
DEBATES AND PROCEEDINGS OF THE THIRD

KWAZULU-NATAL PROVINCIAL LEGISLATURE

FIFTH SESSION

THIRD LEGISLATURE

THURSDAY, 4 DECEMBER 2008

**THE HOUSE MET AT 10:52 IN THE LEGISLATIVE CHAMBER,
PIETERMARITZBURG.**

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

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

- 2. OBITUARIES AND OTHER CEREMONIAL MATTERS**

THE SPEAKER: Hon members, there is nothing that has been brought to my attention.

- 3. ANNOUNCEMENTS BY THE SPEAKER**

THE SPEAKER: Hon members, the first announcement I need to make is an apology. We should have started at 10:00, but we are only starting now. I cannot tell you what the time is exactly, because the clock on the wall says it is 10:45 and my watch says it is 10:55. However, we are starting now. The delay in the starting time has been caused mainly by some arrangements relating to the Order Paper which I have been dealing with before we arrived at this sitting. I know that the Chief Whip has an announcement to that effect, but I am adding my voice in requesting hon members to please bear with us. The delay was not intentional, but sometimes these things do happen.

The second announcement that I need to make is that in terms of our Rules, hon members need to submit to the Speaker any Votes on which they will require either their views to be noted or their demand for voting before voting on a budget takes place. Since this Bill was only made available to parties yesterday, there is an understanding

that we will allow parties to make those submissions to me today. However, we request that these submissions reach the Speaker's Office before 13:00 today. That is the other matter that we wished to deal with.

In terms of apologies, I would like to announce an apology on behalf of the hon Deputy Speaker. There is a Speakers' Forum in Pretoria which I should also have been a part of, but the hon Deputy Speaker will be attending that meeting.

The hon Mrs C M Cronjé, MEC for Education, will not be able to attend today's sitting.

The hon MEC Mr Mabuyakhulu will not be able to attend today's sitting.

The hon MEC Mr Cele will not be able to attend today's sitting.

All these hon MEC have cited prior government commitments.

Another announcement is that we have received information that the hon Mr A Rajbansi, MEC, has been invited by the government of India as a guest of honour. He will be a keynote speaker during the Africa Session of the Pravasi Bharatiya Divas Convention. The Legislature congratulates the hon Mr Rajbansi, MEC, on that very important assignment.

Invitations to hon members will be circulated, but the first one is from the hon MEC for Social Development who has invited hon members to a mass funeral for the victims affected by the storm that claimed lives on 7 November. The venue is [uMkhumbé Sports Ground](#) in [kwaMakhutha](#). If wonder if that is a coincidence, but I am told that the stadium is called [uMkhumbé Sports Ground](#). [Interjections]

The hon Mrs N P Nkonyeni, MEC for Health, the hon Mrs W G Thusi, MEC for Arts, Culture and Tourism and the hon Mrs L Johnson, MEC for Works invite hon members to a historic night vigil of reclaiming the night by women of KwaZulu-Natal in observance of the Sixteen Days of Activism in the Prevention of Gender-based Violence against all vulnerable groups. This will be on 5 December, which is tomorrow, at the eThekweni Community Church. The vigil will start at 19:00.

The hon Mrs C M Cronjé, MEC for Education, cordially invites hon members to attend the release of the 2008 KwaZulu-Natal senior certificate and adult basic education and

training (ABET) examination results and awards ceremony. This event will take place on 30 December 2008 and the venue is the iNkosi Albert Luthuli Conference Centre. The time is 09:00.

There is only one birthday that has been brought to my notice, and it is that of my cousin the hon member, M B Gwala, who celebrates his birthday today. I want to take this opportunity to wish him well, and may today and the days thereafter be all that you wish and want them to be.

AN HON MEMBER: Where is Gwala?

AN HON MEMBER: He is canvassing! [Laughter]

THE SPEAKER: Well, I am not sure of his whereabouts. I hear some comments about the elections, but will the Whippery of the IFP please convey the best wishes of the Legislature to the hon Mr Gwala?

That brings us to the end of my announcements.

4. ANNOUNCEMENTS OR REPORTS BY THE PREMIER

THE SPEAKER: There are only two hon MECs present. Either of them could indicate if there is any announcements on behalf of the hon Premier.

MRS N P NKONYENI (MEC for Health): Mr Speaker, we are not aware of any announcement from the Premier's Office.

THE SPEAKER: Thank you, hon MEC.

