A H MBATHA (NADECO):** We support this, Mr Speaker.

**THE SPEAKER:** Hon Mrs Downs?

**MRS J M DOWNS (ACDP):** We support it, as well, Mr Speaker. It is imminently sensible.

**THE SPEAKER:** Hon Mr Msomi?

**MR B J MSOMI (UDM):** Mr Speaker, I support the motion.

**THE SPEAKER:** The reason for going through all the parties is that I wanted to sense the extent of the problem. It seems to me that we do have a problem in that there is no concurrence, in which case I am inclined to explain as such: There is a special reason why we have requested parties to support this resolution. I am raising that because I need to make a plea to the Chief Whip of the Opposition. The resolution is an administrative resolution; it is not a political resolution. It is administrative, because it needs to allow us to continue with this work that we are to do here today. If it is not supported, it means that we cannot continue with the work that we have come here to do. If it is necessary, I would plead that the IFP bears with us as we deal with it. Both these resolutions are mainly administrative. They are not political. I am not disrespecting that there should be a mandate. Yes, Mr Chief Whip of the Opposition.

**MR H L COMBRINCK (Chief Whip of the Opposition):** Mr Speaker, like I said it is not a question of being difficult. Maybe we should, with your permission, break for 10 minutes and get this matter to our caucus where I can get a mandate which I can bring back to this House.

**THE SPEAKER:** Chief Whip, your comments?

**MR V C XABA (Chief Whip of the Legislature):** Mr Speaker, that seems to be the only

way to go in the circumstances. However, I wish to indicate that it is true that I spoke to the Chief Whip of the Opposition at about 09:45. I was able to reach out to the other parties just a few minutes before we started the meeting. I hope you will see that there is nothing to this issue. Can I ask that they also take the other printed motion into account during the adjournment?

**THE SPEAKER:** In order to assist with this process, may I therefore deal with the second resolution? Let us ask the Chief Whip to deal with the second resolution, as well, so that we put it on record. When we decide, we decide on both of them.

**MR V C XABA (Chief Whip of the Legislature):** Thank you, Mr Speaker. The second motion reads as follows:

This motion is a motion without notice, moved under Standing Rule 93(g), with the unanimous concurrence of all members present in the House. The Presiding Officer is requested to put the motion to the vote for approval as a resolution of the House under Standing Rule 91(2).

**This House notes:**

[1] Rule 200(1) of our Standing Rules states as follows:

*(1) The debate on the second reading of the Bill may not commence before at least one working day has elapsed –*

*(a) since the Committee's report was tabled; or*

*(b) if a committee member has addressed the House in terms of Rule 199, since the address was delivered.*

[2] Due to the programme in the Legislature of conducting sittings on a weekly basis, the effect of Rule 200(1) is that there is a delay of one week between the date of tabling of a report on a Bill or the delivery of an address in terms of Rule 199, and the date of the debate and approval of a Bill;

[3] Rule 200(1) has proven to be impractical and a hindrance to the speedy finalisation of urgent Bills in the past; and

[4] There will not be any significant prejudice to the process of considering and approving provincial Bills should Rule 200(1) be deleted.

**This House therefore resolves:**

[1] That Rule 200 be amended by the deletion of Sub-Rule 200(1) in its entirety; and

[2] Sub-Rules 200(2) to (5) be renumbered to be Sub-Rules 200(1) to (4) respectively.

**THE SPEAKER:** Hon Chief Whip of the Opposition, please record your position on this.

**MR H L COMBRINCK: (Chief Whip of the Opposition):** Mr Speaker, my position remains unchanged.

**THE SPEAKER:** Mr Burrows, what about the DA?

**MR R M BURROWS (DA):** Mr Speaker, we believe that the motion represents a fundamental misunderstanding of the Rule concerned. It has not been raised with the Whips. It has not been raised in either the Rules Committee or the Rules Subcommittee. We actually do not believe that Rule 200(1), as it is contained in this motion, means what the motion says it means. We will oppose it.

**THE SPEAKER:** What about members of the DA, hon Rev Mbatha?

[Interjections.]

I mean, hon members of NADECO! [Interjections] Sorry! Sorry! I am sorry to misrepresent that party. [Laughter] Hon Rev Mbatha, please continue.

**REV A H MBATHA (NADECO):** Mr Speaker, it is not fair to NADECO that you suggest that the DA could join NADECO. [Laughter] However, your wishes are seen as good wishes to NADECO. No, NADECO does not have a particular position on this. We will use the break that has been suggested to consult on it.

**THE SPEAKER:** Hon Mrs Downs?

**MRS J M DOWNS (ACDP):** Mr Speaker, we had agreed to support this.

**THE SPEAKER:** Thank you. Hon Mr Msomi?

**MR B J MSOMI (UDM):** Mr Speaker, ngizocishe ngihambe emagameni kaMfundisi uMbatha ngoba akakaze angithinte uChief Whip ngalokhu. Mhlawumbe sizoke sixoxe ngaphandle angelekelele.

**THE SPEAKER:** Hon members, in view of parties' positions, I now call for an adjournment for a period of about 10 minutes to allow parties to go through these proposed resolutions. We will reconvene thereafter and proceed from there onwards.

*Business of the House is suspended.*

*Upon resumption of the business*

**THE SPEAKER:** Hon members, at the point of our adjournment, we were in the process ...

**MRS B F SCOTT (ANC):** Mr Speaker, firstly I want to ask you to forgive me for not standing up when I needed to table a report. Right after you have dealt with this matter, would you allow me to table a report?

**THE SPEAKER:** Yes, I will agree to that. Let me just finalise this matter.

At the point of our adjournment, there was no concurrence of the House on the two motions. We allowed a period of 10 minutes for parties to consult and to ponder over the issue. Ten minutes have now lapsed. In fact, we went far beyond 10 minutes. I want the House to understand that I was monitoring the process. It was not easy for me to reconvene before I was satisfied that the process had reached what would be termed progress on the matter. That is why we are reconvening now. After reconvening, I will again give the opportunity to the Chief Whip to indicate whether an understanding has been reached by the parties.

**MR V C XABA (Chief Whip of the Legislature):** Mr Speaker, there is some understanding. We have agreed that we would need time to consider the motion that was raised by me earlier on. For now we are suggesting that we suspend the Rules so that the work of the Legislature does not get hindered by the provisions that are contained in our Rules. The affected Rule is Rule 200(1). We want the whole Rule to be

suspended for the duration of the sitting so that we will be able to deal with the work of the Legislature without any hindrance during this sitting, in other words, from today till Thursday.

With respect to the other motion, particularly Rule 206(2), we propose that we suspend the last part of that Rule which reads, "All other money Bills must be introduced following the ordinary procedure referred to in Rule 191". These are the suggestions that have arisen after consultation with the other parties. Thank you very much.

**THE SPEAKER:** May I get an indication from the Chief Whip of the Opposition?

**MR H L COMBRINCK (Chief Whip of the Opposition):** Mr Speaker, I do not want to make a long debate about this whole issue. That is correct. The understanding that came out of the caucus is that, in principal, we cannot just simply quickly rush into the House and change Rules as we deem fit. There is a procedure that we should follow. However, we do not want to prevent this House from doing its work, and therefore support the suspension of the Rules so that we can carry on with the debate. Thank you.

**THE SPEAKER:** That is the suspension of Rule 200, and that part of Rule 206 that affects our functioning now. May I get an indication from the DA?

**MR R M BURROWS (DA):** Thank you, Mr Speaker. As far as Rule 206(2) is concerned, yes, we are happy to suspend the applicability of that Rule. We have some difficulty with Rule 200(1), because I have a feeling that the Chief Whip of the Legislature slipped this in when we were blinking. What we certainly do not want, is that on the Order Paper today there is a debate on the KZN Traditional Leadership and Governance Amendment Bill which has not even gone to the committee today. We do not want that Bill to be moved today, and so we will not support the suspension of Rule 200(1) if that is going to be the effect.

**THE SPEAKER:** No, it is not likely ... Oh, sorry, Chief Whip.

**MR V C XABA (Chief Whip of the Legislature):** Mr Speaker, I think we will cross that bridge when we get to it. I know that the committee is not ready, but let us deal with it when we get to that point. [Interjections] We will stand up at that time to appeal to you to make a ruling on the matter. Thanks.

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**THE SPEAKER:** No, as we said, all of these actions we are taking are simply to allow us to deal with the Unauthorised Expenditure Bill. That is our major area. I think all of us are aware of the processes insofar as the Traditional Bill is concerned. Mr Burrows, if I give you my undertaking that we will not allow that to affect the process, would you then agree to the suspension of Rule 200?

**MR R M BURROWS (DA):** We take you at your word, sir. Yes, we will support it.  
[Laughter]

**THE SPEAKER:** Hon members of NADECO? Hon Rev Mbatha?

**REV A H MBATHA (NADECO):** Mr Speaker, with your previous wishes, NADECO supports the suspension.

**THE SPEAKER:** I do not know how to amend the previous wishes. At some stage I must find a way. [Laughter] Hon Mrs Downs?

**MRS J M DOWNS (ACDP):** Mr Speaker, we agree.

**THE SPEAKER:** The hon Mr Msomi?

**MR B J MSOMI (UDM):** Mr Speaker, taking into consideration your response to the concern of Mr Burrows, I support it.

**THE SPEAKER:** Hon members, thank you for the manner in which you handled this matter. In that case, we agree that Rule 200 is suspended for today's sitting, and that Rule 206(2), the part that starts from "all money Bills must be introduced following the ordinary procedure referred to in Rule 191" is suspended for the purposes of today's sitting. We have therefore concluded the item on formal motions and notices by the Chief Whip, unless there is any other that I am not aware of.

We have been disturbed quite a little in terms of our processes. I therefore want to request those members who had wished to raise motions today to submit their names to the Table. Once these names have been submitted through Whips and party representatives, they will be considered tomorrow, because it seems there will be enough time for them. Unless things change, we will deal with the notices of motions or Bills tomorrow. That would be my request so that we can make up for lost time. The first

people to be considered tomorrow will be those on the list that will be submitted to the Table and to me.

Hon members, before we proceed to Orders of the Day, I need to allow the hon member Mrs Scott to table the report she was to table earlier.

**MRS B F SCOTT (ANC):** Thank you, Mr Speaker. I would like to table the Report of the Portfolio Committee on Finance and Economic Development. It is our resolutions on the 2007/08 Mid-Year Budget Performance Report for the Province of KwaZulu-Natal.

**THE SPEAKER:** Now that we have gone through that, we need to proceed with the Order Paper in which we will request the hon acting Premier, who is the MEC for Finance and Economic Development, Dr Z L Mkhize, to table the First Reading of the Adjustments estimate Bill.

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

### **8.1 First Reading: Adjustments Estimates Bill by the MEC for Finance and Economic Development**

**DR Z L MKHIZE (MEC for Finance and Economic Development):** Thank you, Mr Speaker. Hon members, it is common knowledge that every year adjustments have to be made for the main appropriation to cater for unforeseeable unavoidable expenditure as per Section 31.2(2) of the PFMA. These adjustments also accommodate Treasury approved roll-over requests for those departments who could not spend the entire amount voted by the legislature as per Section 31.2 of the PFMA.

The adjustment budget further provides for the utilisation of savings under the main division within a vote for the defrayment of excess expenditure under another main division within the same vote, commonly known as virements.

Lastly, the adjustment budget includes funds to be appropriated for the expenditure already announced by the MEC for Finance during the tabling of the annual budget as per Section 31.2(2) of the PFMA.

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Mr Speaker, there have been some major changes that have been made to the main appropriation of certain departments. These changes were made for very good economic reasons and are as follows:

An additional spending with regard to the implementation of the provincial strategy for the 2010 Football World Cup; the feasibility studies on the government's precinct; and the continued funding to the public entity and gender funding; the major changes to the main appropriation 2010 adjustment.

This House will recall that an amount of R55 million was exclusively allocated in the 2006/2007 MTEF to the Office of the Premier to co-ordinate soccer development activities in and out of school in view of the pending 2010 Soccer World Cup which South Africa will be hosting.

Making this allocation, the province did not anticipate that the preliminary draw would take place in KwaZulu-Natal as this decision was taken in the middle of 2007. After this decision the province had to swiftly embark on an intensive marketing campaign to promote KZN both domestically and internationally leading up to and during the preliminary draw.

It is important that these events associated with the 2010 Football World Cup are experienced throughout the province. This is why the Cabinet agreed to utilising the preliminary draw event as a test case on what people that are outside the host city of Durban could also benefit.

Most of the members of this House would have experienced this marketing campaign which took place last week. The domestic marketing campaign included the setting up of fan parks - correctly they are referred to as public viewing centres - in four regions of the province, in order to bring the excitement of this soccer spectacle to the people. This allowed the citizens who could not travel to Durban, to watch both the Soweto Derby and the preliminary draw of the countries that will participate in the World Cup. The concept of fan parks and public viewing centres is an important one as it also exposed SMMEs to business opportunities that will be available in 2010.

DVDs were also distributed to all domestic airlines and airports to capture the air travel passengers.

There were also live radio and TV broadcasts as well as printed articles around the preliminary draw. International campaigning feed and a live broadcast of the Soweto Derby across Europe through Eurosport as well as the airing of a five minute video to promote the province internationally, both as a destination for base camps and for the teams that will participate in the 2010 as well as a tourist destination for those visitors who may not be associated with the soccer spectacle.

To accommodate the costs associated with this campaign, I therefore request this House to approve an additional allocation of R16.8 million to the Office of the Premier. It is estimated this investment will bring in more than R50 million in value-add as it has facilitated the exposure of KwaZulu-Natal to international football and tourist communities.

**The Precinct Feasibility Adjustment:** Another adjustment is made to Treasury to accommodate costs associated with the feasibility study of the government precinct. Additional funding of R3.5 million, an adjustment estimate, is as a result of the earlier than anticipated finalisation of the feasibility study. The R6 million provided for in 2008/2009 will be utilised for the start of the procurement stage if the project is approved as a PPP. If not, this amount will be surrendered to the Provincial Revenue Fund. The original allocation of R15 million did not make provision for the procurement stage of the project, hence the requirement for additional funding in 2008/2009 of R6.7 million.

**Mjindi Farming Adjustment:** A decision to close down Mjindi Farming (Pty) Ltd was taken three years ago by the Agriculture and Finance and Economic Development Portfolio Committees. As a result budgetary allocation was not made to this entity in 2007/2008. However, upon analysing the outstanding obligations, it became clear that the entity would require a final allocation of R8.4 million to facilitate the closure. To this end the transfer of R8.4 million was made to the entity in the current financial year with a clear understanding that this transfer was to enable the entity to honour their outstanding commitment only such as Eskom's electricity account for pump stations and other creditors. It would never have been possible to close down Mjindi with outstanding legal obligations. Going forward there will be no further transfers made to this entity.

I have also given the rationale for the three adjustments we are proposing today. I hope I have been successful in justifying these. There are several other adjustment proposed

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which I will discuss shortly, but before I proceed any further, let me remind this House of the 2006/2007 expenditure outcome of KwaZulu-Natal Province as it had a direct bearing on the quantum of available funds for the allocation of this adjustment budget.

2006/2007 Outcome: Table 1 in your documents shows 2006/2007 outcome by the department. The aggregated expenditure amounted to R36.885 billion compared to the adjusted appropriation of R37.429 billion, resulting in the net underexpenditure of R544 million. The table is then detailing that.

Six of 16 departments ended the year with a net over-expenditure which has been offset by the under-expenditure in the remaining ten departments. The under-expenditure of R82.6 million in Education is partly due to the reduction of the department's infrastructure budget by R100 million during the 2006/2007 Adjustments Estimate.

At the time of suspension it was agreed that should the department overspend on infrastructure, then the Provincial Treasury would fund such over-expenditure up to the maximum of R100 million. The actual expenditure on infrastructure amounted to R767 million, resulting in an over-expenditure of R60 million against the infrastructure. This over-expenditure is deemed unauthorised expenditure because the vote as a whole was overspent. Provincial Treasury therefore provides this funding when the unauthorised expenditure is authorised by the Standing Committee on Public Accounts (SCOPA). There is therefore no increase in the department's 2007/2008 budget allocation.

Another over-expenditure as the percentage of total budget was recorded by the Royal Household at 10.2%. The Finance Portfolio Committee had indicated that the department will have to fund this over-expenditure from within its own 2007/2008 main budget allocation, however the mid-year performance of the department again suggests that the actual expenditure for 2007/2008 will exceed the main budget by R4 million.

