

**DEBATES AND SITTINGS OF THE THIRD**

**KWAZULU-NATAL PROVINCIAL LEGISLATURE**

**FOURTH SESSION**

**THIRD LEGISLATURE**

**THURSDAY, 29 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 in isiZulu.

**2. OBITUARIES AND OTHER CEREMONIAL MATTERS**

**THE SPEAKER:** Hon members, no obituaries have been brought to my attention.

**3. ANNOUNCEMENTS BY THE SPEAKER**

**THE SPEAKER:** Hon members, I have to make the following apology:

The hon MEC for Social Development has tendered his apology, as he is attending a MinMec meeting at the ICC in Durban.

There is a second announcement I wish to make. Today is the last day that we are sitting in 2007. The next time we sit will be in February 2008. I have deemed it necessary to wish hon members who were born in December a happy birthday in advance, because it will be a long time before we will get an opportunity to wish them well after today. I therefore take pleasure in wishing the following members a happy birthday: Hon M B Gwala whose birthday will fall on 4 December; hon L R Mbuyazi whose birthday falls on 21 December; hon Inkosi K W Mthaba whose birthday falls on 22 December; hon M J Mtetwa whose birthday falls on 27 December; hon S J Vilane whose

birthday falls on 29 December and, last but not least, hon B J Msomi whose birthday falls on 31 December. Hon members, all of you are going to celebrate your birthdays during the month of December when this House will not be sitting, and I therefore wish you well on your birthdays.

[Ngiyasizwa lesisikhalo sikaJanuary.](#)

Please hon members, those who were born in January will not be late in February. We will not be late in February, so we will wish you well in February. Yes, Mr Gwala?

**MR M B GWALA (IFP):** Mr Speaker, I hope you have arranged a special birthday cake for us! [Laughter]

**THE SPEAKER:** I will see what I can do during lunch time! [Laughter] Hon members ... Oh! ...

**MR B J MSOMI (UDM):** [Ngicela ukubuza ukuthi kuyiqiniso lokhu ukuthi mawungifisela ukuthi usuku lami lokuzalwa bathi abahlonishwa ngazalwa abantu bedakiwe bonke](#) [Laughter]

**THE SPEAKER:** [Cha Nomdayi!](#) You are out of order! [Ubathsele ukuthi ngithe.](#) You are out of order! [Laughter]

The next announcement is about the visit of the Gauteng Legislature staff. We welcome in the Legislature precinct staff members from Gauteng Legislature who have come to share experiences with us on best practices. We will learn from them and they will learn from us. Whatever best we get from them, we will implement in our Legislature.

Hon members, the last announcement I need to make is that you are invited to the farewell lunch which will be served in the Members' Dining Hall at 13:00 today. I made it early, but I include those whose birthdays fall in December. Please enjoy this farewell lunch! [Laughter] Hon Mr Jeebodh?

**MR T JEEBODH (ANC):** Mr Speaker, I crave your indulgence: I was hoping that, in your statements, you would also say that it is the farewell day of our esteemed member Mrs Ngcobo. I do not see a space on the Order Paper during which we can say farewell to her. She has been a longstanding member of this Legislature.

**THE SPEAKER:** The reason why you do not see it is that you are not in charge of the business of the House. [Laughter.] Those who are in charge of the business of the House know exactly how that has been arranged. Hon member, thank you for provoking us, but it has been catered for.

**MR T JEEBODH (ANC):** Thank you, sir.

**THE SPEAKER:** It has been catered for on two occasions today. There are two occasions for that. Thank you.

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

**THE SPEAKER:** There is no Premier. There is no acting Premier as far as I can see, unless there have been rearrangements, but there are MECs. One of the MECs ... Yes, hon Mabuyakhulu?

**MR M MABUYAKHULU (MEC for Housing, Local Government and Traditional Affairs):** Mr Speaker, we have no announcements at this stage. [Laughter]

**THE SPEAKER:** From the Office of the Premier? Okay.

**AN HON MEMBER:** Sorry, Mr Speaker, are we allowed to take off our coats if we feel hot?

**THE SPEAKER:** No, I did not know that we had changed our practice.

**AN HON MEMBER:** Thank you, sir.

**THE SPEAKER:** Please, hon members, unless you are wearing a traditional shirt, please do not take your coats off.

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

**THE SPEAKER:** I am going to table two reports that will be distributed to you. The first one is a report on the 53<sup>rd</sup> Commonwealth Parliamentary Association Conference held in India from 24 to 30 September 2007, and the second one will be the KwaZulu-Natal Legislature Women's Day Celebration held on 20 August 2007. Please await the distribution of those reports to yourselves.

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

**THE SPEAKER:** Hon Chief Whip, any formal motions or notices?

**MR V C XABA (Chief Whip of the Legislature):** Mr Speaker, there are no formal notices and/or motions from the office. Thank you.

## **7. NOTICES OF BILLS OR MOTIONS**

**THE SPEAKER:** There are hon members here who are outstanding from yesterday. Since these members have been outstanding since yesterday, you will remember that they will be the first ones who will be dealt with. They are the hon G B Bhengu, the hon E S Mbatha; hon S W Mcoyi; Dr B T Buthelezi; hon Mrs L A Mncwango; hon K Panday; hon Dr M J Mthethwa and hon Mrs L Rajkumar. Those are the members who will get their opportunity. They need not bother to stand. I will now take the names of all members who wish to raise new motions.

*Whereupon members stood to have their names recorded.*

**THE SPEAKER:** Hon members, I believe I have captured all the names of those members who are still standing. You may sit down. If time permits we will take your motions.

I also want to welcome hon Mr Rajbansi. We were informed that you were unwell. We are happy that you have made it to the Chamber today. I suppose I only captured Mrs Rajbansi. I do not think you stood up for a motion.

**MR A RAJBANSI (MEC for Sports and Recreation):** No, sir.

**THE SPEAKER:** I was just checking. Okay, thank you. We will then start with the hon member Mr G B Bhengu. The hon member Mr Bhengu is not here and therefore forfeits that opportunity. Hon member E S Mbatha?

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

**This House notes:**

1. The obvious double standards on the basis of which the ANC-run provincial government grants ample finance to the Youth Commission which is not a public entity and, at the same time, does not budget for the provincial and local Houses of Traditional Leaders which are public entities in terms of the PFMA.

**This House therefore resolves:**

To remind hon members of the tabling of the memorandum concerning a budget for the provincial and local Houses of Traditional Leaders, presented to the Speaker by the Chairperson of the KwaZulu-Natal House of Traditional Leaders, Prince Mangosuthu Buthelezi in Vryheid.

I so move.

**THE SPEAKER:** Hon Mr Mcoyi?

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

Umphako kulabo abasohambweni lwaseLimpopo,

1. nisincengele ukuthi silambeke ukubona u-ANC ongenaso isihluku, ongenanzondo, ongabandlululi, osebenzela abantu abahluphekile, ongeyena ogombela kwesabo, ongavimbi imisakazo nongavimbi emaphephandabeni.
2. kukhuthazwe izimiso zoMthethosisekelo nabo o-Freedom Charter labo. Kuphele ukuwagxoba ngezinyawo uma kwenziwa izimfuno zogovana bezinhliziyi zabo nenkohlakalo ehlula ukwenza.

Le Ndlu inquma:

Ukukhumbuza abaningi umbhalo othi “mene mene tekkel ufasin” ngoba unyaka ka 2009 usufikile. Lapho sesiyobona ubuso obusha ko-Premier, ko- MEC ngisho nezinye izimemba ezibizwa ngoKhongolose.

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

**This House notes:**

1. The concerns of the MEC for Agriculture, the hon Mr Mcoshephi Mthimkhulu, voiced recently in the City Press regarding the credibility of the Official Opposition.

**This House therefore resolves:**

To assure the hon MEC that it is the job of the Official Opposition to doubt the motives, question the logic and expose the misconduct of the government, as it is the job of the government to govern and uphold its good name amidst the trappings of power.

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

Ilungu elihloniphekile liyazi ukuthi amalunga ephalamende abizwa kanjani. Ubize ilunga ngoMcoshephi, ngicela nje alungise lokho Speaker.

**THE SPEAKER:** Hon member Ms Shabalala?

**MS L F SHABALALA (ANC):** Mr Speaker bengisukuma nami ngephuzu le point of order ukuthi ku-right yini ukuthi uDokotela wezamazambani abize uMhlonishwa ambize ngoMcoshephi?

**THE SPEAKER:** Asilalelaneni, asilalelaneni. Nizokufisa ukuthi sisebenzise amagama njengoba abhaliwe alezi zi-member ngoba awekho futhi amanye amagama ngakho-ke uDokotela ngizocela nje ukuthi a-stikhe egameni elisuke likhona ngoba yilona leli elisuke libhaliwe. Ngiyayi-understand le yokuthi kwesinye isikhathi uma singaphandle kweNdlu singakusebenzisa lokhu okunye kokwenza ukuqhuba indlela esisuke sifuna ukuqhuba ngayo. Kodwa uma siseNdlini singaphakathi ngiyacela nje sisebenzise amagama njengoba e-reflect-a la kule Ndlu as a record of the Legislature nakwi-Hansard kungene a recorded name. Ngicabanga ukuthi uDokotela uyayizwa lento engiyishoyo. Ngiyacela ehh.. nami sengiyayona futhi yona leyo nto. Dokotela Buthelezi ngicabanga ukuthi siyezwana koku ake ngizwe kuwena.

**DR B T BUTHELEZI (IFP):** No ngiyavuma Hon Speaker ngisho ukuthi-ke bengiqondise ku-MEC, uMEC ME Mthimkhulu. Ngiyathokoza

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**THE SPEAKER:** Ngiyabonga-ke Lungu elihloniphekile. Hon member Ms L A Mncwango?

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

1. Ngokwemibiko yabezindaba zingaphezulu kwamakhulu amathathu izigigaba zokudunwa kwezimoto, ukubanjwa kwenkunzi kuhlonyiwe nezokugqekeza ezibikwe eSiphingo kulezinyanga ezintathu ezedlule.
2. Yishwa ukuthi imiphakathi yaKwaZulu-Natali ibuswa yizigebengu naphezu kokuba kunoNgqongqoshe onomthwalo wokuyivikela.
3. Kasimangali nokho ngoba uNgqongqoshe waloMnyango utetemuka nawosaziwayo futhi muva nje usephenduke umvumbululi wamakhono abaculi esikhundleni sokuvikela imiphakathi ebhuqwa ngubugebengu.

Le Ndlu inquma:

1. ukukhumbuza uNgqongqoshe uCele ukuthi umsebenzi omqoka osemahlombe ache ukuvikela zonke izakhamuzi zalesiFundazwe hhayi ukuba ngunontandakubukwa.
2. ukumnxusa ukuba nxa umehlula lomthwalo acele uNdunankulu amkhulule ahambe ayozama inhlanhla kumaKhawa njengoba izigqoko zakhe zikhombisa ukuthi unekhono kulowomkhakha.

**THE SPEAKER:** Hon member Mr Panday?

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

**This House notes:**

1. That one of the greatest statesmen of the present era made a pronouncement on the method adopted in the implementation of affirmative action, as well as its apparent failures, such as the exclusion of certain groups that should have benefited; and

2. That this was the considered view of that great icon by the name of Dr M G Buthelezi, the President of the Inkatha Freedom Party.

**This House therefore resolves:**

To recommend that this issue be debated during one of the sittings of this House.

**THE SPEAKER:** Hon member Dr M J Mthethwa?

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

**This House notes:**

1. The recent disturbing rape of an American student on the Howard Campus of the University of KwaZulu-Natal, and
2. The inadequate response from the university authorities to the demands for tighter security made by students and staff.

**This House therefore resolves:**

To urge those responsible for security at the university to contemplate their responsibility with greater seriousness and urgency, and

To urge the provincial government to live up to the rhetoric of “16 Days of Activism” against domestic and sexual violence, and streamline its efforts on an interdepartmental basis in fighting sexual violence and crime wherever these may occur.

**THE SPEAKER:** Hon member Mrs Rajkumar?

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

**This House notes:**

1. That despite huge financial and human resources channeled every year towards the “16 Days of Activism” against Women and Child Abuse, violence and abuse

of women and children continue unabated, and

2. That an inefficient justice system does not help the situation, for it fails to ensure the conviction and incarceration of the perpetrators of women and children abuse.

**This House therefore resolves:**

To urge government to move beyond publicity campaigns and to engage in the real transformation of the justice system and other law-enforcement agencies so that they are able to deal decisively with the abuse of women and children.

I so move.

**THE SPEAKER:** Hon members, in view of the time we will take only one round of today's members. However, this is in lieu of the three minutes by which I was late. Yes, Mrs Mohlaka?

Cha benginganikezi wena bengithi usukuma on a point of order manje sengibona ukuthi usuthathe imotion elakho igama alikho kwabayizolo alikho kwabanamhlanje futhi kodwa ngizothatha iround eyodwa nje.

Hon member Ms Nkonyeni?

**MRS N P NKONYENI (ANC):** Mr Speaker, I hereby give notice that I shall move on the next sitting day of this House as follows:

**This House notes:**

1. That an outbreak of klebsiela at Prince Mshiyeni Memorial Hospital caused the demise of five out of seven infected babies, and
2. That the early detection of the infection by health personnel led to prompt action in this regard.

**This House therefore resolves:**

To express our condolences to the families of the babies, and

To apprise hon members that the microbiologists have informed us that an outbreak has been contained.

**THE SPEAKER:** Hon member Dr Mtshali?

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

**This House notes:**

1. That the parliamentary programme for this year has come to a close; and
2. That this House, despite being given various creative excuses, has not had the opportunity to carry out its oversight role in some of this year's most pressing issues such as:
  - the forensic investigation at Agriculture;
  - the investigation into the tenure of Dr Busi Nyembezi at Health; and
  - the investigation into the Board of Ezemvelo Wildlife, to name but a few.

**This House therefore resolves:**

To approach its oversight obligations to South African citizens and taxpayers with more commitment to transparency in the New Year of 2008.

**THE SPEAKER:** Hon Mr Keys?

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

**This House notes:**

1. The recent outbreak of the dreaded klebsiela virus at Prince Mshiyeni Hospital which resulted in the deaths of five babies;
2. The immediate reckless statement of denial by the MEC for Health that no one was responsible for this and that no disciplinary action would be taken, even

before a proper investigation had taken place, and going further by blaming apartheid for the incident, and

3. The alleged cover-up of a similar incident at the Mahatma Gandhi Hospital.

**This House therefore resolves:**

1. To express its utter displeasure at the comments made by the MEC for Health; and
2. To call on her to institute an independent investigation into the deaths of the five babies.

**THE SPEAKER:** Hon member Rev Mbatha?

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

Ukuphepha noxolo ezweni nokusimama komnotho okubonakala ngokuncipha kwendlala nokuphumelela kwesithunzi sezwe emhlabeni, kufanele kube ludaba olusihlanganisa sonke lapha kuleNdlu nasezweni lonke.

Ngakho-ke le Ndlu izwakalisa ukufisela iqembu elibusayo ukuba likwazi ukuxazulula izinseka zesivuvu sentando yeningi enkomfeni ezohlanganela e-Limpopo. Ukuze lezinsika zezwe ezingenhla zingaphazamiseki.

**THE SPEAKER:** Hon member Mrs Rajbansi?

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

**This House notes:**

1. That there is a hue and cry from communities with respect to the license renewal fees, currently at R153-00;
2. That there is inefficiency at various road traffic centres in the province with respect to queues, inadequate stationery and the early closing time of offices;

**This House therefore resolves:**

1. To call on the hon MEC for Transport to review the conditions and services at various road traffic offices;
2. To request National Parliament, in view of the fact that it was that institution that made the law, to debate the renewal of license fees with a view to scrap it.
3. That ordinary people should comply but not pay on renewal, because people honestly do not mind paying for good services, but they should not have to pay for inefficiency.

**THE SPEAKER:** And the last member is the hon Mr Slabbert.

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

**This House notes:**

1. The cold-blooded murder of another policeman in the execution of his duties during a shoot-out with robbers in Greytown.

**This House therefore resolves:**

1. To convey its sympathy with the Mewa family on their loss;
2. To call upon the MEC to act urgently to apprehend the perpetrators;
3. To congratulate the SAPS for its dedication to keeping people safe, and
4. To call on members of the public to be the ears of the SAPS and to help them in preventing crimes before they occur.

I so move.

**THE SPEAKER:** Hon member, thank you. That leads us to the Orders of the Day.

**8. ORDERS OF THE DAY**

**MR M A KUBHEKA:** Ngiyabonga Somlomo. Ngiyabonga kakhulu, cha, ngithi ake ngicele nje ufele lwakho Somlomo ngethule umbiko weKomidi Lohumeni Basekhaya kanye Nezindaba Zomdabu mayelana noMthethosivivinyo weKwaZulu-Natali Traditional Leadership and Governance Amendment Bill. Ngiyabonga.

**THE SPEAKER:** Thank you, hon member. Noma sesidlulile lapho kodwa-ke ngoba namalungu angeke asebenze engazange awuthole lowo mbiko kusho ukuthi asiwethule, asikuvumele uwethule. Thank you.

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

### **8.1 Debate on the Authorisation of Unauthorised Expenditure Bill**

**THE SPEAKER:** Hon members, I have here a list of speakers who are going to debate on this matter. The first one is the hon Mrs B F Scott who has 10 minutes and that is in terms of my amended list. Hon Mrs Scott?

**MRS B F SCOTT (Chairperson of Portfolio Committee on Finance and Economic Development):** Mr Speaker, hon members, I am not going to take more than a minute. The committee sat and considered the Unauthorised Expenditure Bill and it was passed unanimously by all parties. Thank you.

**THE SPEAKER:** I think that is by far the shortest speech we will hear today. The hon member Mr Jeebodh is the next one and the hon member has nine minutes.

**MR T M JEEBODH (ANC):** Thank You, Mr Speaker. I am not going to take all of the nine minutes. I will save you some time, but I just want to briefly touch on the issues. Hon members, it is not strange that we have to write off on the Unauthorised Expenditure Bill of 2007, things that go back in history from the pre-1994 days. Issues that predate history should not be carried into infinity.

The total Unauthorised Expenditure Authorisation Bill, to the value of R2.9 billion, has been through SCOPA and the AG channels and leaves very little ground for debate.

I want to briefly touch on the main contributors to this Bill. Firstly, Social and Welfare: R1,873 billion. We have been through a rough period from 1994 to last year when the Social Welfare issues were taken over by national. However, in meeting with the

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constitutional requirements for the people, this province has to authorise a total of R8,73 billion. The issues of Social Welfare have been before courts and there have been rulings in favour of the applicants.

The second largest contributor was Education at R461 million; Health at R502 million; and Transport, to a lesser degree, at R30,8 million. The issues on Transport were for emergency repairs which this province never got refunded.

I want to touch on the last issue of R5,6 million. It was fascinating reading, going back to the issue of payments arising for the Self Protection Units by the former KwaZulu Government. It makes fascinating reading when you try to delve into the workings of the past and just this morning whilst I was trying to write my speech, I saw a newspaper article written two weeks ago. It is old news, the LP rule, one step forwards, two steps backs. When you try to look back at what had transpired before we reached our freedom in 1994 and the issue of the Self Protection Units makes fascinating reading.

The background of it is results from press reports and questioned in the Provincial Legislature of KwaZulu-Natal and other information received and the Auditor-General's report. Reference in the evidence is made to Self Protection Units, Special Constables, Mlaba trainees – and that is not Khosi Mlaba – and Community Guards. It appears that they all refer to the same group of people and the wording “SPU units” is used in this report. The former Secretary-General of the erstwhile KwaZulu-Natal Government advised that between 5 000 and 8 000 SPU units were trained.

SPU members were recruited in the former KwaZulu territory and mainly trained in the camp called Mlaba near Ulundi. There is some evidence that there were possibly two other camps where training also took place between January and March 1994, right at the birth of a free South Africa.

According to a letter dated 14 March 1994 to the Department of the Chief Minister of the then Commissioner of the KwaZulu Police, the involvement of the KwaZulu Police included the provision of 13 instructors.

Although the KwaZulu Police, as mentioned, played a role in the training of the Self Protection Units throughout, it was decided that a certain private person who was a prominent member of a political party, would take overall command.

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This reading makes a litany of where our past came from and from the ANC's side we have no problem in authorising this R5.6 million and the entire R2.9 million on the Bill. I thank you, sir.

**THE SPEAKER:** Hon Members let's then proceed to the third speaker. The third speaker is the hon Mzobe who has six minutes.

**MR M R MZOBE (IFP):** Ngiyabonga Somlomo. Ngaphambi nje kokuba ngiqhubeke nodaba lwami engifuna ukulwethula kule Ndlu ake ngilungise umfowethu lo okade ekhuluma eqholosha laphaya ngaphesheya. Kulula kuyena ukukhuluma ngoba akekho noyedwa owegazi lakhe owafa kulawo ma SPUs kulula kuyena kepha kithina nabafowethu esasikuleyo nkinga kubuhlungu.

In terms of sound financial administration, unauthorised expenditure is a gross violation of the Finance Management Act. It is pathetic to note that some of the unauthorised expenditures are largely related to the spending pressures on compensation of employees.

It is clear that no government can serve the community without having staff. Therefore, it is unheard of that departments do not budget for their staff. In principle, the Bill that provides for authorisation of unauthorised expenditure was always going to be a bit of a legalistic oxymoron. It may offer a convenient way out of trouble to the government departments that incurred unauthorised expenditure but, at the same time, it opens the door for further parliamentary scrutiny by the Official Opposition. That you must know, Mr Speaker.

Most tragically, since 2004 when the ANC came to power in KwaZulu-Natal, this province has acquired an unsavoury reputation for routine unauthorised expenditure. The most serious charge levelled against the ANC-led government on this score is of course the vast sums spent without authorisation indeed without any supporting document by the Department of Agriculture and Environmental Affairs under the former Head of the Department, in the person of Dr Jabulani Mjwara.

Sir, this matter has of course been subject to forensic investigation. That is the bright side of the story. The downside is that we have not yet been acquainted with the forensic report. Even more importantly, one is reminded that not even the forensic report - when

it finally sees the light of the day in this House - can be relied upon to recover the full amount incurred as unauthorised expenditure by the red-listed department management of Agriculture.

On a related note, the Official Opposition would like to issue a warning against abusing the Unauthorised Finance Bill. We believe that this piece of legislation will not set a precedent as an escape route from the responsibility of government departments and possibly even this Legislature running to unauthorised expenditure by pursuing politically motivated initiatives such as *Izimbizo*, Taking the Legislature to the People, as well as by funding the controversial bodies such as the Youth Commission yet it is not budgeted for.

Over-expenditure and unauthorised expenditure by their very nature are bad administration and a gross failure to comply with the dictates of the Public Finance Management Act. Over-expenditure and unauthorised expenditure must under no circumstances be condoned. If a department overspends, the amount expended must be recovered from its next financial year allocation. It must be made the opening balance of its new budget.

The Official Opposition appeals to the departments to avoid at all costs a repeat of such over-expenditure and unauthorised expenditure.

Somlomo baba, kuyahlupha kakhulu khona uma umuntu ebheka ukuthi okuningi kwalokhu kusetshenziswa kwezimali kweqe kwenzeka lapho kungafanele khona ngoba noma ubani uyazi ukuthi uma eqala ibhizinisi into yokuqala kufanele afune imali bese efuna izisebenzi futhi kube khona imali ehlinzekelwe lezo zisebenzi. Kuyahlupha-ke ukuba kube khona iminyango engafuni ukukwenza lokho ngoba ithembele ukuthi kuzoba khona izimali ezozisebenzisa zeqe futhi ibuye iphinde ithole izimali. Lapho thina njenge-IFP yinto esiyiphikisa ngokusemthethweni. Siyayicela iminyango kahulumeni ukuthi ayikuhlinzeke lokhu ukuze sibe nohulumeni onerekhodi eliphilayo hhayi lapho kuba khona inqwaba yezimali njengoba selokhu lathatha leli qembu leli umuntu ubona izimangaliso zezimali ezisetshenziswa ngenxgemu. Ngala mazwi Somlomo baba iqembu le-IFP liyaseseke lesi sihlongozo.

**THE SPEAKER:** Hon member, Mr Burrows, has four minutes.

**MR R M BURROWS (DA):** Thank you, Mr Speaker. Unauthorised Expenditure Bills are regularly placed before parliament internationally and this country is no different, in order to authorise expenditure that has been scrutinised by the Public Accounts Committee of a House and has been recommended to be authorised through an Unauthorised Expenditure Bill. Thus all matters that appear in this Bill have been approved by all parties in this House, let us start from that point of view. There is nothing here that is new and much of it has been debated over many, many years

I am pleased to see that we start with the House of Delegates' expenditure from 1993, of only R18 000, but at least we clear it off the books.

The hon Jeebodh has talked about the SPUs. The R5.6 million is a fascinating story that actually starts after 1994, not before. The Self Protection Units were paid amounts of money out of a boot of a motor car, fabulous story, and we tried to get the money back from FNB and FNB paid us a million rand but we have got to write off the balance, but what the hon Jeebodh did not talk about is we have the SPUs on one political side, but we have the SDUs on another side and they happen to be on the side he is sitting on, but they did not take - [Interjections] No, no, hold on- [Interjections] I did not say there were. I simply said that if Mr Jeebodh is going to talk about history, he has got to talk about the whole history.

That is fine, the SPUs we writing off, I am not arguing the case for them, however, the most fascinating one is the question of over-expenditure on the Department of Social Welfare, R1.87 billion over a number of years. Now that makes up a substantial part of the R2.9 billion that we are going to effectively authorise today and we are particularly pleased that no longer do we have to carry as a province this burden, it has been shifted across to SARS and it is being handled at national level.