5. TABLING OF REPORTS OR PAPERS.

MRS B F SCOTT (Chairperson of Portfolio Committee on Finance and Economic Development): Mr Speaker, please bear with me. I have quite a few reports to table, and they are as follows:

- A report of the Finance and Economic Development Portfolio Committee on the KwaZulu-Natal Funding of Represented Political Parties Bill, 2008, in terms of Standing Rule 200;

- A minority report in terms of Standing Rule 138(2) on the KwaZulu-Natal Funding of Represented Political Parties Bill, 2008;
- A “dirty” copy of the KwaZulu-Natal Funding of Represented Political Parties Bill, 2008, indicating amendments as agreed to by the Portfolio Committee on Finance and Economic Development;
- A “clean” copy of the KwaZulu-Natal Funding of Represented Political Parties Bill, 2008, including amendments by the Portfolio Committee on Finance and Economic Development, and
- The Explanatory Memorandum on the Objects of the KwaZulu-Natal Funding of Represented Political Parties Bill, 2008.

6. FORMAL MOTIONS AND NOTICES BY THE CHIEF WHIP

MR V C XABA (Chief Whip of the Legislature): Mr Speaker, thank you very much. There are no formal motions and/or notices from the Office of the Chief Whip.

MRS B F SCOTT (ANC): Mr Speaker, I wonder if you would indulge me, because there is not an opportunity for me to say this, other than to stand up and ask for your indulgence. I know the killings in Mumbai is a matter that is close to many of our hearts, and I wonder if you would allow me to request hon members to stand up for a minute of silence for the victims who were killed during the terrorist attacks in Mumbai. It has been on our minds for this entire week. The Portfolio Committee on Finance and Economic Development stayed in one of the hotels where these attacks took place when we visited India. I know I am out of order, sir, but I crave your indulgence.

THE SPEAKER: Well, it is an important issue, Mrs Scott, and any hon member has the right to raise such an important matter for the Speaker to entertain. I cannot think of any reason why I should refuse that request. Firstly, I think it is important to note the manner in which this thing has happened; secondly, it is important to note that the act itself was an act of terrorism; thirdly, many innocent lives have been lost and, fourthly, South Africans came very close to being directly affected, as well. Some South Africans came close to losing their lives. I think it is only prudent that we do the honourable thing and stand for a minute of silence.

Members of the House stood for a minute of silence.

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

HON MEMBERS: Amen.

THE SPEAKER: Thank you, hon Mrs Scott, for reminding us of that ghastly deed.

7. NOTICES OF BILLS OR MOTIONS

THE SPEAKER: [Insert isiZulu 11:16](#)

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

This House noting:

The starvation, the outbreak of cholera, the riots and the desperate suffering with which our neighbours in Zimbabwe have to contend.

Therefore resolves:

To remember those who are suffering in our prayers;

To encourage leaders to work towards a speedy solution, and

To invite the whole world to rally to restore Zimbabwe to its former glory.

HON MEMBERS: Hear, hear!

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

This House noting:

That the global Aids Day commemorated annually on 1 December is an opportunity to review the progress in tackling the HIV/Aids pandemic in South Africa, and

That despite some renewed commitments, the ANC-led government's efforts to

combat the disease through an uneven distribution of anti-retroviral therapy remain insufficient in KwaZulu-Natal in particular, given our Health MEC's persistent ambiguity with regards to the efficacy of ARVs, as evidenced by her department's funding of various alternative cures, some of them controversial.

Therefore resolves:

To urge the ruling party once for all to get serious about the HIV/Aids pandemic.

I so move.

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

This House noting:

That for the first time in 20 years South Africa has become a food importer;

That more and more farms in the province are lying fallow and unproductive, and

That the land redistribution process is contributing to the downturn in agricultural production because the state is not providing farmers with the assistance they require.

Therefore resolves:

To tell the MEC of Agriculture to stop denying the impending crisis in land management and food production, and

Request the MEC to ensure that land redistribution is accompanied by strict conditions to get the land productive.

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

LeNdlu:

Izwakalisa ukuzwelana nabantu besifundazwe abahlaselwa yisiphepho.

Icela uMhlonishwa uRadebe we Social Development ukuba aphuthume oThukela endaweni yaseMkhumbane konakele izolo yisiphapho kulendawo.

Kukhuthaze nonjiniyela ukuba baphakamise izinga lokwakha.

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

This House noting:

The selection on merit of eight black players to the KZN rugby team who participated in the historic Craven Week;

That rugby development in the province, together with the department's *Syadlala* programme, has yielded players not only for the Sharks team, but also for the national team, and

That in appreciation of this, the KZN Rugby Union has presented to the provincial with government a framed Sharks jersey, together with the autographs of all the Sharks players, some South African players, and the country's captain, John Smith.

Therefore resolves:

To invite hon members to view the frame in the House today, and to take photographs of it, but this invitation excludes the press.

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

INdlu iyakunaka ukuthi:

Umsindo owenziwa yinhlangano ye-United Democratic Movement wokuchitha ukwengezelwa kwamaToll Plaza ku-N2 uyezwakala, njengoba kubonakale emaphepheni akuthangi ukuthi noMkhandlu weTheku usuthathe isinqumo sokuwuchitha lombono wokucindezela abantu abasebenzisa lomgwaqo ngokubakhiphisa imali eningi ngokungenasidingo.