Provincial Treasury is therefore of the opinion that in 2006/2007, over-expenditure should not be suspended from the department at this stage, however the funding for their over-expenditure will need to be discussed by the Standing Committee on Public Accounts (SCOPA). If the recommendation by SCOPA is that the over-expenditure must become a first charge against the department's budget, then this will be implemented against the future year's budget.

There are indications that perhaps the base line of the Royal Household is not adequate. A Treasury team has been deployed to the department to help assess the adequacy of the base line and to determine the real cost-drivers that account for the over-expenditure. An initial assessment has already revealed several hidden cost-drivers which need further analysis. The Cabinet and Portfolio Committee will be briefed thoroughly once the analysis is complete.

On the remaining four departments, Housing, Community Safety, Transport and Sport and Recreation, the over-expenditure is considered marginal and Provincial Treasury does not deem it necessary to suspend these amounts from the department's 2007/2008 Appropriation.

Before tabling the provincial adjustments, let me briefly comment on the national adjustments that were tabled by the hon Minister of Finance in October this year.

### **National adjustments**

In his medium-term budget policy statement for 2007, hon Minister Manuel tabled a range of adjustments for all three spheres of government. I going to comment on those adjustments that are of relevance to provinces and these are:

- An additional R654 million for unforeseen and unavoidable expenditure associated with fire, flood, drought and other adverse weather conditions;
- R400 million for the treatment and prevention of multi-drug resistant tuberculosis;
- R4 billion approved roll-overs arising from unspent balances in 2006/07, including conditional grants to provinces;
- R1.9 billion to accommodate higher than budgeted costs of the 2007 wage agreement;

As a result of these adjustments, the following amounts are made available to KwaZulu-Natal both in the equitable share and in conditional grants:

- R256.3 million for higher than budgeted costs of the public sector salary agreement;

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- R101.3 million is added to the Health budget to strengthen the fight against the multi-drug resistant tuberculosis in the province;
  - R188.2 million in approved roll-overs for Health conditional grants, namely the Revitalisation Grant and the Forensic Pathologist Services Grant;
  - R40 million for agriculture disaster management to accommodate the expenditure associated with the fire damage in the province.

These adjustments will provide some relief to departments that are experiencing spending pressures.

I now turn to the provincial adjustment which we are tabling today.

### **Province-specific Adjustments 2006/2007 Net Financial Position**

As mentioned earlier, the province ended the 2006/2007 financial year with a surplus of R544.2 million. It is largely from this surplus that the province is able to finance a range of spending pressures, commitment and approved roll-overs, taking into account surplus revenue collected as well as unspent funds from public entities, to be surrendered to the revenue fund. The surplus increased to R821.4 million. If we account for a specific purpose, financial commitment as well as the unspent conditional grants, this surplus is reduced to R375.3 million. We then have to accommodate legitimate and unavoidable spending pressures from this surplus. I will return to these spending pressures in a short while.

After considering the spending pressures as well as the approved roll-overs and other commitments, there are no funds left for further allocation.

### **Proposed Additional Allocation from Provincial Surplus**

Let me now turn to the proposed additional allocations to departments to finance any spending pressures that qualify as unavoidable and have little or no carry-through costs. I will not discuss all of them as they are fully described in the Adjustments Estimates of the Revenue and Expenditure for 2007/2008 accompanying the Adjustments Appropriation Bill we are tabling today.

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The Office of the Premier has allocated an additional R48.9 million to accommodate the expenditure pressures associated with the establishment of the Human Rights Commission as a public entity, the Youth Commission, the refurbishment and installation of a security system in the Cabinet office, as well as the 2010 preliminary draw marketing campaign I spoke about at the beginning of the address.

R32.1 million was added to the provincial Legislature to fund amongst other things, the legislated increase in the constituency allowances, as well as the budget shortfalls resulting from under-budgeting for the feasibility study of the legislature complex currently underway.

Economic Development is allocated an additional R84 million for the Dube Trade Port to provide for the increased cost of the project due to ACSA changing the specification relating to the project. R55.6 million of this allocation is surrendered by Ithala. Members will appreciate the fact that construction inflation has increased substantially in the past two or so years, due to strong demand in the sector. It is for this reason that additional funding is required for this project.

Education is allocated an additional R57 million to accommodate costs associated with occupation-specific dispensation which caters for career pathing within the education sector. R50.1 million is allocated to the Provincial Treasury; R21.5 million of this allocation will be transferred to the respective municipalities for overdue casino tax payments as per Section 76(2) of the KwaZulu-Natal Gambling Act 1996; R40 million is for the acquisition of biometric access software that will eliminate all unauthorised access to the BAS system which has allowed criminal syndicates to make unauthorised payments into fictitious accounts, thus defrauding the government of millions of rands.

The R4.2 million is for the Internal Audit unit within Treasury, to accommodate costs associated with an increased scope of work such as the inclusion of municipal assignments.

There are also minor adjustments to Arts and Culture - R3 million for their contribution to the hosting of the 2006/2007 Tourism Indaba.

Sport and Recreation's main appropriation is also increased by R1.6 million to accommodate the preparations for the 2007/2008 South African Games and the Fina Swimming World Cup.

I will now discuss the approved roll-overs which form part of this adjustment budget.

### **Approved roll-overs**

After careful consideration the Treasury has approved several department roll-overs. A total of R216.2 million was requested for roll-overs of which R98.4 million was approved.

The following are some of the departmental roll-overs that have been approved:

- R58.9 million for Social Welfare to fund the Food Relief Programme, which programme will be jointly undertaken by the Department of Health;
- R16.1 million for Local Government for the installation of water purification plants, the roll-out of the Property Rates Act, the Corridor of Development and the finalisation of the Housing Project for Amakhosi;
- R10.3 million for Provincial Treasury to cater for outstanding SETA invoices for transversal systems, appointment of transaction advisors for the government precinct's feasibility study, etc.

I therefore now turn to the proposal for financing higher than anticipated costs of the wage agreement.

### **The 2007 Wage Agreement**

This House will be aware of the recent public service wage agreement reached with organised labour. This agreement was 1.5% more than budgeted for. National Government has allocated R1.9 billion to compensate provinces, of which R256 million comes to KwaZulu-Natal. Unfortunately this allocation will not fully compensate the province and we therefore are proposing to this House to move R128.1 million of unspent GEMS allocation in the Treasury Vote to finance the shortfall. The main beneficiaries of this reallocation will be the Department of Education and the Department of Health.

I would like to invite the hon members to familiarise themselves with the contents of this Bill, particularly the explanatory memorandum. The memorandum contains every last detail of all the adjustments proposed.

In conclusion, I would like to convey my sincere appreciation to the Members of the Executive Council, members of this Legislature, particularly the Finance Portfolio Committee, for their continued support for Treasury work.

Lastly, I would like to thank the Treasury team which put together this Bill, led by Mrs Shabalala, and the rest of the members.

I therefore also then table for consideration in this House, the Adjustment Estimate Bill of 2007/2008 and all the attachments. I look forward to the debate on this Bill, scheduled for Thursday this week. Thank you very much.

**THE SPEAKER:** Thank you, hon MEC. This Bill has been tabled. I therefore now in terms of the Rule, have to refer the Bill to the relevant portfolio committee. In this instance, since it is an Appropriation Bill that deals with the appropriation of funds, I accordingly refer it to the Portfolio Committee on Finance. Thank you, hon members. Then the portfolio committee will report back to this House.

We will then proceed. What will be the next item on our Order Paper? Item 8.2. Item 8.2 is the Six Months Service Delivery Report by the MEC for Health. Hon MEC for Health?

**MRS N P NKONYENI (MEC for Health):** Thank you very much, hon Speaker. Hon Speaker and Deputy Speaker, Members of the Provincial Executive Council, hon members of the Provincial Legislature, I wish to remind hon members that as a department we are guided by the Constitution of the Republic of South Africa which requires us to honour the right of every citizen to have access to health services. It follows therefore that the primary purpose for the existence of the Department of Health is to develop and implement a sustainable, co-ordinated, integrated, comprehensive and accessible health system. It is in this regard that we have facilitated the process of promulgating the KwaZulu-Natal Health Care Bill with a focus to carry out the mandate as dictated in our National Health Act.

Also, health issues are at the heart of the socio-economic development agenda and therefore our efforts as a department rest very heavily on the collaboration and support from this House, especially the Executive Council ...

**THE SPEAKER:** MEC, awumekancane ntombi nkulu naku sengathi ngiyakhatheka la May I establish, do members have the report that the MEC is tabling? [Interjections] Please, members of staff, there is a rule that we cannot allow that the MEC tables a report which has not at the same time been distributed to members in the House. sibhekele sisi. Sorry, MEC, there is something that seems to have gone wrong here.

We are just consulting a little.

Hon members, look, there has been a small glitch here which I must apologise for. It does look like we needed to go and print a report that had been submitted to us as the final report. Now that report is in the process of being distributed right now as I speak to you. It is also in the process of being printed. We do not think that there will be a major delay. I am now requesting that as the report is being distributed, we proceed and that those members, who have not as yet received the report, bear with us.

Hon MEC, please therefore let us proceed from there sixolise ukuthi nakhu kulokhu kuba nokushayisana okwenzekile. Please, proceed.

**MRS N P NKONYENI (MEC for Health):** My humble apologies also, hon Speaker and hon members.

Also, health issues are at the heart of the socio-economic development agenda and therefore our efforts as a department rest very heavily on the collaboration and support from this House, especially the Executive Council through the provincial departments that they lead. I also wish to thank the Chairperson of the Health Portfolio Committee, Ms Zanele Ludidi and also the Chairperson of the Finance Portfolio Committee for their assistance and support. It is appropriate therefore that I commence my address today by thanking you all for the assistance and support that you have been able to offer the Department of Health during the first half of the 2007/2008 financial year.

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I need to apprise the hon members that the Head of Department is presently on suspension. The Premier has therefore appointed Dr Yolisa Mbele as Acting Head of Department until further notice.

At the beginning of the 2007/2008 financial year, we presented for your consideration a Budget Vote of R13.4 billion, having begun by highlighting a number of programmes and deliverables that the department needed to affect as it tackles head-on the challenges that we face in this province, which have a potential of derailing our efforts towards a healthy province.

The report that we are about to give, maps out the progress that has been made by the department in line with the commitments that we made to this House during my budget speech. These were and continue to be, to render district health services based on the primary healthcare approach that espouses equity, community participation and inter-sectoral collaboration.

To address the issue of Health Service Transformation, we have developed a Master Service Plan and have also conducted a situational analysis on Monitoring and Evaluation (M& E) with a view to developing an M & E Framework. The department is currently finalising the Health Service Transformation Plan that is set to reshape the health service delivery system with a view of providing accessible and quality health care services to all.

This plan has been developed to enable the province to deliver on all health priorities through the implementation of the primary health care approach. It is based on the design principles adopted by the province which are; quality of care, equity, cost effectiveness and relevance.

All these, however, will be reliant on the support of all sectors within the province.

Flowing from the STP, each district has had to develop a District Health Plan which seeks to integrate and align the provision of health services with health facilities planning and resources (human resources, finance, equipment etc.) based on socio-economic, demographic and epidemiological profiles. In this regard, significant progress has been achieved, both in terms of participation in the development and the review of Integrated Development Plans.

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As part of enhancing access to health services, we are strengthening our primary health care facilities. Our clinics offer both 24 hour open door and 24 hour on-call services. The utilisation of the Primary Health Care Services (PHC) is reflected by the head counts and the rate of visits by clients to the facilities. During the reporting period, 8 205 161 clients were attended to at PHC Clinics, including Local Government Clinics. Out of this, 1 716 285, which is 20.9%, were children under five years of age.

All districts are offering the full package of PHC services at selected PHC facilities. As a means to increase access to healthcare in the remote and rural areas, 51 additional mobile clinics were purchased and distributed to the districts. In order to augment this service, we are also providing screening services for non-communicable diseases such as cataracts, diabetes, hypertension, to mention just a few, at various government functions within the province.

Hon members, community participation is essential for facilitating behavioural changes that are aimed at improving the health status of the community thereby bridging the gap between the clinical knowledge and technical skills of healthcare workers and the local knowledge of community customs and practices.

In line with the departmental strategic objective to decentralise functions to the lowest possible level and to support community based health activities, dedicated capacity is provided in PHC clinics to:

- Mobilise communities to participate in and support health service delivery initiatives;
- Co-ordinate the activities of community based structures to prevent duplication;
- Monitor and evaluate the outcomes of community based initiatives and to facilitate corrective action where required;
- Monitor and evaluate performance of community based structures in terms of norms and standards specified in Service Level Agreements;
- To co-ordinate activities to ensure that the number of treatment defaulters (especially TB) is decreased; and

- To co-ordinate and direct activities to increase the number of case findings.

The mechanisms used by the department to bridge the gap between its own staff and communities are the Community Health Carers and Home Based Carers programmes. The department is committed to continue to strengthen and develop local Non-Governmental Organisations. We are working with the KwaZulu-Natal Progressive Primary Healthcare Network (KZNPPHCN) to ensure that the homecare giver programme succeeds in delivering services to our community.

We have had challenges with regard to the services as complaint after complaint has been received from various communities. We have since been able to streamline activities to ensure that we are able to provide optimal support to all community health carers so that they assist us in dealing with the burden of diseases by providing home-based care to the needy.

#### **COMPREHENSIVE RESPONSE TO COMMUNICABLE AND NON-COMMUNICABLE DISEASES COMPREHENSIVE TB MANAGEMENT**

Our focus is on the promotion of a comprehensive plan for fighting communicable and non-communicable diseases. We are implementing strategies to optimise TB management. We have ensured a stronger focus on sub-district TB management. Ten sub-districts TB co-ordinators have been appointed and 118 dedicated TB nurses have also been appointed at hospital and clinic level. We have also provided intensive training for 814 healthcare workers in the national TB guidelines. To demonstrate our commitment to deal with the management of the diagnostic workload, we have appointed 47 TB microscopists and two quality assurance teams.

We have also improved our TB surveillance by appointing four additional district surveillance officers and 14 TB data capturers. As part of improving the management of MDR TB, we have opened up two new MDR satellite TB centres, thereby increasing the number of MDR TB beds from 240 to 387. We have trained 119 healthcare workers in MDR TB management.

We have experienced problems with defaulter rates. This is as a result of inadequate funding for the six-month provision of nutritional support packs, which translates to interruption in uptake of medicine. As a result of this, the cure rate in the management

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of communicable diseases, especially TB and HIV/AIDS, has been severely compromised due to nutritional supplement or the short supply thereof. What is required is a collaboration between the Departments of Agriculture, Social Development and Health so that nutritional packs are provided, while at the same time people are encouraged to grow food gardens as a more sustainable measure. [Hear, hear!]

Among the many service delivery challenges that we are faced with are, the management of the HIV/AIDS pandemic as well as the management of TB, HIV/AIDS co-infection. Reports from our own assessment of the programmes indicate that we need to improve the management of maternal and childhood conditions and the effective management of HIV/AIDS.

We have maintained and will continue to maintain that HIV/AIDS cannot be addressed in isolation to other developmental issues which include amongst others, poverty and disempowerment. Poverty and conditions precipitated by poverty are some of the underlying factors that have caused our province to face the challenge of communicable diseases. The impact of HIV/AIDS is reversing the gains our government and society has made in the past 12 years of our democratic breakthrough. We have maintained our human rights approach to the management of the pandemic. This includes, but not limited to, privacy and confidentiality. However, we are mindful of the fact that each new infection limits the right to life which is a fundamental right enshrined in the Constitution of our country.

The statistics at our disposal indicate that the district of Amajuba has the highest incidences of HIV/AIDS, at 46% of tested patients at antenatal care, which is higher than the national average of 29.1%. These statistics should clearly indicate to us that we need to step up our operations and drive the message home even more aggressively than we have done before. The group that was sampled was sexually active women between 15 and 39 years of age and on 1 December 2007 the Premier of our province, Dr Sibusiso Ndebele, will be commemorating, together with the hon members of this House and hon Members of the Executive Council, with the people of the province the AIDS Day event in Newcastle in the district of Amajuba. We invite members of this house to join the Premier and other leaders in sending a clear message of support for those infected with and affected by HIV/AIDS. This year's theme is the same as last year. The theme therefore is: "Stop AIDS. Keep the promise. It starts with me!"

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With a 16.5% prevalence of HIV/AIDS in KwaZulu-Natal, the province still remains the highest in the country. HIV/AIDS is therefore a top priority for this government.