I want to end off, Speaker, by making a particular point. This Bill should be an annual Bill. I hope the Chief Whip of the majority party is listening – this Bill should be an annual Bill. No, I can see Treasury are nodding and they are in agreement. When it comes out of SCOPA, it should go immediately to Treasury, they should draft, it should come back to the Finance Committee, should come into the House in the same year because otherwise we are going to get conflicting AG reports saying we are dragging stuff on, dragging stuff on.

We have pleasure in supporting the passing of the KZN Unauthorised Expenditure Authorisation Bill 2007. Thank you. [Hear, hear!]

**THE SPEAKER:** Hon member, Professor Maphalala?

**PROF J S MAPHALALA (NADECO):** Ngiyabonga Somlomo. Angiqale Somlomo ngokuthi singaxoxi izindaba zomlando izindaba zonyanda inkulungwane namakhulu ayisishagalolunye namashumu ayisishagalolunye nane. Izindaba esezadlula zilokhu zibuya zibuya sizolimizana singayi phambili. Siyacela kulamalunga ala eNdlini ama SPU yadlula indaba yawo konke okunye okulimizayo nokuklabhana kwethu kwadlula. Singakubuyisi la eNdlini.

Bayakuzwa abantu abale kungena emaphepheni sibuye sibulalane lapha kwanele lokhu kubulalana okwenzeka. Siyacela amalunga ahloniphekile uma efuna umlando sizowufaka lapha emanyunivesithi nasezikoleni hhayi la la eNdlini. Sekwagezwana izandla kwakhunyelwana umlotha kwaba nani sonke esasilwa yadlula lendaba ingabuyi la elokhu ibuya ngesinxele ibuya ngesinxele emva kwethu.

Iqembu le NADECO liyakumukela ukugunyazwa koMthethosivinywa Wokweqa Kwezindleko Zemali ekugcineni. Izizathu zibekiwe zokwenza lokho indaba kufanele sikhuluma ngokwakha ngigcizelela ukuthi hhayi izindaba zale ezokudala uchuku.

**THE SPEAKER:** Shall we proceed to the MF? Hon member Mrs Rajbansi?

**MRS S THAKUR-RAJBANSI (MF):** Thank you, Mr Speaker. This is purely an administrative matter now, but I want to thank SCOPA and its previous chairpersons as well as the hon Mrs Downs, the current Chairperson, for her hard work, to us finally finalising these very old, old burdensome matters. The Minority Front is a futuristic party and we do not lament on the past, we do not live in the past and we do wish to do whatever is necessary therefore to lighten our burdens, because I have heard so many sad stories today and I really do not like them and I am so happy that we are doing the right thing because we really need to be good leaders and lead with a light and a fresh spirit.

So with these words I am very pleased, on behalf of my leader, the hon Mr Rajbansi, and the Minority Front, [Interjections] and the House of Delegates, to finally put to rest this unauthorised expenditure and I like Mr Burrows' spirit because I do agree with him

that we must dispense of all these old matters and we must start afresh and we must look at better ways, innovative ways to make sure that we deal with these matters timeously and we do not have these things hanging over our heads and give these burdens to incoming MPs in the next time and let them wonder what we were doing.

So the fact of the matter is that these Bills have been thrashed out, everyone has agreed with them, these things have been like a stuck record and we must now get rid of them and just start afresh and do things the right way round and get better methods to do things efficiently.

So with these words I am pleased that we must authorise these unauthorised expenditures and once again I want to thank everybody in the committee for all the hard work so that we can dispense of this matter. Thank you.

**THE SPEAKER:** Thank you, hon member, Mrs Rajbansi. We proceed to the hon member, Mrs Downs.

**MRS J M DOWNS (ACDP):** Thank you, Mr Speaker. I must say, I kind of speaking unofficially on behalf of SCOPA, that when we looked at certain issues on the unauthorised expenditure, I have to tell you that we recommended the pathing off with very long teeth, but it was absolutely necessary to do so, and I refer to certain matters of fruitless and wasteful expenditure and actually downright fraud, theft and mismanagement.

However, the thing is that the committee agreed that it was wasting of our time and of the Legislature and its resources to continue to try and investigate these matters and have them stay on the table. Some of them are 10/15 years old and we felt as the committee that it would be best to actually get them off the table, off of our books and start afresh in the new year with a clean slate as far as those way-back-when issues had arisen.

Now speaking certainly with my party hat and also in a sense leading the committee on SCOPA, I have to also send a message to departments, that I will certainly be recommending to the committee that in the future, fruitless and wasteful expenditure must come out on the opening balance of the next year's budget and that we will not be happy to pass it as unauthorised expenditure.

We have to send a message that the PFMA matters and that accounting officers and CFOs have to do due diligence when they are looking at the issues and issues of fraud and corruption and mismanagement of money certainly cannot be tolerated by this House.

Having said that, Mr Speaker, I am sure it is obvious to everyone that we support the passing of the Unauthorised Expenditure Bill. Thank you.

**THE SPEAKER:** Thank you, Mrs Downs. We proceed to honourable member Mr Msomi who has 2 minutes.

**MR MSOMI (UDM):** Somlomo ngithi nami angibonge ithuba. Ngizoba mfishane njengoba isikhathi sami sisifishane kodwa ngithi kuhle amalunga ake afunde ukuthi singaphila ngaphandle kokuthi sikhombane. Angiboni ukuthi kukhona isidingo namhlanje sokukhombana ikakhulukazi ngoba sidila nezinto ezindala ezindala and some of us were not even here and if we are closing the chapter of those old matters I do not see any thing wrong.

I would like to appreciate inkulumo eyenziwe umhlonishwa u Belinda Scott as well as umama lo we SCOPA ukuthi ixoxiwe le ndaba kwavunyelwana ngakho nami ngalawo magama Somlomo ngithi. We do support the Bill, thank you.

**THE SPEAKER:** I have been informed that the hon MEC Mabusakhulu has been authorised to act on behalf of Dr Mkhize.

Angimuzwa umfundisi mfundisi awukhulume nami nje nami ungakhulumi nje wedwa lapho. Uma usukuma usukumela ukuthini.

**MR M MABUYAKHULU (MEC for Housing, Local Government and Traditional Affairs):** Thank you, Mr Speaker. We must say that indeed we believe it was necessary that all of us are able to close this chapter and in fact, the fact that all of us unanimously agreed indicate that despite the political jabbing that politicians do from time to time, I think all of us do accept the reality that we need to pass this Bill. On that score therefore, we must say that we are very grateful to the members of the Finance Committee and SCOPA for having looked at these matters in the way they have been able to look at them because they do make sense.

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Having said that, I must however take issue with the hon Mzobe by saying this Bill does not have to do with most of the things that come out of our term of office. We are rectifying all business that happened even when your party, hon Mzobe, was in charge. For the last ten years after 1994 your party was in government. Some of the business that we are rectifying here ought to have been rectified by that time. It is unfortunate because we agreed that because you are a politician you will not part without giving us a punch. However, the point we want to make is that the issue about investigations and the issue of dealing with matters that have come to the attention of government. This government has not been found wavering when it comes to taking action where action must be taken. When we commit ourselves here and we have done so in the past and we shall continue to do so. We will probe wrongdoing, we will act without fear or favour and indeed we will be able to ensure that where corrective actions must be taken so such corrective action shall be taken.

I also want to say that passing of this Bill has absolutely no political motives of whatever nature. We are rectifying problems of some of it occurred even before we were here. I think people must be very grateful that we have a government of people who actually are saying let us deal with all business and dispense it. If we are dealing with problems of the House of Delegates, we are not nibbling. We are not picking and choosing. We are dealing with all business and saying let us put it to rest. Some of the things surely have happened. We should have actually found against it as a new government because you know what happens traditionally when a new government comes in and it actually begins to dig. In some instances the IFP tried to dig in the Housing Department, together with the DA and the point is important that we must be making this point. I'm making this point so that all of us are able to be clear that we are dealing with this matter on an even-handed manner, we are even-handed and we are dealing with it without being sectarians.

However, I want to agree with the hon Burrows that this is an international norm and what we are doing here is consistent with what is done in democracies. Where I differ with the hon Burrows is to begin to apportion guilt and to have this principle that if the SPUs were funded by the State, you should then bring the SPUs as well, as if they were also funded, they were not. So they don't form part of this process. You cannot then raise this principle of equal apportioning of guilt. It must stop. The SPUs were funded we know all of us. Those of us that were there, will remember somebody saying this was

pocket money; R35, 6 million. So the point I'm raising honourable members is that we are rectifying even that because we are even-handed. We cannot be picking and choosing.

The point we must make here as well, hon Maphalala we can forgive but we can't forget wrongdoing because all of us must be learning from wrongdoing. The fact that we are actually approving this thing says we are forgiving but it does not mean we must forget about wrongdoing because we must learn from wrongdoing.

Finally, corruption is corruption. If anyone is found to have acted in a corrupt manner nobody will actually cushion that person and we are very strong; this government, the MEC for Finance in this province and his team, will leave no stone unturned in their quest in ensuring that this government purse are actually managed in an appropriate manner and we have made that position very clear and we continue in that vein.

On that score Mr Speaker; we are very grateful that indeed this Bill has been passed by everybody unanimously.

Thank you.

**THE SPEAKER:** Thank you, hon members. We have then concluded the debate on this Bill. I now put the Schedule to the Bill to the vote - R2 973 671 187, 73. That is the Schedule that I now put to the House. Those who support the Schedule say "Aye".

**HON MEMBERS:** Aye!

**THE SPEAKER:** Those who oppose it say "No".

The ayes have it and therefore the schedule is passed.

Now I put the whole Bill to the House. Those who support the Bill say "Aye".

**HON MEMBERS:** Aye!

**THE SPEAKER:** Those who oppose the Bill say "No". The Bill has been passed. I will now ask the Secretary to read the short title of the Bill.

*Bill read a second time.*

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**THE SPEAKER:** Thank you, hon members. That concludes our debate and voting on the Authorisation of Unauthorised Expenditure Bill.

## **8.2 Debate on the Adjustments Estimates Bill.**

In terms of this debate the hon B F Scott has ten minutes to introduce the debate.

**MRS B F SCOTT (Chairperson for the Portfolio Committee on Finance):** Mr Speaker, hon members. The committee met on 28 November 2007, yesterday. The Adjustments Estimates, the ANC and ACDP voted for the adjustment estimates. The DA and the IFP did not support the Bill. Thank you.

**THE SPEAKER:** Thank you. Let's then proceed with the list. We will go to the hon Mr A J Hamilton who has five minutes. [Uma ilunga lingekho layiNdlini kade likhona sesizolidlula-ke siye kodebatayo](#) number three, hon Mr Tarr has seven minutes.

**MR M TARR (ANC):** Thank you Mr Speaker. I originally thought I would be speaking after lunch sometime but the rate of progress here especially our Chairperson's brief succinct introduction hastened the onset of our vacation.

On the adjustment estimates, I crave the indulgence of the House to diverse someone to start. I notice that Mr Hamilton has just come in, late as usual. I would like to start by digressing somewhat. I would like to talk about some of our provincial priorities. I do not speak with any particular mandate on this just a few thoughts I have and perhaps the hon Mr Burrows might share his thoughts on the subject because if you think about priorities surely education must be the most important priority that any government anywhere can have. Investments in our human capital, has got to be the most important thing to do. The future of all our children depends on this. There are many members in this House, all of us, at times we have driven through rural areas and we see all the school kids walking along the road we also know the facilities in which they have to get educated and really many of those kids – it's a desperate situation because they are almost beaten before they start in terms of the head starts many of their counterparts have elsewhere..

What I am really arguing is, should we not be having another look at our priorities because studies elsewhere will show that investments in education brings huge returns to society as a whole - investment in our youth, investment in the future of the country. If

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we think about it, throwing money at it is probably an argument which will be advanced against me, is not really the whole solution. What we need to do is look at our teachers, our teaching staff, make sure they are better trained, better qualified and also better motivated in terms of attitudes.

Then of course their facilities, I mean some facilities, it's astonishing that people can get any education at all, those facilities are so bad. Then of course the curricula, relevance curricula, to make sure that pupils leave school with some skills that are marketable out in the societies at large.

I would argue that is where we should be focusing as strongly as we can as a government. I must tell you, and this will probably cause a huge amount of dissent. I did a desktop exercise here yesterday with the hon Mrs Scott. In this desktop exercise we are going to be asked where to find the extra money for education. I am telling you we found nearly a billion rand. We can find it, but of course I am not saying that a billion is badly spent, I'm simply arguing a case that that billion rand should be better spent. If anybody can think of the way to better spend it than education and health obviously the other one and may be infrastructure is the other, I want to hear about it because I really think we need serious re-look at what a lot of our priorities are. I shall make a plea that we start looking seriously at helping our kids and let us give them a skill when they leave school that is marketable out there.

So really, it's off the adjustment estimates - I accept that – it is part of a budgeting process. I think it's something we would seriously need to reprioritise. The other thing is, if people look through the adjustment estimates most of the money – at least half – relates to wage agreement and salaries and perhaps in the last two minutes available to me, let me raise an issue which I anticipate that the Opposition Parties are going to raise. That relates to the new Parliamentary precinct. I think there is a misunderstanding on the money which is standing in the adjustment estimates there because that money has not yet been spent. That is provision for what we might have to spend. There are a number of phases in terms of a feasibility study that needs to take place and if at any point in the process we decide not to proceed then of course the money will not be spent. The first phase is the whole process of pulling together an amount and going to national Treasury on a basis of an estimate. That does involve fairly detailed plans and plannings. If at the conclusion of that part of feasibility study, we saying no and that is

that. We then got to go to national Treasury to get the money and then we going to the second phase which involves calling for bids and that type of thing and that is the second phase of course if we get that far then we need to spend that money.

Then the final phase is obviously the whole tendering, tendering phase as well and this also accommodates the tendering phase. So what I'm really saying is that there is nothing wrong with any government doing a feasibility study on what they believe is an important issue.

You are not listening to me Mr Krog the money is not spent yet. It is a process, so you do not know that, Mr Krog. You will all have a chance to make a speech, but I am just telling those hon members over there that money is not spent, it is a three phase process and during the course of that process they will have ample opportunity to comment one way or other. It's not simply going to happen and be a *fait accompli*, but they are making politics out of it for a short term gain and actually sending out a false impression out into the world on this issue, Mr Speaker.

I thank you.

**REV A H MBATHA (NADECO):** Honourable Speaker kade ngikhuluma nenkosi nginamahloni ukuthi uSpeaker uthi ngikhuluma ngedwa uma ngikhuluma nenkosi (uhleko)

**THE SPEAKER:** Angithi phele umangabe umfundisi esukumile kufanele akhulume noSpeaker uma engakhulumi noSpeaker ukhuluma yedwa. Uma ekhuluma nelinye ilungu uhlala phansi akhulume nelinye ilungu.

**REV A H MBATHA (NADECO):** Macingwane,ngithi ngicela uMacingwane abheke ukuthi akuthi akukho yini i- confusion ngama amended list ade elokhu esayimwa lapha kumbe bekukhona I amendment ebikhona. Uma ibingekho hon Speaker I withdraw (uhleko).

**THE SPEAKER:** Cha khona seku appropriate uku withdrawer Mthiya isikhathi sakho sesifikile. Professor, Solwazi ithuba lakho lemizuzu eyisithupha.

**PROF J S MAPHALALA (NADECO):** Ngiyabonga Somlomo. Kulolu daba lwama adjustments estimate uMthethosivivinywa oqondene nawo asinankinga thina. Ngike ngabala izinto ezenzekile ikakhulukazi eziqondene nokuza kweNdebe yoMhlaba lapha

esiFundazweni sethu ekuyizona ngachaza ukuthi izinto ezinhle ezenza ukuthi lesi siFundazwe sibe isizinda esidlula zonke isifundazwe ngokuthi kube isona esihlale siqokwa.

Ngakho uma kunezimali eqondene nokuthi lolo daba kube ilona olwenza ukuthi imali iqhubeke iye phambili ifakwe la lapho le ebaliwe thina siyakwamukela ngezandla ezimhlophe lokho ngoba kwenza ukuthi isifundazwe sense eminye imisebenzi emihle efanelekile. Ngiyabonga Somlomo.

**THE SPEAKER:** Thank you hon member. Hon members you will notice that the hon member Mr Hamilton is now also back in the House and I will prefer that I give him the opportunity before Mr Rajbansi, hon Mr Hamilton. I do want to say however that we should not have the habit of being outside of the House. When there is a debate in the House members should be in the House. If members are not in the House one of the things we have provided, is the television sets so that members can see the proceedings in the House and when members see the developments of the debates then they know that their time is coming. If that is not helpful or if we do not have a television functioning or provided in your office rather arrange with your Whip to alert you when your time is approaching, otherwise it will not be practice whose time has come and gone will always be coming back and be given time to speak. I am just mentioning that so that everyone is cautioned. Before you speak Mr Hamilton, hon Mr Gcabashe

**MR S J GCABASHE:** Somlomo siyayihlonipha i-ruling yakho. Siyezwelana khona nelunga elihloniphekile u-Hamilton ukuthi ubelahlekelwe umphefumulo wakhe wonke ibhatshi kodwa hhayi ukuthi abese ehlala emnyango.

**THE SPEAKER:** Cha ibhatshi uselilungisile. Hon Mr Hamilton, you have five minutes.

**MR A J HAMILTON (IFP):** Mr Speaker, I thank you for your indulgence both today and yesterday. It so happened that I was sending something up for the kitchen staff and it happened to arrive and I thought I had time, I am very sorry. I accept the error of my ways and thank both you and the House for your indulgence.

There are some votes we simply cannot support, but before I get into that I just like to say and touch on my colleague Roger Burrows' comments of yesterday and to plead for a proper provisioning and staffing of both the Public Accounts and Finance Committee.

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Here I am talking about proper staff with an accounting qualification for research and checking state of the art IT systems with retrieval facilities and a tracking system and I would like to see a Disciplinary Hearing Unit set up specially to deal with disciplinary problems in all departments whose sole purpose would be to go from department to department and to have disciplinary hearings within six to eight weeks from the time that they spoken of and finally, it takes ages to get charges of fraud and corruption into court. We could perhaps think of asking the Justice Department to provide us with our own magistrates and prosecutors to attend to crimes of government corruption and fraud together with private sector so that we can deal criminal offenses within six months.

The reasons we cannot support some of these votes is because we think that much of the money is being spent in a wasteful way. I would like to mention the cupboards that are arriving now. The cupboard in my office is fine. I really wonder why we need a new one.

Anyway let me move on to Vote 4: Economic Development

Programme 4: There are serious concerns about delays and the roll-out of co-operative programme within the context of Business Regulation and Governance. The Official Opposition is alarmed that the department highlights difficulties in promoting the co-operation programme, even among other government departments.

Vote 5: Education

Programme 2: Learner support materials remains a hardy annual which impacts negatively on effective learning and teaching. The decentralisation of this function has not improved the situation. Schools are closing on 29 November and yet the department has not indicated their budgets.

Vote 7: Health

Programme 8: The Official Opposition has serious misgivings about the forensic Pathology Services projected low expenditure in spite of the deplorable inhumane and unhygienic conditions that prevail at the Alexandra Road mortuary in the Capital, City of Choice.

Vote 8: Housing

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Programme 3: The Official Opposition will not support the Housing Development Implementation Programme because the department has failed to reach its target of 1000 hostels to be upgraded by mid-year. Only 289 hostels were upgraded during the period under review.

Vote 13: Social Development

Programme 1: The official Opposition will not support the Compensation of Employees programme on account of the unbudgeted expenditure incurred in respect of exit packages for HODs whose attrition rate is alarming. It will be interesting to know what Dr Mjwara got.

Vote 14: Works

Programme 3: The provision of second generation multi-purpose community centres remains the responsibility of the department as part of Provision of Buildings, Structures and Equipment programme. The Official Opposition calls upon the Department of Works, Local Government and Housing to get their act together and to expedite the construction of the MPCCs which have been delayed unnecessarily.

I like to thank you Mr Speaker for your indulgence as I said earlier and members of the House and I will also like to take the opportunity to compliment you on the production of the report on the CPA. It has to be the best one that I have ever seen. Anyway, thank you very much and thank you for your indulgence.

**THE SPEAKER:** Hon member, Mr Rajbansi?

**MR A RAJBANSI (MF):** Thank you, Mr Speaker. When I arrived here, I had prepared in my speech, in my mind, a very, very frank and fiery speech, but certain events have taken place and I had to amend the thoughts in my mind. The Minority Front supports this Bill and will vote for this Bill because notwithstanding any deficiency, any discrepancy, your payback will be in heaven. [Laughter.] Because the Lord has created a special section in heaven called a special hell for you and you will go there. [Interjection] In any case, you will not distract me.

Sometimes a department is forced to incur expenditure, not only because of unforeseen circumstances, but because of growth. I want to take Sports and Recreation and refer to

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the development of youth. In the Olympic Games, South Africa has said, in order to excel in the future, we must look at our nurseries and look at our youth. We need that R1 million which you have found for Sports and Recreation because there are two important national events taking place. We need two million. Next Friday is the South African Interprovincial Schools Mini Olympics. The training has been done by my department. Everything has been done by my department.

Next Tuesday we are host to the schools – all ages – competitive sports at Kings Park Stadium in Durban. The training, selection, everything has been done by my department, but we cannot proceed any further because there is a ruling that we should not handle it.

Now the national government has taken a decision about mass school sport and they said that the lead MEC shall be the MEC for the Sport, in the school sport inside the schools and the lead department shall be Sports and Recreation. When they transferred money through the Treasury for my department's budget, nobody told them, "It is not our function" and Minister Stofile has said in the National Assembly that the best performing department with respect to the mass school sport and generally sport in this country, is KwaZulu-Natal Sports and Recreation and I am glad that there has been a decision that those 300 selected stars who are learners, would not be stranded in Durban and 400 who are about to leave for Pretoria next Friday, would not be stranded.

You know, what happens to a learner who kicks a football in the schoolyard at five pm? The function to enlist learners into club sport falls within the responsibility of the MEC for Sports and Recreation.

National Minister Pandor and national Minister Stofile have signed an agreement that there is a lacuna, what happens outside the boundary of a school when you have a selection. All national school sports competition is financed, not by Education, but by the national Department of Sports and Recreation and we have workshops and we have been asked by the national Department of Sports and Recreation, can the provincial Department of Sports and Recreation handle A, B, C and D? There are national directives and it is only that the national Government in terms of our Constitution, who determines national policy.

I got sick, because I have been suffering from very deep depression because I said I cannot let down 300 of those who are selected to take part in Durban next week because they happen to be learners, and 400 have been selected to leave for Pretoria and their only crime is that they happen to be learners, but that matter has been resolved and hopefully does not recur again. Minister Stofile and Minister Pandor, said, we must never say, "This is my turf and that is your turf" – it belongs to us, we all belong to one turf and that is South Africa, one country, one nation, one flag. Thank you.

**THE SPEAKER:** Thank you, hon Mr Rajbansi. We now proceed with hon member, Mrs Downs.

**MRS J M DOWNS (ACDP):** Thank you, Mr Speaker. It became very obvious during the hearings for the Adjustments Estimates that this province is going to have to think very carefully about its priorities. The spending pressures in Education and in Health are serious and really need attention and I truly believe that sometimes we have our priorities wrong and we need to look and claw back money from non-essential items and put them into the essential issues such as Education and Health.

There is another couple of things that we have a major problem with, one of them being the consistent over-expenditure in the Royal Household. I spoke yesterday about how the Head of Department of the Royal Household both totally ignores the PFMA and totally ignores this House as well.

Having said that, with the Royal Household, it is subject to a Treasury investigation and assistance at this stage and I think it would be premature not to vote the money that is there until we have had an idea of what the proper baseline is and until we have had an idea of how the expenditure has been done and whether it has been done according to the rules or not. I believe that when we come to this issue, we have got an opportunity to address it again in SCOPA as the MEC has said, and we as a party are happy to leave it there at this stage.

There are other issues that we are concerned about. Whilst we agree that the Premier hosted a wonderful FIFA event that certainly made a huge splash in this province, I think there are other areas in the Premier's Department where savings could have been made and there are areas in other departments where things have not been spent correctly,

such as Economic Development and so on, where there does not seem to be the capacity to do the things that they want to do.

My own personal bugbear, all the money that we continuously spend on chicken farms, poverty alleviation and so-called other projects which from the very time I joined this Legislature until today, I have not seen any sustainable success stories. The National Party Government did it before we came here, the IFP Government did it when they were leading this House, the ANC Government are now doing it and I really think that it is time we learnt from history.

I would prefer, as I said in an earlier speech, to put SMME development into areas such as hawkers and street traders where people are already acting in entrepreneurial activity and look at other ways to alleviate poverty in a sustainable manner rather than mushroom projects, chicken projects, bean projects where the crops have failed and eaten by mice and so on. I really think that I would really like to request Treasury and the Cabinet to look very, very carefully at where they are spending their money.