INdlu inquma kanje:

Ukubonga uMkhandlu weTheku ngokukhetha ukuba ngakubantu.

Ukucela wonke amaqembu ukuthi ayichithe lembudane yombono yamanye amatol Plaza.

Ukucela uMnyango wezokuThutha kulesifundazwe ukuba wenze kone okusemandleni ukuchitha ukwakiwa kwamanye amaToll Plaza kumgwaqo okade wakhiwa.

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

This House noting:

The criminal blockades of the highway at the N2 by the Macambini community cannot be allowed to continue;

That whilst protestors may hold meetings to exercise their constitutional rights, why should the road users be held to ransom by their stone throwing and burning tyres?

Therefore resolves:

To call on the SAPS to charge and arrest these who choose to block roads, thereby depriving other people of their constitutional rights.

INKOSI N J NGUBANE (IFP):

Ngenxa yobuphofu obungaka ezweni lakithi nobudalwa uHulumeni ophethwe u-ANC futhi obuzogcina seluphendule lelizwe lafana ncamashi nelaseZimbabwe.

LeNdlu iphakamisa:

Ukuthi iqembu le-ANC aliye kuMntwana wakwaPhindangene liyocobela ukuthi kufanele kwenziweni ukuze ubuphofu buqedwe.

MR G MARI (DA): Mr Speaker, I hereby give notice that I shall move on the next sitting

day of the House as follows:

This House noting:

The failure of SADTU to mobilise educators to attend an election rally during school time, and

That this failed meeting was called to discuss strategies to support the ANC in the forthcoming elections at the expense of learners.

Therefore resolves:

To congratulate educators who boycotted the meeting, putting the interests of learners above politics;

To condemn SADTU's decision to call a meeting to discuss their political agenda during school hours;

To congratulate Director-General, Dr Lubisi, on his actions to stop this blatant disregard of learners' rights, and

To call on the IEC not to employ these cronies who attended as presiding officers.

HON MEMBERS: Hear, hear!

PROF J S MAPHALALA (NADECO):

LeNdlu:

Ibabaza isihluku sokuqola nokukhuthuza abantu abahlwempu okwenziwa yibhodi i-Boardwalk engamele inxanxathela yezitolo e-Richards Bay. LeBhodi iphoqa abantu abazothenga ukuba bakhokhe amarandi amabili uma befuna ukuzikhulula noma ukuchama ematoilets omphakathi ngokubasabisa ngonogada bezitolo.

INdlu inquma ukuba:

uNgqongqoshe uMabuyakhulu agxambukele kwazise iMeya uZakhele Mnqayi isiyehlulekile ukulamulela abantu kulezitolo ezifanana noPavillion noGateway. Lomkhuba ususabalele naso sonke isifundazwe saKwaZulu-Natali. Lokhu kuyaphambana nemvume esuke itholakele emnyangweni wezomnotho.

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

This House noting:

That the professional soccer league has decided to use the Chatsworth Stadium as a venue for the Telkom Soccer Cup Finals,

That the former Bafana Bafana coach also opted for the Chatsworth Stadium,

That in the FIFA bid book the Chatsworth Stadium was included as one of the four training venues;

That after the bid was won the municipal manager, without the authority of the council, removed the Chatsworth Stadium as a training venue, and

That of the R 140 million allocated by the province to the eThekweni Municipality, nothing has been allocated on spending in Phoenix and Chatsworth.

Therefore resolves:

To request the eThekweni Municipality to immediately reinstate the Chatsworth Stadium as a World Cup training venue, and

To request the municipality to do justice to Phoenix by providing this community with a decent sports stadium.

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 noting:

The passing away of Dr Nthato Motlana who was a role model for Africans who wanted to enter the medical profession;

That he was an anti-apartheid activist and a dedicated physician for the Soweto community who spoke out against the government's procrastination on the treatment of HIV/Aids, and

His bold stance to challenge the Ministry of Health that a nutritional cocktail constituted an appropriate approach to treating HIV/Aids.

Therefore resolves:

To note that his death is a great loss to the medical profession and the country at large, and

To convey our deepest sympathies and sincere condolences to his family.

MR J KROG (DA): Mr Speaker ...

THE SPEAKER: Mr Krog, may I just afford this hon member an opportunity to say something?

MR G B BHENGU (IFP): [Insert isiZulu 11:30](#).

THE SPEAKER: [Insert isiZulu 11:30](#).

MR G B BHENGU (IFP): Rule 64 which speaks of offensive, unparliamentary and unbecoming language. [Insert isiZulu 11:31](#) [Interjections]

THE SPEAKER: [Insert isiZulu](#). [Interjections] Hon MEC?