The province has to date established 636 public health facilities and 60 non-public health facilities for voluntary counselling and testing. This has now been expanded to a further three sites, making a total of 63 non-medical VCT sites. Partnerships are being forged with private consortiums and the business sector to expand VCT and sexually transmitted infections, prevention and treatment services to places of employment and to vulnerable populations such as farm workers who are often unable to access these services at health institutions.

The prevention of mother-to-child transmission programme has now been expanded from 495 facilities to 536 facilities and includes four non-medical sites. A total of 26 comprehensive HIV/AIDS management facilities which provide VCT and ART rollout, post exposure prophylaxis, nutrition and counselling, have now been upgraded at various institutions to ensure that people access quality services in an appropriate environment.

The Department of Health has created employment to more than 1 700 unemployed matriculants who have been trained and employed on a permanent basis as counsellors. The ongoing recruitment and training of these counsellors is based on need.

More than 300 primary healthcare facilities are involved in the provision of comprehensive care management and treatment of HIV/AIDS. This includes screening for eligibility for anti-retroviral treatment, preparation for that treatment and of course more than 110 000 patients have been put on anti-retroviral treatment since the start of the programme in March 2004.

Our contribution to the Expanded Public Works Programme has seen us recruiting and training more than 8 479 caregivers to date.

Further and above this we have concluded partnership with the private sector, we have established Thuthuzela Centres in partnership with Sibaya Casino for victims of sexual violence. We have one in Mahatma Ghandi Hospital and another one in Prince Mshiyeni Memorial Hospital.

## **NON-COMMUNICABLE DISEASES**

The major causes of death in the province in respect of non-communicable diseases are; Ischaemic heart disease (5.6%), Lower Respiratory Tract infection (4%), homicide or violence (3.9%), diarrhoeal disease (3.5%), diabetes (2.8%), hypertensive heart disease (2.7%), road traffic accident and trauma (2.5%).

These diseases can be mitigated through healthy lifestyles and appropriate healthy diet and exercise, hence our programmes such as “Walk for Health”. With regard to the challenges posed by cancer, we are driving programmes towards screening for early warning and treatment. We are busy finalising an effective Non-Communicable Disease Policy which will include integrated risk prevention strategies to control proximal rather than distant risk to health; high risk factor intervention required for secondary and tertiary prevention; patient centred care and services; patient support systems in the communities; protection and promotion of health as well as prevention; reduction and management of risk factors associated with ill health throughout life.

### **MATERNAL, CHILD AND WOMEN’S HEALTH (MCWH)**

The MCWH programme focuses on investing in women and children to secure a healthy nation by rendering an integrated, sustainable and community driven direct and indirect nutrition services aimed at the most vulnerable groups in communities and the improvement of service for Maternal, Child and Women’s Health.

To improve the management of pregnant women, a policy with an implementation plan for antenatal care and postnatal care has been developed and is in its final draft stage. Emanating from this policy will be a strategy and programmes to accelerate awareness which will serve to reinforce a message to pregnant women to attend antenatal clinics or care.

To enhance the MCWH programme, all hospitals are encouraged to implement the Kangaroo Mother Care (KMC) programme. Nine institutions are currently implementing the Child Health Problem Identification Programme (CHPIP) as an audit and reporting tool. The Perinatal Problem Identification Programme (PPIP) is implemented in 29 registered sites that are submitting data for the National Saving Babies Report. Twenty two public and nine private on-line facilities provide termination of pregnancy services with two districts which is Ugu and eThekweni, entering into service level agreements with private service providers to improve access to termination of pregnancy. Family

planning services, which include contraception and sex education, is available in all health facilities.

Hon members, we still have challenges of infection prevention in the department. We envisage putting more systems in place to arrest the situation through working with the Nelson R Mandela School of Medicine to train our staff in the area of infection prevention. We have picked up a few challenges with regard to infection prevention. The very structural configuration of the wards in some hospitals is such that the likelihood of cross infection looms large. The second equal challenge stems from pharmaceutical companies who supply vials in multiple dose packages rather than single dose packages. This means that vials are therefore utilised a number of times. We have therefore resolved to engage pharmaceutical companies on this problem.

The most critical but preventable issue is the slack observance of infection prevention by healthcare caregivers, for example ... [Time expired.]

Speaker ...

**THE SPEAKER:** Yes, hon MEC?

**MRS N P NKONYENI (MEC for Health):** Hon Speaker and hon members, can I please crave your indulgence and could you please allow me to take your 10 minutes after this, only 10 minutes, it could be less?

**THE SPEAKER:** That is why I was talking to the Chief Whip because this programme has been agreed to by the Whips Forum and therefore your 20 minutes was allocated by the Whips Forum. Now I need their concurrence that we give you extra time, but what I have pointed out to them is that you are on page 12 of a 27 page report and therefore 10 minutes is not going to be practical either – it is going to require extra time. So in principle I just want to consult with the Chief Whip. Chief Whip, extension of time for the MEC, is that agreed from your side?

**MR V C XABA (Chief Whip):** Speaker, we agree to that, it is for the benefit of the members.

**THE SPEAKER:** The Chief Whip says it is in the interest of members that this report is going through. The Chief Whip of the Opposition?

**MR H L COMBRINCK (Chief Whip of the Opposition):** Speaker, the MEC asked for ten minutes, we'll agree to the ten minutes.

**THE SPEAKER:** But it is not practical, you see, I have pointed out to the MEC that it will not be practical. So if we agree let us just agree that we give her extra for the benefit of the members.

**MR H L COMBRINCK (Chief Whip of the Opposition):** No, Mr Speaker.

**MR R E KEYS (DA Whip):** Mr Speaker, we seem to have time for this, so yes for another ten minutes and if the hon MEC is not finished, she can table the rest of the report.

**THE SPEAKER:** Hon Prof Maphalala?

**PROF J S MAPHALALA (NADECO):** Masimunike ithuba aqede kahle sizozwa kahle eseqedile ukuthi kuthiwani, ulimu alusebenzisayo isiNgisi siyazama siya phambili.

**THE SPEAKER:** Hon Mrs Downs?

**MRS J M DOWNS (ACDP):** Mr Speaker, we will agree to the ten minutes she requested.

**THE SPEAKER:** Member Msomi?

**MR B J MSOMI (UDM):** Cha Somlomo asimunike aqede.

**THE SPEAKER:** Hon MEC, Ake uzame ukuthi ke ungeqede yini ngalo ten minutes ma uqhubeka sobona.

**MRS N P NKONYENI (MEC for Health):** Ngiyabonga Somlomo ngiyathemba ukuthi uSomlomo uyabona ukuthi next time kuyofanele ukuthi imizuzu kumele ithi xaxa.

**THE SPEAKER:** Cha angithi ama-whips.

**MRS N P NKONYENI (MEC for Health):** Ama-whips.

**THE SPEAKER:** Kwibhobhonyane nalama-whips amanye akhe.

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**MRS N P NKONYENI (MEC for Health):** Okay.

**THE SPEAKER:** Qhubeka ke.

**MRS N P NKONYENI (MEC for Health):** Thank you very much, hon members. All facilities provide cervical cancer screening services in an effort to ensure that all women over 30 years have at least three free pap smears in their lifetime. We are still facing challenges with breast cancer screening. We have not yet acquired modern technology for screening for breast cancer. The only method used to detect lumps is through manual palpation. We also conduct awareness programmes to women to assess themselves. Any subsequent high level investigation and management continue to be conducted in Addington Hospital, Inkosi Albert Luthuli Hospital and Greys Hospital. The province continues to implement Youth-Friendly Services (YFS) in the hope that this intervention will improve the health-seeking behaviour of youth, improve access to information and youth-friendly health services, and change risk behaviours with a negative health impact. A 117 PHC services continue to implement the YFS standards towards accreditation, with 39 PHC services accredited as Youth-Friendly Services.

In order to increase the effectiveness in the immunisation programmes and to educate mothers, the Reach Every District Strategy has been piloted in the following districts; eThekweni, Ilembe and Zululand. Furthermore, polio and measles campaigns were held province-wide with a polio coverage of 93% and a measles coverage of 90% against targets of 90%. Adverse events following immunisation are thoroughly investigated.

Five districts have initiated management of childhood illnesses community component programmes to improve community education and participation and to improve the health seeking behaviour of parents.

## **DISEASE PREVENTION AND CONTROL**

Disease prevention and control occurred through health promotions, Communicable Diseases, Chronic Diseases and Geriatrics, Dental Health, Mental Health and Substance Abuse and the Disability Programmes.

### **Health Promotion**

100% of districts offer the first phase of school health services as prescribed in the

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Provincial School Health Services Policy and Guidelines, as opposed to the national target of 60%. Seventy two schools are implementing the Health Promoting Schools Programme in collaboration with tertiary institutions and the Department of Education. Twenty PHC clinics are currently implementing the standards and criteria of the Health Promoting Clinics Programme. The Health Promoting Hospitals Programme is gaining momentum with 14 hospitals in eight districts being accredited as health promoting hospitals. The next focus in this programme will be collaboration with Local Government to enhance the health promoting homes initiative. Healthy lifestyle events are also held in accordance with the Health calendar events at both provincial and district level.

### **Mental Health**

To operationalise the imperatives set by the Mental Health Act, 2002, 100% of district hospitals are now providing a 72 hour assessment service. Of these, 90% of designated hospitals provide the complete package of care for mental health services. The targeted six formal development programmes have been developed and are implemented.

The provision of mental health services has suffered from poor planning, racial inequities, fragmentation and inadequate budgets. People with severe psychiatric conditions were frequently treated for long periods in large centralised institutions and conditions were inhuman for many patients. The adoption of a new legislative framework in terms of the Mental Health Act, giving substance to a range of constitutional imperatives, required the urgent transformation of the mental health services. We have appointed an interim Mental Health Review Board whose function is to assist the department in identifying mental health challenges.

To reduce instances of substance abuse and the effects thereof on the health status of patients, 33 of the 45 identified institutions are already providing this service. Other targets include training 60% of professional nurses on substance abuse prevention and management, district-wide community initiatives for the prevention and management of substance abuse and 40 district campaigns to focus on the youth.

With regard to oral health, eight districts have the full complement of the standardised equipment for dental health services.

### **Chronic Care and Rehabilitation**

“Sight Saver” hospitals, offering both optometry and cataract surgery, are well established in 100% in all the districts. These services are currently rendered in the following hospitals: Port Shepstone, Edendale, Greys and so on and so on. Cataract services continue and outreach programmes are providing the vehicle through which sustainable partnerships with the private sector are formed.

To increase access to rehabilitation services, ten out of the 12 targeted Stroke units and one spinal unit have been commissioned. Fifteen out of the 18 targeted Diagnostic Audiology Clinics are functional. At this stage only 50% of the facilities have appropriate access for persons with disabilities and the department is targeting a further 10% to be compliant by the end of this financial year.

### **Malaria Control**

The Malaria Control Programme is very effective with the incidents of Malaria at 1:1000 of population in affected districts. During this season we have had 564 cases of Malaria in Mkhanyakude and of these there were a total of five deaths. The low death rate is as a result of programmes and interventions that are in place to fight Malaria in the province, the main being indoor residual house spraying with DDT as is protocol for the SADC region.

### **GOVERNANCE STRUCTURES**

Governance structures are functional at all hospitals with the exception of some specialised hospitals, especially the TB hospitals that were taken over from SANTA. Processes are in place to ensure that all such hospitals establish these governance structures. Training has been provided to Board members but there is still scope for improving the functioning of some of these Boards. The development of the Hospital Governance Policy is reaching finalisation and will provide the framework to support and monitor functioning of governance structures.

### **EMERGENCY MEDICAL RESCUE SERVICES**

Emergency Medical Rescue Services continue to strive for the efficient and effective provision of emergency, medical rescue, non-emergency and health disaster management services. It currently has 231 rostered ambulances, with an average of 38% of Urban code red calls attended to within 15 minutes and an average of 47% of

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Rural code red calls are attended within 40 minutes. An average of 52.5% of all calls are attended to within 60 minutes. To improve response times, Planned Patient Transport (PPT) is provided to 20% of clinics. The establishment of halfway houses is subject to the creation and filling of PPT posts in line with the districts expansion plans. 600 new posts were created during this period for EMRS to improve its readiness of EMRS for the 2010 World Cup.

It is the mission of the department to establish a fully fledged provincial base for EMRS at Wentworth Hospital during this financial year as a means of increasing the effectiveness of the Emergency Medical Rescue Services in the province.

### **ACCELERATED INFRASTRUCTURE DEVELOPMENT**

In line with the acceleration of infrastructure development, we have worked closely with the Department of Public Works to fast track the construction of new facilities and also upgrade some of the facilities to meet our provincial targets. As part of our initiative, we are working towards the revitalisation of our infrastructure.

In the current financial year, 47 Primary Healthcare projects are currently under construction. This includes the Community Health Centre in St Chads to address the absence of a district hospital. In places where there is a problem with the topography of the area and in keeping with ensuring maximum access, we are also in the process of constructing Health posts in areas where having a district hospital or a clinic will not be viable.

The Community Health Centres in Ezakheni and KwaMashu and the one in Turton will be ready for occupation by the end of the current financial year. In terms of the Spatial Development nodes, we are working towards ensuring our contribution to support the primary corridors through the infrastructure development in Inanda and KwaMashu.

We are in the completion stage of the following new clinics and those are mentioned there.

The upgrading of King George V Hospital into a district hospital and specialised TB and MDR TB is progressing well but slightly behind schedule.

The revitalisation of Rietvlei Hospital for the current financial year is on track for

completion in the 2007/2008 financial year.

As part of our provincial priorities of ensuring an integrated investment in community infrastructure, we have concluded arrangements of building Dr Pixley kaSeme Hospital through an implementing agent. The Independent Development Trust has been tasked to ensure that this happens. For the realisation of construction of Dr John Dube Hospital, we are completing the Public Private Partnership arrangement to deal with the construction of this facility.

For the Dr Pixley kaSeme Hospital, Dr John Dube Hospital as well as Madadeni Hospitals, appointments for the environmental impact assessment, geographical and traffic surveys have been done. An advertisement has been placed for the design and construction. The Hlabisa Hospital project is being undertaken by IDT as an extension of the current project.

The reduction in the MTEF allocation for 2008/2009 ... [Time expired.] Hon Speaker, I wish to table the remainder of the report to this House and thank you very much.

**THE SPEAKER:** Thank you, hon MEC. We will then proceed with our Order Paper to item number 8.3, Debate on the UDM Motion. The introduction of the debate will be by the hon Mr Msomi who has ten minutes to do so.

**MR B J MSOMI (UDM):** Somlomo, ngithi angiqale ngokubonga leli thuba eliyinqayizivele (Interjections)

**MR R M BURROWS (DA):** Mr Speaker, I wonder if I could take a point of order. I know you granted permission for the hon Hamilton to not wear a jacket. I wonder if you would mind asking him if he could keep a little quieter. We can not hear the member here.

**THE SPEAKER:** Mr Hamilton, you seem to be a bit famous today. First, I reported about permission granted to you because of how you misplaced your jacket as you were rushing but then later, I was asked to remind you of a resolution that was taken to contribute for a second jacket for you. Thirdly, it was remarked that you are a bit late. And now fourthly, it is remarked that you are moving around a lot. Please can we stop at that popularity level?

Hon Mr Msomi?

**MR B J MSOMI (UDM):** Angibonge Somlomo. Bengithe-ke ngibonga leli thuba eliyinqayizivele ukuba ngithole lesi sikhathi sokuthi ngethule isiphakamiso senhlangano i-UDM ngenkulumo-mpikiswano ethinta: ukungaphatheki kahle kwabantu bakithi abangabadayisi basemgwaqeni emadolobheni akithi kulesi siFundazwe, ikakhulukazi kudolobha elihle laseThekwini.

Kuzokhumbuleka Somlomo ukuthi isiphakamiso esiqopha ngaso namhlanje angiqali ukuthi kuphakamiswe isiphica-badayisi. Ngake ngakwenza maphambilini lapho ngangikhala khona ngempatho engeyinhle. Kodwa lesi ngasenza emva kokuba ngibone udokotela uMkhize, uMhlonishwa ophethe ezoMnotho ehambele eThekwini lapho ayefuna khona ukuthi azibonele le zinkinga nanokuthi kungaba yiziphi izixazululo ezingaba khona.

Kwesokuqala, sengishilo-ke Somlomo, ngangikhala ngempatho embi, enonya yamaphoyisa la kubonakala khona uma ebopha abantu bakithi ababophe ngesihluku esiyisimangaliso, athathe nezimpahla zabo. Abajahe abanye baze bashayise yizimoto. Uma sezithathiwe lezi mpahla, akunakwa nokunakwa ukuthi ngezikabani. Zigcina zilahlekile noma zonakele. Uma futhi sebhawuliswa nezimali abahlawuliswa zona uthola ukuthi umgomo awuqondile ngoba nemali abahlawuliswa yona ayifani kodwa bebe beboshelwe into eyodwa. Abanye uma bekhala bayehliselwa abanye abanakwa nakunakwa.