Having said that, the ACDP supports the Adjustment Estimates, but we will be having a very close look at the budget in the new budget season and I do not think I am alone, I do not even think it is a political issue. I think across the spectrum of political parties there is a concern about putting our priorities where they should be. People are dying, children have not got the facilities that they need, there is huge debate about sports in schools – how can you play rugby and cricket and have transformation when you do not have fields and these are very basic issues. Thank you. [Time expired]

**THE SPEAKER:** Hon members we will proceed to honourable Mr Gcabashe and the honourable member has...

**MR S J GCABASHE (ANC):** [Siyabonga kakhulu Somlomo. Okokuqala nje ngicela ukuthi ngibonge uSihlalo waleli komidi njengoba sebeke basho abangaphambili ukuthi uwenze kahle umsebenzi wakhe. Ngiphinde futhi ngibongele amalunga onke aleli komidi ekuzinikeleni kwawo ukwenza umsebenzi ngaso sonke isikhathi. Ngibonge istaff kakhulukazi sakwaTreasury ebesininikeza isupport esiyidingayo sonke isikhathi uma sidila nalezi izindaba. Ngokufanayo istaff sethu la ePhalamende isection yakwaLegal, uSecretary ngokufanayo nobaba uKhanyile nomama laba abebelokhu besisiza ngetiye uma ikhanda selibhilitile ngemuva.](#)

Bese ke Somlomo sisho ukuthi kulukhuni kakhulu ukudila nalolu daba ngoba bonke abahlonishwa kakhulukazi abaphethe iminyango njengoba bela balindele ukuthi bathole insonyama ngoba bonke babhekene nenkinga yemisebenzi abayenzayo. Ngebhadi-ke ayikho imali eyenele yokuthi kungakwazi ukuthi kufezeke zonke izifiso zethu njengoba nathi sazi. Kodwa-ke kulokhu okuthe kwavela banikezwa khona kulesi sikhathi sikwemukela kakhulu. Ngizokhuluma laphana nje ngo vote 1 kakhulukazi la sibona khona ukuthi kube khona izinto ezithile ezibekiwe la ekomidini ngesikhathi idepartment ivele phambi kwethu. Okokuqala iconcern ebikade ikhona bekuyilena ka 3.3 million lena ekuthiwa bekungeyokubhekelela kakhulukazi oDG ababangaphambili ekuternatweni kwama contracts abo nazo zonke izinto. Bekuyi concern enkulu kithina ukuthi kufika kanjani kule mali kodwa ke emuva kwencazelo esiyinikeziwe sizwile. Kuzokuba u3 million wezimbizo ovelile nawo kuphinde kuyoba u 12million laphayana wakwa Human Rights Projects ku-include neYouth Commission amaprojects akhona, kuphinde futhi kuzoba u 16,8 million lo esiwaziyo ukuthi uthinta le event ebikhona ye 2010 eThekwini.

Ziningi-ke izinto esingazisho ezimbi ngalokhu kodwa esikhathini esiningi izincazelo ezinikezwayo kungenzeka kube khona abazemukelayo kube khona abangazemukeli. Ngeke-ke sihesitate Somlomo uma kuwukuthi asihambisani nazo ukusho ukuthi lokhu asikwemukeli. Kodwa esikwemukelayo futhi siyokwemukela kodwa bese siyasho ukuthi iDepartment kufanele ibheke kanjani ngesinye isikhathi esilandelayo.

Ku vote 2 laphayana sikhala kakhulu i-issue evelile laphayana ethinta iLegislature yilena yalo 10,6 million we-feasibility study ekufanele yenziwe uma sibhekela this new precinct. Siyazi-ke ukuthi yi-issue lena kakhulukazi amaqembu afuna ukuziveza kuyona amandla awo azinikine azihlikhle enze konke. Kodwa iqiniso lisekutheni isakhiwo esikusona njengoba sisho akusona ngempela esimele umsebenzi esiwenzayo ngakho-ke kufanele kube khona okwenziwayo ukuze sisebenzele endaweni efanelekile. Ngizwile la ekuseni ubaba uMcoyi esho ethi abanye bethu bayobe bengasekho abanye bayobe bekhona kodwa-ke akufuneki sishiye singalungisiwe isimo uma kufanele silungiswe. Bese kuzokuba laphana-ke u7,2 million. Siyawubona-ke lo ukuthi uqhamuka kule process ye-Public Participation. Nayo futhi eye ibe nomsindo kakhulu kodwa uma ubheka ngaphandle isidingo salokhu sibalulekile siyabonakala.

Bese-ke ngiya laphana ku vote 3. Mabili ama-issues khona engifuna ukudila nawo. Eyokuqala yilena yoMjindi Farm. Sasi-understanda ukuthi iDepartment isizwe kahle uma

sithi kungcono ivalwe inga fundwa nje ngendlela ebifundwa ngayo kodwa-ke kuthe noma sibona ukuthi akwenzekanga lokho kuphinde kwaba khona imali ekhishwayo wasichazela uHead of Treasury ukuthi kwenzeke kanjani ukuthi bafinyelele kuleso simo engicabanga ukuthi kufanele ukuthi sikwemukele kodwa bese sisho-ke ukuthi esikhathini esizayo kufanele izinto ezinjengalezi zigwemeke uma zingagwemeka. Kuzoba no 14 million laphayana ngaphansi kwawo uvote 3 lo we-Agricultural Disaster Management, okuyiyona-ke lena ebesicabanga ukuthi ibalulekile ngoba phela ibisupporta lawo ma farmers ahlukumezeka ngesikhathi kukhona lesi simo esibhekene naso. Kodwa-ke sibonge ukuthi idepartment ngempela ikwazile ukuthi ihlale phansi i-embarke kwistrategy sokubuka ukuthi izoyi prioritisa kanjani ibudget yayo kunokuthi iexpecte ukuthi kunezimali ezizoqhamuka through i-adjustment ziyisize. Uma ubheka-ke bekwenzile lokhu kuyatshengisa ukuthi ikhona indlela eya phambili siyacabanga ukuthi-ke lokhu-ke kuyosilungela.

Bese-ke ngiphuthuma laphayana-ke la impela iconcern yami ikhona kakhulukazi kuvote 5 ye Education. Ngiyavumelana impela nabafowethu abakhulume ngaphambi kwami ukuthi siyizwile i-explanation esiyinikezwayo ikakhulukazi kodwa kukhona la sikhala khona kakhulukazi ekubhekelelweni kakhulukazi kwalaba bantwana abazofeyila umatric, yindaba yama FET colleges siyacabanga ukuthi noma ngabe lenzeka leli phutha esilitholayo ukuthi kwi MINMAC nationally ama MECs ethu angakwazi ukuthi aluthathe masinyane lolu daba alubuke. Siyocela ukuthi luphindiselwe emuva lubukwe ngendlela efanelekile ngoba ngeke sathanda ukuthi ekuqaleni konyaka sizithole sesibhekana nenkinga yokuthi akusasebenzeki. Laphayana ku vote 12 sikhala kakhulu khona ngoba noma yafika imali ye Disaster ekuzameni ukusiza kulezo zingqalasizinda ezalimala kodwa uma ubheka laphayana idepartment of Transport ayiyitholi imali yokuthi ibhekane nale migwaqo efola ngaphansi kwayo as iprovince from le mali eyayivele enational, lokho-ke okudala ukuthi isimo singabuyeli endleleni efanelekile njengoba kade sicabanga. Siyacabanga-ke ukuthi mhlawumbe emveni kwesikhathi iyobhekwa. Idepartment-ke yakwa Health kakhulukazi ingaphansi kwengcindezi enkulu yokuthi ibhekane nenselelo ebhekene nayo. Umhlonishwa la ngaphambili obekhuluma uRajbansi ushilo ukuthi kwesinye isikhathi akukhona ukuthi amadepartment asebenzisa izimali budedengu kodwa kungenxa ye growth ekhona ngaphakathi kumadepartment nezinkinga abhekene nazo. Siyethemba-ke ukuthi nalokho futhi kungenzeka ukuthi kubukelelwe ikakhulukazi mayelana nento ye-infrastructure nendlela eqhamuka ngayo

indaba yama grants lawa aqhamuka nationally bese kwesinye isikhathi uthole ukuthi kuba khona izinkinga laphaya nalaphaya. Kunodaba-ke oluthandwa kakhulu la lwama one-stop-shops vs multipurpose centres laphayana ku vote 14. Bengithi-ke lolo daba lucaciswe kahle sathola ukuthi ikhona iplan ekhona kwidepartment yokudila nalolu daba kodwa uma sekufika kithina idepartment yakwa Local Government yabe isisho izinto ezingahambisani kahle-hle ncimishi, yikhona-ke sicela ukuthi socela ukuthi la madepartment ahlngane asinikeze into eyodwa ebambekayo ukuze sikwazi ukubhekana nalesi simo phambili kodwa-ke siyayi supporta injengoba inje le adjustment.

Thank you.

**THE SPEAKER:** Thank you hon member, Mnguni. Hon member Nomndayi Msomi.

**MR B J MSOMI (UDM):** Thank you, Mr Speaker. I don't want to repeat myself on what I said yesterday, but it is important for me to say that I feel pity for those departments which have asked for more but their requests could not be met. Here I am talking about the departments like Arts, Culture and Tourism and Sports and Recreation. Especially these departments they touch base with the grassroots and they do have clear, clear business plans.

As far as Sports and Recreation is concerned, I must say that I was lucky yesterday because I did have an opportunity to discuss this issue with the honourable MEC, Dr Zweli Mkhize and he did explain to me that the more money that the MEC for Sports was asking is sitting with the Education. But I checked with the MEC here but he is saying according to the information that he has Education is saying they have got absolutely nothing in their coffers for this programme. So, I would love, MEC, if you can come out and explain what is the position, what is the situation, because this department is dealing with our kids and we know what sport can do for our kids since most of them are involved in drugs, [ezintweni zonke](#) crime and what not.

If we involve more youth in sport I think we can alleviate a number of problems.

[Uma sidlula Sihlalo](#), I don't know what is happening because if we see Vote 1, is treated differently if you compare it with other departments. Whatever they ask for they just get it and.... [Ngisho kanjani? Mnguni uma ngizokuphendula Mnguni ngemvume kaSpeaker, sikhuluma la ngeYouth Commission](#). The Youth Commission did not have a plan, did not

have anything. They are not even a public entity but a huge sum of money has been into Human Rights [ukuthi ikwazi ukusiza iyouth](#) and the question is why it is so? Because it is not happening in other departments. How can you put imali kwenye iprogramme for something else? [So ngisho ukuthi-ke Somlomo kubalulekile ukuthi lezi zinto sizibheke ngoba](#) we are very much aware [ukuthi iyouth](#) will soon become a public entity where they will be able to administer their funds and what not but already they are enjoying enye into I don't know what is happening. Because [imali abayisebenzisile](#) without a business plan is almost 10 million. That is a million dollar question [ukuthi](#) how such a unit can get so much money yet it was not budgeted for. [So Somlomo bengicela-ke ukuthi mhlawumbe uma iTreasury ingazibheka lezi zinto ngoba uma ukhuluma nje ngeDepartment of Arts, Culture suyazi ukuthi yenzani and siyazi futhi ukuthi isisiza kanjani emakhaya. So ngalawo magama Somlomo ngizoyisekela iBill ekhona kodwa ngisho ukuthi ngingajabula](#) if these grey areas can be attended to.

Thank you.

**THE SPEAKER:** Thank you, hon member, Mr Msomi. Let us proceed to the hon member, Mr Krog, for seven minutes.

**MR J KROG (DA):** Thank you, Mr Speaker. The major adjustment raised in this Bill, totalling R636 087 million excluding the rollovers, is for the 1.5% higher than anticipated wage settlement after the civil service strike. As a result of this increase, the Health budget is adjusted by R221.8 million. The Education budget is adjusted by R156 million. The Social Welfare budget is adjusted by R5.7 million. The Royal Household budget receives R875 million.

The question immediately arises, how does the other department finance the higher than expected wage settlement? It again points to various members of the Finance Committee pointing out that insufficient details, insufficient accuracy is given to budgeting in this provincial legislature.

The question also arises, why is the Education budget to implement this 1.5 wage increase, only adjusted by 156 million while this compensation is double that of Health, 221.8 million goes to Health. I concede that there were other allowances taken into account when this settlement was reached.

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Compensation for employees in Education is R14.8 billion, approximately 80 000 employees and educators. Compensation in Health is half of that, R7.7 billion.

What becomes worrying is that Education in KwaZulu-Natal, as many of the previous speakers have said, is funded nationally and provincially to the tune of the second worst of all our nine provinces. That is not taking into account the backlogs that exist, the rural nature of our province and the topography and access to our schools. Of the 6 000 schools in KZN, 1 100 buildings are of wood and mud or just wood or corrugated iron or asbestos. The conditions of the brick and mortar buildings need drastic maintenance. Education employs more staff than all the other departments put together. Education's compensation for employees is far in excess of all the other departments put together.

The priorities of this Adjustment Estimates and in fact of the main budget is wrong, the baseline of Education, as previous speakers have said, must be increased in future for KwaZulu-Natal to obtain its targets.

Another reason must be that Education is making a serious attempt to enforce the no-work-no-pay principle, but as a result of the Government not acting seriously to stop intimidation and threats against educators who wanted to teach even those that threatened are now claiming in affidavits that their life was endangered. 45 000 affidavits are being considered – very few will not succeed in law.

I made a calculation of all the departments' recovery if half of the staff went on strike in the no-work-no-pay situation. This Government would have had R660 million to deal with if that principle had been in force – R660 million, I repeat.

Education was also forced to put in place programmes to catch up the lost time for the learners. Cabinet probably approved this. 324 million to ensure good matric results was spent by Education. Nothing is provided for that in this Adjustment Estimates.

Health estimates R2 million recoveries for no-work-no-pay. It should be R213 million if only half of the Health workers went on strike.

Looking at this crisis in Education, the Premier's budget baseline increasing 285% over the last three years from 140 million to nearly 400 million does not make sense.

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Agriculture receiving 44 million to build mushroom capacity at Cedara, which is not a traditional food of KwaZulu-Natal, nor has nutritional value, and for the last two years overspent its budget by approximately R100 million per annum without having vouchers for most of that expenditure.

Administration costs in the delivery department of Agriculture, where delivery should be primary target, the administration part of that budget has increased threefold to R222 million and they cannot spend their conditional grants.

We adjust R13 million for a feasibility study on a new parliament after spending millions on *The Witness* building and there remains 1 100 schools of mud, wood and corrugated iron. It does not make sense.

The Premier spends R200 million on his luxury offices over the last three years and he gets another R8.8 million for refurbishment in this adjustment. We cannot agree with that, our priorities are wrong. The Finance Committee has said this over and over, prioritise education of youth in schools, do not condone over-spending of the Youth Commission of more than R5 million, treat all over-expenditure in the same way, it is not allowed in terms of the PFMA. I so move. Thank you, Speaker.

**THE SPEAKER:** Thank you, hon member, Mr Krog. We then proceed to the hon member, Mrs Scott and the member has seven minutes.

**MRS B F SCOTT (Chairperson of Portfolio Committee on Finance and Economic Development):** Mr Speaker, hon members, the ANC are full of good Christmas cheer today, we have got it early because we thrashed the IFP in the Mhlathuze Municipality, an award that used to be theirs. So we are very happy and we are ...

[Interjections]

I am talking about Mhlathuze.

The Adjustments Estimate before us today is extremely comprehensive. I just want to raise a couple of issues and it is an issue being raised by our hon Minister of Finance at national level and I just wanted to turn to the Adjustments section in the PFMA, to Section 31(2), where basically an Adjustments budget is for unforeseeable and

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unavoidable expenditure and for shifting funds between Votes and if more money becomes available at National level.

Now, in this Adjustments period more money did come from national level and this was for the unanticipated increase in wages for our public servants and we were reimbursed, but I have to say, on reflection on our Adjustments, that a lot of the things that we have given additional funding to were not unforeseen and I do not think this is just a fault of this province, I think it is a fault even at National level and other provinces, but I think that we need to look at a better budgeting process. What we found during this financial year or during the mid-term reviews was that there has been a realignment of budgets by quite a few departments by mid-year – Economic Development, the Premier's Department, Agriculture we did know about – and a realignment of budgets and massive virements is nothing more than an indication of bad budgeting, where departments are incapable of budgeting properly at the beginning of a financial year.

Now that we are a mature government, I really think that we need to look at honing in on our budgeting skills in our departments so that when the House passes the blue book at the beginning of the financial year, we are actually passing something that is fairly reliable that is going to be spent during the course of that financial year.

Other things like unbudgeted items is also something that creeps in, it is not as bad this year as last year so there has been an improvement in that regard, but the other issue and it has already been picked up by my colleague, hon Gcabashe, is the issue of unfunded national mandates. We had this discussion together with our Head of Treasury on Wednesday and we can blame National for the unfunded mandates, but the thing is that our MECs sit in MINMEC when these unfunded mandates are tabled and why isn't anything said? If we are going to accept an unfunded mandate, I think that it is the responsibility of our Executive to ensure that there are National funds available for that mandate within the current financial year because where is Provincial Treasury supposed to find that money?

Two very, very clear examples came out in Education. One was the FET College and the other one was the curriculum change, both of them policy changes that occurred mid-year, the one in the beginning of the financial year, but after the budget had been passed and one was mid-year.

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Now unless there was money that was guaranteed from national level, it is a bit rich to expect the provincial Treasury to somehow find this money and it is a lot of money.

I need to talk about Education though because even though we are dealing with these unfunded mandates, we are dealing with rural problems. The one is learner transport, is that whether we like it or not, we have to fund kids getting to school, it is a reality. The other one is the curriculum change. You know we have now got this curriculum change where children can rewrite their Natal Senior Certificate. We cannot have a situation where our failed matriculants cannot. Boarding schools, you know where people are not able to stay in boarding schools and also the implementation of the FET Act where colleges are likely to collapse because of lack of funding.

I know these are big budget items. I am going to put Education to the side and talk about some of the big budget items and Health. The one obviously is the rollout of ARTs in this province and I mean that is an absolute critical need. The other major spending pressure in Health is our TB crisis and we really were quite appalled to learn of the state of the forensic laboratory services, it has been raised by another member, but it is quite scary, the state of our mortuaries and I mean these are things that affect our people on the ground and obviously with the cost of living increases, the first thing that goes up is the cost of medicine.

So even though we do not have this money readily available in our budget right now, these are issues that are not going to go away, they are going to be with us at the end of this year, they are going to be with us when we hit the budget for 2008/2009 and they are going to be with us for the rest of our term here and we have got to look at a way of funding these spending pressures during the MTEF period that remains. There just has to be a way to fund these.

I know that that is going to require hard decisions, because in order to fund these you have got to take money from somewhere else, we have to look at our own coffer to see where we can get this money from and we have to where some programmes people might think it is important, is it as important as these? I think that that is a question that we have to ask ourselves, what are our spending priorities, what do we want to deliver as a province to our children, to our sick people, to our disabled? It might be nice to have all these other things, but are we able to afford it right now? I think that it is a

policy debate that we all maybe need to engage in very, very seriously as a province because there has to be a budget realignment provincially, not just within budgets. [Time expired] Thank you.

**THE SPEAKER:** Thank you, hon member, Mrs Scott. We now give the opportunity to hon member, Dr Mtshali who has eight minutes.

**DR L P H M MTSHALI (IFP):** Mr Speaker, the very good economic reasons given by the MEC for Finance and Economic Development as an excuse for most instances of appropriation are too often a mere codeword for profligacy, poorly placed priorities and, on the whole, rather bad economic reasons. It is on these grounds that the Official Opposition will oppose most of the programmes in certain Votes.

Let me get straight to the point. Office of the Premier, the projected over-expenditure of R9,9 million attributed to service delivery projects and transverse communications initiatives will not be supported by the Official Opposition. Funds that were placed on the budget estimates for *izimbizo* and other initiatives which do not contribute to changeable service delivery to desperate starving communities and those infected and affected by HIV/AIDS and opportunistic infections. The Official Opposition will not support additional funds for allocation to the Human Rights division to promote the Youth Commission extravaganza, seeing that legitimate public entities such as the Provincial House of Traditional Leaders, remain unbudgeted for.

As far as Vote 2 is concerned, the additional amount of R10,6 million to fund the costs of the feasibility study for the proposed Legislature complex will not be supported by the Official Opposition. The IFP's feasible position is an outright rejection of an additional Legislature complex, given the existence of two adequate venues currently available to the KwaZulu-Natal provincial Legislature. Over-expenditure anticipated in respect of public participation will not be supported by the Official Opposition because Taking the Legislature to the People, the Workers' Parliament, the Women's Parliament and the Youth Parliament have all opened the flood gates for sleaze and failure on the part of this Legislature to account for expenditure by means of supporting documentation.

Vote 3: The allocation of R8.4 million to Mjindi Farming was not appropriated by this House as part of agricultural development services. The Official Opposition therefore will not support this adjustment estimate to rectify what we see as a serious violation of

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protocol and responsibilities of this House.

Vote 4: The Official Opposition has a problem with the slow uptake of co-operatives and we shall therefore not support money being allocated.

Vote 6: The IFP's principled position is that the allocation of additional funds in the adjustment estimates to cover the feasibility study about the provincial government precincts will not be supported. The Official Opposition confirms that the political debate has not taken place in this House on issues of desirability and feasibility of such ambitious projects that do not have a direct bearing on service delivery in the province,

Local Government: The mid-term expenditure review reflects a projected over-expenditure due to some extent to the delivery of houses for amaKhosi. Our principle position is that the provision of housing for amaKhosi is not a priority. On the contrary, the funding of the House of Traditional Leaders as a public entity is urgent in compliance with Schedule 3 of the PFMA.

Transport: The Official Opposition will not support the transportation programme on accountable transfer of R24 million as a once-off injection to the eThekweni municipality to signage with public funds and inefficient and poorly administered private concern, trading as Durban Transport.

Hon Speaker, having said all these, the Official Opposition hopes the MEC for Finance and Economic Development will use his speaking time in response to elaborate just how good the economic reasons he has given for these instances of appropriation really are. I can assure you that these reasons are far from either good or economic. They are purely political.

Somlomo baba, kunodaba lapha oseluphinde lwahlala ezithebeni zale Ndlu. Wudaba lokusaphazwa kwemali engabe ithuthukisa abantu belambile emnyangweni wezoLimo. Kunenkinga eyesabekayo, kunenhlekelele eseyehlele le Ndlu yakho ehloniphekile. Kuthathwa izimali kuthengelwe iNhloko yomnyango imoto yakwanokusho. Kwaqala kule nhloko eyaqala igwiliza yagcina iminzile. Waphinda umasumba kule Nhloko okuthe kungakapholi ngisho amaseko, ingakabi nasinqe ezinyangeni ezintathu ivela lapho eyayivela khona ilandelwa zishishili ngemumva ziyiweza ziyiwezela kwaZulu. Ngisamile njengoba isifikile nje, sezimbili Somlomo izimoto esezithengiwe. Kuvelaphi lokhu

ukuthengela iziNhloko zeminyango izimoto ngezimali zomphakathi zibe iziNhloko zeminyango zemukela emaholweni azo isihlinzekelo sokuthenga izimoto. Kuvelaphi lokhu ukuba kuqashwe umshayeli? Kwaqala kuleya ndoda eyagcina iminzile, yavela ngokucoca kuhle kwezibongo zamaKhosi, sekusiphindile-ke futhi sihlaba inhlabamkhosi sithi hawu bakwethu, mphakathi wakwethu kwaze kwahlushekwa kulo mnyango wezoLimo ngoba naleNhloko ekhona iyaphenywa abammeli. Yehheni siyababaza, ngiyabonga.

**THE SPEAKER:** Hon Acting Premier and Leader of Government Business, MEC for Finance, can you please respond to the debate for 15 minutes?

**DR Z L MKHIZE (MEC for Finance and Economic Development):** Thank you, Mr Speaker. Just let me apologise to you and the House for the mix-up that I got into this morning which ended up with me delaying to come to the House. I do apologise to the House and the Chief Whip and my colleague for assisting to deal with the issues. I see you enjoyed the debate?

I will just touch on some of the issues without going specifically to the members who have raised them, because there have been quite a number of issues that have come up quite strongly. One of those issues refers to the determination of salaries of public entities. I just want to say, for purposes of this discussion, that yesterday I indicated that I want to look into this matter and I am still in that process.

What I have just picked on of course is that the approach generally to all these public entities has been the fact that they have used market research to try and benchmark for themselves where they should be located in the salary stratum and as a result therefore Ithala has used what they call the P/E market pricing model and that is what they have used to determine this and the figure we saw, added to it is the bonus that has been awarded by the Board. They have gone through the Board and the Board has made those recommendations through their Human Resource Committees in line with the normal governance of bodies of this nature and TIK used Deloitte & Touche and the Growth Fund also used the same company and the Dube Trade Board used what they call the Hay Guide Chart and the profile method of job evaluation.

I am still having a look at these then maybe we will also pick up the discussion at a particular level with the Portfolio Committee. I think the issues here are not so much the

process as to disagree. [Interjections] Yes, I would like us to go through the comparisons. I actually do have the report, Mr Burrows, we will have time to discuss it, I have just received it.

The other issue that I just wanted to get rid of is these allegations and insinuations that this government is so corrupt, it has also been sort of covering up. It is always a bit ... [Interjections] Yes, you know, hon member, I just want to indicate that the legal opinion of this legislature which I think should be your guide is actually seeing that in this case you should not really be insisting on the report. [Interjections] That is something that I think the hon Dr Mtshali also needs to read and take into account so that the allegations that we are trying to gag the Portfolio Committee, which I think are quite unfounded, would be put to rest and of course the hon Burrows made a statement – I do not actually ever recall myself saying to anybody he must go to hell and I am saying that that is a bit of an exaggeration of the interpretation, in fact I do not accept it and I hope that your next press statement will be in line otherwise ... [Interjection.] Because some of the problems arise here because some of the members still want to keep some officials as sources of information and in this case of the forensic report I think the matter was clear. It is a matter of just saying that because the matter is being investigated, we will then deal with it. Indeed some members have actually been getting memos from officials and therefore they start making wild allegations and the result of which the hon member was actually forced to make an apology and I think it is just fair for us to say we need to just be careful on those. However, the issue was different, the forensic report is a different matter. It is a matter which we use for investigation and I think members must respond better. Of course when we think that there are different circumstances, we need to deal with it differently, but we have worked on this thing and it is quite contrary to what has been done in the previous session of government, when the Department of Education running a series of disclaimers and there was not even a single action and no member was actioned. [Interjections] In five of those disclaimers, there was not even a word to say, "Please do not do that again", nothing, nothing!