MRS N P NKONYENI (MEC for Health): [Insert isiZulu 11:31](#) [Interjections] [Insert isiZulu 11:31](#) [Interjections]

THE SPEAKER: [Insert isiZulu 11:31](#)

MRS N P NKONYENI (MEC for Health): [Insert isiZulu 11:31](#)

THE SPEAKER: [Insert isiZulu 11:32](#) They say at times hon members of the Legislature become like young boys and girls. One of them who spoke to me did indicate that in some of the instances hon members fight over things on TV. They fight on TV about things that not even young boys and girls would be fighting about. I am raising this

matter because time and again new members do these things. At some stage we did say that it is very difficult to make a rule for each and every thing, including body language. However, hon members, I am requesting you not to do these things. Please do not do them, but there is no rule which can specifically be applied. This one is slightly different. It talks about offensive language. Now, we have no way to interpret this kind of language. We cannot interpret language to include body language. However, I want to ask hon members not to use body language as a means to intimidate each or to show contempt for one another. Mr Krog, please proceed.

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

This House noting:

President Motlante's address to the Nedlac Summit between government, business and labour when he said, and I quote -

Difficult economic times lie ahead for South Africa, and

It is incumbent on all of us, including government, to minimise the adverse impact of financial insecurity.

Therefore resolves:

To call on the Premier, MECs, HODs and CFOs to stop spending recklessly and arrogantly on non-essential items until the overdraft of the province running into billions of rands is paid off.

THE SPEAKER: Hon member Mr Mbatha, you are next. In terms of this item, we have now arrived at the conclusion, so the hon member Mr Mbatha is the last member to speak.

MR E S MBATHA (IFP):

LeNdlu:

lyasiqaphela isinqumo seNkantolo enkulu yamaJaji yokwedlulisa amacala e-Bloemfontein lapho ichithe khona icala le-NADECO nezindleko lapho leliQembu

liyalelwe khona ukuba likhokhe imali yabameli beQembu leNkatha.

LeNdlu futhi iyakuqaphela ukuthi njengoba sekuza ukhetho sekugcwele ukumangalelana njengoba kwenzeka eNkosini yakwaMathaba nakuSomlomo woThungulu uDkt. Donda.

LeNdlu iyonquma kanje:

Ukuzwelana neQembu leNADECO okubonakala ukuthi itshe limi ngothi ngalesisinqumo.

Ukumisa idolo labo abanunuselwa ngokumangalelwa ukuthi sengathi induku ingena encosweni.

HON MEMBERS: Hear, hear!

THE SPEAKER: Hon members, as I have indicated, we have concluded Item 7 on the Order Paper.

8. ORDERS OF THE DAY

8.1 Introduction of KZN Health Bill

THE SPEAKER: The Bill has been provided to me and I have authorised that the Bill be tabled in the House. I hope it is being distributed or that it has been distributed already. [Interjections] If it has not been distributed already, *Nobhala*, can you ensure that it gets distributed, please?

In terms of the Rules, the MEC will have an opportunity to explain the Bill for no more than 15 minutes, and thereafter each party will have no more than three minutes to comment on the Bill, if they so wish. It is not obligatory. Hon MEC?

MRS N P NKONYENI (MEC for Health): Thank you very much, hon Speaker. By way of background, the KwaZulu-Natal Health Act of 2000 was proclaimed by the then Premier. Unfortunately it was never brought into operation. Subsequently the National Health Act of 2003 was passed in 2004, and the provisions of the KwaZulu-Natal Health Act of 2000 were found to be in conflict with the national Health Act and the Constitution hence we had to start a new process of drafting a totally new KwaZulu-Natal Health Bill.

The Bill seeks to provide for provincial healthcare service delivery within the province. The Bill also provides for a framework for the development and implementation of provincial health policy, norms, frameworks and standards to achieve the progressive realisation of the right of access to health care services as provided for in the Constitution within the available resources of the province. The Bill further provides for the rights and obligations of both healthcare users and healthcare personnel.

Of importance is that the Bill provides for the implementation of a district health system in accordance with national health imperatives and policy. The main object of the Bill is to give effect to the inalienable right of each person in this province to have their human dignity respected and protected; and to be provided with quality health services to improve the lives of our medically uninsured population.

Hon members, I am appealing to you to consider the urgency of this Bill, bearing in mind the following: At present the National Health Act has been in operation since 2004. Provinces have an obligation to implement the provisions of the Act which have come into operation. As MEC for Health in KZN, I am also obliged by Section 31 of the National Health Act to establish district health councils in consultation with my counterpart and colleague who is responsible for Local Government in the province.

At present, whilst our province has established health districts, there are no formalised structures, as prescribed by Section 31, to ensure cooperation and collaboration with the local sphere of government. We are also obliged to contribute financial and other resources for the provision of healthcare services that are integrated and comprehensive.