Somlomo, into eyenza ngilunake kakhulu lolu daba lwabadayisi ukuthi nami Somlomo ngikhulele emzini omkhulu. Nayo imali ebesiphila ngayo ibinganele. Umama ubesikhulisa ngakho ukudayisa lapha emakethe eThekwini, adayise nakhona le emigwaqeni yaseThekwini. Ngakho-ke usizi lwabadayisi ngiluqonda kahle, ngiyawazi futhi. Ngiyawazi futhi nomsebenzi abawenzayo ukuthi ubaluleke kangakanani. Kuningi futhi nengingakusho okuhle ngabadayisi kodwa ngenxa yesikhathi mhlawumbe ngizobalula okumbalwa. Kodwa ngiyafisa Somlomo ukusho ukuthi, ukudayisa kwalaba bantu, behleli emgwaqeni akubi ngokuzikhethela noma mhlawumbe ukuthanda kwabo, kodwa yisimo abaphila phansi kwaso nabazama ukuthi bakwazi ukuziphilisa nezingane zabo.

Okokuqala nje, abantu bayakuqonda ukuthi amathuba emisebenzi awekho futhi bayazi ukuthi uHulumeni uyamemezela nsukuzonke ukuthi abantu abazisukumele kubekhona

izinto abazenzela zona ukuze bakwazi ukuphila. La bantu bazikhethela indlela yokuziphilisa Somlomo yokuthi abangahluphi uHulumeni ngokufuna izimali zezondlo kodwa bazikhethela ukuthi abazisukumele bona kubekhona into abayenzayo.

Okwesibili, umlayezo abawuthumelayo wukuthi abafuni ukuphila ngothi benze ubugebengu, noma benze izinto ezingavumelekile, noma bahlukumeze abanye abantu.

Okwesithathu, bayathanda ukubambisana futhi neziphathimandla zamadolobha, noma imikhandlu yamakhansela, noma oMasipala. Kodwa umbuzo uthi; kungani pho la bantu banganakwa nezinto abaziphakamisayo nezingenza ukuthi mhlawumbe kubekhona ukubambisana phakathi kwabo noMasipala zinganakwa nhlobo? Lokhu kubonakala ngale zinto engizozisho ezilandelayo:

- Ukuxhumana phakathi kukaMasipala, ikakhulukazi owaseThekwini, akuhambi kahle. Kunalokho kubonakala kunesakhiwo laphayana esiphansi komkhandlu weTheku okuthiwa yiBusiness Support Unit esizenzela nje umathanda. Ngiyathanda-ke Somlomo ukusho ukuthi ngikhuluma kahle ngalolu daba ngoba bakhona abahlonishwa abala endlini abalwaziyo lolu daba engikhuluma ngalo. La ngingakhuluma nje mhlawumbe ngikhombe nangu uMhlonishwa uMacingwane, uDon Mchunu, uyalwazi lolu daba engikhuluma ngalo. [Interjections]
- Nemihlangano Somlomo, esuke kube eyezixazululo uthola ukuthi ekugcineni kugcina kuyiBusiness Support Unit eza neyayo imibono kodwa eyabadayisi ayithathwa. Sebeze bathatheka njengabantu angathi abangafuni kube nokubambisana phakathi kwabo noMasipala.
- Kungani-ke uMkhandlu ubaphatha kanje abantu? Umbuzo lowo okufuneke uphenduleke. Kanti inkululeko isho ukuthini?
- Ukwakhiwa kwemithetho-mgomo ethinta abadayisi esike yenziwa. Nginayo Somlomo, nginayo iPolicy ekhona la kodwa uma ungabheka lePolicy, akukho nokuncane okwake kwashiwo abadayisi ngayo. Konke kuqhamuka sekuqhamuka eMkhandlwini, sekuqhamuka ngeBusiness Unit. Uzobona-ke somlomo uma ngiqhatha izinto ezikhona la ukuthi abakwazi ukuthi kukhona abakusho ngalezi nto ngoba kuyabacindezela kunokuthi kubalekelele. Izikhalo

neziphakamiso zabo azinakwanga yize umthetho-mgomo lo uthinta bona ngqo. Lo mthetho uyabacindezela kunokuba ubasize. Isivumelwano sokuhweba uma umuntu enetafula nje Somlomo, uma ngingenza isibonakaliso, unqunyelwa iminyaka emibili vo ukuthi akabe netafula abe nelungelo lokudayisa. Emva kwalokho ukuthi uzoshonaphi? Kuzokwenzakalani? Akekho owaziyo.

- Emva kwalokho, kuthiwa umuntu akenzenjani-ke? Kulowo mgomo lowo okhona futhi kuthiwa abantu okufanele bacatshangelwe kangcono abantu abaneminyaka ephakathi kuka-18 no-35 years. Ubuse uzibuza-ke ukuthi, kuyaye bese kuphela-ke yini ukuhlupheka emva kuka-35 years ngoba phela usizi olwawo wonke umuntu futhi ikakhulukazi, abantu abadala yibona abangaqasheki nhlobo-nhlobo. Bangcono negenge entsha ngoba mhlawumbe sebenawo namakhono, sebefundile nasezikoleni lezi esingafundanga thina kuzona.
- Uma mhlawumbe umuntu enetafula andisa indawo yokudayisela Somlomo, imali ekhokhwayo ayifani amaRates Extension. Okwesibili, imali umuntu okufanele ayikhokhe, kufanele akhokhele izinyanga eziyisithupha engakadayisi. Six months in advance and le mali Somlomo, inyuswe close to 100%.Yaqala kahle ku-R10 yasuka yaya kuR120 namhlanje iwu-R420. Akuzange kuboniswane nabantu and abantu bayakhala, banazo futhi iziphakamiso abafuna ukuzenza kodwa azikho izindlebe ezifuna ukuyilalela leyo nto. Ngakho-ke, sithi abenzenjani la bantu? Okufike kube yinkinga enkulu-ke futhi Somlomo, njengoba ngikhuluma ngokukhuphula imali ebathinta ngqo, akukhulunywa nabo abantu. Kunalokho babona Somlomo mhlawumbe sekuqhamuka isekhula efana nale yokuthi sekuzonyuswa imali. Ukuthi bathini bona? Kuzozwela kangakanani kubona? Cha abanandaba.
- Okunye okufike kuhluphe kakhulu futhi Somlomo, akavunyelwa omunye umuntu ukuthi uma ngigula mina noma nginenkinga ekhaya ukuthi kuze ingane yami izobheka itafula. Kuthiwa, hlala ekhaya kungabikhona muntu kodwa ekugcineni kufanele uyikhiphile irenti noma usuyikhiphile irenti. Kufuneka kudliwe futhi ekhaya (njengoba inkosi ingivumela nje). Ukuthi kanti ngabe lo mthetho-mgomo okabani? Sibonile-ke nokho eThekwini kube kuhle impela njengoba sikhuluma ngempelasonto kade sizwa futhi nodokotela uMkhize encoma, nathi siyancoma.

Kodwa umbuzo uthi laba badayisi okuthiwa abayeke-ke ukudayisa, basuswe emgwaqeni, kusho ukuthini ngoba phela kufanele basebenze la Bantu. Izingane zabo zifuna ukudla, nabo kufanele bakhokhe futhi izimali ngoba bahlala ezindlini okukhokhwayo kuzona.

- Okwesibili, le mali Somlomo, abayikhokhayo lo R320 okuthiwa abawukhokhe kufanele engabe kune-*infrastructure* (engaba amanzi, *amatoilet facilities*) lawa angekho. Kuba eyani kanti le renti ngempela ekugcineni ngoba akukho lutho izinto ezibasizayo, ezibalekelelayo laba bantu.

Somlomo uzokhumbula ukuthi ngoMeyi kulo nyaka kwaboshwa abantu abaningi laphaya eThekwini kuWarwick Avenue. Kwaboshwa abadayisi abathi bayobheka abanye bakubo beyobabheka emajele la ababeboshelwe khona bavele babuyisa izimoto lezi zamaveni amagumbagumba baboshwa bonke. Cishe siyakhumbula kwaze kwasusa ukuthi bamashe baye eThekwini laphaya, bayokhala. Umhlangano futhi owabakhona e-ICC owawenganyelwe-ke uMenenja waseThekwini, awuzange ube nezimpendulo kuzikhalo zabo ababeziphakamisile baziya futhi kuMasipala. Umbuzo-ke uthi, ngabe yini? Ngisukunywisa-ke wukuboba udokotela uMkhize esukuma eya eThekwini. Isikhalo futhi esikhona nalapho ukuthi uma esefikile udokotela uMkhize akakwazi ukubonana kuqala nabadayisi. Ubonana neziphathimandla khona eThekwini. La etholakala khona esekhuluma nabo sibesincane kakhulu isikhathi ukuthi bakwazi ukuveza izinto zabo.

Bayakhala-ke futhi ngamakhansela amanye abaphatha kabi. Abaze bambalula bathi ukhansela uMajola okhona laphana ku-Unicity Forum. Ngakho-ke Somlomo kungabakuhle ukuthi kubekhona into eyenziwayo ngoba nalo mhlangano okade ukhona futhi ngithi cishe kule nyanga kuleli sonto eliphelile, la uDr Mkhize ebekhona futhi ezobonana nabo. Nakhona ngenkathi kudingidwa lowo mhlangano abazange babe yingxenywe futhi yabadayisi. Bathuka sebethola isekhula ebabizela laphayana. Kuncane kabi abakwazi ukukusho ngoba abanye babo bavalwa kwathiwa abangasho lutho bakubala ngamagama ukuthi abangakusho. Ukuthi kanti kuyoze kubenini usizi olubhekene nomuntu omnyama nakuba sekunguhulumeni wabo ophethe.

Bayakhala-ke ngamaphoyisa ukuthi cha kawanaluzwelo. Kwanamhlanje Somlomo, yize uDr Mkhize wenza isicelo sokuthi akakame amaphoyisa ukubabopha la bantu ukuze kulungiswe le ndaba yabo, namhlanje kuWarwick Avenue bebeboshwa, kuthathwa

izimpahla zabo zichithwa zikhahlelwa.

Ngisho ukuthi-ke Somlomo uma sihamba la siya emazweni amanye, cishe sonke sinazo izimpahla esizithenge emgwaqeni. Ungaya e-East, ungaya e-West, ungaya kuphi, bakhona abantu abadayisayo emigwaqeni. Kodwa kubonakala la kwelakithi idolobha, kweyakithi indawo ese-Afrika benganakiwe abantu bakithi. Ungaya e-afrika, uye yonke indawo [Bell] ... Ngizobuye ngiqhubeke Somlomo.

Ngiyabonga Somlomo.

**THE SPEAKER:** Ngiyabonga nami Nomndaye. Anginikeze ilunga elihloniphekile uHon JZ Mchunu. Uno-10 minutes baba.

**MR J Z MCHUNU (ANC):** Somlomo mangibonge ukuthola leli thuba. Ikakhulukazi emva kokukhuluma kukazakwethu laphaya ilunga elihloniphekile ubaba uNomndayi. Kuyiqiniso ukuthi athi lolu daba ngingomunye olwazi kahle kakhulu, kodwa-ke kukhona enye into angayisho. Angigcini nje ngokulwazi lolu daba, kodwa lolu wudaba engibe yingxenye enkulu kulona ngokuthi nami ngaqala khona ngaba umdayisi laphaya edolobheni lasePhayindane. Ngingomunye wabaqala leya nhlango yabadayisi ekhona i-Street Traders' Forum le ekhona kuze kube namanje. So-ke, nginawo ama-*details* engingamsiza ngawo amanye awo uNomndaye kodwa-ke ngoba isikhathi asanele la ngeke ngikwazi ukumsiza kakhulu la, kodwa ngaphandle ngingamsiza ngezinye zezinto ngoba ezintweni azishoyo kukhona ezinye ezingamaqiniso kodwa kukhona ezinye-ke apolitikayo kuzona adinga ukulekelelwa kuzona ngoba akunjengoba ezibeka.

Cha, Somlomo Baba, into ebaluleke kakhulu engifuna nje ukuyithinta kule zinto azishoyo yilezi zokuthi ezinqumeni zonke ezikhona kuleya nhlango yokudayisa, abadayisi banalo izwi, kuzona zonke. Akulona iqiniso ukuthi abanalo izwi kula mapholisi akhona. Banalo izwi kuwona wonke. Mhlawumbe into okufanele siyilungise ukuthi bameleke kanjani? Obani laba ababamele la badayisi? Iyadlula yini i-*information* ukuya emuva? Ngicabanga ukuthi ileyo nto okufanele siyilungise. Akulona iqiniso ukuthi abamelelekile. Ayikho neyodwa ipholisi esike yenziwa laphaya bengenyona ingxenye yabo abadayisi. Kuwo wonke amapholisi enziwe enzelwe ingxenye yabo ngayo yonke indlela. Futhi okunye ikufanele sikulungise; angimazi-ke yena ukuthi ukhulumela baphi abadayisi uNomndaye ngoba-ke okunye okukhona laphaya, behlukene izigabana ezingana ngendlela ehluka-hlukene. Enye into leyo elungiswayo ukuthi abakwazi ukuthi

bakhulume ngezwi elilodwa ukuze kukwazi ukuthi zonke izinto ezikhona ziye phambili. Kodwa nje okwamapholisi akhona wonke, are as a result yokuthi bekukhuluma bona. Cha-bo ngizokuchazela nangaleyo ngoba awunalwazi ngayo. Le oyiphethe. Sizokusiza nangayo futhi leyo ngoba wena kungenzeka ukuthi ufunda leyo kanti awuyona ingxenye yale nto. Mina ngiyingxenye yayo, ngikhona kuyona. Ngikhuluma ngento engiyingxenye yayo.

But, one of the things oyenzayo wena Nomndaye, awukhulumi ngezinto ezigood ezenzekile kulaba badayisi.

First, for me, I must have the heart to say what has happened, what is good that has happened for the City Informal Traders because there are many things good that have happened for the City Traders. Then we come to other bad things that are happening and see how we address them together.

- eThekwini Municipality is the first municipality in the country to have adopted an Informal Economy Policy. It is the first. The policy was adopted in 2000. Between 1996 and today, eThekwini Municipality has invested more than R70 million in capital projects, and it has spend more than R5 million on maintainance per year. I will give you details of those things how it has happened eThekwini and the other councillor, DA councillor, who was a councillor is not there now – Krog – he will give you more details because we were together in the Committee. I am sure you were not there hon Nomndaye. It has spent more than R5 million in training programs. The training programs that I am talking about - Krog was a part of. He was there in the committee, he will tell you about those training programs. Between now and 2010, the eThekwini will spend more R15 million on capital investment. This is a huge commitment from the eThekwini Municipality.
- The informal traders do have grievances that we know. But the role of the government is to balance their interests with that of formal business. We can give you details why we have to balance that because remember, the informal business pay rates *kuMasipala waseThekwini* but I will tell you how we have to balance that.
- On 31 May 2007, the City Manager convened a mass meeting to respond to some grievances raised by the traders. That meeting, I agree with you, did not

- give answers on the questions but after that, I met with those city traders as my constituency in that area because I have my constituency office there. I met with all of them after that meeting. Councillors met with the traders' delegation on 05 June 2007.
- In order to debate the issue of informal traders, let us look at what they say are their problems and what has been done about these issues:
  - First, the issue of RENT: Informal traders complained about the rentals of R39 a month for sites without a shelter, so we have not spoken about this one there. Right now eThekweni the site is R39. From R24 to R39, that is what they are complaining about from R24 to R39. I know about R15, R15 are different ones it was R24 they were complaining about. OK, R39 a month without a shelter and R69.00 a month with a shelter. This was in spite of the fact that their representatives had agreed to it. The same representative that agreed to the rent because they were part of it. Comparative rent in Johannesburg are R300 per month. In spite of the complaints of the 9500 traders with permits, 9200 traders have paid the rentals and they have paid three months in advance. No increases in rentals will be made in 2008-2009. This was a part of the agreement that with this increase from R15 to R39 and from R39 to R69 there will be no increase for 2008 and 2009. That then was agreed with the traders. So, the issue of rent was not a serious concern but we will tell you exactly what is happening. The complaint of the rental was more about *ukuthi* "we do not have toilets, we do not have all these things". The issue was not about the rent it was about the services for those traders. They wanted to know *ukuthi* if they paid that rent what services they were getting. And why they were different areas? Why others are not getting the same – why there was a different rent increase in these shelters? We have answers for those things.
  - **CONSULTATION:** Traders complained about consultation, but in fact their representatives sit on eThekweni Municipality Informal Economy Forum. I think that is a genuine concern, you are correct on that one because this Forum does not address their interests. That is why there was a separate Forum to that one. We will come to that. Indeed they did complain. This structure represents informal traders committees, Durban Chamber, Commerce Industry, Councillors

and officials, and Non-Governmental Organisations. This is a consultative structure where all issues related to the Informal Economy development are discussed. The Forum meets on a quarterly basis. This structure was supposed to send their representatives but it was not the City Traders' Forum. What the Municipality did, they disbanded the Street Traders Forum. That has been put back in place now. That is where the concern was. But this Forum here is the correct Forum with other Business Forums – that is the correct one.