Today, now people are very vocal, saying yes there is a cover-up and we are the only province actually where you have got deteriorating audit outcomes and that we take action and investigate and inform and take action on the officials concerned. However the same members were part of that government and they were quite smug about it and today suddenly they are the "holier than thou" and hon Burrows was one of them.

[Interjections] Well, I want to assume that on the issue of transactional advisers, the basis for the request to implement has been explained. What the issue is, we are disagreeing with the principle of actually establishing this precinct, I think that is what the issue is about.

Well, I will understand the IFP because they have always been consistent. They do not want to see this new Legislature being built. That issue was settled in Ulundi in the Legislature. We cannot go back to it so if you are opposed to it, we understand, we cannot do anything about it.

I do not understand the DA because the DA was with us when we took the decision to come to Pietermaritzburg and then when they have a problem of the challenge of this House, we need more accommodation for these members, we cannot make any alterations in this building, but the point is that we need space in this House and DA, you must decide what you want in life. If you argue in the same way the IFP has been arguing, you must be upfront and ... [Interjections] Well, it was pressure that has made you decide, it was pressure. You know you have always been sort of vacillating. When it is good, you want to hammer the ANC, when it is bad, you also seem to be aligning with the IFP. You must be clear where you stand, DA, you must be decisive. I leave you on that issue. You can never change this decision.

The issue of the schools sports, I want to also just say as my colleague, Raj, has indicated, what the members have said about the importance of sport in social development, it cannot be overemphasised. In the case of what colleague Raj has spoken of, we have discussed the matter with him. He is concerned that he is forced to withdraw because of the lack of budget. There is a Service Level Agreement between Education and Sport which makes it difficult to take money which has already been budgeted for in Education, but what we have then done, I have actually instructed the Heads of Department to go and move that money so that they can deal with this thing. The problem is good, we understand it, there is no issue and it is a question of us having to discuss the issue in terms of what happened. If there was confusion at National to say that this thing must be done this way, we need to then work together, collaborate and make sure because it is a programme of Sports and therefore Sports and schools, it must just be worked on. It must succeed, but the technical issues I think we must deal with administratively.

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The issue of forensic pathology, the MEC has assured us that they will be doing their best to try and accelerate the expenditure. It is a problem again that the jurisdiction of the Department of Health is limited because currently all the mortuaries are with the police and unless they find new space where they can rebuild the mortuaries, that is what is causing the delay. So it is not a question of inefficiency or anything, it is just that they have got to deal with that issue.

I must say that we do understand and sympathise with the concern about Education. It is an issue we have to discuss on an ongoing basis. Of course at the moment it boils down to the question of trying to balance the priorities and that is what we are trying to do and it is not a question of us not realising that there is more and more a need for us to invest in Education and of course the limitations is the envelope which is what we are trying to deal with.

That some of the members have started attacking the Growth Fund, I am finding it very interesting to see that some member was saying, "Well we should have moved the Growth Fund", but last year when we did the same, other members were saying, "Why are we moving this money?" So again I think that it is a situation of you damned if you do, and you are damned if you do not do it, but at the end of the day I think we share the concern about the need to deal with Education, I think we all are concerned at that level.

The issue of Vote 1, well somebody says they get all they ask for. Well you must come and look at the submissions for the budget allocations for next year. Then you will be able to see that in fact what has happened now is nothing compared to the plans that departments have that we are not able to fund.

Insofar as the Youth Commission is concerned, I do not agree that we are dealing with an extravaganza, as my hon member has said, but there was a business plan, as far as we understand that was submitted to the relevant portfolio committee and we think that if the expenditure is not going according to that process, then of course we need to hold the responsible department responsible for that and we will follow it up and see what is happening.

I do not believe that we are not giving adequate information, as one member has indicated. I think though that if members feel that you need additional information, we are always open, we will always share that and make it available. It is your job, as

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members, to ask for information. It is our job to provide and where you are not happy, we are actually always happy to come and discuss.

The issue of the budgeting challenge that has been raised, well it is quite a serious challenge. You know, when it comes to this time of year, all departments would like to get a top-up and it is not always possible to do that, but the debate around the issue of budgeting, particularly if you look at some people who talk about the unfunded mandates from national, it is a question of being able to balance Provincial allocation with National priorities. You cannot always get it right and they will also have Provincial priorities. So we have had this debate, very, very strong discussion at national level. It has made us to come to a point where we are seeing a trend to increase conditional grants coming from National because of this kind of difference in looking at issues. In fact while there is no conditional grant, we have now got a new phenomenon which is called non-discretionary allocations which is a different way of saying that these are conditional grants. Therefore we think this is a debate we have to talk about.

The problem which I was alluding to earlier, about the budgeting challenges, a number of departments sometimes not spending as they should, there is a difficulty in aligning the plans as well as the expenditure and we have been dealing with this thing on an ongoing basis, in fact it is so serious, it has been a concern even from a National Treasury point of view, that there has now been a proposal for a two year budgeting cycle because of real issues. Now it is not like it is a proposal for discussion now, I am simply saying that the concerns are a thing that, you know we are looking for solutions as it were.

The one on Durban transport, again I just want to say that there is a problem that we have to deal with as this province and that is the issue of school transport. Now my colleague is working on that matter together with the Minister for Transport. What happened in Durban, the transport operators reported that the numbers of passengers had started increasing above the subsidy levels and at some point they felt the pressures coming from the school children because they were not subsidised and all of a sudden we were faced with a situation where when the examinations were starting, the operators were saying they could not manage. So they stopped taking the school kids to school and of course this was now when the exams were starting and then we ended up

with an emergency allocation which I had to do on the basis of the provision of the PFMA to make sure that we do not have the schools stopping as it were.

Now we have got to discuss this matter so that in the coming years we must begin to bring in the issue of school transport, but to be honest I must warn the members that the requirements for that is more than what our budget might be able to carry. So how we are going to start? We are going to wait for the guidance of the MEC for Transport and Education so that we can begin this process, but again it is an objective problem that all of us are concerned about, that it is not because it is a special favour made to any members of the Durban transport operating group. [Time expires.]

So thank you very much and I wish to request hon members to support the Bill. Thank you very much.

**THE SPEAKER:** Thank you, hon MEC, Acting Premier. Members, we have now concluded the debate on the Adjustments Appropriation Bill. We will now begin the long road of voting. I want to give notice in advance and report that I have received a letter from the DA, in which they have indicated that they will be calling for a division on Vote 1, Programme 1; Vote 2, Programme 1; Vote 3, Programme 1; Vote 6, Programme 5.

I further wish to give notice that the IFP has written, indicating that they will be calling for a division on Vote 1, Vote 2, Vote 3, Vote 4, Vote 5, Vote 6, Vote 7, Vote 8, Vote 11, Vote 12, Vote 13 and Vote 14.

I am making mention of that because these letters came in time in accordance with the Rules.

We are now therefore going to proceed with voting and I do indicate that when we come to the particular programme for which a party has indicated that they will ask for a division, I will still expect that in terms of the Rules, a person calling for a division will rise and will get the necessary support of not less than four members, as we go ahead. We then proceed.

We will begin voting with Programme 1 of Vote 1. An amount of R6 528 000 is being asked for. Will those who support the amount, say "Aye".

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it say “No”.

**HON MEMBERS:** No.

**THE SPEAKER:** The “ayes” have it. Yes, Mr Keys?

**MR R E KEYS (DA):** I rise to call a division on Vote 1, Programme 1, Mr Speaker.

**THE SPEAKER:** May I see whether there is enough support for that call for a division? There is enough support there for a division on that Vote. I intend going through the voting and subsequently after all the voting is done, to then go on to the division processes.

Programme 2 of Vote 1, R10 617 000 is being asked for. Those who support it, say “Aye” .

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say “No”.

**HON MEMBERS:** No.

**THE SPEAKER:** The “ayes” have it. Hon member, Dr Mtshali?

**DR L P H M MTSHALI (IFP):** Hon Speaker, I will call for a division on Programme 2.

**THE SPEAKER:** There will be a call for a division on that programme. May I see if there is enough support to that effect? There are enough members in support in terms of the Rule and therefore there will be a division on that one.

Programme 3 of Vote 1, an amount of R27 285 000 is being asked for. Those who support the amount, say “Aye”.

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say “No”.

**HON MEMBERS:** No.

**THE SPEAKER:** The “ayes” have it. Hon Dr Mtshali?

**Dr L P H M MTSHALI (IFP):** Hon Speaker, I will call for a division on Programme 3.

**THE SPEAKER:** May I see if there is enough support for that? There is enough support there will therefore be a division on that. I now call for the total amount for Vote 1. An amount of R54 437 000 is being asked for. Those who support the amount, say "Aye".

**HON MEMBERS:** Aye. Those who oppose it say "No".

**HON MEMBERS:** No.

**THE SPEAKER:** The "ayes" have it and therefore that Vote has been passed.

We proceed to Programme 1 of Vote 2. An amount of R17 331 000 is asked for. Those who support the amount, say "Aye".

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it say "No".

**HON MEMBERS:** No.

**THE SPEAKER:** In my view the "ayes" have it. Hon Mr Keys?

**MR R E KEYS (DA):** Thank you, Mr Speaker. I rise to call a division on Vote 2, Programme 1.

**THE SPEAKER:** There is a call for a division - may I see the support for that? There is enough support there will therefore be a division on that Programme. Programme 2 of Vote 2, an amount of R123 000. Those who support it, say "Aye" [Aye]. Those who oppose it say "No" [No]. The "ayes" have it. Hon Dr Mtshali?

**DR L P H M MTSHALI (IFP):** Mr Speaker, we call for a division on Programme 2.

**THE SPEAKER:** May I see the support for that call for a division? There is enough support for that division, there will be a division on that.

Programme 3 of Vote 2, an amount of R21 714 000 called for. Those who support it, say "Aye".

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say “No”.

**HON MEMBERS:** No.

**THE SPEAKER:** The “ayes” have it. Hon Mr Keys?

**MR R E KEYS (DA):** Mr Speaker, I rise on Vote 3, Programme 1 and I call a division.

**THE SPEAKER:** Vote 3, Programme 1?

**MR R E KEYS (DA):** Vote 3, Programme 1.

**MR R M BURROWS (DA):** No, he is on Vote 2, Programme 3.

**MR R E KEYS (DA):** Oh.

**THE SPEAKER:** Mr Keys, can we be at the same item that I am addressing. I am addressing Programme 3 of Vote 2. [Interjections] Therefore the “ayes” have it and that Vote has been passed and oh, let me call for those who support the total vote of R38 922 000. Those who support it, say “Aye”.

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it say “No”.

**HON MEMBERS:** No.

**THE SPEAKER:** The “ayes” have it and therefore that Vote passes.

We then proceed to Programme 1 of Vote 3. An amount of R77 179 000 is called for. Those who support it, say “Aye”.

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say “No”.

**HON MEMBERS:** No.

**THE SPEAKER:** The “ayes” have it. Hon Mr Keys?

**MR R E KEYS (DA):** I think we are now on the same page of the hymn book, Mr Speaker. I rise to call a division on Vote 3, Programme 1.

**THE SPEAKER:** May I see support for that call for a division? There is enough support, there will therefore be a division on that one. We now proceed to Programme 2 of Vote 3. Those who support that amount of R38 993 000, say "Aye".

**HON MEMBERS:** Aye.

**THE SPEAKER:** Hon members, we are voting and I expect us to indicate what our vote is. Will those who support the amount of R38 993 000, say "Aye".

**HON MEMBERS:** Aye.

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

**HON MEMBERS:** No.

**THE SPEAKER:** The "ayes" have it. Hon member, Dr Mtshali?

**DR L P H M MTSHALI (IFP):** Hon Speaker, I rise to call for a division on Programme 2 of Vote 3.

**THE SPEAKER:** May I see support for that call for a division? There is enough support. There will therefore be a division. Let us proceed to Programme 3 of Vote 3. An amount of R17 077 000 is being asked for. Those who support it, say "Aye".

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say "No".

**HON MEMBERS:** No.

**THE SPEAKER:** The "ayes" have it.

Programme 4, there is no amount here. We then proceed to call for a vote on the total amount of Vote 3 and that is the amount of R56 063 000. Those who support it, say "Aye".

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say “No”. The “ayes” have it, that Vote has been passed.

Let us proceed to Programme 1 of Vote 4, there is a request for R6 911 000. Those who support it, say “Aye”.

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say “No”. The “ayes” have it.

Programme 2 of Vote 4, an amount of R170 689 000. Those who support it, say “Aye”.

**HON MEMBERS:** Aye.

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

**HON MEMBERS:** No.

**THE SPEAKER:** The “ayes” have it. Hon Dr Mtshali?

**DR L P H M MTSHALI (IFP):** Hon Speaker, I rise to call for a division on Programme 2 of Vote 4.

**THE SPEAKER:** May I see the support for that call for a division? There is enough support and therefore there will be a division on that Vote. Programme 3 of Vote 4, an amount of R250 675 000 is being asked for. Those who support it, say “Aye”.

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say “No”. The “ayes” have it.

Programme 4 of Vote 4, an amount of R766 000 is being asked for. Those who support it, say “Aye”.

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say “No”. The “ayes” have it.

Programme 5 of Vote 4, an amount of R663 000. Those who support it, say "Aye".

**DR L P H M MTSHALI (IFP):** Hon Speaker, could I crave your indulgence?

**THE SPEAKER:** Yes, hon Dr Mtshali.

**DR L P H M MTSHALI (IFP):** Could I rise and request a division on Programme 4 of Vote 4?

**THE SPEAKER:** There is a call for a division on Programme 4 of Vote 4. I see the necessary support for that call for a division. There is enough support. There will therefore be a division.

Programme 5 of Vote 4, an amount of R663 000. Those who support the amount, say "Aye".

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say "No". The "ayes" have it therefore the amount is passed.

Total amount for Vote 4 is R84 million. Those who support it, say "Aye".

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say "No". The "ayes" have it, that Vote has been passed, we can go to Vote 5.

Programme 1 of Vote 5 is R56 507 000. Those who support it, say "Aye".

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say "No". The "ayes" have it.

Programme 2 of Vote 5 is R98 705 000. Those who support it, say "Aye".

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say "No".

**HON MEMBERS:** No.

**THE SPEAKER:** The “ayes” have it. Hon Dr Mtshali?

**DR L P H M MTSHALI (IFP):** Hon Speaker, I rise to call for a division on Programme 2 of Vote 5.

**THE SPEAKER:** May I see the necessary support for that call for a division? There is enough support. We therefore have a division on that.

Programme 3 – no amount. Programme 4 of Vote 5, an amount of R25 118 000. Those who support it, say “Aye” .

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say “No”. The “ayes” have it.

Programme 5 of Vote 5, an amount of R26 443 000 being asked for. Those who support it, say “Aye”.

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say “No”. The “ayes” have it.

Programme 6 of Vote 5, an amount of R1 034 000. Those who support it, say “Aye”.

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say “No”. The “ayes” have it.

Programme 7 of Vote 5, an amount of R1 915 000 is being asked for. Those who support it, say “Aye”.

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say “No”. The “ayes” have it.

Programme 8 of Vote 5, an amount of R51 350 000 is being asked for. Those who support it, say “Aye” .

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say “No”. The “ayes” have it.

The total amount for Vote 5 is R260 079 000. Those who support it, say “Aye”.

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say “No”. The “ayes” have it.

Let us proceed to Programme 1 of Vote 6, an amount of R7 351 000 asked for. Those who support it, say “Aye”.

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say “No”. The “ayes” have it.

Programme 2 of Vote 6, an amount of R347 981 000. Those who support it, say “Aye”.

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say “No”. The “ayes” have it.

Programme 3 of Vote 6, an amount of R2 862 000. Those who support it, say “Aye”.

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say “No”.

**HON MEMBERS:** No.

**THE SPEAKER:** The “ayes” have it. Hon Dr Mtshali?

**DR L P H M MTSHALI (IFP):** Mr Speaker, I rise to call for a division on Programme 3 of Vote 6.

**THE SPEAKER:** Thank you. Let me see the support for that call for a division. There is enough support therefore there will be a division.

Programme 4 of Vote 6, an amount of R7 254 000 is being asked for. Those who support it, say “Aye”.

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say “No”. The “ayes” have it.

Programme 5 of Vote 6, an amount of R259 585 000 being asked for. Those who support it, say “Aye”.

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say “No”.

**HON MEMBERS:** No.

**THE SPEAKER:** The “ayes” have it. Hon Mr Keys?

**MR R E KEYS (DA):** Mr Speaker, I rise to call a division on Vote 6, Programme 5.

**THE SPEAKER:** May I see the necessary support for that call for a division? There is enough support and therefore there will be a division.

Vote 6, the total amount of R70 829 000. Those who support it, say “Aye”.

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say “No”. The “ayes” have it.

Let us proceed then to Programme 1 of Vote 7, R6 364 000 being asked for. Those who support it, say “Aye”.

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say “No”. The “ayes” have it.

Programme 2 of Vote 7, an amount of R175 821 000. Those who support it, say “Aye”.

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say “No”. The “ayes” have it.

Programme 3 of Vote 7, an amount of R1 302 000. Those who support it, say “Aye”.

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say “No”. The “ayes” have it.

Programme 4 of Vote 7, an amount of R102 240 000 being asked for. Those who support it, say “Aye”.

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say “No”. The “ayes” have it.

Programme 5 of Vote 7, an amount of R38 842 000. Those who support it, say “Aye”.

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say “No”. The “ayes” have it.

Programme 6 of Vote 7, an amount of R19 115 000. Those who support it, say “Aye”.

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say “No”. The “ayes” have it.

Programme 8 of Vote 7, an amount of R193 929 000. Those who support it, say “Aye”.

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say “No”.

**HON MEMBERS:** No.

**THE SPEAKER:** The “ayes” have it. Hon Member, Dr Mtshali?

**DR L P H M MTSHALI (IFP):** Mr Speaker, I rise to call for a division on Programme 8 of Vote 7.

**THE SPEAKER:** May I see support for that call for a division? There is enough support and therefore there will be a division on that.

Total amount now of Vote 7, an amount of R512 613 000. Those who support it, say “Aye”.

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say “No”. The “ayes” have it.

We proceed to Programme 1 of Vote 8, R6 700 000. Those who support it, say “Aye”.

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say “No”. The “ayes” have it.

Programme 2 of Vote 8, an amount of R1 700 000. Those who support it, say “Aye”.

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say “No”. The “ayes” have it.

Programme 3 of Vote 8, an amount of R5 million. Those who support it, say “Aye”.

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say “No”.

**HON MEMBERS:** No.

**THE SPEAKER:** The “ayes” have it. Hon Dr Mtshali?

**DR L P H M MTSHALI (IFP):** Mr Speaker, I rise to call for a division on Programme 3 of Vote 8.

**THE SPEAKER:** May I see the support for that call for a division? There is enough support and therefore there will be a division. The total amount ... The problem is there is no amount.

**MR R M BURROWS (DA):** Mr Speaker, the problem is you have indicated where money is being taken away as voted. We let it go because the document is correct and what you are saying is not correct.

**THE SPEAKER:** Yes.

**MR R M BURROWS (DA):** To end up in all of these three Programmes with money being taken away, therefore you have actually got nothing being voted.

**THE SPEAKER:** That is actually true, but therefore then let us support. There is money being taken away in those Votes, let us support that it is being taken away. Therefore in this Vote, let me put the total Vote. Those who support the total Vote, say "Aye".

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say "No". The "ayes" have it and therefore the zero amount Vote is supported.

Let us proceed to Programme 1 of Vote 10, an amount of R176 000. Those who support it, say "Aye".

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say "No". The "ayes" have it.

Programme 2 of Vote 10, an amount of R838 000. Those who support it, say "Aye".

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say "No". The "ayes" have it.

Programme 3 of Vote 8, an amount of R213 000. Those who support it, say "Aye".

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say "No". The "ayes" have it.

The total amount of Vote 10, R875 000. Those who support it, say "Aye".

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say "No". The "ayes" have it.

Let us proceed to Programme 1 of Vote 11, an amount of R12 057 000. Those who support that amount, say "Aye".

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say “No”. The “ayes” have it.

Programme 2 of Vote 11, an amount of R26 440 000. Those who support it, say “Aye”.

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say “No”. The “ayes” have it.

Programme 3 of Vote 11, an amount of R1 353 0000. Those who support it, say “Aye”.

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say “No”. The “ayes” have it.

Programme 4 of Vote 11. Those who support the amount of R15 795 000, say “Aye”.

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say “No”.

**HON MEMBERS:** No.

**THE SPEAKER:** The “ayes” have it. Hon Dr Mtshali?

**DR L P H M MTSHALI (IFP):** Hon Speaker, I rise to call for a division on Programme 4 of Vote 11.

**THE SPEAKER:** May I see support for that call for a division? There is enough support. There will therefore be a division on that Programme.

Programme 6 of Vote 11, an amount of R15 196 000. Those who support it, say “Aye”.

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say “No”. The “ayes” have it.

The total amount for Vote 11 is R60 235 000. Those who support it, say “Aye”.

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say “No”. The “ayes” have it.

Let us proceed to Vote 12. Programme 1 of Vote 12 is R1 214 000. Those who support it, say “Aye”.

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say “No”. The “ayes” have it.

Programme 2 of Vote 12, an amount of R1 million. Those who support it, say “Aye”.

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say “No”. The “ayes” have it.

Programme 3 of Vote 12, an amount of R3 million. Those who support it, say “Aye”.

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say “No”.

**HON MEMBERS:** No. The “ayes” have it. Hon Dr Mtshali?

**DR L P H M MTSHALI (IFP):** Mr Speaker, I rise to call for a division on Programme 3 of Vote 12.

**THE SPEAKER:** There is a call for a division, may I see support for that? There is enough support and there will therefore be a division on that Programme.

Programme 4 of Vote 12, an amount of R1 million. Those who support it, say “Aye”.

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say “No”. The “ayes” have it.

The total amount for Vote 12 is R214 000. Those who support it, say “Aye”.

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say “No”. The “ayes” have it.

Let us proceed to Vote 13. Programme 1 of Vote 13, an amount of R13 603 000. Those who support it, say "Aye".

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say "No".

**HON MEMBERS:** No.

**THE SPEAKER:** The "ayes" have it. Hon Dr Mtshali?

**DR L P H M MTSHALI (IFP):** Hon Speaker, I rise to call for a division on Programme 1 of Vote 13.

**THE SPEAKER:** There is a call for a division on Programme 1 of Vote 13. May I see those who support that call for a division? There is enough support and there will therefore be a division on this Programme.

Programme 2 of Vote 13, an amount of R7 106 000 is being requested. Those who approve of that, say "Aye".

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say "No". The "ayes" have it.

Programme 3 of Vote 13, an amount of R27 154 000. Those who support it, say "Aye".

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say "No". The "ayes" have it.

The total amount for Vote 13 is R64 863 000. Those who support it, say "Aye".

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say "No". The "ayes" have it.

Let us proceed to Vote 14. Programme 1 of Vote 14 is R21 206 000. Those who support it, say "Aye".

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say “No”. The “ayes” have it.

Programme 2 of Vote 14, an amount of R226 000 requested. Those who support it, say “Aye”.

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say “No”. The “ayes” have it.

Programme 3 of Vote 14, an amount of R21 342 000. Those who support it, say “Aye”.

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say “No”.

**HON MEMBERS:** No.

**THE SPEAKER:** The “ayes” have it. Hon member, Dr Mtshali?

**DR L P H M MTSHALI:** Hon Speaker, I rise to call for a division on Programme 3 of Vote 14.

**THE SPEAKER:** May I establish support for that call for a division? There is enough support for that call for a division. There shall therefore be a division on that Programme.

The total amount for Vote 14 is R90 000. Those who support it, say “Aye”.

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say “No”. The “ayes” have it.

Let us go on to Vote 15. Programme 1 of Vote 15, an amount of R659 000 is being sought. Those who support it, say “Aye”.

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say “No”. The “ayes” have it.

Programme 2 of Vote 15, an amount of R2 448 million. Those who support it, say "Aye".

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say "No". The "ayes" have it.

Programme 3 of Vote 15, an amount of R66 000. Those who support it, say "Aye".

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say "No". The "ayes" have it.

Programme 4 of Vote 15, an amount of R2 633 000. Those who support it, say "Aye".

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say "No". The "ayes" have it.

The total Vote is R5 806 000 for Vote 15. Those who support it, say "Aye".

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say "No". The "ayes" have it.

Let us proceed to the final Vote, Vote 16. Programme 1 of Vote 16, R764 000. Those who support it, say "Aye".

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say "No". The "ayes" have it.

Programme 2 of Vote 16, an amount of R2 364 000. Those who support it, say "Aye".

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say "No". The "ayes" have it.

The total amount for Vote 16 is R1 600 000. Those who support it, say "Aye".

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say “No”. The “ayes” have it.

I now put the total amount, total Bill, to the House. Those who support the Bill as a whole, say “Aye”.

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say “No”.