If this Bill is passed by this House, we will be able to regulate on this crucial aspect to ensure that we give effect to government policy of taking healthcare to our community. KwaZulu-Natal has been inappropriately labelled as the epicentre of the HIV/Aids pandemic in this country, yet I as the MEC for Health do not have the relevant legislative mandate to regulate, monitor and evaluate research in this province.

As we speak now, there is a national Research Ethics Committee. The resultant effect is that KwaZulu-Natal does not have control over the type of research conducted within the province. Approval is granted by the Research Ethics Committee of the University of KwaZulu-Natal without provincial approval and/or sanction. We are constantly inundated

by communities, especially rural and impoverished communities who bear the brunt of research as guinea pigs for research data which do not assist the Department of Health to meet its provincial priorities.

Chapter 3 of this Bill mandates the MEC for Health to control and manage research within the province in the interest of ensuring that the research is ethical, humanitarian and beneficial to the communities within which that research enterprise is being conducted.

We need to note that a comprehensive, consultative process, as required in terms of Section 154(2) of the Constitution, to enlist public comments, was carried out. More than 40 stakeholder bodies, groups and state institutions, including representatives from metropolitan, district and local municipalities, were consulted.

In conclusion, I appeal to you to allow me the opportunity of presenting this Bill to the House to urgently give citizens of KwaZulu-Natal healthcare that affirms and reassures their human dignity.

I will now take hon members through each clause. Clause 1 seeks to define words used in this Act, with a view to restrict or extend the meaning of those terms. In terms of this clause, those words to which a meaning has been assigned in the National Health Act of 2003, Act 61 of 2003, will bear that meaning. This creates consistency and uniformity within the National Health Act.

Clause 2 provides that the Bill applies to South African citizens and persons who are permanent residents of South Africa, persons who are entitled to public health services in terms of conventions and agreements entered into by the South African government, as well as persons resident in or physically present in KwaZulu-Natal.

Clause 3 provides that the Bill must be interpreted and implemented within the context of the Constitution, as well as be applicable to national framework policies and legislation.

Clause 4 contains the objectives which the Bill seeks to achieve, including *inter alia* the progressive realisation of the right of access to health care services, as contained in the Constitution, and to structure and provide for the implementation of provincial health policies, frameworks, norms and standards in accordance with national policies, legislation, frameworks, norms and standards.

Clause 5 provides for the powers, functions, duties and responsibilities of the MEC in respect of provincial healthcare service delivery within the province's resources and related matters.

Clause 6 provides that all health statutory institutions must provide health care services subject to the national framework policy and national norms and standards.

Clause 7 provides for the rights and duties of health care users, including access to provincial health services and the giving of informed consent by health care users. Health care users are obliged to comply with the regulatory framework when receiving treatment and to cooperate with the health care providers concerned.

Clause 8 provides for the rights and duties of health care personnel, including the right to be treated with dignity and respect and to work in a healthy and safe environment.

Clause 9 provides for the establishment of the provincial Health Research and Ethics Committee.

Clause 10 provides for the composition of the provincial Health Research and Ethics Committee.

Clause 11 provides for the functions of the provincial Health Research and Ethics Committee. The functions of this committee include, *inter alia*, assisting in the development of health research and reviewing research proposals to ensure alignment with the provincial health research priorities.

Clause 12 provides for meetings of the provincial Health Research and Ethics Committee.

Clause 13 provides that all Health Research and Ethics Committees operating within the province and attached to any health care establishment in the province must submit all research proposals to the provincial Health Research and Ethics Committee for approval. [Interjections] *Angazi ukuthi ngihawulishelwani-ke...* [Laughter]

Clause 18 makes provision for the Department to provide administrative and secretarial support for the KwaZulu-Natal Health Council.

Clause 19 provides for the establishment by the MEC of the KwaZulu-Natal Provincial

Consultative Health Forum.

Clause 20 provides for the composition of the KwaZulu-Natal Provincial Consultative Health Forum in terms of the National Health Act.

Clause 29 provides for the establishment of the KwaZulu-Natal Provincial Health Information Systems Committee.

Clause 34 provides for the establishment of the KwaZulu-Natal Provincial Health Operation Centre.

Clause 37 provides for the powers and functions of hospital boards, which includes providing the MEC with bi-annual reports on the performance of hospitals.

Clause 38 provides for the composition of hospital boards by the MEC, based on nominations received and recommendations by the selection panel. The composition may not be less than 6% and not more than 15% on each hospital board.

Clause 42 provides for the establishment of clinic or community health centre committees for each clinic or community health centre or for a group of clinics or community health centres in the province, by the MEC, by notice in the provincial *Gazette*.

Clause 50 stipulates that a private health care establishment may not function without a licence and also makes provision for the procedure for application for licences. There is also an appeals procedure within the clause.

Clause 59 obliges the health officer to identify him/herself prior to entering any premises and provides that the health officer or police official accompanying him/her may use such force as is reasonably required, to gain access to the premises.