- **ALLOCATION OF SITES:** Traders were also concerned about site allocation, although part of the problem is that the traders themselves often take too long to finalise their recommendations. Let us go to the confronting and enforcement because *isikhathi siyahamba*.
- The issue of the confronting and enforcement. The enforcement, I agree, some of the police behave very badly to these street traders. That is true. But in these meetings we are addressing that with the Municipality and together with these street traders. So, that one is true. But what are the realities on that issue? The reality is that the problem is not only the police, even the street traders themselves are trading in the wrong places. Now, the municipality have to do an enforcement to be executed here because there can be accidents and all those things. We talk about Warwick, if you know *amalunga amaningi ayamazi uWarwick ukuthi unjani*. If you go *eThekwini kuWarwick*, you see how *nazo zonke lezo zinto*. Ethekwini have to do an enforcement *nazo zonke lezo zinto* and to help them so that *abatholi ama-accidents*. It is not about *ngale ndlela ekuboniswa ngayo*. And there is an agreement nabo. Another incident of enforcement was as a result of a plea from the traders themselves saying the police must help them to remove the people who are trading unlawful there. There are many of them who are trading unlawful there. Then the police asked [Interjections]

*So, ngicabanga ukuthi-ke noma singe ukuthi kwenzakalani*. But before I conclude, I think the eThekwini Municipality welcome the frustration, the partnership introduced by the MEC Mkhize of Finance in addressing all these concerns for informal traders.

I thank you.

**THE SPEAKER:** Thank you Mr Mchunu. According to my amended list ... sorry, sorry hon member. Please hon members do mind the steps. Just remember that there are steps as you come in and go out.

According to my amended list, hon Reverend Mbatha will now have 6 minutes. Participate in the debate.

**REV A H MBATHA:** Thank you hon Speaker and hon members. Hon Speaker, I just would like to remind the Speaker before me that this House is the KwaZulu-Natal Legislature. This is not the Council Chamber of Durban. [Interjections]

NADECO would like to congratulate the UDM for moving such a motion in this house.

Futhi ngiyaphuthuma Somlomo ukukuncoma nokukubonga nehhovisi lakho ukuba kube nethuba elinjena. Okokuqala, lo nyaka unyaka obalulekile lapho sikhumbula khona amaqhawe aleli zwe lakithi alwa angina emlandweni, elwela uKhanda-mpondo ngoba kwakufike abantu belinye izwe bathi, uzokhokhela nje ukuthi unekhanda. Lo mkhuba usungene kubo bonke abantu ngale ndlela yokuthi amakhansela angabantu bakithi akhethwe yibo labo bantu, *hon Speaker*, athi angangena ebukhanseleni abese ethatha umkhuba awufica ukhona wenziwa yizifiki ngoba ziqonde ukuhlulula abantu bakithi bese bethi abantu bakithi abakhokhele ukuthi bathanda ukuyodayisa ezweni lakubo.

Lelizwe yizwe elilandela inqubo-mgomo yeFree Enterprise. How free is this Free Enterprise where people are supposed to pay so they can be free and they can enterprise free? This is not a free enterprise! Noma iqembu elibusayo liyaye libe nenkinga kwesinye isikhathi ngalolu daba lweFree Enterprise, kodwa bahlonishwa nezwe lakithi, sikhuluma lapha ngomama abathi ngokuhlupheka bakhetha ukushaya indiva ukuziqhenya. Baphuma emizini yabo bayodayisa ukuze bondle, bafundise, bembese, bashadise, bakhe imizi, bangcwabe ababo ababashiyile emhlabeni. Sikhuluma lapha Somlomo, ngabantu asebathi ngokuxoshwa emsebenzini ngenxa yezizathu ezahlukene ezinye lezo zizathu kungezombusazwe, lapho kuqashwana khona ngokwazana. Laba Bantu babona ukuthi kuhle ukuthola inkululeko ukuze umuntu abamvotelayo kungabi ngumuntu othi kodwa ngiyakondla, ngakho abacindezele. Sikhuluma ngabantu abazikhulula ku-abhuyuzi nama-*abusers*. Baqoke ukuthi bafuna ukuba *economically free*, baqoke ukuba babe nezingubo zabo, babe nokudla kwabo, badayise izithelo, bahambe bayodayisa amakhathakhathana. Sikhuluma ngabantu lapha

abadayisa izingubo abasuke bezithengile. Pho laba bantu abondla isizwe nabazisebenzela bona, nabangcwaba isizwe, nithi le mithetho ephinda ishaywe yolaba bantu ababakhethayo ngeyokwenzani? Kungokokwenzani ukuthi ufile abantu bakhile endaweni yabo uthi uzokwakha idolobha ukuze ubakhokhise bona laba abahlala kulo? Yizwe lase-Afrika lelo lapho abantu base-Afrika bekhokhisa abanye ngokuthi bahlezi e-Afrika? Ishwa le-Afrika kuwukuba kubekhona abantu abaqhubekisa imithetho abayifika yenziwa zigebengu ezweni lakubo, kubantu bakubo. Kodwa nabo bathi bangangena bavele bayenze njengoba injalo. Aqashwe ngubani la maphoyisa? [Interjections]

**THE SPEAKER:** Ake ninikeze ithuba ilunga elihloniphekile.

**MR M S ZONDI (ANC):** Ngisacela ukubuza ukuthi uMfundisi angawuthatha yini umbuzo?

**THE SPEAKER:** Hon member Reverend Mbatha, can you take a question?

**REV A H MBATHA (NADECO):** Uma sengiqedile ukuzwa ukuthi ubani oqasha amaphoyisa hon Speaker. Amaphoyisa atherorayiza abantu bakubo. Amaphoyisa agijimisa omama abahloniphekileyo egxoba ngezimoto izimpahla zabo, emnothweni we-Afrika eseNingizimu ngaphandle kwabantu abasidayisela emgwaqeni awusoze umnotho we-Afrika eseNingizimu uthuthuke. Ngaphandle kwabantu abasidayisela emgwaqeni, abantu bazobuyela babe zinqibi bakhongozele emarobhothini bathi bafuna ukuphiwa. Labo bantu bayayekwa yile mithetho yamakhansela bame, banqibe, benze ngokuthanda. Akukho ntela abayikhokhayo kodwa laba abazisebenzelayo nabazama ukwenza eyabo impilo, yibo-ke okufanele ukubanini bakhokhe. Sakubona ku-Apartheid sathandaza sathi sithandazela ukuba inkululeko ifike siyakuyibona ngokuba abantu bakwazi ukuzenzela abakuthandayo ezweni lakubo. Kusho ukuthi ayikafiki inkululeko uma kule ndlu namhlanje kukhulunywa ngale ndlela yokuthi abantu abadayisa emigwaqeni kufanele baxoshwe ngamaphoyisa, bafanele bakhokhiswe ngamatafula abasuke bebekele kuwo. Ayikafiki inkululeko kuleli zwe. [Interjections]

Somlomo, mina ngicela oMasipala, ngicela amakhansela, ngicela abaphathi beziteshi zamaphoyisa ukuba baphathe kahle abathengisi basemgwaqeni. Ngicela ukuba laba bantu bahlonishwe. Simi lapha namhlanje kule ndlu sidibheyitha ngalolu daba sizalwa ngabantu abadayisa emgwaqeni ukuze bakwazi ukusifundisa. Babekwenza ngethemba lokuthi bagijima bebalekela amaphoyisa nge-Apartheid, izingane zabo ziyawufunda

gede zibakhulumele bakhululeke. Angikwazi namhlanje ukuma lapha phambi kwenu ngenze sengathi ngiqhamuka ezicwicwicwini. Angiqhamuki khona mina. Ngiqhamuka ekuhluphekeni.

Ngakho-ke, abayekwe abantu badayise.

**THE SPEAKER:** Hon members, lolu daba lolu luthanda ukuthi lube ludanyana ngako-ke njengoba luludanyana nje, kusho ukuthi luyangiphoqa ukuthi emva kwale nkulumo kwenginidedele niyodla khona nizothi na nibuya nibuye seninamandla ngaphezulwana kwalokhu.

I therefore do now adjourn for lunch after which we will come and proceed with the debate. Let us adjourn for lunch.

#### ADJOURNED/RESUMED

**THE SPEAKER:** Let us resume. When we adjourned for lunch, the debate was supposed to provide an opportunity for the hon Mr A Rajbansi. The member is absent from the House and therefore we will proceed to the hon J M Downs who has four minutes.

**MRS J M DOWNS (ACDP):** Thank you, Mr Speaker. Having travelled in quite a few other cities and towns in Africa, particularly the DRC in Tanzania where there's a lot more poverty in fact than there is in South Africa, the primary means that people have to supplement their income and to support themselves, is through street hawking and street trading. Very few people there have the ability to be able to hire premises and do the kind of work and retail operations that happen with premises, and this is part of the colour and life and the fun of Africa.

I am glad that the hon Mr Msomi actually opened up this debate because as a country we are reeling under a crime wave, a lot of the crime wave is based on allegations of poverty causing crime, but a lot of people, the only way they have to support themselves is again by street trading and this is where I believe that the province can play a very meaningful role.

There have been so many debates in this House since I have been here, about so-called poverty alleviation projects and we talk about – and I am going way back – the 39

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fraudulent RDP projects when money was thrown at various people and projects to supposedly set up poverty relief funds, and my contention is this, I think it is time that the province came to the party and instead of setting up co-operative funds through Ithala and SMME funds through Ithala, that we should be looking at directly benefiting those people who are already in business. Here I am talking specifically about street traders. They are people that have shown some economic ingenuity, but nevertheless there are some problems with street trading where you will have ten stalls alongside each other, selling tomatoes for example, and people need to be taught business diversity, marketing, planning and given the ability and leg up to improve stock and to improve competitiveness with each other.

However, I also do have some sympathy for the City of Durban and for the police because one of the problems with street trading is when it becomes unruly, people cannot walk, where cars cannot drive because street traders are all over the sidewalk where they cause confusion and a mess and a problem. At the same time I do not think that it is fair to charge the very marginalised people in commerce and they are the most precariously economically active people probably in our province and I do not think it is fair to charge marginally economically active people huge fees to have their goods confiscated by the police, very often that represents a week's or a month's worth of living income for them.

There must be some other ways that we can do this and I am suggesting that we do make the SMME money and the co-operative's money more available to this type of enterprise. Let us benefit people that have already made a start, that have shown at least some level of business acumen and let us help get them better trained, let us help get better trading premises, let us help them to understand the regulation, let us have training about the ecology and the wider economy where we do not want street traders upsetting tourism which is also a very lucrative business that brings in a lot of wealth to this province.

Mr Speaker, I think that there is a way forward and I think that we need to also involve the police in the way that these things are dealt with and I think that there is a way forward for all of these situations and I believe that we as a province need to lead the way and to take it. Thank you.

**THE SPEAKER:** Thank you, hon Mrs Downs. We proceed to the hon member, Mr Msomi. They say here Mr Msomi has four minutes and I take it to be the debating time for Mr Msomi as a party.

**AN HON MEMBER:** Kunjalo.

**THE SPEAKER:** Before Mr Msomi closes.

**MR B J MSOMI (UDM):** No inhlanhla engandele bani Somlomo ukuba nezikhathi eziningi kangaka ngosuku olulodwa. Somlomo ngithi angibonge futhi ukuthola leli thuba kodwa angisho ukuthi ngiyadumala ngiphatheka kabi ngenkulumo ebekwe umhlonishwa uJohn Mchunu. Iyihlazo lento ayishoyo ngoba mhlampe ucabanga ukuthi ngikhuluma nje ngiyacabangela ngiwezile umsebenzi wami ngabheka futhi ukuthi iziphi izinkinga ezithinta abantu angikhulumi nje okusukela emoyeni.

Okungiphatha kabi kakhulu ngoMnumzane uMchunu ukuthi labantu engikhuluma ngabo namhlanje beza kuyena wabaleka wangafuna ngisho ukuhlangana nabo, namhlanje uzokhuluma la akhombise ukwazi kakhulu azange aze ahlangane nabo ngiphatheka kabi mayengekho la eNdlini. Wabakhomba kwabanye abantu waze wabakhomba ku Nigel uyazi naye ungufakazi wami. Uma ngikhuluma iphutha la ungabe uyakuphikisa yini lokhu ukuthi umuntu ona 35 years kuthiwa akasafanele ukudayisa eThekwini? Angakuphikisa lokho. Angawuphikisa yini lo mgomo okhona eThekwini othi umuntu kufanele adayise iminyaka emibili kuphela abese ephuma ayeke ukudayisa.

Bangakuvuma kanjani labantu uma kungukuthi bathintwa. Uma uMchunu wayehlangana nabo ngingajabula ukuba angiphe ilist yabantu ayehlala nabo mhlampe kungama forums akhuluma ngawo athi nampa abantu esasikhuluma nabo esakhuluma nabo.

Okwesibili, ngiyacabanga ngoba uNgqongqoshe uMkhize ukhona uma umuntu ongumdayisi wasemgwaqeni wathi uzama impilo nhlampe wathi urejista iCC noma ungangibuza Tambo ngoba mhlampe wena uhola kakhulu la awufani nalabo bantu abalapho awuthinteki ilento engiyishoyo. Uma ethi umuntu uzama ukurejista i CC, iCC nje iyodwa uyakhishwa emgwaqeni kuthiwa ngoba userejiste inkampani ukuthi usewutholile umsebenzi noma akawutholanga akunandaba abakunaki lokho. Kanti eyani leyanto kuqondweni ngalaba bantu.

Ngithi-ke Somlomo kungaba kuhle Somlomo ukuthi lento eshowo umhlonishwa

uMchunu ukuba ayishiwo ozakwethu abaseqenjini elibusayo okwakhe nje lokhu abekusho. Angikholwa ukuthi usho into eshiwo iqembu elibusayo ngoba lokho kungangidumaza kakhulu.

Okwesibili, laba bantu abadayisayo egwaqeni Somlomo bazimisele ngaso sonke isikhathi ukuthi kuhlalwe phansi nabo beze nezabo iziphakamiso.

Angingabazi Somlomo ukuthi namanje bayafisa ukuthi ngelinye ilanga bakwazi ukuhlala phansi noNgqongqoshe uMkhize ophethe Ezomnotho kuleli zwe ukuthi bakwazi nabo ukuletha izinto zabo bekhululekile ngoba njengoba sebeshilo ozakwethu abangaphambi

kwami ukuthi emazweni wonke esiwahambile ungaya eKenya ungaya eCameroon ungaya kuphi ufika kunabantu abakhona. Siye sihambe ngisho ama Common Wealth Conferences abasuswa abantu abadayisayo emgwaqeni kunalokho sithenga kubona thina kodwa okwethu namhlanje uma kuza abantu bakwamanye amazwe siyabafihla abantu abadayisayo asibafuni emigwaqeni.

Abanye ke bathi mhlampe ezokuphepha mhlampe ezani ngoba iTheku libukeka lingcolile. Uma kungukuthi kunalezo zinkinga yini zingalungiswa kutholakale izixazululo. Bafunelwe izindawo ekahle yokudayisela laba bantu banikwe izindawo ezikahle bangathi uma beboshiwe kufuneka enkulu imali. Bazoyithathaphi imali ngoba phela bayazizamela laba bantu.

Siyazi ukuthi ama informal traders abanamali futhi kungangcono uma Somlomo kukhala abantu bezitolo noma abadayisa ko verandi babo. Abanye abanikazi bezitolo bakhapha ngisho izincwadi zokuthi bengajabula usibanabani akwazi ukudayisa ngoba usenesikhathi ekhona ngoba bayazi ukuthi ukuba khona kwalaba abantu bavimba obuningi ubugebengu obenzekayo eduzane kwezitolo zabo. Angisho kodwa ukuthi Somlomo azikho izinkinga ezingase zilungiswe zikhona izinkinga kodwa zizolungiseka Somlomo, ngiyabonga.