**HON MEMBERS:** No.

**THE SPEAKER:** The “ayes” have it. Yes, Mr Keys?

**MR R E KEYS (DA):** Mr Speaker, I rise to have the opposition to the Bill noted, the DA’s opposition, according to Rule 81.

**THE SPEAKER:** Thank you, according to Rule 81. Yes, it shall be noted, it is a pertinent Rule. Hon Dr Mtshali?

**DR L P H M MTSHALI (IFP):** Mr Speaker, I rise to have the IFP’s opposition to the Bill in terms of Rule 81 noted.

**THE SPEAKER:** The opposition shall be noted. Hon members, there have been calls for divisions on certain Programmes, which we now have to go through.

The first that will go through is Programme 1 of Vote 1. I will again put the question on this. Those who support the amount of R16 528 000, say “Aye”.

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say “No”.

**HON MEMBERS:** No.

**THE SPEAKER:** The “ayes” have it. I will request that those who support, will sit on the right-hand side and those who oppose, on the left-hand side of the Speaker and I will request that the Secretary, assisted by the Whips ... [Interjections]

Yes, we will ring the bell once for three minutes and after that we will close the doors. After we have closed the doors, no members will go out or come in until we have completed the divisions on all of those Programmes there on which divisions have been asked. Can we ring the bells for three minutes? I hope that members are not really going to feel offended. I am getting affected very badly here. I do not know what is happening.

We request that all members, during the time of voting, please just sit where you are supposed to be sitting, especially when there are no movements. It makes it very difficult for the tellers to count. Somebody should have been ringing the bells now and I do not know what is happening.

I am told that the bell is ringing – maybe there is something wrong with my ears. I am told that there is apparently some fault with our bells, they are ringing outside, but I hope that the Whips are also doing their job in terms of alerting whoever is in their offices.

*Bells rung for division.*

The results are as follows on the voting of Programme 1 of Vote 1:

In support: 41

Against: 25

Absent: 13

**THE SPEAKER:** The Speaker has no deliberative vote. Therefore the “ayes” have it.

We are now going to go on to Programme 2 of Vote 1. In order to be quicker I am requesting the Whips to use a real quick method of deducting rather than this method of counting all the time, so we will just see how the voting goes and deduct from there, this is the benchmarking.

Those who then support the Vote, R10 617 000, say “Aye”.

**HON MEMBERS:** Aye.

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**THE SPEAKER:** Those who oppose it, say “No”. The “ayes” have it and this time there does not seem to be a “No”. [Interjections] Those who sit therefore – there was no “No” on this one. [Interjections] Let us then proceed on the basis that those who support, will sit on my right-hand side and those who oppose will sit on the left-hand side of the Speaker.

Hon members, I have the results with me here now on Programme 2 of Vote 1:

In support: 46

Against: 20

Absent: 13

**THE SPEAKER:** The Speaker has no deliberative vote. Therefore the “ayes” have it.

Before I go on to one suggested approach, let me just deal with Programme 3 of Vote 1 for the last time. Programme 3 of Vote 1, those who support it, say “Aye”.

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say “No”.

**HON MEMBERS:** No.

**THE SPEAKER:** The “ayes” have it. Now, let us just establish whether there is any change here. Those who support it, sit on the right-hand side of the Speaker and those who oppose it, sit on the left-hand side of the Speaker. It is clear that there is no change and therefore the figures remain 46 in support, 20 against and 13 absent and no deliberative vote for the Speaker.

The view is that we should as much as possible use this process now as a benchmark and establish whether there is any change as we go forward. As we have started in this manner, I will now go onto all of the IFP Votes on which there is disagreement between the IFP and the DA and any other movement will happen in that manner.

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On Vote 2, Programme 2, may I get an indication if there is any ... [Interjections] There is no change on that one? Therefore we will record the voting exactly as per the other votes, there is no change on that one.

On Vote 3, Programme 2, any party who changes its position? There is no change and therefore the Votes will be recorded. Therefore we have gone past Programme 2 of Vote 3.

On Programme 2 of Vote 4, any change there? There is no change therefore the voting remains similar to that one with 46 in support, 20 against and 13 absent with the Speaker being a non-voting member.

Is there a change on Programme 4 of Vote 4? There is no change on Programme 4 of Vote 4 therefore voting is similar.

Programme 2 of Vote 5, is there a change? There is no change and therefore voting will be recorded as similar to the previous voting.

Programme 3 of Vote 6, no change? If there is no change then we will record it similarly to the previous votes.

Programme 8 of Vote 7, any change? There is no change and therefore it will be recorded similarly as in the previous votes.

Programme 3 of Vote 8, there is no change and therefore the recording of voting will be similar to the previous votes.

Programme 4 of Vote 11, is there any change? If there is no change then voting will be similarly recorded.

Programme 3 of Vote 12? There is also then going to be no change and voting will be recorded similarly to the previous votes.

Programme 1 of Vote 13? No change, therefore voting is going to be recorded similarly.

The last one is Programme 3 of Vote 15. Is there a change? There is no change of voting and therefore we have concluded all of those votes.

We will now go on to the DA Programmes for which divisions have been asked and the first one is going to be Programme 1 of Vote 2. Those who support this amount, say "Aye".

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say "No".

**HON MEMBERS:** No.

**THE SPEAKER:** The "ayes" have it. I will then in this Vote be requesting that those who support it, sit on the right-hand side of the Speaker and those in opposition sit on the left-hand side of the Speaker. Now we are going to use the same approach, therefore we will record that there is 41 in support, 25 against and 13 absent, with the Speaker having no deliberative vote.

We will proceed to Programme 1 of Vote 3. Is there a change? It does not seem like there is a change, therefore the same voting is recorded for Programme 1 of Vote 3.

We proceed to Programme 5 of Vote 6. Is there a change? There is no change and therefore the recording will be similar.

That concludes therefore our division process and with those recordings then I finally put the whole Bill again. Those who support it, say "Aye".

**HON MEMBERS:** Aye.

**THE SPEAKER:** Those who oppose it, say "No". Then the opposition has been recorded and therefore the Bill has been passed.

Hon members, we have concluded item 8.3 on our Order Paper. Can we open the doors so members can go in and out? I have to remind members now as we adjourn for lunch, that you have been invited by the Speaker to lunch. It is important that we are all there. It is a very short programme. It is going to be lunch and a short programme. What I am informed is that as you go into the dining hall, what is expected is that you just go in and you do not do the usual and that is paying and you go and sit. Once you have sat down, there will be a little programme that we will go through which you will not regret, it will be very short.

I am also told that only HODs, members and Legislature senior management will be allowed to the function because of the limited space. Therefore if you are not an HOD, if you are not a member of the Legislature, if you are not in senior management, can you please bear with us, there is limited space.

I may as well report what I forgot to report this morning. As soon as I complete my lunchtime, Secretary and I we will be leaving for the Speakers' Forum. It is the final Speakers' Forum for the year and as KwaZulu-Natal there are programmes that we are handling and both of us have to be at that Speakers' Forum to account. The Speakers' Forum is in Port Elizabeth.

I will therefore hope that members will bear with us. In the absence of the Deputy Speaker I have therefore asked the Chair of Chairs to preside, in terms of the Rules, and that is what will happen.

*Business of the House suspended.*

*Business of the House resumed.*

**THE ACTING SPEAKER (MR S N MTETWA):** Thank you very much, hon members. We now begin the debate on Health Service Delivery report. The first member to speak from the ANC is hon P W Zondi for seven minutes.

**MS P W ZONDI (ANC):** Ngiyabonga Sihlalo ukuthola leli thuba lokukhuluma la kuMnyango Wezempilo. Sihlalo ngizibongela ngiphinde ngibongele i-KwaZulu-Natali ngokuthi ibe noNqongqoshe ofana nalo ogijima, njengesicisha-mlilo. Sibone uNqongqoshe kade sinaye la sabe siyambona uyagijima laphaya kubhilide isifo esibulala abantwana. Ngiyacabanga ukuthi lo Mnyango ufuna umuntu ofana nawe Mabhedla.

Ngokungachithi isikhathi ngifuna ukukhuluma ngendaba yokuthi uMnyango Wezempilo unomsebenzi omkhulu okufanele ukuthi uwenzile nosuwenzile futhi. Ngaphandle nje kokuthi uMnyango Wezempilo unomsebenzi omkhulu okufanele uwenzile nosuwenzile, uMnyango Wezempilo ubhekene nezifo eziwubhubhane eziningi kodwa usebenze kakhulu wazinqobq ezinye zazo ngaphandle kwe HIV & AIDS engeke inqotshwe muntu ngoba ikhambi alikabi khona kodwa KwaZulu Natali abantu bayazi nge HIV & AIDS futhi uMnyango Wezempilo uyazi ukuthi laba bantu kufanele bondliwe futhi bakwazi nabo

ukuzondla. Ngikusho lokhu-ke ngoba njengamanje uMnyango Wezempilo ubhizi uqoqa i-data noma isibalo sama NGOs asendaweni zethu ekuhlaleni okuyibona abasebenza ngabantu laba okuthiwa oNompilo mhlambe nalabo okuthiwa ama- Councillors.

UMnyango Wezempilo uqoqa i-data yalawo NGOS ngenhloso yokuthi ukwazi uku-monitor yonke into eyenzeka esifundazwe noma isifundazwe zonkana kakhulukazi-ke ngikhuluma nge KwaZulu-Natali. Ngenxa yokuthi-ke onompilo baningi maningi futhi nama- Organisations abasebenza ngaphansi kwawo kuyaye kutholakale sekugxekwa uMnyango ngenxa yokuthi abantu abanalwazi yikho-ke umnyango Wezemphilo usukume wathi awuba monithe laba bantu ukwazi ukubenza besebenze bebhekwe uMnyango Wezempilo ngoba ekugcineni kosuku uMnyango Wezempilo o- accountayo ngalezo zenzo ezisuke zenzeka emphakathini.

Sibonga kakhulu-ke amanesi nodokotela noMnyango wakho Nggongqoshe ngokusebenza ngokuzimisela namhlanje seyadlula leyanto tokuthi wawuthi uma usesibhedlela ufeele sengathi usejele ngenxa yokuthi une fear uma ungaphakathi wesaba unesi wesaba udokotela. Namhlanje uyakwazi ukuthi uma ugula esibhedlela ulapheke ungenaso istress sovalo sokuthi usesibhedlela. Konke-ke lokho kungumsebenzi walo Mnyango wakho Mabhedla futhi kungumsebenzi ka ANC ngoba ANC lead ANC can govern. Mabhedla sizwile-ke kumbiko wakho ukhuluma ngezibhedlela. Sizibonile izibhedlela esezakhiwe njengesibhedlela sakwa Hlabisa nezibhedlela eziningi

**THE ACTING SPEAKER (Mr S N MTETWA):** Hon member.... let us hear what the hon member says, Mohlaka.

**MRS S B MOHLAKA (IFP):** We have Rules in the House, sir. A member shall be called hon member so and so - and not Mabhedla.

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

**MS P W ZONDI (ANC):** Sihlalo ngiyabonga phela neminyaka njalo ningayinaki bakithi abantu bagugile la eNdlini. Into engifuna ukuyisho la ile ethi ukwakhiwa kwama kliniki asakhiwe KwaZulu-Natali futhi nangendlela omahamba-nendlwana abanengi ngayo ukubonakalisa ukuthi uMnyango Wezempilo usebenze kahle. Siyazi-ke ukuthi inkinga uma ngabe uNkulunkulu ebusisa abantu usathane usuke eme eceleni angizikhathazi-ke

ngosathane nginaka uNkulunkulu ngoba ngiyikholwa uyabo.

Ngiyajabula-ke kakhulu Mabhedla uma ngabe lo Mnyango uyothola njalo ukuthi ukhushulelwe imali enguchatha ngenxa yokuthi iwona Mnyango ophethe ezempilo ezempilo-ke zingumgomgodla wokuphila kwabantu. Asiwona amalunga ephalamende uma abantu esithi sibahlalele lapha bengasaphili. Ngokuphila kwabantu ikhona okwanza ukuthi sikwazi ikuma la eNdlini. Kusho ukuthi lo Mnyango kufanele ulekelelwe kakhulu kwezezimali ukuze ukwazi ukuthi uqhubeke nama programmes awo akhona.

Into engifuna ukuyisho-ke la ethi sizojabula kakhulu ukuthi uma ngabe kuba nalolu hlelo lokushitsha kwalezi zinto ezibangela isifo esikhona njengamanje kubantwana ukushitshwa kwale system ebivele isebenza. Kuyosisiza kakhulu-ke lokho ukuthi abantwana bakwazi ukuthi baphile ngoba kuqala abantwana besibszama befa kodwa bekungekho muntu obesitshela ukuthi kwenzekani uma kushona abantwana. Namhlanje sesiyazi ukuthi kuno klebisiyela kunana nani izinto ezenzeka ezibhedlela.

Lo Mnyango usebenze kakhulu ngokuzimisela siyojabula futhi uma ungaqhubeka usaphothwe usekwe usebenze ngokuzimisela.Ngiyabonga.

**THE ACTING SPEAKER (Mr S N MTETWA):** Ngiyabonga nami mhlonishwa ukungishiyela iminithi. The next speaker to speak from NADECO with the change of list is honourable member J S Maphalala for six minutes.

**MR J S MAPHALALA (NADECO):** Ngiyabonga Nyambose Sihlalo. UMnyango Wezempilo kunoma iliphi izwe iwona obalulekile ukudlula cishe yonke iminyango ngoba iqhaza lawo ilina elisho ubude noma ubufishane bezimpilo zethu. Ingakafiki inkululeko sisengaphansi kobandlululo lokhu ukuthiwa i- average lifespan yabantu abamnyama beyiphelela lapha iningi labo emashumini amane amahlanu sebehambile. Nale ndaba le uNgqongqoshe akade eyisho ekhuluma nge klebsiela lapha ukuthi ngisho izibhedlela zazakhiwe ukuthi ezabantu abamnyama kube nesife bafe baxhifizeke. Akusizi ukuthi sithi uma sikhuluma ngempikiswano singayibali leyo ndaba singayibali leyo ndaba ngoba ngeke sihambe siye phambili ingalungisiwe lento le.

Kusho ukuthi ngivumelana nelungu elihloniphekileyo uZondi ukuthi la kudingeka sihlanganeni ukuba kufakwe imali eningi laphana luloya Mnyango ukuze izimpilo zethu zibe zinde. Uyabona abantu abafana nathi nje singaphezulu kwa 60 ngoba sinawo ama

medical aid okuya kuleziya zibhedlela zabelungu lezi ezavele zakhelwa ukuthi bona impilo yabo ibe phambili kunezinye izizwe thina la elokishini sife sibe zinkukhu nempukane.

Manje-ke sekuyosinda labo abana Medical Aid bonke laba bakithi eMangwaneni noma kuphi nala okuthiwa khona uNgqongqoshe wenzani nge klebsiela ukuchazili-ke ukuthi lezi zakhiwe zaba isife. Thina-ke abe-NADECO sithi-ke thina iqembu lethule NADECO lithi akufakwe imali masihlanganeni kulokhu singaphikisana kakhulu kulokhu sithi imali ayikhuphuke zibhidlizwe lezi bhedlela zifanane naleziya bhedlela khona futhi lezibhedlela lezi St Augustine abaningi lapha uma egula ugijima abaleke eyohlala e-St Augustine afele lapho laba abanye bazofela kuphi. Bazofela lapha kulezi zibhedlela eziyesife lezi ezicushiwe uNgwelezane obani obani.

Kusho ukuthi-ke ngalawo mazwi sithi kuNgqongqoshe uthathe thina abazi umlando. Uthathe kwaziwa ukuthi laphaya kunesife akufakwe imali zibhidlizwe kahle zinke bese kukhandwa ibhedlele ezifanele. Ilokho esikushoyo sonke la ngisho abaphikisayo kungeke kusize ukuphikisa kulento kungeke kuze kusize. Sifuna izimpilo zethu zibe zinde nonekhadi le Parmed azi ukuthi baningi abangenalo ele Parmed ikhadi.

Okunye-ke esikushoyo thina njenge qembu lethu leli i-NADECO ukuthi siyakubonga ukuthi uNgqongqoshe aphinde abaqashe laba bantu laba ababeteleka bazama nabo iphalishi bezi zamela bewa bevuka. Yebo bashayisana no mthetho inhliziyi zikhuphukile kodwa-ke base bexaka angazi ngafunda kwenye iriphothi ukuthi baqashiwe. Uma kukhona bekhona abasele siyabanxusela Ngqongqoshe siyabanxusela ukuthi bathathe abantu bakithi benziwa ukukhuphuka komoya izinto zikhuphukile phandle kuthiwa mnotho uhamba phambili kodwa usizi lukhulu kubantu bakithi abamnyama ukuthi-ke laba bantu abathathwe babuye baqashwe bese-ke badonswe ngendlebe-ke ukuze babe yilokho. Labo abaqashiwe sithi kuNgqongqoshe halala wenze okuhle lapho ukuthi labo bantu baqashwe kabusha eMnyangweni babuyele bese bangaphindi bashiye iziguli nalokho asikutusi. Siyamubonga uNgqongqoshe kodwa asikutusi ukuthi labo bantu bashiye iziguli omama bethu owami umama usaphila unamashumi ayisishagalombili nesishagalombili. Manje-ke uma sebemushiya laphana inhliziyi ibuhlungu kodwa ngiya understanda ngiyazi futhi amagama esingisi ngeke asize lutho. Niyazi ukuthi akubalulekile lokho kudingekile ukuthi nabo babo laphana.

Okusho ukuthi kuphakathi kwembokodo nesisekelo phakathi kolwandle nosathane. Ngithi-ke Ngqongqoshe nokho siyakufisela kakhulu imizamo iyabonakala oyenzayo. Kulukhuni kulokhu kwempilo kulukhuni kakhulu ukuphathwa laphana ezimpilweni akusikho okokudlala kodwa-ke sithi khala ngemali bese uzilungisa lezi zinto ungazivikeli ngokuthi iklebsiela yenzeka nje. Abantu abazi bathi nguwe ohlulekayo khala ngemali. Uyabona nje kuzovulwa-nje bese kwaziwa ukuthi imali yakho iphezulu bese sibona laba bantu abazophikisa lokho lapha eNdlini laba abalokhu bephikisa bethi imali ayingafakwa abathi abantu abafe laba ababeselokishini ngoba ilaba abaselokishini abantu abahluphekayo. UMshiyeni isibhedlela sase Mshiyeni silapha sakhelwe ilokishi lase Mlazi hhayi I St Augustine angikhulumi nge St Augustine nale kukhona esinye esakhiwayo ukuthiwa i- Ballito. Angikhulumi nalezo ezazicucudelwe laba bantu abalapha eNdlini lezo nalesi esinye esilapha eNtabeni angikhulumi ngalezo ezalaba bantu abalapha eNdlini amalunga ahloniphekile aya lapho. Ngikhuluma ngalezo-ke.

**THE ACTING SPEAKER (Mr S N MTETWA):** Thank you very much, hon member. The next member to speak, from the MF is hon S Thakur-Rajbansi, for five minutes.

**MRS S THAKUR-RAJBANSI (MF):** Thank you, hon Speaker. My view in this whole debate is slightly different because this department is plagued with so many problems that I decided instead of looking outwards to see what the problems are, for once, I should start looking inwards and see what we should do better and maybe just review what we have been doing. So, I am debating, from this point of view.

Our whole health management motto in the province should be based on three assumptions. The first one is personal accountability. The second is clearly identifiable measures of performance and the third is the belief that effectiveness is absolute and it is universal. The weakness in many of the departments is the lack of importance that is given to appraisal and performance review systems and I am saying this because we took the decision to replace hospital administrators with doctors to hospital managers and therefore we must know what management is all about.

More attention has to be given to the development of an effective approach to appraisal then only, will we realise the assumptions on which the public sector managerial effectiveness should be based. However, currently management has pushed out administration. Hence there are many problems that are facing the Department of

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Health and all of these can be very, very effectively maintained or handled if Performance Management becomes inherent part of the public sector culture.

The sustainability of primary health care in our province does give cause to a donors dilemma. We see that there a donor monies that are unspent. Why? I believe that the quality of the investment, and as well as we have to link the investment with sustainability and this has to be well strategised then only will all that funding be used. We cannot have any other excuse for why donor funding will not be used in an important department like this.

I have always argued in departments, especially like that of Health, and management is an exception but in a department like this there are unforeseen challenges. A department like Treasury has to understand that this department is going to be exposed to things that just happen naturally. The Treasury has to adapt, they have to change. Nothing has to be cast in stone especially when it comes to funding this department for unforeseen circumstances. That is why we supported the budget with all the changes that have to take place but nonetheless it is a matter in the province of either you adapt or you die.

Therefore Treasury rules have to change situationally. If for example, and I have always been passionate about this. Say HIV and Aids was notifiable it will then be quantifiable. We will then be able to put a money value to it. We will then be able to predict what is going to happen and then we will be able to budget for it. That is one of the things policies, guidelines all these need to be streamlined especially in a department like Health where it is so critical for us to predict to try and foresee and to manage and to budget for it.

Finally hon MEC, there is one thing that I really need to speak about and that is all these outbreaks of klebsiella that we having all over the province. My view of this is that I do not look at the externalities. That is why I am looking at everything internally because we may do some introspection. We cannot keep on telling the community who lost a baby that there must be problem of something because that is being irresponsible because health is based on accountability.

What we should do is that we meet the department and we should dedicate an up to date research on all these types of outbreaks. See what the modern approach is which

is used all over the world. We must learn to adapt these guidelines into our neo-natal clinics and we must start them as pilot studies so that we can save our babies and we do not need to blame anybody else. We also need to train our staff. We need to invest enough money in training them.

With these words, hon MEC, I do want to thank you because I do know that your heart and your soul are in Health. You do want to save lives, you do want to claim a healthy province but this is my true feelings and I always want to be there to assist you and your staff and think how we can go forward and how we can make the best use of our staff in this province. Thank you.

**THE ACTING SPEAKER (Mr S N MTETWA):** I also thank you, hon member the next member to speak is hon from ACDP J M Downs for four minutes.

**MRS J M DOWNS (ACDP):** Thank you, Mr Speaker. I am quite sure that the hon Minister has heard a lot about the klebsiella outbreak in Prince Mshiyeni and I know that she did not deal with it specifically in her service delivery report and I am not trying to nail the Minister. I want to continue with the theme that we talked about this morning, the spending pressures in Education and Health which are leading to a lack of service delivery.

I know Prince Mshiyeni hospital extremely well. I have visited there on numerous occasions and the NGO that I work with that works with rape victims, etc sends the people 90% of the time to Prince Mshiyeni Hospital.

There are two problems with the hospital. One is a complete lack of funding a complete lack of proper areas it is impossible to clean it because of the physicality and the problems that are in the hospital. That is the first issue.

The second problem is that I am aware of huge under-staffing in that hospital as well, which makes it extremely difficult and those are things over which the people who are working in that hospital have no control over which make it extremely difficult which make working conditions and so on extremely difficult.

Hon MEC the other thing I have to report to you as well is that the lot of the attitude particularly in that hospital and I am speaking from first hand experience stinks and maybe it is because people have given up because of a lack of staff and because of the

surroundings and I am not negating that the staff members in the hospital need to have an attitude adjustment. There is huge lack of care and concern for the people who come in off the streets. One of the people who I have been assisting was a person who was HIV positive and it had advanced to full blown AIDS was pregnant and was to give birth. I have to tell you if it was not for the NGO that I work with and the people that sat faithfully with her I have absolutely no doubt she will have died in child birth because they kept on nagging the doctors and nurses and eventually one of the doctors actually came in and said: If these people can care about this women we can care about her. They went to extra-ordinary efforts and in the end she gave birth to a healthy baby. She got the prevention of mother to child medication that she needed. The baby I am happy to report is negative, and I am very sad to report that Happiness has since passed away from full blown AIDS.

MEC, I am pleading with you and if there is anything that we can do to assist. I am putting myself at your service and my office and the people that I work with. We will very happily report to you. Tell you what we see. Tell you what is going on. Give encouragement where it is due and give credit where it is due as well.

I just really believe that this is why the Cabinet needs to seriously in the new budget year consider how we as a province are spending our money. Money answers a lot of things particularly with these hospitals. I do not know how many of the members in this House do visit the hospitals on a regular basis and I am not just talking about popping in a Health Committee visit which is planned. I am talking about interaction on a daily basis and particularly the hospitals like Prince Mshiyeni that are in a township area that are heavily over-subscribed they need a lot of help and we need to be aware of that. Thank you, Mr Speaker.

**THE ACTING SPEAKER (Mr S N MTETWA):** Thank you very much, hon member. The next member to speak for seven minutes is P M McKay.

**MRS P M MCKAY (ANC):** Thank you, Chair. I expected that people will concentrate on Prince Mshiyeni and the klebsiella, but one does need to look at the broader picture in the Department of Health and I want to start of by commending the MEC for her visibility.

She has been out the communities and had community participation on HIV and Aids, TB, malaria, mental health and other issues. She really is trying to deck the whole

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concept of health and wellness out there to the communities. I also would like to commend the department for the management of the R13.4 billion budget, because 98.7% has been spent. Obviously a lot more money could come into this department. I did ask Ronald Green-Thompson, if he wanted money, how much would he ask for to do everything that needed doing? That was three years ago and the answer then was at least R2 billion. So we have to work within the framework of what is available. When Minister Manuel was in the House a few weeks ago, he emphasised the need to measure the impact of money spent and not just to look at the amounts spent.