Clause 65 provides for the MEC to establish a procedure for the launching of complaints in terms of Section 18 of the National Health Act of 2003.

Clause 68 provides for the establishment, maintenance and confidentiality of patient records.

Clause 76 provides for the repeal of the legislation listed in Schedule 1 to the Bill and

clause 77 contains the short title of this Act.

Mr Speaker, I hereby table this Bill before the House. Thank you very much.

THE SPEAKER: Thank you, hon MEC. Hon members, as I have indicated, I will now establish if any of the parties have a word to say. UDM? Nothing. There is no party that seems to want to say anything. [Interjection] ACDP?

MRS J M DOWNS (ACDP): Mr Speaker, I think it is quite funny that this Bill has been tabled today, just when we are discussing a huge over-expenditure by the Department of Health. I also believe that we have not had a chance to really study it. There has been no indication previous to today that this was on the table, and we are also not sure that the legislation is going to be appropriate to what is needed. Having said that, we will have to leave the discussion to a later date when we all have had an opportunity to study the Bill and to look at the consequences of having this Bill put on the table.

THE SPEAKER: The only provision here is that a member of each party may make a statement. So we are not discussing the Bill. That is why I am saying, if a party does not want to make a statement, there is no reason why it should make it. May I establish any other party who wants to make a statement? Hon member Rev Mbatha?

REV A H MBATHA (NADECO): Nginybonga Somlomo. Isifundazwe sakithi sinezingqinamba eziningi kakhulu eziqondene nezempilo, ngakho-ke kufanele noma kanjani ukuba ezempilo ziphathwe ngomthetho ocacisayo ukuthi kufanele kwenziwe njani ukuze i-*quality yama-health services* iphakanyiswe ngenxa yokuba siyisifundazwe esivamise ukuba *at the receiving end* yazo zonke izinhlobo zezifo eziyizitha zomphakathi.

THE SPEAKER: Thank you, hon Rev Mbatha. We now come to the hon Rev Ambler-Moore? [Laughter]

MRS M H AMBLER-MOORE (DA): Thank you, Mr Speaker.

THE SPEAKER: I always forget that you are a reverend.

MRS M H AMBLER-MOORE (DA): I recall this Bill very well. It was passed by the House in Ulundi at the end of July 2000. I was in hospital at the time and the hon Mr

Burrows stood up to speak to it and opposed it. It was very controversial and I accept totally that this Bill is in conflict with the National Health Bill which was passed some years ago.

Mr Speaker, I am just amazed. As a long-standing member of the Portfolio Committee on Health - nine years to be exact - I had absolutely no idea that this was going on in the background. To me it is indicative of the disdain with which the Executive treats this Legislature. Things go past us. We know nothing about it.

MR J KROG (DA): Hear, hear!

MRS M H AMBLER-MOORE (DA): The first I heard about this was when I arrived here today. That is when I discovered that this Bill, which was passed by this House, has not been enacted. I knew the regulations had not been done, but this is absolutely amazing. And when I read this, my hair stands on end!

Given the history of this current MEC - and I am sorry to be personal - I really hope that we will have a different MEC, someone who is actually broad-minded, who does not promote cough (?) medicines for the treatment of HIV/Aids, who will not hamper research and who will not hamper genuine people who are trying to improve this province. When I read words like "guinea pigs" ... these words are emotional and unfounded.

I look forward to debating this Bill, but I can see it going nowhere because we are in the dying hours of this Legislature. I thank you.

HON MEMBERS: Hear, hear!

THE SPEAKER: Hon member Dr Buthelezi.

DR B T BUTHELEZI (IFP): Baba Somlomo uNgqongqoshe angizukumvezela ulimi ngoba uKaMahaye mhlawumbe uyoxabana nami uma engezwa ukuthi ngimvezele ulimi omunye umuntu wesifazane kule Ndlu. Kodwa-ke ngizobe sengingena kuMthethosivinywa lo okukhulunywa ngawo ukuthi ngivumelana nozakwethu abakhulume ngaphambi kwami... [Interjections]

MRS N P NKONYENI (MEC for Health): Uxolo Somlomo. Ngicela ukucacisa ukuthi

angikaze ngiluveze ulimi ngicela uMhlonishwa ayi-*withdraw* leyo nto. Angiluvezanga ulimi, angikuvezelanga futhi ulimi ungaphinde uyisho leyo nto kimi. Ugcine ngci namhlanje.

DR B T BUTHELEZI (IFP): OK ngicela uhlale phansi Ngqongqoshe!

THE SPEAKER: Dokotela uButhelezi, ekuqaleni ngesikhathi esukuma uMEC ukushilo lokho ukuthi akakwenzanga kodwa ushilo ukuthi wenzeni. Ngizocela si-*refer* kule nto-ke athi uyenzile uma kuwukuthi sifuna ukukhuluma ngalolo daba.