**THE SPEAKER:** Hon member Mr Mari.

**MR G MARI (DA):** Hon Speaker, it is unfortunate that the hon J Z Mchunu is not in the House today. He has a habit of becoming the defender of eThekweni Municipalities whether it is in Housing Portfolio Committee, Local Government or whether it is in this House regarding informal traders. Some people say he is the Municipal Manager in

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eThekwini Municipality and some people say he is a shadow Mayor there. Some people also say that he is the parking attendant because he is somewhat in the parking area. It is quite confusing which role he actually plays.

Let me start by congratulating the UDM on the Motion. Mr Speaker it is not surprising that the eThekwini Municipality has been singled out in this motion. This Municipality has a history of going back to the old Durban City Council where brutal action was taken against street traders in the CBD. Of recently, we have seen running battles with the street traders, Metro Police and city officials. We have become obsessed with ridding the streets of eThekwini of so-called illegal traders. It is like the street children, when there is an event that has been held with international guests, they disappear and re-appear after the event.

Street trading is here to stay and let us face it. It is indeed sad that following democracy in our country we still see the very same action being taken against the unemployed and the poor who try to eke out a living on our streets.

We see arrogance, high-handedness and insensitivity on the part of city officials and the Metro Police. The recent survey conducted on the Human Science Research Council, indicates that the level of poverty has doubled since the ANC took over governance in 1994. During the previous year, we have never seen so many informal traders that we see today and we question: Why is it now? They were free to do that.

The answer is very simple, unemployment, poverty and joblessness is the cause and this government must be held responsible for that. More and more people are moving on to the cities then onto the streets to eke out a living. And why is that? Now [Interjections] Bhamjee, you must keep quiet now. The answer is very simple and I have said that. Whilst the government is very quick to deny this, this reality on the ground speaks for itself. In all major cities and towns and on most roads, we see increasing numbers of street traders who are trading as illegal traders. When desperate, unemployed, poor people apply for permits in eThekwini and other cities and towns, they cannot get one. So what does one do? You have to go out on the streets and trade as an illegal trader to feed your family. You got your increases now and you are quite happy about that. They are arrested and their goods are confiscated in the most brutal way. Many of them cannot afford the fines and lose their goods which are often alleged to have been taken

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by the very same policemen that actually confiscated the goods and probably took it home.

Surprisingly the high crime rate of our country has been linked to unemployment and other social ills. If a person cannot - and is not allowed to do an honest living to feed and clothe his family - what is our alternative? Criminal activity is the alternative and the next step. The DA urges the MEC for Economic Development to engage Municipalities especially the eThekweni Municipality to make available more trading space in the CBD and create markets for informal traders in close proximity to areas where there is large movement of people and not in remote areas where one cannot sustain oneself.

Two large flea markets were recently closed in eThekweni, one of them at the entrance of the harbour and the other one at the central parking area near the Workshop. These huge flea markets were closed with no alternative trading sites being offered. More than a thousand street traders and flea market traders have no stalls to trade anymore. With no alternatives, or any site offered what do they do? They go back onto the streets and trade as illegal traders, making whatever space is available to actually trade and eke out a living to feed their families. Whilst the municipality of eThekweni have tried to regulate informal trading and control the influx of traders onto our streets, they have failed miserably and are now recycling the enforcement of the by-laws and action against so-called illegal traders.

The courts have been treating these cases with great sympathy by dismissing many of them. There is plenty of instances also contest in the courts and are consuming valuable time of magistrates and officials of courts who could be attending to more serious cases.

We are now moving towards the Christmas period where more and more traders will converge onto the streets in the CBD wanting to make a living in the very busy period. Crime rates normally increase during this period. The Metro Police could be greatly utilised to combat crime rather than concentrate on so-called illegal traders and informal traders.

The Democratic Alliance suggests the following:

1. that the MEC engages the eThekweni Municipality to make available more space within the CBD area in eThekweni;

2. demarcate more space in the city centre for street traders;
3. create markets where there are large movement of people for example, taxi ranks, bus ranks, train stations, shopping centres, bridges and tourist destinations;
4. formulate by-laws through a process of consultation with street traders so that they are part of that. You cannot actually legislate for people, you have to legislate with people,
5. recognise that street trading is a reality and here to stay and make provision for it.

Let me also say that the DA is sympathetic towards street traders. At this very moment unemployment is high, it is increasing, whether one can say yes or no the fact of the matter is more and more people are going on to the streets to eke out a living. And why do you think that happens? The guy goes and buys a box of apples from P L Maharaj, for instance, or a person comes with his little truck in the morning and off-loads all those boxes of apples and oranges and he has to sell those to make a very small profit. Now, how can they with the little profit that they make, pay R69 as a fee to trade on the streets?

Hon Lydia Johnson and I were also on the Council and we said R15 should be a realistic amount for people to pay to get a permit so that they can actually trade. But now they have increased it four fold and they cannot. Irrespective of when was that? But the fact of the matter is that if you take a box of apples and you sell it on the street, how much profit are you going to make, hon Gcabashe? How much profit? One box of apples. You have mothers with babies on their backs rather than go begging on the streets are saying, let us go and do something honest. If they do not get this job what do they do? They go back to the street corners and beg, and the next thing the Metro Police go there and puts them into the van and lock them up for begging on the streets. To eke out a living to feed their families, is that fair? It is not fair.

Thank you, Mr Speaker.

**THE SPEAKER:** Thank you Mr Mari. We now go on to hon Member Mr Mcoyi. The hon member has thirteen minutes.

**MR S W MCOYI (IFP):** Hon Speaker, the talk of the day was about the problems that the street traders in eThekweni face and the action which was taken by the hon MEC, uKhabazela. I find that Macingwane has now overshadowed the whole thing and then he says we must look at what good he has done in eThekweni rather than looking at what MEC has done. In fact he has never told us of the good he has done the good that we realise is the one which was done by hon Khabazela.

Ekhona uMacingwane khona laphaya eThekweni kodwa kwaze kwafanela ukuba umhlonishwa uKhabazela aze aye kozibonela azizwele ngokwakhe ngezimo ezimuncu ezibhekene nabadayisi basemgwaqweni. Kodwa uzoza la uMacingwane uzokhuluma okufana nombhobe yonke lenkathi sikulalele. Ngifisa ukuba ngabe uMacingwane la ekhona ezwe ukuthi laba bantu esikhuluma ngabo the street traders they surpass all types of business people. They go very early to go and do their work under all types of weather - whether it is raining or sunny up in the open and they go home very late only to get bread and tea for their children.

Macingwane tells us that he was also one of them. If that is true I think it is the time when he was still staying at Umjondolo at kwaShembe in Clermont. And now because he is now staying in big buildings and better buildings now he is looking down upon his own fellow people. It surprises me when I see our hon members across there not howling at Macingwane when he is talking like this because I know you are good even at howling when a fly goes past, but you do not howl at such talks which are done by Macingwane.

Now he comes up here to tell us that Khabazela didn't do any thing, do not talk of Khabazela and all that. Talk about what I never told you, the good things that I tell you. We are not dumb. And if at all he has got a bone to chew with Khabazela please do not call us into that.

Yes, you were part of the street traders as you tell us and he must know that if he talks of the struggle there was the armed struggle hon Mchunu, there was the economic struggle hon Mchunu and there was even struggle in gaol hon Mchunu. Do not look down upon any of these struggles, the struggle still continues. If at all you are part of the struggle and the real part of the liberation movement you should be knowing this unless you hitch-hiker in the transport of liberation.

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He used to stay at *umjondolo* with those people and he no longer stays at *umjondolo* and he looks down upon those people who stay at *umjondolo*, who struggle for their food, who struggle for their children.

Only because of the few cents he gets here in Parliament and then he thinks he is rich – it is a pittance.

I must point out that democracy does not stand in the way of anybody who wants to make a laughing stock of himself. It is very undemocratic to make the policies and laws of this country a laughing stock. This House has a cardinal policy of protecting or defending the weak but we condone unbecoming actions of the eThekweni Metro Police when they harass, attack and even go to the extent of shooting at the very women and children who trade on the streets of Durban; unarmed mind you, unarmed and running away, and not even confronting them but shooting at them.

The laws of this House that apply to the country at large encourage people to have dialogue with people in authority so as to look into their problems and reach a solution, yet we find officials that close their ears from the public and pushing the situation to a point of marches, because they know very well that they have the police that act as their paramilitaries. They use our police, I must say our police, the police belong to everybody, as hunting dogs that they set upon our own citizens.

I ask the question; is it not making our laws and policies a laughing stock? I plead with the ruling party that if they intend displaying themselves as laughing stock - but please save our laws, principles and policies.

We are all witnesses that the government of apartheid was run by people who were deaf or with hearing problems and that is why the people had to resort to talking with their loud voices and feet to be heard. It is Mazondi. Is it not a misfortune today that the same plague of the deafness that the people still have who are in authority that pushes people to loud voices and stamping their feet so that they can be heard? Is it not a misfortune at this time of the legacy?

Surely, there is no more room for all these fracas, unless there are indications of mishaps in our democracy.

Let me remind my fellow honourable countrymen that democracy is a noble thing and to

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be aligned to it is nobler. There is no need to look like wolves in sheep skins. If the governing party supports clowning- I would suggest that they must go at all lengths in changing wolves to be sheep rather than the present situation.

I often point out that the problem of South Africa (not necessarily this House) is basically a product of apartheid; that we are all products of apartheid. That is why we always trace blocks and patches of apartheid now and then from the actions of our leaders. No one amongst us here ever experienced democracy but we are all direct offspring of apartheid. So, we need all the time to draw our attention to the noble route of democracy, so that one day this country will be run by real democrats.

How do we account of actions where police first shoot at the people and later they bring the water cannon trucks? Should this be happening during this time of democracy?

I may not be wrong if I presume that most of these lethal weapons used on our people, date back to the times of the most abominable times of apartheid. I really have a feeling that these weapons which are used against our people are not weapons that are just bought now but they are still using the old weapons of apartheid, during the time of democracy. We still use them the same way as the old apartheid people were doing! We still have trigger happy police that shoot people and then we still go along with that.

Death sentence, listen MaZondi, listen, death sentence is prohibited in our country, but the police appears to be licensed to kill. We drive our police to think as murderers first before anything else. We about know the "shoot to kill" and "shoot the head" directives. Besides the shooting of unarmed struggling street traders, many deaths of prisoners by shooting have been reported ever since. On following the records there are policemen listen to this, who have these incidences of shooting people and then they have one and the same reason why they shot the person; at this time of democracy when we have our democratic government. Death sentence is still there in South Africa but behind closed doors.

It is logical to advise the police to shoot first when faced with the barrel of a gun. The pending question is what are the people expected to do when they are faced with a barrel of a gun? It is not explained what they are supposed to do when they are shot at when running away from the scene. What should the nation do when struggling women and children are shot at by able-bodied men posing as policemen?

In such a situation, I would expect the SAPS to act decisively on these offending Metro Police by arresting them, rather than coming to making things worse by helping the culprits.

I remember one time, Shanela was ordered to act against Metro Police when they blocked the highway to the airport. That was a civil action, though we never came to know of the final outcome of that incidence.

We need not have policies that say "Protect/Defend the Weak" if it is going to be a lip service only. We must follow what we say. Uyezwa MaZondi?

I am not making MaZondi the Speaker. Mr Speaker the eThekweni Municipality must be forced to act on the reasonable demands of the starving vendors. If this government is serious in its preferred commitment to fighting unemployment and crime then street vendors must be supported, for they are putting into practice self-help and self-reliance. The two noble principles purified in the fairness of experience. **Ngiyethemba uzwile** MaZondi go and tell uMchunu to do the right thing.

Thank you Macingwane.

**THE SPEAKER:** Kube inhlanhla nje hon member Mcoyi ukuthi uMaZondi obumumemeza ukuthi akakhulume akakhulumanga kuze kuzwakale kakhulu ngoba bengiyolibuyisela kuwena icala ukuthi wasukela enye i-member nje wathi ayibange umsindo. Asiqhubekeni-ke siqhubekele kowokugcina ozo dibhetha luleli phuzu bese sidedela uBaba uMsomi alivale. Owokugcina ozodibhetha kuleli phuzu hon Acting Premier.

**DR Z L MKHIZE (MEC for Finance and Economic Development):** **Ngiyabonga Somlomo.**Ngiyafisa ukuqale ngibonge uNomndayi ngoba lolu daba olulethe lapha Nomndayi wenze kahle ukuthi ululethe luzoxoxwa udaba lokuxoxwa lolu.Ungaboni nje Somlomo ngoba la eNdlini yakho umdlandla uthathe unyuke kuthi abantu bevumelana uze ugcine ucabanga ukuthi bayaxabana kanti bakhuluma into eyodwa. Ngiyabezwa mina ngilalele nje ukuthi cha kukhulunywa into eyodwa la manje-ke into enhle ukuthi isikhathazile sonke lendaba yabahwebi basemgwaqeni.

Ngendlela izinto esike sazibona zenzeka ngayo kanti uhlelo lomsebenzi olunamandla uma belinganisa bake bathi la e-Afrika I informal trading in some countries is up to 80%

of the business activity. Inkulu nala kodwa laphaya kuleya ndawo yase Warwick Junction abazi izinamba bathi ilanga lilinye kudlula abantu abantu abangu 500 000 abehla benyuka laphaya. Okukhombisa ukuthi indawo ngempela efanele ukuthi kwaziwe ukuthi iyona ndawo yokuhweba ngoba abantu baningi kakhulu kuyona. Okukhulu ukuthi-ke njengoba amalungu esho uhlelo lolu lokuhweba laphaya emgwaqeni lungcono kakhulu ngoba akubona abantu laba abasuke bezele ubugebengu basuke beze ngoba bezosebenza ukuze bathole imali yokuziphilisa.

Ngibagqugquzela kakhulu nami ukuthi cha iyona ndlela yokuphila le okunokuthi umuntu ebe esethi ngangihlupheka ngase ngiyatshontsha. Uyabonake abantu abanengi abaphakathi abantu bomdabu kakhulukazi amakhosikazi kodwa nje umdabu kakhulukazi wase Africa abawu 90% bese kuthi abawumdabu base Ndiya bawu 9% mhlampe-ke kungaba u 1% kubeLungu kodwa uhlelo lomsebenzi lolu oluxube bonke abantu ngendlela oluyiyona. Inkinga engicabanga kodwa ukuthi ike yavela la evelele idolobha lase Thekwini ukuthi abantu beze ngokwanda kakhulu bazofika endaweni kanti manje ayikho indlela yokuhlelela abantu uma befika ngobuningi ngendlela abafika ngayo bayanda abanciphi.

Ukwanda kwabo kusho ukuthi noma ngabe kuhlelweni bafike babengaphezulu kwalelo nani kanti manje umsebenzi weDolobha yiyona ukuthi bayenze indlela yokuthi kusebenzeke kahle khona kungezokusuka umsindo nenxushunxushu. Ngiyamuzwa-ke uBaba uMsomi uma ethi loya mgomo lona akawuboni kahle. Wona muhle Nomndayi ungawuhlaba lapha nalapha ngoba phela kodwa wona muhle unazo izinto eziningi ezisizayo zikhona lezi ongazihlaba nazo engicabanga ukuthi izinto zokuxoxwa kodwa wona muhle futhi-ke nathi sinowethu esiwenzayo ziningana izinto ezixhumene phakathi kwalo mgomo ophethwe ngu Mnyango Wezokuthuthukiswa Komnotho nalo olapha eThekwini ngoba kuyabanjiswa kuyasetshenziswa. Bese kuthi-ke imithetho futhi iyafuneka Mthiya lunga elihloniphekile ukuthi ngeke sithi abantu akube uthela wayeka ngoba kuyaxatshamwa lapha kufuneka kube khona ozobuye akhuze athi cha musa ukungena endaweni yakhe buyela ngala ngoba phela kuyabangwa.

Iyafuneka futhi nento yokugada njengoba kade kukhala uBaba uMacingwane nje uMchunu ukuthi abanye basuke bangene bathi besekuvimbeka izinto zokuhamba ngoba phela kuyancintiswa lapha okuyona into elula. So –ke imithetho yona iyafuneka manje ke ngesikhathi bethi bayakwenza lokho lapha eDolobheni kube khona-ke la

okushayiswana khona. Engifuna ukudlula kukhona mina ukuthi kuningi abakwenzile lapha eThekwini kukhona okwangihlaba umxhwele kakhulu mina okokuthi into ehlupha kakhulu lapha abantu abaningi basuke bethenge ukudla kuyafuneka ukuthi mabeza lapha babebhlanzeka manje-ke uMkhandlu waba nohlelo lokubafundisa ukuhlanzeka kokudla.