Emphasis is being placed by the MEC and her department on the right of every citizen to access health services. Clinics are planned for every district and more and more are open for 24 hours a day or have staff on call. So the department is trying to reach the people. There is also a network of district and provincial hospitals which not only try to cure people, but which are promoting health and trying to do preventive medicine. The emergency rescue services have been improved with an increasing number of ambulances and at times helicopters.

Of course there are still problems to be sorted out. The long wait in the hospitals, the over-crowded emergency rooms and wards, the shortage of staff and, as the hon Downs has said, at times the attitude of staff that can be very problematical. However, staff are being retrained.

Every kind of disease has been targeted whether it is a communicable disease or a non-communicable situation such as cataracts diabetes, blood pressure or whatever.

I just wanted to say something about when we were in China and Malaysia and particular the latter, we saw every level of health service. For example we saw a hospital that has been built in eight and a half months. We were taught a lot about the emphasis on preventative health care, how to stop lifestyle illnesses, how to live well, the importance of diet and exercise.

However, that is not only happening in Malaysia. If you look at the MEC's report, you will see an emphasis on those factors in her report. There is emphasis on mother and baby programmes. There are pre-school programmes, primary and high school programmes, where school health is increasingly being focused on. Thirty nine primary health clinics are running youth friendly services. The young adult has been concentrated on and has

been offered PAP smears, both as young adults and later, mammograms, etc and the aged are finding that the services are more accessible.

I also wanted to say that in China we were looking out one morning and we saw lots of people in the park doing *tai chi*. Maybe we should be able to see that in our parks. We were also told in China that the life expectancy of women is 84 years old. We have got a long way to go to reach that. The old age pension is available for 85 year olds and upwards. At least we do give women their pensions at 60.

We must mention the HIV/Aids pandemic and again I want to emphasise, and I have said it several times, it is not a South African pandemic. It equally affects all seven Southern African countries. It is exacerbated by poverty, by the disempowerment of women and the Department of Health is trying very hard to facilitate health by giving nutrition packs when they give TB treatment and ARVs.

Yes, there was klebsiella at Prince Mshiyeni. The Minister was quite clear in our caucus this morning about how it was contracted, the vials in multiple doses, the staff not washing their hands adequately, but there is now a plan to engage pharmaceutical companies that they would have single dose vials, more taps and basins will be provided and a re-emphasis on the need to wash hands.

The MEC said there is no single individual to blame for what has happened and as has been said by the hon Downs and I have been to the hospital. We know that it is old. It is over-crowded. It is under-staffed, but the Minister has put in a team of micro-biologists, infection control officers, who quickly responded to the klebsiella once they became aware of it. This issue is being addressed. The MEC did not take the matter lying down. I heard a Mr Brysall on the radio saying that when he spoke to the MEC, she appeared not to know anything about the epidemic. This is absolutely not true.

The department is also concentrating on TB management, preventing, treating and stopping defaulting, where they can. The emphasis is on food gardens.

I want to conclude by saying that mental health is not being ignored. District hospitals provide 72 hour assessment services and more and more is being undertaken by the department to make health a priority and right for all. Thank you, Chair.

**THE ACTING SPEAKER (Mr S N MTETWA):** I also thank you hon member. The next

member to speak is hon B J Msomi for four minutes.

**MR B J MSOMI (UDM):** Angibonge Sihlalo, ngithi angiqale i –debate nami nenkulumo-mpikiswano ukuthi ngibonge uNgqongqoshe ngombiko asinike wona. Ngiwubonile esawuthula ukuthi ubefuna isikhathi sibe i-hour ngoba kukhomba ukuthi ziningi izinto azenzile eMnyangweni. Sikushayela ihlombe-ke lokho ngoba njengoba ebhale kakhulu kusho ukuthi umsebenzi awenzile futhi munungi.

Sihlalo, ngisafisa la ukubheka, nami ngizokhuluma ngoMshiyeni ngoba ngingumuntu waseMlazi. Ngizovumelana, hhayi i-Mahatma Gandhi no no no, hhayi tshala bhanana. Ngizosekela umama u Downs umhlonishwa ukuthi esibhedlela eMshiyeni isikhathi sokulinda sabantu abfuna izinsiza noma ukuyolashwa siseside kodwa okungenzeka ilezi zizathu zokuthi abantu abasebenza khona isibalo asanele. Lokhu okugcina kubahlukumeza emsebenzini wabo nasekuthi bawuthande.

Ake ngilinganise nje Sihlalo ukuthi, mhlampe noNgqongqoshe ekhona ukuthi laba bantu abaphethwe ilesi sifo esithi i- HIV & AIDS ilungelo labo liyaxhashazwa laphana abasebenzi. Uthola ukuthi uma bezofuna usizo kuyamenyezwa kuthiwa ‘abanengculazi ngapha’.Uma ebuya ukuyobhekwa igazi kuthiwa ‘kuthiweni kuwena’ kufuneka amemeze,uma umuntu ethi hhayi ngifuna ukusondela eduze uthole ukuthi akanasikhathi umsebenzi lapho.

Ngiyafisa ukuthi uNgqongqoshe mhlampe ayisukumele leyonto ayibheke ukuthi ngabe immoral noma ukungabi khona kwabasebenzi abanele ukuthi akuhambi kahle kulesiya sibhedlela.

Simbonge futhi uNgqongqoshe ngombiko asinike wona ngalesi sifo esibheduke lapha sezingane. Nakhona futhi-ke Sihlalo uyabheka mhlampe ukuthi isizathu esidala leyanto ize yenzeke ukushoda kwezinsiza kusebenza ngoba abanye noma ngingenaso Isiqiniseko sakho Ngiyafisa ukukusho la bathi ngisho izinto ezisetshenziswa izingane zizisize ngisho ama- drip ziyasherwa zingane ezisanda kuzalwa lapha lulesiya sibhedlela ngoba azikho izinto zokusebenza.

Ngithi-ke eMlazi Sihlalo abantu bakhona bangaphezulu kwe- million about 1,2 million kuleliya lokishi. Uma ubhekake ukuthi sibhedlela esisodwa engekho lama Health Centres avula 24 hours vele kuzoba nzima eMshiyeni. Ngingajabula uma uMnyango

ungakuqikelela lokhu ukuthi mhlampe kube khona izindawo ezingamakliniki ezisebenza 24 hours zikwazi nokusiza laba bantu abatetayo kanye nalaba bantu abadala.

Ngike ngakhala futhi nangaphambilini ukuthi abantu abadala uthola ukuthi abanakeki ngendlela lapha ngoba umsebenzi usuke umningi bejahe ukuthi basize abanye abantu abalimele. Umuntu omdala kuthiwa kuyaziwa ukuthi bahlale begula bona. Ngikusho lokhu kuno ma ongizalayo mina osekhulile oseke ahlale lapha abuyiselwe emumva ngoba kuthiwa akabuye abuye ugogo. Ngiyafisa ukuthi uNgqongqoshe akubheke lokhu.

Okunye engikhala ngakho Ngqongqoshe through wena Sihlalo ilaba bantu bama-caregivers but ngiyajabula ngoba ukuphathile umhlonishwa la ukuthi kumakliniki kusekhona lokhu ikuthi mabeyofuna izinsiza ezibavikelayo ukuthi bangangemwa izifo nxa besiza abantu bangazitholi ngesikhathi. Sekukabili nje kuSihlalo we Portfolio yakwa Health ngicela kuye usizo ngithi abantu abakwazi ukuthola usizo emakliniki asondelene nabo.

Ukwakhiwa kwezibhedlela Sihlalo ngithi angikushayeke ihlombe ngalokho ngoba kukhomba ukuthi muningi umsebenzi ozokwenzeka futhi ube lula. Ngiyabonga.

**THE ACTING SPEAKER (Mr S N MTETWA):** Ngiyabonga nami mhlonishwa. The next member to speak hon H M Ambler-Moore for seven minutes.

**MRS M H AMBLER-MOORE (DA):** Thank you, Mr Speaker. I want to thank the hon MEC for a very comprehensive report. She almost managed to cover every single department and it was extremely interesting and informative.

Time does not allow me to comment on the very positive developments. It is very encouraging to hear the work being done with HIV/Aids and the progress in the fight against TB and the plan to contain the nurses leaving was excellent work. I congratulate the MEC.

You started your report hon MEC with the comment about everybody has a right to have access to health services, and we in the Democratic Alliance support you 100%. However, and I want to raise some real concerns that are affecting your department.

I wonder if you are aware, but for at least two weeks, the kidney stone crushing machine was not working at Inkosi Albert Luthuli. Kidney stones are an emergency. I have never

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had kidney stones, but I have nursed lots of people who have had and they were in agony. Yet these people had to wait for two weeks to be treated!

A very ill man, whom I know, with a cancerous tumour of the oesophagus had to wait two weeks for an operation as there were no ICU beds at Albert Luthuli. He was finally operated on at King George V Hospital. Madam MEC, have you ever been to King George V in Ward A? It was an absolute disgrace. We euphemistically refer to it as being a bit behind in development but it is dilapidated, the paint is peeling, it is dirty. I am quite sure that Ward A was condemned years ago. I feel for the nurses who have to work there in those conditions, not to mention the patients. The unit is supposed to move to Wentworth, but the operating theatres are not yet completed. Why not? I suspect it is because tenders have been given to companies who are not able or equipped to fulfil their obligations to the contract. I shall be putting on some questions to that effect, to your department.

While on the subject of King George V, Madam MEC, it reminds me of the crazy policies we have and you can correct me if I am wrong. To be admitted to the psychiatric part of King George V you need to go through a district or regional hospital. You have to be admitted to Addington for 3 days. Blood is taken, etc. Then you are transferred to the specialist psychiatric ward at King George V. Now, remember, the person is suicidal, desperately in need of proper care. If you are under 11, there is no problem. You go to the children's ward. If you are over 18, you go to the women's ward. But if you are between 11 and 18, the mother or guardian is asked to sign a document to say that if his or her child is assaulted they will not sue the hospital. What mother is going to do that? We seriously need to review this situation, particularly as with regards to King George V.

In your report Madam MEC, on the face it looks like good news. The KZN is getting 396 medical students and 2495 student nurses. Madam MEC, are these the community service doctors and nurses? I suspect they are and I must express some concern. The nurses we are told, will only hear on 24 December 2007 as to where they are going. They are expected to be at their posts on the 1 January 2007 – for the nurses, this is a logistic nightmare. I am also concerned with the doctors that we are getting, and they are still student doctors. Do we have enough qualified doctors to mentor these medical students?

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Madam MEC, I could not believe what I was reading in last night's Daily News newspaper with regards to the outbreak of Klebsiella at Prince Mshiyeni. How dare you blame the apartheid Government for the outbreak! A damning report that has been tabled here today shows samples taken from the neo-natal unit, hands of unit staffers, IV tubing, intravenous fluids and even vials of medication all showed signs of contamination. To quote from the Daily News: "In most cases the very drugs and fluids designed to sustain life, became the biggest threat to infants as klebsiella was pumped into their blood stream." Yet, you Madam MEC choose to politicise this tragedy by blaming apartheid. Sure, things were shocking in the apartheid days but we are almost 14 years into democracy. And, after the tragedy of Mahatma Gandhi, have we learned nothing?

You know they say insanity is doing the same thing over and over again and expecting a different result! You could have, hon MEC, shown true leadership, admitted it to tragedy, really raised awareness about the need for basic hygiene, admitted the hospital is hopelessly under-staffed, told us what you as the political head were planning to do to prevent a similar tragedy. No, you chose to blame apartheid. The best is of it is that the National Minister came sailing down here and she said, the word "unfortunate" - also showing a dismal lack of leadership. It is not unfortunate. It is a tragedy, which brings me hon. MEC to the suspended HOD.

You recently asked one of my colleagues in the DA, support a crook. I can assure you we do not support crooks but we want to know the truth. I hear the legal opinion that has been given, but what is happening here? There are eight outstanding commissions, and probably a lot more. Surely, as political head you must want to know what is in those reports. I really ask, is this a cat-fight between two women who used to be friends? If Dr Nyembezi is guilty of misconduct, why has nothing happened? Why have you not charged her? Why has there not been a disciplinary hearing? Morale among your staff is very low. Delivery is being compromised literally near nothing. Like all the other investigations that my colleague, hon Burrows, listed on Tuesday. It remains a secret in the Office of the Premier – a sick joke of an open transparent society. This Provincial Government under the ANC is about as transparent as the windows of the cars of the MECs – you can see nothing in them and you cannot see much out of them.

Just in the couple of minutes I have got left, hon MEC, what is happening is that people

are terrified to lay out complaints. They phone me up and I say let me deal with it. 'No my mother might be compromised or my sister or my daughter if she go and say something'. So I do not know if there is a number where people can phone and report things like this. Greys Hospital in the last few weeks has had three complaints. Addington, Prince Albert Luthuli and Prince Mshiyeni, and so it goes on - people are scared to report and we honestly need to deal with it.

I conclude with what hon Downs has said we have got to change the attitude. I also, hon MEC agree with Mrs McKay. Hon. McKay I congratulate you on the outings that you do go out and you speak to people. But I really would ask you to take the problems in our province very, very seriously.

Thank you.

**THE ACTING SPEAKER (Mr S N MTETWA):** Thank you, hon member. The next member to speak is the hon Mr Y S Bhamjee for seven minutes.

**MR Y S BHAMJEE (ANC):** Thank you, hon Speaker, for inviting me to participate in this debate. I think that it was a very interesting debate by our colleague, the hon Mrs Ambler-Moore. I believe she takes us down memory lane and we ask ourselves what we have inherited in terms of the legacy of apartheid.

In terms of our approach and in terms of our attitudes, we come from a dual economy, a dual personality and that is why we have dual perspectives on what has happened in our South Africa up to this day. Ours is indeed a developmental state. [Interjections] Those who are now claiming, like [Interjections] the hon Roger Moore accepts the fact that there is one sickness, but at the same time ... [Interjections] Yes, he likes to pretend that he is James Bond, you see? [Laughter]

What we are effectively saying is that we understand that there are huge challenges. We know that our hon colleague, the last speaker, is speaking from her heart. She is concerned about the welfare of people, but dare I say she has gone overboard. In her introduction she effectively compliments the MEC and her attitude, but then she goes on the offensive. She then cites a number of examples of people who had approached her, and so does the hon Downs. However, at the end of the day nurses are indeed very professional. They are totally committed. It is easy for NGOs to take one or two

examples and then, because they have the media on their side, to demand preferential treatment.

We are saying, if you have something positive to say, say it. The MEC has said in this House that she will engage with anyone who comes to this House with constructive criticism. In the short term that I have been with the Portfolio Committee, I see the approach of the officials ... [Interjections] You there, hon member! I see many positive things going on. Now, that positive attitude needs to be translated in a way that would suggest that we will give you 101% support.

On the one hand you are saying yes, the officials are good and very professional. In the next breath you ask questions about the MEC. How dare you? What arrogance! How dare the two of you speak in that tone to a leader of this House who is an MEC? It is in that context that I talk about the dual economy and a dual personality. [Interjections] We come from an arrogant background and therefore we need to be extremely humble to see how we can take the quality of life forward.

Let me take you down memory lane and show you what I am talking about when I refer to this dual personality. You have now forced me to make certain comments. We are saying ... [Interjections] Yes, you too must listen, because you also need to grasp what has been happening and how you have been zapped into the system! The hon Verwoerd once said, and I quote:

There is no place for [the Bantu] in the European community above certain forms of labour. It is of no avail for him to receive training which drew him away from his own community and misled him by showing him the green pastures of the European society ...

Regarding the economy, I am saying the attitude needs to change. [Interjections] If your attitude does not change, nobody is going to listen to you. Those days are gone! Well, you can scream on that side of the table! The very arrogance which you are demonstrating clearly shows, the “baasskap” in this quotation is [Inaudible.] You are demonstrating that very honourably. Hon members of this House, we have inherited huge challenges: malnutrition, kwashiorkor and tuberculosis. They were created by whom? They were created by the apartheid regime! Dare I say, the local government was under the influence of the liberals in Pietermaritzburg and Durban did absolutely

zero towards improving the quality of life.[Interjections] However, now they stand up and they criticise everything that is good.

Of course we need to go through revitalisation programmes! Of course we need to ensure that there is skills development! Of course we need to ensure that we retain our doctors! We are doing enough! Many South African doctors do not have dual passports. Many of them do not have grandfathers or grandmothers who live overseas which enable them to move in and out of the country. They are going to remain here and help to improve the general quality of life.

Let us be honest with each other. Let us be truthful with each other. The challenges that are facing us are colossal. Health all over the world is a Cinderella organisation! It is a Cinderella department all over the world! I challenge you, hon Burrows and anyone else in the Opposition who disagrees with me, to say that health is not a Cinderella department all over the world. Effectively, we are arguing ... [Interjections]

**THE ACTING SPEAKER (Mr S N MTETWA):** Yes, hon member Mr Mari.

**MR G MARI (DA):** Mr Speaker, will the hon Bhamjee take a question?

**THE ACTING SPEAKER (Mr S N MTETWA):** Will the hon Bhamjee take a question?

**MR Y S BHAMJEE (ANC):** If I respond .. [Inaudible] ... is poor, and I am very worried about that.

I am saying that basic skills training is crucial. We are convinced that the MECs who deal with health – be they ANC or any other MECs - when they are appointed to a particular position, they do the work with their hearts in the right place. The nursing staff and the doctors who we have in South Africa are committed, irrespective of what their racial background is or what their qualifications are. They are committed, and the challenges are huge! They have inherited a massive backlog. How can you say that you are going to introduce preventative medicine or preventative practice without trying to stamp out poverty? If there is poverty in the home, you cannot talk about a healthy society.

So let us argue and let us say to ourselves that there are clearly challenges. Let us together apply our minds. This is a mid-term review. When the hon MEC presents the

annual reports ... [Time expired]

Thank you.

**THE ACTING SPEAKER (Mr S N Mtetwa):** The next member to speak is hon. BT Buthelezi for 13 minutes.

**DR B T BUTHELEZI (IFP):** Hon Speaker, Madam MEC and hon members, I wish to thank the hon MEC for delivering a comprehensive, thesis size, service delivery report of her department for the last 6 months of this year. I also wish to congratulate Sister Thoko Zibane waseNkonjeni Hospital who works in the TB Unit who won the National Cecilia Makiwane Award.

Ngaphambi kokuba ngiqhubekela phambili nami ake ngisike elijikayo kulolu daba lweKlebsiella esekukhulunywa ngayo kangaka. Angizukuba yimbongi-ke njengalaba abaningi abakhulume ngaphambi kwami. Ngifisa ukuqala inkulumo yami ngodaba lwesifo seKlebsiella esibheduke esibhedlela saseMlazi esibizwa ngokuthi iPrince Mshiyeni.

Somlomo, mhlawumbe njengodokotela weZempilo, kufanele kengifundise le ndlu yakho ngesifo seKlebsiella esidalwa igciwane elihlala ekudleni kwabantwana okunjengobisi, imithi kanye namadriphu okuyaye kuthi uma umsebenzi weZempilo ehlulekile wukuqinisekisa inhlanzeko lapho enesa khona izingane sibhebhethetheke lesi sifo njengomlilo wequbula.

Kungethuse kwaze kwama nasozwaneni – futhi ngivumelana noMrs Ambler-Moore - ukuthi kulezi zinsuku umhlonishwa uNgqongqoshe weZempilo kulesi siFundazwe uzame ukuciciyela impandla ngokuvikela abasebenzi bakhe ngokukhulumela lolu daba eziko ngaphambi kokwenziwa kophenyo ukuthi akekho kubasebenzi bezempilo owenze ubudedengu ngokuqubuka nokubhebhetheka kwalesi sifo ngakho akekho ozoqondiswa izigwegwe. Ukukhuluma kukaNgqongqoshe okuyimbudane olubucayi ngalolu hlobo kuphikisana nalokho okushiwo ochwepheshe bezeMpilo kulesi sifundazwe esingabala phakathi kwabo uSolwazi Willem Sturm wase-Nelson Mandela Medical School okusho kwacaca ukuthi kube nobudedengu obukhulu ekuhlonzweni nasekusetshenzweni kokuqubuka kwalesi sifo eMshiyeni. Ngakho-ke Ngqongqoshe awusitshela-ke ukuthi kufanele sikholve bani phakathi kwakho noProfessor Sturm?

Kanti Ngqongqoshe Nkonyeni koze kufe izingane ezingaki kulesi siFundazwe zibulawa igciwane leKlebsiella elidalwa ubunuku nobudedengu babasebenzi bakho ngaphambi kokuba labo abenze lo mkhokha baqondiswe izigwegwe? Zafa izingane eMahatma Gandhi nyakenye kwacweba iziziba. Zibhubhile izingane zabantu eMshiyeni imifula yagqitshwa izihlabathi.

Iqembu leNkatha yenkululeko liyakuqaphela ukuthi uMnyango weZempilo kulesi Fundazwe usukhiphe imvalamlomo emindenini yezingane ezishonile ngokuthi ingalokothi ikhulume lolu daba kwabemithombo yezindaba. Kanti mhlola muni lona ofihlwayo eMshiyeni ngokuthi kushanelelwe kufakwe ngaphansi kukakhaphethe na?

Njengoba abazali bezingane ezashona eMahatma Gandhi basa lo Mnyango enkantolo, iqembu leNkatha yenkululeko eliphikisayo kulo Hulumeni lifisa ukweluleka abazali bezingane ezibhubhe eMshiyeni ukuthi kufanele bathathele uMnyango weZempilo izinyathelo zomthetho ngoba akukho phenyo oluzokwenziwa ngaphakathi yilo Mnyango kanti, izinkantolo zingaba sesimeni esingcono ukushaya umhlahlo ngalolu daba. Ngizobuyela-ke kwelikaGeorge. Sengimjabulisile uProfessor Maphalala

In two days' time it is World Aids Day. KwaZulu-Natal has an HIV problem resulting in huge mortality and morbidity, with an associated TB crisis, a growing orphan population, and a range of well-documented adverse social and economic impacts.

The Department of Health is stalling the introduction of treatment that can prevent more than 90% of pregnant HIV-positive women from passing the virus to their babies. At present, national treatment for the prevention of mother-to-child transmission consists of administering one dose of Nevirapine to women when they are in labour and a dose to their babies within 72 hours of labour. However, a year ago the World Health Organisation (WHO) recommended that pregnant HIV-positive women in developing countries like ours should get dual therapy, which is comprised of Nevirapine and a short course of AZT to protect babies from HIV infection.

The Western Cape has been using dual therapy since May 2004 and has managed to reduce its mother-to-child HIV transmission to around 8%. By contrast, in KwaZulu-Natal, with our Nevirapine-only regimen, 22% of HIV-positive mothers are passing on the virus to their babies. 8% compared to 22%. Therefore, the nonsensical rhetoric that KwaZulu-Natal will only introduce dual therapy once it is national policy flies in the face

of this department because the last time I checked, Western Cape was one of the 9 provinces in South Africa, and its decision of preventing large scale genocide is paying dividends at this point in time.

30 000 babies born in KwaZulu-Natal are being infected with HIV each year and 15 000 of them will need ARV treatment by the age of 1 year. This is scandalous, Madam MEC, to say the least. How can women and babies be denied treatment when the World Health Organisation, the Medical Research Council, the National Essential drugs Committee and the Medicines control Council have all recommended to government that this country should adopt dual therapy and despite the fact that statistics confirm the efficacy of such treatment?

The people of KwaZulu-Natal deserve a better caring government and the ANC-led government has spectacularly failed to deal with the biggest pandemic this country has faced, and that is Aids. The National Health Council has consistently failed to make dual therapy national policy or even to set up a Task Team to investigate its introduction.

Many hospitals in this province are ready to implement dual therapy, Madam MEC. Five hospitals in uMkhanyakude district have been corresponding with your department and the National Department of Health for the past 9 months about their desire to implement dual therapy to no avail and more babies continue to die in the rural part of this country.

South Africa is one of only nine countries in the world where the child mortality rate is increasing, not dropping, mainly as a result of children dying of Aids-related illnesses. [IHIV iyazibulala izingane, iKlebsiella iyazibulala izingane, asazi ukuthi yini elandelayo.](#)

Mr Speaker, in the conclusion of my debate I wish to raise the following points for note by the Madam MEC:

**Firstly, appointment of senior managers at the health institutions**

It has come to our attention that political affiliation is playing a major role in the employment of senior managers at different health institutions. Simply put, ANC political activists and card-carrying members are first earmarked and employed to fill these posts. We have evidence. We have proof of this and we challenge the Department of Health to investigate and make a formal report to this House on this rotten state of affairs in our public health system

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Secondly under the same point, some Area Managers disregard proper recruitment procedures by internally poaching managers of small institutions by offering to employ them at bigger institutions – you know [kwaMagwaza bathatha udokotela wakhona bathi bayomfaka kwaHlabisa, izinto ezinjengalezo, ungazi ukuthi kwenziwelani lokho](#). Some of your managers are doing that. I have proof of that. This is a contra-productive strategy because there is grave shortage of health professionals in rural areas.

### **Doctors**

Any recruitment and retention strategy for medical practitioners is doomed to fail in your department because doctors are generally demotivated and sidelined from the mainstream of health management and if time allows I will debate that matter but I am not going to get into a debate.

The second issue I want to raise while I am still talking about doctors is the issue of the post of medical managers. This post is a key and a strategic post in the overall service delivery and management of hospitals. This is the only post in the senior management team which is employed at the same post level with that of the Chief Medical Officer. No other post will you find the same thing. I just want to find out why is that the case?