DR B T BUTHELEZI (IFP): Uphinde wangongoza uMhlonishwa emuva kwalokho phambi kukaSomlomo kubona yonke iNdlu mhlawumbe babonile abangapha *but* ungongozile so kodwa-ke lokho angizukuku *debate* nginomkami uKaMahaye ngakho-ke angizukuhambe ngingongolwa yibo bonke abantu besifazane laba.

Ngizobe sengingena odabeni. Lo Mthethosivinywa-ke Somlomo ngifuna ukuvumelana nozakwethu abakhulume phambi kwami ukuthi ushushunjisiwe ngokufakwa kuleli Phalamende ngoba sonke asikaze sizwe lutho, ekomidini lezeMpilo sihlala khona akukaze kuvele la uNgqongqoshe esitshela khona ngawo. Ngakho-ke asazi ukuthi ngempela kwenziwa yini ukuthi uzofakwa ngo-*backdoor* njengoba eshilo okhulume ngaphambi kwami kule mizuzu yokugcina sesibheke okhethweni ukuthi kwenzenjani kangaka kwachathwa uhlanya lumile ngabe isizathu yini.

UNgqongqoshe uphinde wakhuluma ngokuthi ama-*stakeholders* amaningi athintiwe wawabala ngezigaba zawo kodwa okungimangazayo ukuthi i-*stakeholder* esibaluleke kakhulu kunazo zonke okuyiKomidi lezeMpilo alizange lithintwe. Ngicabanga ukuthi uNgqongqoshe lapho udukisa nje iNdlu uma ngabe ethi uthinte ama-*stakeholders* bekufuneka akusho lokho ukuze *aqualify* i-*statement* sakhe ukuthi bakubone kungabalulekile ukuthi amalunga lawa ahloniphekile ale Ndlu abe yingxenye yalokho. Kuyimbudane futhi esiyeshwamayo thina ukuthi mhlawumbe lo Mthethosisekelo wasiwa ezinhlakeni ezithize zeqembu elithize lapho owakhulunywa khona kwase kuthathwa ngokuthi ngoba kuvunyelwene lapho mhlawumbe nabantu baKwaZulu-Natali bavumile *but* thina njengeqembu leNkatha njengeqembu eliphikisayo kule Ndlu sithi nje lokho kuyimbudane umdlalo nje wezingane esingakwazi ukuthi siwuvume.

Kukhona naleli culo-ke eselilokhu likhulunywa uNgqongqoshe aselithanda lama-*guinie*

pigs ukuthi umnyango wakhe usesimeni esingcono kunabanye abantu njengeNyuvesi yaKwaZulu-Natali ekutheni abantu bakithi bangenziwa ama-*guinie pigs*, I mean sikhuluma ngoSosayense laphayana abaziyo ukuthi kune *ethics* okufanele bayilandele uma ngabe kwenziwa i-*research* so nje konke lokhu okukhulunywayo sekuyiculo eseliqala nje nathi ukuthi silibone ukuthi aliyi ndawo liwukukhahlela kwehhashi eselisalelwe yimizuzu emibalwa ngaphambi kokuthi liye koyisemkhulu.

Okokugcina, singathokoza ukuthi lo Mthethosivinywa nanxa uNgqongqoshe esewubekile la phambi kwezithebe zePhalamende uma ungasisiza lesi sifundazwe nabantu baso ngoba uMnyango wezeMpilo wona uNgqongqoshe awuholayo usulele ngandlentshana e-*ICU* ngakho-ke uma ngabe kuwukuthi lo Mthetho ungakwazi ukusisiza ukuthi bantu bakithi ukhiphe uMnyango wezeMpilo ku-*ICU* uwubeke esimeni esifanele nabantu bakithi basizakale siyokuthokozela lokho. Ngiyabonga.

THE SPEAKER: The hon Mrs Thakur-Rajbansi?

MRS THAKUR-RAJBANSI (MF): Thank you, hon Speaker. Looking at this piece of legislation, I just want to say that it has always been very controversial. I say this because, although many noble ideas and clauses have been given effect to, it has generally always been just in black and white, in writing. We have often promised the people in this province that we were going to do a lot to bring back dignity to their healthcare in our provincial hospitals or clinics, except that we have never been able to implement these things because we have never had the funding to do it.

Now, my only worry is that we cannot continuously make promises unless we are going to keep them. This Bill should come back to the committee, because we really need to change the baseline allocations in the Department of Health if we are really going to manage to achieve these things. A lot of the things are still slightly controversial. They will still have to be lobbied with many stakeholders so that somewhere along the line the Portfolio Committee on Health has to be fully engaged, even in the next legislative cycle, because we still need to work and refine these clauses so that everybody is happy.