Uyabona sike sifike komunye umama edayisa mawufika uqala akukhombise isigqebhezana sakhe athi mina ngingusibanibani wakwabani ngiwunamba bani uma unenkinga yokudla okudlayo uhambe uyobika emkhandlwini ukuthi ubudla kuleli hhovisi lami. Okokuqala nje lokho ukuthi bayaziqhenya ngokwazi ukuthi bahlanzekile basezingeni elimukelekile. Ngikujabulela kakhulu lokho njengento eyenziwe iTheku ngoba ezindaweni eziningi uma sihamba njengoba kade kusho uNomdayi sidla khona la ngaphandle and isikhathi esiningi abantu abadayisa la ngaphandle ukudla kwabo ku fresh umuntu uma nje ekwazi ukuthi ahlanzeke ukudla kwabo ku fresh akukuniki lento okothiwa ngesilungu i food poisoning engafani nakunye ngoba bona abathathi ukudla bakufake efrijini babuye bakudayise ngakusasa. Bakudayisa ku fresh makungabe kungukuthi akupheli kufanele kudliwe kuphele uthole okufresh ngakusasa.

Ngisho ukuthi-ke inkinga yedolobha laphana akunani ukuthi bengenalo uzwelo ukuthi ukuzama ukulungisa lento kuyinkinga. Uyabona nje sihlanganile nalaba okokuqala nje into engiyihlabile nami iyona le yokuthi amaphoyisa abese ebadonsa kwawudluthudluthu nje kwanje kwenzenjani. Sayikhuza-ke lento ukuthi hayi ayingenzeki. Mase sithole siyathola ukuthi kuke kungabikhona ukuxhumana ngoba manje ngoba phakathi kuma officials esikhundleni sokuthi lento iyokhulunywa kahle kubizwe abantu ngesinye isikhathi kuyenzeka uthole ukuthi mabebika bona babike kuthathwe umbiko udluliselwe emaphoyiseni. Amaphoyisa isikhathi esiningi angakwazi ukuthi kukhona into azoyi negotiator afike athi kwephulwa umthetho la bese kusuka uchuku phakathi kwabantu sekujikijelwana kuze kugcine sekwenyuka imimoya ngalendlela okwenzeka ngayo.

Sakungenelela lokho sibambisene nawo uMkhandlu weTheku ngoba amakhansela amaningi ayengazi ukuthi kwenzenjani kuyima esikuma eseyobheka esethi hayi bakhapheni yonke lento eyenzekayo ayifanele. Sakukhuza-ke ukuthi nakho ukuphuca abantu kufanele bakukhawule sizame ukulungisa lezi zinkinga lezi ezikhona noma sibona ukuthi izinto phele abantu babuye bangakhuzeki ngasosonke isikhathi.

Bazibekile izinkinga Nomndayi, le yerent cha bayibekile Baba kodwa into ye-rent ihlukene izigaba ezimbili bakhona abathi le renti inkulu asikwazi ukwenza lutho ngayo kodwa kukhona abanye abayikhokhayo irenti kodwa abayikhokhi kumasipala bayikhokha kwabanye abantu okungabanini bezindawo ezivulekile bese zivulelwa ukuthi abantu badayise bese be-charger bona. Bake bangilinganisela bathi kwenye indawo bake babheka bathi mabebalwa bathi uma bekuthiwa kukhokhwa le mali le e charjwa umasipala bengabe ngonyaka kuqoqwa 1,2million kodwa ngoba ku charjwa lo mnini wendawo imali abagcina beyikhokhile laba bantu u 4,8million. Ngakho-ke ma abantu bekhala nge renti kwesinye isikhathi sisuke singakwazi ukuhlukanisa thina ukuthi enye irenti ayicharjwa umasipala I charjwa abanini bezindawo ezivulekile. Manje umsindo njengoba sikhuluma nje ukuthi yini indaba abantu bakhishwe manje basuselwani.

Ezinye izindawo zidayiselwa ukuthi zizokwakha amahotela nezinto ezithile zazihleli nje zivulekile ngoba sebefuna ukwakha nje sekufuneka bagudluke laba bese bezokhala kuMasipala kanti indawo akuyona ekaMasipala manje uMasipala uyafuna ukubalungisela lezizindawo.

Ngizwile njengalapha okune Central Market bathe babasusile abaningi kodwa mangibuza ukuthi senibabekephi bathi bababekile abangu 2800 kodwa kusekhona enye ingqwaba esasakazekile engakayitholi kahle indawo yokuthi ikwazi ukuhlala. Zonke lezi zinto ngicabanga ukuthi izinto zokukhulunywa lezo bayisho futhi nakunina abaholi ukuthi sinenkinga yama permit hawu amalayisensi awaphumi athi omunye sifuna lamatayitela awaphumi. Ngithi-ke mina amatayitela abanjwe yini Masipala.UMasipala uthi ngabe siwakhiphile amatayitela kufanele sidlule ekomidini elimele abahwebi manje leli komidi kukhona into eliyibambezele la ngoba nalo liba nazo izinkingana zalo lapha nalaphaya bese izinto zingahambi ngokushesha. Sasesithi abazame ukukusheshisa lokho abantu baqhubeke bayithole into yabo yokuthi bakwazi ukuthi baqhubeke ne bhizinisi ngoba inkinga enkulu eyokuthi uma ungayiphethe futhi ilayisensi noma ipermit inkinga futhi uma amaphoyisa ekubuza ukuthi wala kanjani bese uthi ngisayilindile bese bethi hayi suthi awuvumelekile.Yileyonto-ke ebeisithi abayisheshise ukuze ilunge.

Okunye ebebekade bekhala ngakho ukuthi izimali azitholakali ngendlela.Ngiyakuvuma futhi lokho iyona-ke lento eyenze sizesithi le Ndlu ayikhiphe izimali izifake lapha koThala kodwa-ke ngeke sizikhiphe sithi siyobanika emgwaqeni ngazi kahle ukuthi umama ilingu elihlonophekileyo uDowns ebekubeka kanjani, kodwa kufuna thina sikwazi ukusebenzisa

imithetho ixege nangala eThala ukuthi bangaxakeki uma beya kofuna lezo mali abazoziboleka.

Le yamaphoyisa cha sayikhuza yona ukuthi hayi asithandi ukubona amaphoyisa uthole umuntu esedonswe ihembe selize ladabuka kuvele nasezithombeni yonke lento ukuthi asikwazi ukuthi kube njalo kodwa kwase kuthiwa kuzoba nekomidi likhona ikomidi eliholwa uKhansela Logi Naidoo nabo Faso Majola kanjalo ukuthi bahambe bayokhuza uma kukhona izinto kutshelwe bona ngoba ibona iwona amakhansela aseduzane. Bakusho nabo ukuthi bacela ukuthi umangabe siyalapha siqale ngabo sikhuluma nabo singaqali ngalaba basemkhandlwini. Nokho-ke lokho ngiyakuzwa lokho kodwa-ke into engayibona lapha ukuthi akuthenjewe kakhulu.

Uma usulalela abakutsheli izinto ngempela ongazizwanga ngoMkhandlu kodwa bayafuna ukuthi kuzwakale ngoba sebekhathazeke kakhulu ukuthi nabo banakiwe balalelwe yingakho ngathi asibuyele khona siyokhuluma nabo.

Ngamanye amazwi-ke zonke lezi zikhalo ezinye ozibekayo yizikhalo futhi esesike sazizwa ukuthi zikhalo ezibahluphayo. Ngingabeka ngokuthi siphezu kwalo lolu daba sizama izindlela zokuthi kuze kuxege ngoba bakhona amarenti abasinda kakhulu okufanele ukuthi uma sesibonile ukuthi singabasiza kanjani basizeke basizakale kodwa futhi kuba khona nezinkinga zobugebengu uthole ukuthi ke manje makukhona ubugebengu amaphoyisa esefika kufanele-ke kwazeke ukuthi bazobambisana nawo amaphoyisa ukuze kugudlulwe izigebengu.

Omunye wathi kimina wena ubona Mkhize siya franta thina simala phambi kwesitolo sithathe izimpahla esitolo sizithengise la ngaphambili. So sifuna sibabheke nalaba ababhale incwadi athi engumnini wesitolo ethi ngifuna usibanibani azodayisa la ucabange ukuthi usidayisa ngempela kanti usebenzela yena lo ongaphakathi ikhanda lakhe nje leli elisetshenziswayo. Ziningi-ke lezi zingxaki ezikhona mina ebengingakucela Somlomo okokuthi ngoba siyavumelana ngale nkinga ukuthi sibambisaneni singayenzi kakhulu kube ngathi into yepolitiki kangako kodwa kube into yokuthi asambeni siyoyilungisa sonke ngoba iTheku lizama ukufaka izimali manje ukwakha lento abathi i-African Bazaar ukuze kube nendawo evulelekile la abantu bezokwazi ukuthi bakwazi ukuhwebela khona futhi njengamanje nje njengoba kuza no 2010 siyabachazela ukuthi kunomthetho ka Fifa kodwa futhi sizama ukuvula ngoba kukhona into eyabekwa ukuthi

kufanele kube khona indawana ukuthi osomabhizinisi abancane bazuze ukuthi nakho lokho kungabahluphi.

Njengoba kulungiswa kwakhiwa kwakhiwa kwakhelwa u 2010 sithemba ukuthi nabagudlukile okwesikhashana bazobekwa endaweni yokuthi bakwazi ukusebenza kodwa ekugcineni kufuneka sikwazi ukufaka imali ukuthi kube imakethe enkulu ejabulisa wonke umuntu. Imali nje yemithi uma besho icishe isondele ku 1 billion ngonyaka imali esetshenzwa laphaya.Imakethe okungafanele uyithathe kancane kodwa bayakhala futhi ukuthi uzwe ukuthi nama ablusion facilities izindawo zokuya ngaphandle azikho kahle bayanetha konakala imithi yabo izindawo zokulala zonke lezo zinto ezifuna sizisebenze sonke ngokubambisana singathi sizosizakala kakhulu ngakho ukuhlupheka kwabo.Ngiyabonga kakhulu ukuthi ulibeke lolu daba ngoba lona luyakhathaza akulona udaba olulula kakhulu. Siyabonga.

**THE SPEAKER:** Siyabonga kuNgqongqoshe obambe isikhundla sobuNdunankulu. Eh Baba uNomndayi uwena osuse lolu chuku ake uluvale-ke manje.

**MR B J MSOMI (UDM):** Somlomo, angibonge kwiNdlu yakho ngibonge futhi indlela le nkulumo-mpikiswano ehambe ngayo bengingalindele nami ukuthi izoshisa kangaka.

Ngibonga kakhulu bonke ababambe iqhaza kule nkulumo-mpikiswano noma ngingeke ngababala ngamagama kodwa okucacayo kunjengoba umhlonishwa uDokotela uMkhize ebekile ukuthi cishe sonke siyavumelana ngokuthi ikhona inkinga futhi kukhona ubuhle obukhona.

Ngibonga kakhulu noNgqongqoshe uMkhize la ethi khona I policy ekhona kukhona okuhle kukhona nami Somlomo, angizange ngiyichithe yonke i-policy kodwa ngibalile ezinye zezinto engithi ziyaxoxisa. Cha uJohn uphike konke angifuni ukukhuluma ngo John. UJohn udifende yonke into kwaba into enhle nje angikhulumi-ke ngaye.Ngithi-ke ngibonge ubuholi buka Ngqongqoshe uMkhize njengoba naku motion yami le esuse le nkulumo-mpikiswano ngangibonga khona ukuzimisela kwakhe ukuthi azihambele mathupha ayozitholela amaqiniso, khona ngase ngichaza futhi ekuhambeni kwakhe bakhona labo abafaka unyawo lwemfene uhambo lwakhe lungabe lusaba ulolu asuke eluqondile.

Somlomo kulabo abake bahamba mhlampe baba nenhlanhla sahamba nabo saya

ngapha e-East saya e-Vietnam nase Cambodia.

Ngifisa mhlampe ukulekelela u-Dkt uGcwabe ukuthi laphayana abalindi amabhenki amakhulu anjengoThala azosiza abantu abafana nalaba, uthola ikhona nekhona lomgwaqo kune Society ekhona ekwazi ukutshela abantu. Kuqala ko- R100 emalana encane-nje ukuthi umuntu akwazi ukothatha i- stock sakhe adayise ayibuyise. Okungafani nala ezoyahamba khona aye ebhenki afuneke ama-guarantees afuneke zonke izinto ngoba into eyenzakalayo laphaya emgwaqeni umuntu uyadayisa namhlanje bese kuvela inkinga ekhaya kufuneka agoduke aye ekhaya mhlampe kushoniwe, mhlampe uyashadisa ekhaya uyabuya akanayo imali yesistokwe. Akafuni imali enkulu mhlawumpe ufuna R500- nje, makuthiwa inkulu futhi naleyo mali kwabanye akwazi ukuthola lo R500 mhlawumpe uma esedayisile akwazi ukubuyisa futhi.

Isikimu abanaso-ke laphana umuntu uqala ngemali encane uma eyibuyisile uthola njalo ukuthi uyagredeka athole enkudlwana ngakusasa, uma kade ku R50 uma ewubuyisile uya ku R100 uya ku R150. Ukuyibuyisa ukukhokha kwabo satshelwa ukuthi i- Vietnam is 99% izinga lokubuyisa imali beyikhokha ngoba umuntu uku-society ekugcineni i- society eba i- guarantor kuthi uma engakhokhanga oyilunga lethu, njengoba ngiyazi laphaya eThekwini kuno- DI noma TOK noma ITMD kube ibona abathatha Isiqiniseko sokuthi uma ilunga lethu liba nenking thina njenge society noma njengeclub noma usoseshini akuyona sizoyibuyisa leyomali bese ebhekana nathi thina.

Ngibona lokhu okwamabhenki engathi kunzima kakhulu for kulaba bantu abalaphayana, mhlampe ukulekelela uMrs Downs ake wakhuluma ngalento uMhlonishwa ukuthi sikhuluma ngama SMMEs okungagcina mhlampe kuba inkinga kubona, ngoba uma befuna imali abafuni imali abazoyi aplayela athi azoyithola ngalela langa.

**THE SPEAKER:** NoMndayi sekwalile- ke. Sekhona osefuna manje ukuthi sizwe ukuthi i-point of order yakhe iyini. Lunga elihloniphekile uMthiya.

**MR E S MBATHA:** Mhlonishwa Somlomo, ngizama ukubheka laphana ukuthi, kungathi kukhulunywa indaba enzima zezwe kube kubakhona indoda nje ejule kakhulu ngemicabango.(Uhleko) Ize ilala ibheke phezulu impela ukuthi kuvumelekile ngokomthetho waleNdlu.

**THE SPEAKER:** Awu cha! Angiyibonanga bakwethu ake ningisize nawe awubheke

umakhelwane wakho. Kungabibikho ojula kakhulu. NoMndayi awuqhubeke uqedele Baba.

**MR B J MSOMI (UDM):** Ngiyafisa futhi mhlawumpe Somlomo ukunika uDr uMkhize isiqiniseko sokuthi...(Interruptions)

**THE SPEAKER:** Sengathi kukhona enye inkinga futhi.

**MR J S VILANE (ANC):** Somlomo, inkinga yadalwa uwe, wathi asijule ngegxoxo mzansi ingakho-ke kunje.

**THE SPEAKER:** NoMndayi, sengathi uzogcina ungayiqendile le ndaba. Animdedeleni ayiqende bakwethu.

**MR B J MSOMI (UDM):** Ngiyabonga Somlomo, ngicela ukuvikelwa. Cha! Somlomo ngithi Ngiyafisa Isiqiniseko kuDr uGcwabe ukuthi akukho politiki ekhona la. Kungaba ihlazo uma ethi umuntu kuyapolitikwa ngoba sikhuluma ngempilo ethinta abantu bakithi. Sikhuluma ngento ethinta abantu abazama ukuziphilisa, ukuthi asitholeni ikhambi.