### **Dental and Psychology services**

There is a great need for posts of clinical psychologists and dentists especially in rural areas or in rural hospitals. It always concerns me, as to how people in charge of health determine the suitability and availability of posts in health institutions without involving clinical managers who are at the cold face of service delivery and therefore know better about the needs on the ground.

### **Hospital Boards**

The IFP is greatly concerned about the setting-up of hospital boards. I want to know what criterion is used for a person to be the member of a hospital board and whether background in health plays any role in selection of members. There is also politicisation of this structure. The good example of this was the appointment of Mr Ntuli who is a known ANC leader in eMpangeni, who was asked to serve in the hospital board of kwaMagwaza Hospital.

We also want to know what communication strategy is there for this structure and the involvement of members of these boards.

The last matter I want to raise on this point before MEC Mabuyakhulu keeps quiet, is that the members of the hospital board involved in industrial action in June and they were the ones at the forefront while they are serving in the hospital boards they are also organising strikes against their own department

Things are not as rosy as the MEC's report purports to make us believe. And that is well true in KwaZulu-Natal. As practicing medical practitioner I can state it categorically that so bad is our public health that I can concur with the studies by the Department of Economics at Stellenbosch University which says: "Even among the poorest 60% of the population, a third of the visits to health facilities was to private providers," because our public health system is in chaos.

A large population of unskilled and semi-skilled workers and their families use private health care, even though only one in five belong to a medical aid. The IFP wishes to express its concerns about reports that the national Health Minister has complained that hospital groups were overcharging for anaesthetic gases and therefore she is threatening to intervene in the private health sector because as far as we are concerned her hands are already full with running a dysfunctional public health system. Although the Minister may be right that there is not sufficient competition in the private sector, but this is a matter for the competition authorities, not for her. And, given her track record in the public health care, there is a risk that any intervention by Minister Manto Tshabalala-Msimang, will reduce the private sector to the level of dysfunctionality.

Thank you very much.

**THE ACTING SPEAKER (Mr S N MTETWA):** [Asibongeni mabhedlo sebekhulumile sebengangawe ukuba uphendule.](#) Honourable MEC N.P Nkonyeni for fifteen minutes.

**MRS N P NKONYENI (MEC for Health):** [Ngiyabonga kakhulu Somlomo. Ngisacela ithule-ke iNkatha Yenkululeko ngoba sengiyaphendula manje. Ngicela ukuthi ngempela silalelaneni. Ngizoqala nje ngibonge ithuba engilitholayo lokuthi ngiphendule abahlonishwa asebekhulumile. Ngizoqala nje laphaya kudadewethu uZondi. Ngibonga nje ukuthi dadewethu isikhathi esiningi lapho esihamba khona usuke ukhona. Ngakho-ke](#)

wazi kahle ukuthi uMnyango wezeMpilo wenzani, okungafani nabanye ozakwenu abakhona lapha kule Ndlu abazi nje ukukhuluma kodwa bangazi ukuthi kwenzakalani kuloya mnyango befunda emaphepheni bese bezophendula. Ukube kuthiwa ngiyasazi isiqabetho ngabe ngithi bande ngomlomo okwesiqabetho.

Ngicela-ke futhi ukuthi ngiphendule, ngiphawule enkulumeni kamfowethu uMaphalala. Ngiyezwa kakhulu mfowethu kakhulu konke okushilo ngiyavumelana nacho ukuthi lezi zibhedlela, ngijabuliswa ukuthi nje uvumelana nami ukuthi izibhedlela ezakhiwa ngaleziya zikhathi zobandlululo zazingazange zize zibhekelele izinto zo-infection control.

We cannot deny that. We just cannot deny that. You can go to Prince Mshiyeni today and you can realise that we are hundred percent correct. Yes, we contemplate to re-employ those employees who did embark on industrial action because we definitely need them. We have punished them and they have felt it and we believe that they can now come back.

Hon members, around Prince Mshiyeni there are more than one point four million people, around Umlazi and unfortunately there is not a single district hospital to cater for the Durban South area. Prince Mshiyeni is serving as both a district and a regional hospital. The number of babies that are delivered in that one health facility is around 1 200 per month and the neonatal unit is always full to capacity. Yes, it is a disaster, it is a calamity and it is very unfortunate that we have lost those babies but members should also bear in mind that it is a learning process for us as this department. It is a learning process and the hon members should also bear in mind that the outbreaks of klebsiella have always been happening but other governments did not bother to inform the people. We are informing people because we have now put systems in place. All other former governments like the government of the IFP did not bother to appoint microbiologists. We do have microbiologist today we also do have infection control officers. [Webaba Gwala awuthule Mphethwa ulalele angazi lezi zandla zakho ozithi uqonde ukuthini uma uthi uyabuya uyobuya sesilungisile](#). It's important hon members to note that. Ja, we do inform the public and we are proud of it.

Mrs Rajbansi, thank you very much for your contribution my sister. In fact I must concur with you that a team of specialists or experts should be appointed to investigate what really went wrong this time around. We cannot really complain about the shortage of

staff. The shortage of staff has always been there and there was no klebsiella outbreak. What went wrong this time around? In fact that's what the hon Minister of Health raised yesterday that a team of experts to investigate this particular outbreak of klebsiella should be established and it is going to be established and as time goes on perhaps in a year's time or so I will have to report to the hon House of the findings of that team of experts.

Hon Mrs Downs, I am happy that you are running an NGO that is utilising the services of our health facilities around Umlazi which is Prince Mshiyeni Memorial Hospital. Yes, I fully agree with you we still do have a problem about the attitude of some of our health personnel. Unfortunately it's not all of them; some are very good, very, very good. We are trying to encourage them to change their negative attitude to positive so that our people can access quality health care even if they are demoralised or even if they are over-worked. If you have then offered yourself to assist, you are free my dear hon member to come and assist in whatever way you want to assist. In fact all our health facilities are open to our hon members.

Mrs McKay, yes I fully agree with you. We need more money. More money should be allocated to the Department of Health so that our people can have access to quality health care even if they are staying in rural areas. Yes HIV and Aids is not a South African pandemic every body is affected and more people are infected with HIV/Aids all over.

However, hon Dr B T Buthelezi, I really do not want to waste my time, I don't want to waste my time responding to your rhetoric, because ... [Laughter]. What I can say is that oh shame, sour grapes. That is all I can say. Because you are a medical technician I just want you to make a thorough research about what you have just raised on PMTCT. I want you to make a thorough research on what you have just presented because about a week ago there was a summit in Gauteng that was dealing solely with prevention mother-to-child-transmission. My information is that scientists themselves cannot come out clearly on whether we should administer monotherapy or dual therapy or triple therapy. They are not sure. No one is sure about that. So you are saying we must administer dual therapy, wow, you are our WHO indeed! And we are not going to do what you say. We are going to be informed by the policy of this country not the policy of the IFP. Yes. So, that is why I am saying I am not going to waste my time and respond

to you, not at all.

Ngibonga kakhulu-ke kuzona zonke izimember. Ngifisela izimember ezihloniphekile, abahlonishwa uKhisimuzi omuhle. Niphile. Do not drink and drive. Ngiyabonga kakhulu.

**THE ACTING SPEAKER (Mr S N MTETWA):** Thank you very much honourable members. We have ended 8.4 we are now moving to 8.5 of our order of the day. Which is the KwaZulu-Natal Traditional Leadership and Governance Amendment Bill. The first speaker to report is honourable Chairperson MAI Kubheka for ten minutes.

**MR M A KUBHEKA (Chairperson of Portfolio Committee on Local Government and Traditional Affairs):** Ngiyabonga Somlomo. Sibika ukuthi ikomidi lohulumeni basekhaya nezindaba zomdabu lihlanganile ngomhla wamashumi amabili nesishiyagalombili kuyo le ephezulu kuwo lo nyaka ukudingida udaba loMthethosivivinywa ochibiyela uMthetho Wobuholi nokubusa komdabu lapha kwaZulu-Natali walo nyaka wezinkulungwane ezimbili nesikhombisa. Ikomidi livumelene ngokuweseka lo Mthethosivivinywa kuncike kulezi zichibiyelo elizenzile nazonjengoba zifakiwe kulo mbiko esiwuthulayo.

Amaqembu amahlanu abe kulo mhlango awusekelile ngaphandle kokunanaza uMthethosivivinywa okubalwa kuwona i-ANC, i-IFP, i-DA, i-NADECO ne UDM. Kafuphu nje izichibiyelo lezi zihlose lokhu okulandelayo:

1. Ukucacisa ubuholi bemiphakathi emincane esekelwe ngokwenqubo yomdabu,
2. Ukuhlinzekela amandla okuthi iNkosi ibhale umbhalo ohlonza umuntu ozoyilandela esikhundleni sobuKhosi,
3. Ukuhlinzekela ukugcinwa endaweni ephephile kwaleyo mibhalo,
4. Ukuhlinzekela ukwamukelwa kwamaKhosi ayemukelwe ngaphambi kokuqaliswa koMthetho lo ochibiyelwayo,
5. Okokucina kube ukuhlinzekela udaba lokuthunywa kwabazomela uNdunankulu, uNgqongqoshe ofanele ukuba abambe iqhaza lakhe, amandla nemisebenzi.

Siwudingide lo Mthetho emva kokuthi uMthethosivivinywa obuphambi kwekomidi

kwiNdlu Yobuholi Bomdabu lapha kwisifundazwe ukuze nayo izwakalise elayo ilaka nosekethe emuva kokuthi impendulo nazo sazihlola noma sazidingida ngokunjalo. Amakhophi-ke alo Mthethosivivinywa ezilimi ezintathu isiZulu, isiNgisi nelesiBhunu akhona lapha ayinxenye yalo mbiko esiwethulayo anikezelwe futhi kumalunga ale Ndlu yakho Somlomo. Lolu hlelo lwencazelo ejwayelekile, phecelezi i-explanatory memorandum nayo ikhona lapho akuzange kube khona zichibiyelo ezenziwe kuyo njengalokhu uMthethosivivinywa ubungadingi ukuthi makwenziwe lokho. Ngakho-ke ikomidi loHulumeni baseKhaya neziNdaba Zomdabu liphakamisa lapha ekutheni le Ndlu iwumukele njengoba unjalo lo Mthethosivivinywa.

Ngiyabonga Somlomo.

**THE ACTING SPEAKER (Mr S N MTETWA):** Ngiyabonga nami ukuthi ushiye amaminithi ngoba kuzosilekelela lokho ekusebenzeni kwethu. Then the next speaker to debate, honourable ME Sithebe for nine minutes.

**HON M E SITHEBE (ANC):** Mangibonge Somlomo. Umuntu asho la ukuthi asibonge isiShayamthetho sakwaZulu-Natali esikwaze ukuba sihlale phansi sibheke isiShayamthetho sakwaZulu-Natali ukuthi ukubhekana ngqo netransformation (uguquko) kwenzeka ngayiphi indlela. Phakathi kwakho-ke umNyango noma iPortfolio Committee inomNyango lo obhekelele ezokuphathwa kwamaKhosi nohulumeni baseKhaya baphasisa lo Mthetho esixoxa ngawo manje lo Mthetho esithi yi-Traditional Leadership and Governance Amendment Bill. Sithike uMthetho lo iTraditional Leadership and Governance yasiza kakhulu ukuthi sibone kwenzeka uguquko kwiprovince yonke yakwaZulu-Natali ikakhulukazi la kuphethwe khona imiphakathi ngokuphathwa komdabu. Sikubonge lokho ngoba kusho ukuthi empeleni uMaseneke bekufanele abone ukuthi cha sifanele ukuthi sithole imali ngoba siyayilandela imiyalelo ekwiConstitution.

La kwiConstitution kunale iSection u 114 okhuluma uthi iLegislature ezinye zezinto esizisebenzisayo noma isiShayamthetho ukuthi ihlaziye ukuthi ngeke kwaba khona noma kube khona imithetho eshaywayo noma kube khona echitshiyelwayo noma kube khona esuswayo. So-ke ukuthi nje namhlanje sikhuluma ukuthi sinale Traditional Leadership and Governance ka 2005 kukhombisa ukuthi cha siyasebenza. Kuphinde-ke lokhu ukuthi kuyachitshiyelwa sesikhuluma manje ukuthi sizochibiyela nansi iBill esiyichibiyelayo. Ubaba uSihlalo wekomidi uBaba uKhathide usengenile kuyona washo

ukuthi wonke amaparty avumelane ngo elethu ukuthi cha ingathi sikhanda lo hulumeni onakekelayo le nto esithi yi-caring government. Lo hulumeni onekekela ngenxa yokuthi inhloso yalesi sishicilelo esikhuluma ngaso noma i-amendment yile nto ethi senza kanjani ukuthi kungabi bikho ukuxabana lapha kufanele kuthathe enye iNkosi kube khona abathi hhayi le Nkosi bekungafanele. Ngicabanga ukuthi lokho kukodwa lokho kukodwa kukhombisa ngokusobala ukuthi siyilo hulumeni siyanakekela. Sinakekela wonke umuntu ohlala ngaphakathi kweprovince yethu yakwaZulu-Natali ngoba sithi le South eyawo wonke umuntu ophila kuyona noma kuthiwa yiNkosi noma umuntu ophethwe yiNkosi. Bonke sithi bayefana ngoba neConstitution yale country lapha kwi Bill of Rights ikhuluma ngale nto ye-equality ukuthi bonke abantu kufanele sikwazi ukubhekelela ukuthi bathola ukunakekelwa ne human dignity noma isithunzi esibafanele.

So-ke kusho ukuthi iyasebenza i-ANC ngokuthi izoletha ukukhanya kubantu baseSouth Africa. Mangiqale-ke ngithi uma umuntu ekhuluma ngithi Sihlalo ngicela ukuthi sikubongele Sihlalo. Into esithi masimbongele kuyona uSihlalo ukuthi uye wakhombisa ukuthi uwuSihlalo ngempela wale Portfolio Committee yeSishayamthetho ukuphathwa koHulumeni baseKhaya nezokuphathwa kwabaholi bomdabu. USihlalo uthe uma sixoxa wabona ukuthi kufanele ukuthi aphinde futhi athintane noZihlalo bokuphathwa kweziNdlu zomdabu lapho athintana khona noSihlalo uMtwana wakwaPhindangene ukuthi ake bephawule nabo ngalolu daba lolu. Babhalelana-ke izincwadi wasikhombisa zabuya cha noma siyixoxa kahle ikhombise ukuthi uma sikhuluma ngale nto elaphaya ku Chapter 3 ye Co-operative Governance ukusebenza ngokubambisana yilokhu esikwenzayo esicabanga ukuthi-ke kuyinto nokho esithi asibonge Sihlalo sikwazile ukuyibona ukuthi mayenzeke le nto.

Mhlawumbe-ke uma sixoxa ngale nto kube nezinto eziningi ebese ziqhamuka laphaya kodwa-ke kwatholakala ukuthi ezinye izinselelo ngeke sikwazi ukuthi sibhekane nazo okwamanje kodwa uma silokhu siqhubeka sobe silokhu silandela njengoba usho umlayelo weConstitution laphaya kuSection 114 (1a) othi ngaso sonke isikhathi sohlale sibheka uma kukhona izinto ezithile but okumqoka okufanele ukuthi noma sikwenza ukuthi masizibheke lezi zinto kufanele ukuthi uma sizibheka sizibone ukuthi ziyahambisana yini nalesimo sentandoyeningi njengoba u-Act 108 of 1996 ubonisa ukuthi ayikho into engenzeka la eSouth Africa edlula lo Act 108 ka 1996. Ngikusho-ke lokhu ngoba sithe uma siyixoxa yakhona le nto ethi cha akubhekelelwe ezinye zezinto ezizobhekelelwa kwakhona izinto ezithi uma ukhuluma la kwiprovince ukhuluma

ngokuthi amaKhosi ngabantu besilisa abesifazane ngeke bakwazi ukuthi babe khona ngithi-ke kuyinselelo nokho ukuthi thina njengamalungu esiphethwe yile Constitution ekhona ngifuna ukuthi uma sizibuka lezi zinto sizibuke sibe sibheka ukuthi ziyahambisana yini nale nto esikhuluma ngayo sithi amalungelo abantu noma amalungelo oluntu.

Mangisho-ke Somlomo la ukuthi umuntu esekushilo konke lokhu umuntu akubeka kufanele umuntu asho ukuthi njenge ANC siyayi supporta le Amendment sithi izokwenza ukuba siphuthumise ukuthi izimpilo zabantu zishintshe. Mangibonge kakhulu Somlomo.

**THE ACTING SPEAKER (MR S N MTETWA):** Awu ngiyabonga nami lunga elihloniphekile ukunginika amaminithana ukwenzela ukuthi ngihambe kahle. Ilunga elihloniphekile elizokhuluma manje yiNkosi yakwaMadlala. Ngiyacela ukusho kinina ukuthi izobe ithula inkulumo yayo yokuqala kule Ndlu. Sinomkhuba omuhle-ke wokuthi sihloniphane singabangi umsindo nelungaelisuke likhuluma okokuqala nalo lisihloniphe. Sense njalo-ke for six minutes.

**INKOSI MZN MADLALA (IFP):** Nina bakomkhulu. Mhlonishwa Somlomo angithokoze ukungipha ithuba lokuphawula ngalo Mthethosivivinywa ophambi kwethu. Ngithi angisho-ke Somlomo baba ukuthi okusempeleni noma sebebekile ozakwethu lapha ngokuvumelana ngakho konke asebekubekile okuhle nababeka kahle babeka nangendaba ye Co-operative Governance esithi baqinisa lokhu impela esikufunayo nengizokuphawula nengifisa ukusho ukuthi nxa simele iqiniso kumele sizibuze ukuthi yini edala ukuba sizifumane namhlanje sidingida isichibiyelo soMthetho wobuHli bomdabu nokuBusa ngokomdabu owunombolo 5 ka 2005; kungakapheli ngisho iminyaka nje emithathu washaywa.

Iqiniso ukuthi lokhu kukhomba ukuthi kukhona okungazange kwahamba kahle ngenkathi wakhiwa lo Mthetho. Ngithi-ke angithinte baba lapha ukuthi okunye ukuthi sithi singakaxoxi nangawo nje layiNdlini uMthetho sivumelane ngoba abafowethu besho ngoba besisavumelane ngawo ekomidini lela ebesihlangene khona kodwa bese kuzwakala ukuthi abezindaba bese bexoxa nobaba uNgqongqoshe ngalo lolu daba esizoluxoxa lapha eNdlini. Mangisho kule Ndlu yakho Somlomo ukuthi ngabe kasiwudingidi uMthetho lo omusha sha ukube umhlonishwa uNgqongqoshe wayenyathele ngesizotha ngenkathi eqonde ekuphasiseni lo Mthetho ewethula kule Ndlu

yakho, futhi eyinika nesikhathi sokulalela imibono eyayibekwa yilabo obathintayo lo Mthetho. Ngakho sithi-ke njengamaKhosi aseNdlunkulu umhlonishwa apethe izindaba zawo sithi kwakufanele kungabi bikho mhlambe ukuxhamazela okwakungadalwa nayilukuluku kwesinye isikhathi lokujaha ukushaya igoli lezombusazwe nokungaxhumani kahle namaKhosi esifundazwe nesithi kwashiya izikhala kulo Mthetho ezinye zazo okuyizo lezi ezisiphogayo ukuba sibhekane nokwenza izichibiyelo njengoba sizenza nje namuhla Somlomo.

Mhlonishwa Somlomo ukuba liyacoshakala ithuba lokuhlala phansi nomhlonishwa futhi azinike isikhathi sokulalela ngenhlonipho akwentshise kahle lokho okusuke kushiwo yiNdlu yesifundazwe ngabe kazikho lezi zikhala ezilokhu zivela nezisiphoga ukuba silokhu.

**THE ACTING SPEAKER (MR S N MTETWA):** Ake ume kancane Ndabezitha...

**MR V C XABA (Chief Whip of the Legislature):** Somlomo bengicela ukubuza ilunga elihloniphekile ukuthi njengoba lifunda imaiden speech yalo and engagwayelekile lingawuthatha yini umbuzo.

**THE ACTING SPEAKER (MR S N MTETWA):** Ungawuthatha umbuzo lungu elihloniphekile?

**INKOSI M Z N MADLALA (IFP):** Hhayi. Uma sengiqedile mhlawumbe.

**THE ACTING SPEAKER (MR S N MTETWA):** Qhubeka-ke Nkosi yakwaMadlala.

**INKOSI MZN MADLALA (IFP):** Mhlonishwa Somlomo olunye udaba olulokhu luyilahle elishisa amaKhosi yilolu lokukhokhelwa kwamalungu emikhandlu yomdabu. Ngithi-ke lo Mthetho wathi uma usushayiwe kwakhandwa le mikhandlu-ke yamaKhosi okwathi ngemuva kokuthi esefungile amalungu lawa emikhandlu kwase kuthiwa awavule nama akhawunti awo ebhange ukuze akwazi ukucosha...cha inkece-ke kulokhu, yokuthi bayile emhlanganweni babuya futhi emhlanganweni kube khona abakucoshayo ngalokho. Sithi-ke noma bekucosha ukudla njengoba esho omunye ukuthi yincosa abenzelwa khona yihhovisi likaNgqongqoshe uma kunemihlangano kepha umuntu uyabona nje ukuthi akwenele kunale nkece ababethenjiswe yona emuva kokuba sebefungile ngo 2006.

Ukufika koshintsho olusha lwalo Mthetho kwadala ukudideka nangokukhokhelwa kwezinduna ezingamalunga emikhandlu yomdabu njengoba kwashiya ezinye ngaphandle. Okusimangazayo ukuthi lezo zethembiso abethenjiswa zona ngoSeptember kazikafezeki kuze kube manje futhi akukho namuntu ozitshelayo lezi zinduna ukuthi kwenzekani kuhlwe emini nje ukuthi kubheka ngaphi.

Mhlonishwa Somlomo ngiswele amazwi eneleyo ukuchaza iqhaza elibanjwe ngamaKhosi ekudaleni ukuthula ezindaweni zawo. Ukuba ayengekho amaKhosi ngabe amajele aphuphuma ngaphezu kwalokhu ayikho manje. Nokho ngiyaxakeka ukuthi njengoba amaKhosi eneqhaza elingaka futhi eyisakhiwo esiyisisekelo sobu-Afrika, yini edala ukuba angashawa mkhuba nje, noma kuxhunywana nawo kwenziwe ngendlela engenayo inhlonipho. Ukulinganisa nje uSihlalo weNdlu esifundazweni nonguNdunankulu kaZulu , uMtwana wakwaPhindangene wabhalelwa incwadi ngomhlaka 5 November eyayingenayo imininingwane eqondileyo ithunyelwa ngumhlonishwa uMnunzane uKubheka onguSihlalo wekomidi laleli Phalamende eliqondene nohulumeni basemaKhaya nezoMdabu. Imininingwane eqondileyo ize yafika nommeli uMnumzane uKoen ngomhlaka 22 November nobekuwusuku lokuhlangana kwamaKhosi.

**THE ACTING SPEAKER (MR S N MTETWA):** Hhawu Ndabezitha sekuphele sona isikhathi. Bengizamile nokho ukukukhuzela kodwa-ke akimina-ke. The next speaker to speak, honourable G. Mari for four minutes.

**MR G MARI (DA):** Thank you, Mr Speaker. The Democratic Alliance welcomes the amendments to the Traditional Leadership Governance Act of 2005 which was promulgated to provide for the recognition of Traditional Communities, the establishment of Traditional Councils, Traditional Leaders, their positions and the House of Traditional Leaders, and other ancillary matters. This Act also serves to bring about stability within the Traditional Communities who saw the Act as bringing recognition to their customary leadership laws.

The Act also had some omissions which actually did not provide for the recognition of Traditional Sub Communities, the succession issue and Delegations of Powers that vested with the Premier and the MEC.

The amendment therefore attempts to close the gaps by firstly providing for the

Amakhosi to prepare a testamentary succession document in which the Amakhosi identify the person he or she wishes to succeed him or her as Amakhosi upon his demise.

The MEC at the Portfolio Committee further amended the initial clause by deleting the provision where *umndeni wenkosi* must consider the testamentary documents before identifying the person nominated to succeed the Inkosi upon his or her death and also deleting the witness. [Interjections]

Now, Mr Speaker, this then means that the *Inkosi* can draw up a document in secret with no witnesses and hand it to the department for safekeeping. Whilst the MEC was at pains to explain his amendment, the DA is of the view that the document should be at least witnessed by a notary which could still remain confidential. If confidential documents can disappear from the hon. Premier's Office, then who knows what can happen to these documents. Hon MEC, I am glad that the legal advisors advised us in our last meeting of the Local Government and Traditional Affairs Portfolio Committee that there has to be another Amendment which actually says that the format prescribed in the regulations was incorporated, which means that there must be witnesses to the testamentary document that give it some legal status.

Secondly, the Amendment also recognises Traditional Sub Communities where there are two or even more traditional communities which owe allegiance to one traditional leader. The Inkosi can then apply for recognition of these sub communities and can nominate an Induna to represent him or her in that community. This means that there will be many Indunas nominated by Inkosi where there are sub communities. The numbers could not be determined at this point in time and the question I want to pose to the MEC is that, what numbers would make up a sub community? There could be sub communities, 5 or 6 of them, in different parts of the parts of the province. Will it now mean that that Inkosi now can nominate 5 Indunas in different areas which is will impact on the budget because the Indunas will be also getting paid.

Mr Speaker, in conclusion we want to say the Democratic Alliance supports this Amendment.

Thank you.

**THE ACTING SPEAKER (MR S N MTETWA):** Thank you very much. The next speaker is Inkosi uMZ Madlanduna for four minutes.

**INKOSI M Z MTHULI (NADECO):** Mr Speaker, in a democratic state changes must be done and the rule of law must take its own course. The Black Administration Act was a stumbling block to all Traditional Leaders in South Africa.

Traditional Leaders are using common law rules which originate from customs, in other words common law rules are unwritten rules. Common law becomes law through acknowledgement thereof by the courts.

Therefore, we thank our hon Minister and his department because they managed to change customary law to form statutory law. I say that because it is very easy to find statutory law. It is also recorded and easily accessible.

At this juncture, there is no uniformity in the functioning of traditional courts as well as in administration of the community. For example, there was a case decided at Sekhukhune at Mamane Kgoro which was between two families – the Magakalas and the Monagadis. In this case the husband from the Magakalas threatened to kill his wife. The Inkosi and his Councillor decided that the husband should respect his wife and that he should not assault his wife but they must live in peace. At the end Mr Magakala accepted his wrong doings.

In imposing a sanction, there was a disagreement amongst the Councillors. There were those who were in favour of corporal punishment and some were in favour of a fine. This action alone weakened the role of traditional leaders as custodians of good morals and culture.

If there were written rules they would have used that statutory law.

I therefore support the Amendment Bill because the purpose is very clear.

I thank you Mr Speaker.

**THE ACTING SPEAKER (MR S N MTETWA):** I also thank you hon Inkosi member for giving me some minutes. The next speaker to speak will be changed from the speakers' list, hon S Rajbansi.

**MR S J GCABASHE (ANC):** [Inkosi uMohlaka lo obukhuluma ngaye.](#)

**MRS S THAKUR-RAJBANSI (MF):** Thank you hon. Speaker. I must say that coming after the hon Inkosi Mthuli, the Minority Front can - obviously we cannot go against this Bill at all – because the Inkosi has already spoken and he says he is happy with it. He says there is nothing else that they needed like they needed this to put everything in order. So, with that, since the Inkosi is happy so is the MF and we support the Bill.

**THE ACTING SPEAKER (MR S N MTETWA):** Thank you very much, hon member. The next speaker to speak is Mrs J M Downs for two minutes.

**MRS J M DOWNS (ACDP):** Mr Speaker, we support the Bill.

**THE ACTING SPEAKER (MR S N MTETWA):** Thank you very much. The next speaker to speak is Mr B J Msomi for two minutes.

**MR B J MSOMI (UDM):** [Angibonge Sihlalo. Angisho ukuthi bengifisa la ukuthi ngincome ukuthi ukubambisana okube khona phakathi kwaMakhosi noSihlalo neKomidi kubekuhle. Lokho ngikususela ukuthi Amakhosi uqobo lwawo aze akubonga lokhu.](#)

[Ngiyathuka-ke Inkosi uMadlala uma esebeka kanje phakathi kwethu ukuthi kwenzakalani. Umuntu ofana, cha Msindazwe sasinayo Inkosi. Kwabonga Inkosi uNgubane kwabonga Inkosi uMathaba kwabonga Inkosi uMadlala besho ukuthi kuhambe kahle. Cha angikhulumeli uhulumeni ngithi mina ngangikhona phela ekomidini wawungekho wena. Mina sengisholo ukuthi kuyadida ukuthi sikhuluma lokhu namhlanje sikhuluma lokhu kusasa.](#)

[Mina yilokho-ke ebengifuna ukukuphakamisa. Amakhosi ngoba ayajabula ayasithatha lesi sichibiyelo, ngiyawu supporttha Msindazwe.](#)

**MR S J GCABASHE (ANC):** [Umuntu owonisa Inkosi uMadlala Inkosi uMdletshe.](#)

**THE ACTING SPEAKER (MR S N MTETWA):** [Asibonge, order hon members. Ndiyema sebekhumile sekusele wena ukuthi uphendule ngo five minutes wakho mhlonishwa](#)

uMabuyakhulu.

**MR M MABUYAKHULU: (Minister of Housing, Local Government and Traditional Affairs):** Ngibonge Somlomo neNdlu ehloniphekile. Malunga ahloniphekile okokuqala sifisa ukubonga ukuthi lo mthethosivivinywa esiwubeke phambi kwesithebe sePhalamende laKwaZulu-Natal sesikwazile ukuwubheka ngendlela okuyiyona yona. Sibonge-ke futhi ukusebenza ngokubambisana.

Sifisa-ke okokuqala ukuba sibonge amalunga lana abambe iqhaza la noSihlalo nekomidi lonke kodwa bese sedlula Somlomo ohloniphekile neNdlu yakho sizothi kuyaxaka phela uma kukhona Inkosi usozaba ilungu elihloniphekileyo lifika nje selikwazi ukuqamunda liqekethe izindaba ezinkulu kangaka lingena nje ngakho kodwa, lingena nje kuleNdlu ehloniphekile ngakho kodwa kwamsila singakawunqumi Somlomo.

Somlomo angisho ukuthi okokuqala lo mthetho awubangangwa ukuthi kukhona okwasala ngesikhathi sishaya uMthetho owu No. 5 ka 2005 Kuyinto ejwayelekile ukuthi kunoma imuphi umthetho izichibiyelo ziyenziwa Sozaba.

Okwesibili angisho Somlomo ukuthi lo mthetho awuhlanganise lutho ukuthi uNgqongqoshe kukhona ayekuphusha emqaleni nalabo abafuna ukubamba iqhaza odabeni lbuholi bomdabu ngoba thina esilaziyo iqiniso siyazi ukuthi sahlangu eTruto House yayingekho-ke Inkosi Sozaba. Wayekhona uMsindazwe nabanye nenkosi engasekho la esasikanye nayo uMnguni eseyakhothama nomhlonishwa uNdunankulu sikhuluma ngeziphakamiso. Ukuthi Amakhosi awalalelwanga uma ekhuluma akulona iqiniso lelo Sozaba.

Okunye sidinga ukuba sisho ukuthi uma kuboniswana akufanele kube khona abathi ekubonisaneni bazonquma bona ngoba kusuke kulalelwana. Sinohulumeni siwalalele Amakhosi ngesikhathi sicaba indlela eya ekushayweni kwalo mthetho namanje sisalalele. Yingakho-ke sithi kungeke kwaba iqiniso ukuthi uNgqongqoshe akalaleli nxa Amakhosi ekhuluma nala ukuthi sila esikhona ngalezi zichibiyelo yingoba lo Ngqongqoshe wehlukile uyaya eMakhosini ahlanguane nawo njengoba nakhona Sozaba Ogwini sengake ngafika sahlanguane ukhona nawe naMakhosi ungakabi ilungu lale Ndlu nakwezinye izindawo.

Angisho-ke ukuthi Somlomo ukuthi kungaba yishwa uma kungavela isimo sokuthi

kukhona osenokudideka ukuthi imhlo mulo noma ukubonelelwa kwamalunga angamalunga onkhandlu womdabu emakhosini ukuthi kumi kanjani. Udaba eseluchaze la kule Ndlu yakho ehloniphekile saluchaza ngisho emaphepheni saluchaza ngisho nase msakazweni. Ngachaza ukuthi ngokoMthetho kaZwelonke u- Act No. 41 of 2003 Amakhosi ngizoqala ngeZilo iziNdlovukazi naMakhosi kube iziNduna ezifanelwe ukukhokhelwa ngokomhlo mulo lo okuthiwa ama stipend noma ama allowances. Bonke abanye bathola I S & T okuyi substistence and travel. Sengize ngakuchaza kaningi lokhu ekomidini le portfolio committee.

Nxa kuwukuthi Inkosi ehloniphekile ayakazi namanje kusho ukuthi abayifake kule nkulumo ukuthi ayikhulume la bayifake ngekhandla impela ngoba bayazi babesebeba ngochakijana baphuma bama lapha kude ngoba bazi ukuthi bayothola izinduku nxa kuyibona abakhulumayo la ngoba banolwazi.

Angisho-ke Somlomo ohloniphekile ukuthi lolu daba siluchazile saluchaza kaningi lucacile ukuthi abanye abangezona izinduna emkhandlwini yomdabu bathola izibonelelo zokuhamba beye emhlangamweni nokudla uma beya emhlangamweni. Akukhu okunye okungaphezu kwalokho sikucacisile lokho sakuchaza. Ngiyazi ukuthi ukhona okwazi kahle lokho Sozaba lungu elihloniphekile othule ngabomu ngoba ekwazi wayengeke akutshela. Somlomo Baba sengiphothula, ngifuna ukuiphothula ngokuthi enye yezinto esizoziguqula hhayi ngomthetho ngokukhuluma, ukusetshenziswa kuka Ndabezitha sithi Amakhosi ahloniphekile njengoba Inkosi yakwaMadlala kungu Sozaba asiyibeke siyithakazele ngesithakazelo sayo sishiye oNdabezitha kungabantwana baseNdlunkulu sibabiza nje ngo Ndabezitha. Cha angikasho ukuthi Inkosi ayizalwa uMntwana sesisho- nje ukuthi Amakhosi ayobizwa ngezithakazelo zawo. Ngiyabonga, Somlomo.

**THE ACTING SPEAKER (MR S N MTETWA):** Hhawu siyabonga. Hon members, we have now come to the end of the debate on KwaZulu-Natal Traditional Leadership and Governance Amendment Bill. I am now going to put ...

Order Members!

I am now going to put the Amendment Bill to a vote. All those who support the Bill as amended, say "aye".

HON MEMBERS: Aye.

THE SPEAKER: All those who do not support the Bill as amended say nay.

HON MEMBERS: No.

THE SPEAKER: They “ayes” have it. I will ask the secretary to read the title of the Act.

*Title of the Bill read to the House.*

**THE ACTING SPEAKER (MR S N MTETWA):** Thank you very much. Colleagues we now move on to the next item of our agenda which is the festive season messages by Party leadership.

However, before I say that let me read an announcement from the MEC for Agriculture and Environmental Affairs, the government event that involves the following departments: Agriculture and Environmental Affairs, Economic Development, Public Works, Housing and Local Government, Arts and Culture and Sport and Recreation that was scheduled to happen tomorrow, 30 November 2007 at Pomeroy Sport ground in Umsinga municipality, has been postponed until further notice. We request members to forgive us for the inconvenience that may have been caused by this postponement. Thank you, Mthimkhulu.

As I indicated 8.6 of our order of the day for three minutes I will start with the UDM.

**MR B J MSOMI (UDM):** Sihlalo angibonge ukuthola ithuba elifana naleli ngisho ukuthi bekuwunyaka onzima lo la sibone amalungu awozakwethu esishiya emhlabeni amanye kuwukugula, amanye ngezinguzi. Ngithi-ke sengathi umoya wokuthula ungaba nayo imindeni yabo ngoba ngiyazi ngabe sinabo nathi la phakathi kwethu. Ngiphinde ngithathe leli thuba-ke lokubongela bonke ozakwethu abakhona la ngibafisele uKhisimusi namaholidi amahle nemindeni yabo. Ngiphinde futhi ngifisele istaff okuyisona esisilekelela kukho konke esikwenzayo uma siqhuba izinkonzo zesiShayamthetho. Sengathi bona nemindeni yabo bangaba noKhisimusi omuhle, babe nokuhlala okuhle baphinde bakhumbule ukuthi lesi khathi esifika kusona yila kumele sikhumbule khona ukuthi singabantu senziwa kanjani ukuthi sibe ngabantu abasondelene noNkulunkulu. Ngiphinde-ke Sihlalo ngisho ukuthi-ke siyazi ukuthi-ke kunomkhosi omkhulu othi awulingane nowise Cape Town ozakwethu laba abasiholayo abakuhulumeni baya kwinqungquthela yawo esePolokwane. Ngiyafisa ukubafisele ingqungquthela enhle ngithi futhi ekukhethweni kwabo bakhethwe ngale ndlela yokuthi bazi ukuthi abakhethi

umholi okuzoba owabo kuphela kodwa bakhetha umholi okuzoba owethu sonke. Ngalawo magama ngithi uKhisimusi omuhle kubo bonke.

Ngiyabonga.

**THE ACTING SPEAKER (MR S N MTETWA):** Awu Nomndayi. The next speaker, ACDP for three minutes.

**MRS J M DOWNS (ACDP):** Thank you Mr Speaker. You can already feel that an election is coming because the tenure of the House is heating up a bit. However, I have to tell you that politics aside, most of us here are really good for friends with each other. So I would like to my friends, brothers and sisters, a very happy Christmas, a wonderful New Year. I would like to wish God blessings and peace on every single one of you. And I'm asking the Lord Jesus Christ to keep you all safe in His name, Amen. Also thank you very much to all the staff that have worked so hard to keep us going. You know who you are and you know who deserves the accolades for keeping the committees and the Legislature going.

Thank you, Mr Speaker.

**THE ACTING SPEAKER (MR S N MTETWA):** Thank you very much honourable Mrs Downs. MF for three minutes.

**MRS T RAJBANSI (MF):** Thank you Mr Speaker. Mr Speaker, first and foremost I would like to also bid farewell to a mother-like figure Laretta Ngcobo and say at least something about our association with her and that she was a true role model a really god-like person - always very motivating, a well-accomplished person. I know that even in her retirement she would not just retire, she will certainly do a lot more for the good of women leaders in the community and in the House.

Also, the fact that we have come to the end of yet another year and everyone has worked so hard, I can see that everyone is already in a jovial mood because everyone wants to go. That is good. The energy that you have now will last you through December. That is the kind of energy you need to come back with: renewed, well-spirited because as Joanne said, it is true next year is going to be a very demanding year. It is going to be a pre-election year and so we have got to come back in high spirits with lots of energy so that we can see that year through too.

With these words, I would like to thank all the staff at the Legislature for keeping us well the whole year and for their selfless service they do for us and we should all do something a little more for some of the special staff who take care of us and we should think about them at this time of the year. We need to tell them thank you.

Also, I want to wish every single member here, every party well and please enjoy your Christmas and your New Year. Take care of yourselves. Do not overdo it. Come back with lots and lots of energy and come back with a whole lot of new thoughts for the New Year.

Thank you.

**THE ACTING SPEAKER (MR S N MTETWA):** I thank you hon member Thakur. NADECO, three minutes.

**PROF J S MAPHALALA (NADECO):** Ngiyabonga Somlomo, Nyambose. Ngifisa ukuqala ngokuthi njengoba siya kule nsikhathi esiya kuso okuthiwa uKhisimusi, ngokwesikithi ukweshwama. Nokho-ke abantu bakithi bayathatheka bonke sebejabulela uKhisimusi. Wawungekho. Igama elikhona ukweshwama esikufisayo ukuthi abantu bakujabulele. Wusuku vele okwakungelenjabulo. Kuhlathwa, kugiywe, kuvunulwe kuconswe. Ngifisa ukuthi-ke lolo suku lolo, lumukelwe ngezandla ezimhlophe kulabo, nalabo-ke abenkolo le yobuKristu abadla ukhisimusi. Nabo siyabafisela futhi ngoba vele inkolo yethu yayingabandlululi.

Bese ngiza-ke ngigcizelele kuloku uNomndaye akushoyo ukuthi uKhongolose simfisela ukukhetha okuhle. UKhongolose ungigeze inhliziyu ngokuba *very democratic* ekukhetheni kwakhe ekukhetheni kwakhe, ukuthi amasiko abantu – lokhu okuthiwa *amabranches* – abantu bakhethe ngokukhululeka okungakaze kubonwe, kuphume umphumela kuze kubhalwe amabhokisi e-IEC umuntu angene... Laba bantu ngathi, ewu, uma ngibheka bakhululekile laba bantu. Sibafisela inhlanhla nomphumela wabo uyoba ngempela noma ngabe uqhathaniswa nomhlaba, lokho okuphumile kungabibikho ukukhala enhliziyweni. Yinto nje lena eneDemocracy eyisimangaliso. Siyayibonga. Sibafisela inhlanhla.

**THE ACTING SPEAKER: (MR S N MTETWA):** [insert isiZulu]. The next speaker is the DA leader.

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**MR R M BURROWS (DA):** Thank you, Mr Chairman. I would like to bring best wishes and greetings for a good Christmas and a blessed New Year for the Speaker, Deputy Speaker and his Office, including you Chair and your assistant, to the Secretary and all the staff of the Legislature who served us in so many capacities everyday of the year. I like to thank the security both in this building and across the road who have kept us safe from the turbulent life that exist just outside our doors. To the media, we love them and we hate them, depending on what they write about us, but we cannot do without them. We are the politicians dependent on the media. So thank them for the work that they are doing upstairs and around and about.

I bring Christmas greetings from the DA to all my colleagues. To my colleagues in my own party especially and obviously, but also to all other parties. We have to interact together. We have to act maturely and sensibly and mostly we do. Sometimes we do not. Mr Bhamjee and I can sometimes not even sit next to each other without shouting, but that is how it happens.

To the Premier, he is not here, he has not been here the whole week and we have missed him. We hope it is not permanent. We hope we see him back in the New Year, but we wish a good Christmas to all the MECs as well.

As has been noted the ANC has a Polokwane Conference, I merely echo the words of my colleague in Cape Town: May you choose wisely, may you choose well, not only for yourself but for all of us. Not only all of us, but our children and our children's children.

That is the kind of decision you are making for the leadership of your party and into the next election.

I bring personal greetings to Ms Loretta Ngcobo. She is a revered figure in this House – an activist in politics, a person in exile for over 30 years, a writer, a novelist and I know personally from experience, a well-versed shopper at Musgrave Centre. I meet her all the time there. Best wishes in retirement to you, Loretta. Good health to you all. May you drive safely as the MEC for Health has said? May you drive safely and well? May you be a defensive driver? Look after yourself and look after the rest of us? I do not want to meet you by accident. Please. Let us meet together, all, with the exception of Loretta, in the New Year. Thank you, Mr Chairman.

**THE ACTING SPEAKER (Mr S N Mtetwa):** Thank you very much. The next speaker will be the leader of the IFP for ten minutes.

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**DR L P H M MTSALI (IFP):** Thank you, hon Chairperson and colleagues. The provincial Legislature's programme for this year has come to a close. While some progress has been achieved in delivering basic services, there have been serious setbacks.

Perhaps most notably, the Legislature voted on and passed, thanks to the ANC majority boosted by the latest floor-crossing, the infamous Constitution Thirteenth Amendment Bill, which incorporates Matatiele into the much poorer and more corrupt Eastern Cape. This was done against the explicit wishes of the residents voiced in what turned out to be bogus public hearings.

Similarly, the people of KwaZulu-Natal have had to endure another annual round of costly political jamborees, known as *izimbizo* and Taking the Legislature to the People. The main preoccupation of these has not been, as one would expect, the promotion of service delivery, but rather that of the ruling party. Alarming, the Legislature has not had the opportunity to carry out its oversight role in some of this year's most pressing issues. One of the most significant issues that will continue to haunt this government and hang like an albatross around the neck of this Legislature is undoubtedly the forensic investigation into the misappropriation and over-spending of funds in the Department of Agriculture.

As leader of the Official Opposition, I would like to see the KwaZulu-Natal Legislature approach its oversight obligations to the South African citizen and taxpayer with considerable more vigour and dedication in the New Year.

The end of this year also marks the end of a remarkable tenure of service to the people of KwaZulu-Natal by Mrs Loretta Ngcobo, a member of this House for the Inkatha Freedom Party. Mrs Ngcobo has served her constituents and her party with distinction and arduous dedication. Her time as Chairperson of the NCOP Portfolio Committee has probably been her most rewarding. The image of Mrs Ngcobo fighting for her party in the former Parliamentary Executive Board when the Von Klemper-Potgieter Report came under discussion will always stay on my mind. My caucus join me in wishing Mrs Ngcobo all the best in everything that she might wish for in her retirement. [Interjections]

**THE ACTING SPEAKER: (MR S N MTETWA):** Thank you. Order! Order! Order! The next speaker will be the ANC for three minutes.

**AN HON MEMBER:** Somlomo, ngizocela uxolo nje kancane Somlomo, uma uSomlomo engangivumela bengicela egameni la leNdlu ikakhulukazi thina esihleli ngapha ukuthi mhlawumbe ubaba uMantshinga anikezwe umzuzu owodwa nje ngaphezulu ukusifisela ke uKhisimusi omuhle ngoba akazange akwenze lokho.

**THE ACTING SPEAKER (MR S N MTETWA):** Awu usehleke kwavela elomhlathi ke Khathide usekwenzile

**THE ACTING SPEAKER (MR S N MTETWA):** Thank you. [Interjections] Order, order. The next speaker, ANC three minutes.

[Interjections]

**MR M A KUBHEKA:** Ngicela uxolo nje kancane Somlomo. Uma uSomlomo engangivumela, bengicela egameni lale ndlu ikakhulukazi thina esihleli ngapha ukuthi mhlawumbe ubaba uMantshinga anikezwe umzuzu owodwa nje ngaphezulu, ukusifisela-ke uKhisimuzi omuhle ngoba akazange akwenze lokho. [laughter]

[Interjections]

**THE ACTING SPEAKER (MR S N MTETWA):** Hhawu, usehleke kwavela elomhlathi. Hhiya Khathide, usekwenzile.

ANC three minutes.

**MR M MABUYAKHULU (MEC for Housing, Local Government and Traditional Affairs):** Thank you, Mr Speaker.

When we began the year, the Premier and the majority party and the leader of the majority party in this house outlined that 2007 was to be the year that will be a year in which KwaZulu-Natal will make its mark and put KwaZulu-Natal on a higher pedestal. 2007 has been a year that has seen KwaZulu-Natal soaring higher than an eagle. It is a year that has become a turning point in our endeavour to implement our vision.

In 2007 we have been able to finalise the decision to begin the construction of the Dube Tradeport and the King Shaka International Airport. Construction is now underway at La Merce.

In 2007 we finalised the construction of the biggest stadium in eThekweni. Now the construction of the Moses Mabhida Stadium is well advanced in its construction.

In 2007 we have begun to occupy the centre stage of the globe. And, last weekend we rolled out the red carpet to welcome the wealthy on our shores. We have received an overwhelming excellent performance from none other than the FIFA President, Sepp Blatter.

As the year draws to an end, we celebrate the wonderful successes that our government and our people have achieved. KwaZulu-Natal has come of age and this is a defining moment that a new hope and a new breeze, is sweeping across our province.

With these few words, I merely highlight in this long journey as we end our legislative processes today for this year. We are closing today in order to return in 2008 refreshed and recharged in order to take off where we left off at the end of this year. There is still a long road ahead of us and I believe we are equal to any task that will come on our way.

We thank this house, especially Deputy Speaker and the Speaker, the Officials and indeed all hon members of this house for the great work in ensuring that we bring democracy closer to the people. We wish you all a wonderful Festive Season. Drive safely; we will see you back in 2008 rejuvenated after the Limpopo Conference. It will make the African National Congress even stronger. As we go to Limpopo, we want to say to South Africa and everyone, the ANC is the oldest movement in the Continent. It is 95 years old. We will therefore lead South Africa in a responsible manner. Indeed our action already shows that there should be nobody who must worry about that.

Have a safe journey home. Enjoy your Christmas. Thank you.

**THE ACTING SPEAKER (MR S N MTETWA):** [\[Insert isiZulu\]](#)

**MRS L G NGCOBO (IFP):** [Ngiyathokoza kakhulu ukuthola leli thuba lokuba ngikhulume futhi phakathi kwenu sengikhuluma-ke manje esizindeneni samandla ale Province.](#)

[Le Province uma ngiyicabanga njalo ngiyakhumbula ukuthi iyi Province eyafelwa abantu cishe ngaphezu kwawo wonke ama- province igazi eselachitheka ukwakha le Province liningi kakhulu uma sibheka emumva. Kothokozisa ukuthi sesize sala saba lapha sesihlangana sesikhuluma kanje. Sesithi noma ngabe singavumelani kodwa](#)

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[siwanqekuze amakhanda sithi qhubani.](#)

So I say today, all of you I wish you the very best. The responsibility of leading a young nation is very very challenging. I spent many years and saw many young countries in Africa and saw what challenges they met and how they failed and how they succeeded. The same battles face us today and I wish those of you who it has been my greatest privilege to meet those people to whom the responsibility of leading this young nation is in their hands.

Although there are lot of things I wish for you, I charge you with the responsibility of bringing up a healthier nation not so much in physically, yes physically, but a healthy nation in terms of values. I am ready to admit I do not know whether some of my colleagues who come from exile will agree that there are a lot of ideas that we have brought into this country which contrast sharply with the natural order of things in this country as it was and in this process nobody will say go back. I am not suggesting we go back to anything I am saying lead forward correctly.

Our children are not as empowered as we would like. Quite often I regret when I watch TV at the most crucial times of the day, evening when everybody is sitting down and watching and all we see is our children absolutely gyrating and mindless in the true sense of thinking we encourage our children to be mindless. I hope I would not have stones thrown at me by our young when I get out of this precinct. The truth is we are encouraging our children, the very meaning that encourages our children to think. Our children are not being taught by us how to think, how to approach the challenges that face this country and it is in the hands of the lawmakers and the decision makers to suggest, to coach, to coax our children to think correctly and to deepen their consideration of this country.

I just want to leave that message as I told you earlier on in the day one of the greatest things I fear a sense of gratitude for is seeing the young people that I helped to shape in this place and leading correctly. I want to see a whole lot of young children coming out of your hands out of your future as real responsible citizens. Please look after our children. Thank you, very much. [Applause]

**THE ACTING SPEAKER (MR S N MTETWA):** [Amazwi omuntu omdala lawo.](#) You know colleagues when we left lunch I was wondering whether we were all going to come back. I

want to thank you so much and tell you that we have now come to the end of the day's sitting.

*The House was adjourned sine die.*