Ngiyajabula- ke Somlomo namhlanje ngoba lolu daba silihathile salibeka kuleli zinga, noDkt uMkhize ekhona ebekungenzeka angabikhona. Wazizwela ngiyakholwa ukuthi kusukela namhlanje lesimo esikhala ngaso nesimo abakhala ngaso abadayisi sizowubona umehluko ubakhona ngoba ngempela njengoba eshilo ukuthi mningi kabi umnotho owenzakalayo ngalabantu abadayisayo abadayisa emgwaqeni nabazimele- nje mhlampe engingathi ilaba abadayisa ko-Flea Market noma khona emgwaqeni.

Ngibonge kakhulu ngalawo magama Somlomo ukuthi, ngibonga kakhulu nama –input eyenziwa ozakwethu engikholwa ukuthi azomlekelela uGcwabe azolilekela iTheku kanye namanye futhi amadolobha ngoba kodwa amaningi amadolobha abukela iThekwini ukuthi kwenzakalani. Ngibonga kakhulu.

**THE SPEAKER:** Siyabonga-ke Hon,Mr Msomi. Just 1 announcement please.Ilungu elihloniphekileyo la uBaba uGcabashe useriphothe ukuthi kukhona okumlahlekele okuthintene nezibuko okuluhlaza. Eh engathi akaboni impela nje bakwethu anamsezeni animsizeni.Ngithi izibuko uqobo lwazo hon Member.

**MR S J GCABASHE (ANC):** Iqiniso Somlomo ngilakehlelwe impela iwona amehlo ami

lana engawanikwa udokotela.

**THE SPEAKER:** Awu animusezeni khona amehlo awanikezwa udokotela adinga ukuthi abuyele kuyena. Uma uhlangana namehlo ungawazi kahle awubonane noBaba uGcabashe. Eh hon Mcoyi.

**MR S W MCOYI:** I wonder whether it was maybe suspected, hon Speaker, that only the Zulu speaking people who might be having it ngoba since it is he is talking in zulu ethi ulahlekelwe amehlo akhe. Nazi zivela kubelungu.[ Uhleko]

**THE SPEAKER:** The next item on our Order Paper is item number 8.4, the First Reading, Authorisation of Unauthorised Expenditure Bill, by the MEC for Finance and Economic Development. Hon Acting Premier, MEC for Economic Development? Munikezeni namamzi uNgqongqoshe yazi sengiyamudabukela

**DR Z L MKHIZE (MEC for Finance and Economic Development):** Thank you very much, hon Speaker.

The purpose of the Unauthorised Expenditure Authorisation Bill is to enable the Provincial Legislature to authorise expenditure recorded as unauthorised in the provincial accounts. This Bill deals with unauthorised expenditure dating back to the 1991/1993 financial year. With the exception of a few, most of these over-expenditures have been dealt with by the KwaZulu-Natal Standing Committee on Public Accounts and specific resolutions are indicated in the explanatory memorandum. These unauthorised expenditures amount to R2.9 billion. Also included in this amount is the expenditure recorded as unauthorised in the provincial accounts but was not reported by the Auditor-General and was therefore not referred to the Standing Committee on Public Accounts (SCOPA).

Although the details of this Bill are contained in the accompanying explanatory memorandum, I think it would be useful to members to provide a brief summary of the main unauthorised expenditures that were incurred by specific departments.

#### **1992/1993 financial year**

An amount of R18 000 incurred by the former House of Delegates, Education, in respect of expenditure on Board members' allowances, still appears on the provincial accounts.

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This matter was to be dealt with by the National Committee on Public Accounts, but no finalisation has been forthcoming. Due to the age of this amount, it is included in this Bill so that it can be cleared from our accounts.

### **1994/1995 financial year**

An amount of R699 000 is recorded against five provincial departments ranging from R8 000 against Provincial Treasury to R289 000 in Education. Also in the same financial year an unauthorised expenditure of R5.6 million in respect of the payment made to the self protecting units, was recorded. The original amount was R6.66 million but R1 million was recovered from the provincial banker at the time. This matter has been extensively investigated over the last approximately ten years and, as per SCOPA Resolution 89 of 2005, the action taken and the investigations carried out was adequate and that investigating this matter further would not provide any new information.

### **1997/1998 financial year**

Members may recall that the province experienced cash-flow problems during 1997/1998 and as a result the PAYE pay-over to the Receiver of Revenue (now SARS) was delayed. Whilst all penalties were waived, the province was charged with the penalty interest of R18.733 million which was recorded as unauthorised expenditure against Provincial Treasury's Vote.

### **1999/2000 financial year**

The total unauthorised expenditure of four departments amounted to R100.696 million of which the following were the main contributors:

#### ***Vote 13: Social Welfare and Population Development***

Overexpenditure of R90.351 million was recorded as a result of the increase in the number of social grant beneficiaries.

#### ***Vote 14: Works***

Expenditure exceeded the amount voted by R6.735 million due to unanticipated arrear Telkom telephone accounts and maintenance of education facilities being higher than provided for.

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**2000/2001 financial year**

The aggregated over-expenditure for the province amounted to R2.753 million in three departments. The highest unauthorised expenditure was therefore recorded in Vote 5: Education who overspent its budget for subsidies transferred to private schools by R1.8 million.

**2001/2002 financial year**

In this year, five departments recorded unauthorised expenditure amounting to R183 550 million and the following are also highlighted:

***Vote 8: Housing***

The actual expenditure exceeded the amount voted on three main divisions of the Vote totalling R6.196 million. The over-expenditure on the main divisions was mainly due to the incorrect allocation of personnel expenditure across the main divisions, which was subsequently corrected in the 2002/2003 financial year.

***Vote 12: Transport***

The department overspent on three of its programmes, amounting to R15.284 million due to the adverse Rand/dollar exchange rate, extension of the Taxi Commission appointed by the Provincial Cabinet and expansion of the radio communication network for the Road Traffic Inspectorate.

***Vote 13: Social Welfare and Population Development***

The actual expenditure exceeded the amount voted by R161.554 million due to the increasing take-up rate of the social grants.

**2002/2003 financial year**

Three departments recorded unauthorised expenditure totalling R352.5 million, namely:

***Vote 7: Health***

The actual expenditure exceeded the amount voted for four programmes by R174.508 million. The overexpenditure was mainly due to the increased demand for health

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services, unfavourable exchange rate affecting the cost of medicines and medical equipment and an increase in the student nurse intake at the training college to combat the high attrition rate in the profession.

***Vote 12: Transport***

The department recorded over-expenditure of R30.830 million as a result of the write-off of amounts owing to the department by the National Department of Transport in respect of work undertaken on an agency basis. These amounts could not be claimed back due to insufficient source documentation as a result of poor accounting controls.

***Vote 13: Social Welfare and Population Development***

The department recorded over-expenditure at programme level of R174.196 million mainly due to the increase in the number of social security beneficiaries.

**2003/2004 financial year**

The aggregated unauthorised expenditure of five departments amounted to R816.9 million, being mainly in respect of:-

***Vote 5: Education***

The unauthorised expenditure of R102.408 million was mainly due to overexpenditure as a result of restructuring of the department and spending pressures on compensation of employees, specifically the educators.

***Vote 8: Housing***

Unauthorised expenditure of R14.395 million of which R5.581 million relates to overexpenditure on programmes 1 and 2 due to the appointment of a Commission of Enquiry as well as additional office accommodation required for the Pietermaritzburg regional offices. The balance of R8.317 million relates to over-expenditure in the Housing Fund.

***Vote 13: Social Welfare and Population Development***

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The department overspent in respect of programme 2 due to the significant increase in the number of social security beneficiaries. The over-expenditure for the 2003/2004 financial year amounted to R693 million.

### **2004/2005 financial year**

The aggregated unauthorised expenditure for 2004/2005 amounted to R899.895 million with the bulk of this relating to the over-expenditure on the social grants programme within Vote 13: Social Welfare and Population Development. The over-expenditure on this programme had grown to R782.119 million in 2004/2005. Other significant over-expenditure was incurred by:

#### ***Vote 5: Education***

R12.343 million was largely related to the spending pressures on compensation of employees.

#### ***Vote 7: Health***

The department overspent its allocation on most of its programmes, resulting in unauthorised expenditure of R92 million. The over-expenditure was mainly due to an increasing demand for health services and the impact of cross border patients from Mozambique, Swaziland and Eastern Cape.

#### ***Vote 8: Housing***

The budget of two programmes was exceeded, resulting in unauthorised expenditure of R12.289 million. The over-expenditure was mainly due to the increasing demand for housing delivery in the province which required the department to reprioritise some projects which ultimately led to the marginal overspending.

### **2005/2006 financial year**

The unauthorised expenditure for 2005/2006 amounted to R591.744 million of which Education, Health and Housing were the main contributors.

#### ***Vote 5: Education***

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The department recorded unauthorised expenditure of R346.888 million. The over-expenditure was due to increasing enrolment numbers at primary schools, provision of Learner Teacher Support Material for implementation of the National Curriculum Statement for Grades 7 and 10, training of cooperatives as well as spending pressure on compensation of employees.

***Vote 7: Health***

The unauthorised expenditure of R232.061 million relates to the overexpenditure on two of its programmes and is attributed to the increased demand for District Health Services and the development of Tertiary Services in the province.

***Vote 8: Housing***

The actual expenditure on programme 3 exceeded the voted amount by R12.176 million due to a greater number of project launches and more projects than anticipated being finalised during the financial year.

**CONCLUSION**

In conclusion, Mr Speaker, hon members of the House, I wish to say that this Bill will, if passed, have dealt with a longstanding audit query by the Auditor-General in respect of the non-clearing of the unauthorised expenditure accounts within the various departments.

Hon members will have noticed that the bulk of the unauthorised expenditure relates to the over-expenditure on the social security grants programme. In fact, R1.875 billion of the R2.974 billion for consideration relates to the social grants payments. This is indeed an indication of the financial impact this function has had on the provincial fiscus over the years.

Lastly, I would therefore like to urge all departments to tighten up on the financial administration to prevent future unauthorised expenditure within their votes, both in terms of overexpenditure on programmes within their vote, as well as fruitless and wasteful expenditure and expenditure incurred without following the correct procurement procedures.

It is now my privilege to formally table the KwaZulu-Natal Unauthorised Expenditure Authorisation Bill, 2007 for consideration by this House, together with all the attachments. I look forward to the debate on this Bill. I thank you.

**THE SPEAKER:** Thank you very much, hon MEC for tabling this Bill together with all its documentation. This Bill is also another tool of appropriating some of our funds for the purposes of dealing with unauthorised expenditure. I will therefore refer it together with all documentation to the Finance Portfolio Committee, for that committee to deal with it and report back to this House. I expect however that the Finance Portfolio Committee will also make use of its authority to deal with any other committee on these matters so that the report which comes back to the House is fully informed. I so then refer this Bill. Well I do anticipate that there will be co-operation and the one other interesting matter is when we have to differentiate between the Finance Portfolio Committee and SCOPA you have to just dig and dig and dig...so please hon members I have a full understanding of where the issues are. Just deal with the matters under the auspices of the Finance Portfolio Committee. Thank you, ok.

The next item on our order paper is item number 8.5 and that is the debate on the KZN traditional Leadership and Governance Amendment Bill. I hope I'm not going to be compromised at this time. Hon Chief Whip.

**MR V C XABA (Chief Whip of the Legislature):** Thank you very much I can not see the Chairperson of the Local Government and Traditional Affairs Portfolio Committee. Mr Burrows says he's given up already. Mr Chairman if he was in the House the Chair was going to report on what happened this morning. But all that I can tell you, Mr Speaker is that we do not have a report given that state of affairs I would ask you to give a ruling in terms of Section 93 C which reads as follows: "Every motion requires notice except the motion for the discharged of an Order of the Day" . In that case I would appeal to you Mr Speaker to discharge this item so that we can deal with it (not necessarily next year) at some other time Mr Speaker and the Whips would look and then decide, I will then decide after consulting them when we then have it on the Order Paper again. Thank you very much, Mr Speaker.

**THE SPEAKER:** Hon members, yes I will give a ruling but it is also good to just have a feel that I have the understanding of the Chief Whip of the Opposition and other Chief

Whips and party representatives. Hon Mr Combrinck.

**MR H L COMBRINCK (Chief Whip of the Official Opposition):** Hon Speaker because of the failure of the Committee to meet this morning, they did not have a quorum and they could not sort out that Bill, we support that it be moved off the order paper for today.

**THE SPEAKER:** Thank you. Hon Mr Keys.

**HON MR R KEYS (DA Whip):** We support that position Mr Speaker.

**THE SPEAKER:** Thank you. *Hon uSolwazi uMaphalala neNkosi yaseMathulini oyedwa phakathi kwabo ukhona ozosho yimina engingazi. Ngeke ngibakhulumele ngizothi nje iNADECO. Esikufunayo nje ukuthi lolu daba lususwe kwi order paper lubekwe kwezayo i-order paper ngoba nail ikomidi alikwazanga ukuhlangana. Yilokho nje kuphela esikufunayo Solwazi.*

**PROF J S MAPHALALA (NADECO):** *Kunjalo iNADECO iyakuvuma lokho.*

**THE SPEAKER:** *Siyabonga Solwazi.* Hon Member Mrs Downs.

**HON MRS J DOWNS (ACDP):** We support, Mr Speaker.

**THE SPEAKER:** Hon Member Mr Msomi.

**HON MR B J MSOMI (UDM):** I agree, Mr Speaker.

**THE SPEAKER:** With that understanding and agreement by everybody in this House, that matter then stands down until the Chief Whip has found, after consultation with other Whips and Party Representatives, space for it to be debated at one of the next sittings. Hon members if that is the case, I then find it difficult not to adjourn this sitting but before I do so, the first thing that I need to deal with is to make the following report. We have received a letter from the Limpopo Legislature. [Interjections]

Hon members, can you listen to the report before you rush to conclusions. The report is to the Speaker of the Legislature of KwaZulu-Natal and it is from the Office of the Speaker, Limpopo Legislature.

It says:

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Dear Mr Mchunu, re Photo Album - CPA Social Gathering. The Office of the Speaker, Dr T S Farisani, acknowledges with appreciation a photo album of pictures taken during the CPA Social Gathering in Durban during October 2007. Congratulations for being the first legislature to host such an event and successfully so. Hoping other legislatures will learn from you. Please pass our sincere gratitude to the Deputy Speaker, the Chief Whip, your hon members and your staff for the warm welcome and hospitality we received throughout the visit.

We wish you all a merry Christmas and a very blessed New Year. Dr T S Farisani, the Speaker, Limpopo Legislature.

It is important, hon members, that we read such letters to you because they are addressed to you, but it is also for us serving as an encouragement to you as members, that when we have visitors from other provinces or other countries and we invite you to be part of those proceedings, please be with us, please, it is very important. It was very embarrassing for me to open that CPA gathering and to address lots of people from Swaziland, lots of members and staff from Gauteng, lots of members and staff from Limpopo, a few from Free State, and a very few from KwaZulu-Natal and we are part of the CPA. Therefore I think when we have these events, please take them very seriously and let us by all means be part of that because they reflect either good or badly on this legislature.

May I further take this opportunity to report that I did receive an SMS from the Secretary when she was attending a SALSA meeting. SALSA is the South African Legislatures Secretaries Association, it is an association of Secretaries of the Legislatures of South Africa, Legislatures including Parliament which is the National Assembly and the NCOP. Now, in the SMS the Secretary was informing me that on the project of video conferencing that is paid for by the EU funds, all legislatures have now been tested for completion. We are the first legislature to have been tested – I nearly said “positively”, but I may also say so. [Laughter] We were tested and found to be the first legislature to be correct and complete in everything and therefore I think it is also quite a milestone that some of our staff have pulled their weight, have tried by all means to ensure that we are ready in terms of the Rules, we are ready in terms of cabling and the setting up of everything.

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I did write back to the Secretary saying on behalf of the Legislature as a whole we want to thank our administration but in particular those members of staff who have been dealing with this matter and that is IT staff members. I need to report that as well on your behalf because it is also one of the main things that happen when we become the first legislature to be approved with everything it means we are doing some of our work correctly. We may have our own weaknesses but certainly in some areas we are strong. That is another report that I needed to make.

I need to make the next announcement:

Whips Forum members are kindly reminded of a Whips Forum meeting to take place as follows: Date: Wednesday, 28 November 2007; Time: 10:00; Venue: ANC Caucus Room. And it then says, "I thank you".

Hon members, we therefore now adjourn our sitting until tomorrow at 14:00. May we then meet at 14:00.

**THE SPEAKER:** Just a second. Hon Acting Premier, I hope you have no announcements. I just rushed into this item.

**DR Z L MKHIZE (Acting Premier):** No announcements.

**THE SPEAKER:** No announcement? I am sorry to mess you up, but I needed to give you the practice.

[House adjourned at 3:40.]