The one thing that I want to say about research - at the moment we all know that there is already a vaccine that has been worked very hard at in and which has come from this province. It is already in the US. It is going to take about five years for the pharmaceutical company there to do tests on it and to see whether this vaccine will be

the vaccine. We should be very proud of that. However, we must not hurt researchers. Researchers are very passionate about health and are doing a good job while still trying to research other things that may help us. Who knows? While we are doing research on Aids, we may well stumble across a drug that may help for some other condition in healthcare.

With these few words, all I want to say is that when it comes to a Bill like the KZN Health Bill, which is very controversial, we must be very realistic and ask ourselves whether it is achievable, whether it can be implemented and whether it does not become just another lot of unfunded mandates.

However, the one important thing here is also the committees. I am thinking in particular of the Health boards in the different hospitals. I hope that for once, with this piece of legislation, the hon MEC is going to make it imperative that those boards come into legal effect and have teeth so that they can be more helpful to our communities. Thank you.

THE SPEAKER: Thank you, hon members and hon Mrs Thakur-Rajbansi. In terms of the Rule in terms of which the Bill was introduced, it has now been read for the first time, and I accordingly refer the Bill with all its annexures to the Portfolio Committee on Health for processing and reporting back to this House.

Item 8.2 Voting on Draft Motions or Resolutions moved by the Chief Whip.

WW 8 – 10– Jax

THE SPEAKER: Thank you, hon Mrs Thakur-Rajbansi. Hon members, in terms of the Rule in terms of which the Bill was introduced, it has now been read a first time. I accordingly refer the KwaZulu-Natal Health Bill, with all its annexures, to the Portfolio Committee on Health for processing and reporting back to this House.

8.2 Voting on draft Motions/Resolutions moved by the Chief Whip

8.2.1 Motion/Resolution of the House concerning suspension of Standing Rule 193(1)(d)

THE SPEAKER: Hon members, the first motion moved by the Chief Whip was to suspend Standing Rule 193(1) for purposes of consideration of the Funding of Political

Parties Bill. We shall now vote on that motion.

MR R M BURROWS (DA): Mr Speaker, on a point of order: I thought we were going to be speaking according to the Speakers' List.

THE SPEAKER: Oh, I see. I have received different information. I had understood ... OK. Hon members, may I get the Chief Whip to introduce the debate for two minutes in terms of the motion to suspend Standing Rule 193(1)(d).

MR V C XABA (Chief Whip of the Legislature): Mr Speaker, let me first apologise for the confusion. The motion was moved as a motion with notice at our last sitting. The idea was that the motion would be debated and voted on today. It could be that we have not captured it appropriately on the Order Paper.

Sir, today I ask you to put this motion to the vote, because we contend that it is within our power, as a Legislature, to pass the Bill in question. If any other party here that has a problem with the Bill, I would advise that party to go to Section 122 of the Constitution of the Republic of South Africa which reads:

122 Application by members to Constitutional Court

(1) Members of a provincial legislature may apply to the Constitutional Court for an order declaring that all or part of a provincial Act is unconstitutional.

(2) A application –

(a) must be supported by at least 20 per cent of the members of the legislature; and

(b) must be made within 30 days of the date on which the Premier assented to and signed the Act.

We on this side of the House have no reservation as to the constitutionality of the Bill. On that basis, I request that you put the matter to a vote. Thank you very much.

THE SPEAKER: I will now give an opportunity to the IFP. Dr Mtshali, please proceed.

DR L P H M MTSHALI (IFP): Mr Speaker, the IFP has no problem with the

constitutionality or otherwise of the Bill to be considered by this House. There is already a precedent in Gauteng.

THE SPEAKER: ANC?

MRS B F SCOTT (ANC): Mr Speaker, the ANC supports the suspension of the Rule. We do not envisage any problems with the constitutionality thereof.

THE SPEAKER: DA?

MR R M BURROWS (DA): Thank you, Mr Speaker. When this Bill arrived, it was accompanied by the views of the State Legal Advisors - who have some greater knowledge of constitutional matters than the hon Chief Whips - attached to the Office of the Premier. We have said, and I quote:

They have reservations about the constitutionality of the proposed Bill in relation to the power and competence of the provincial Legislature to legislate on the subject matter of the proposed Bill.

The Bill appeared before the committee without the certificate required in terms of Rule 193(1)(d) which must state that the Bill has been found, and I quote:

... in accordance with the law.

There was no such certificate before the committee. The legal advisor to the committee, Mr Rood, similarly expressed views regarding the possible non-constitutionality of the Bill and so did other legal opinions, including Advocate Jacobus.

The committee thereupon took a vote to decide whether they should proceed with the Bill or not in the light of what the legal advisors have said. The committee, by majority vote, decided to proceed. We voted against it and we will vote against this suspension of the Rule. [Time expired.]

THE SPEAKER: NADECO?

MR MTHULI (NADECO): [Insert isiZulu 12:09](#)

THE SPEAKER: MF?

MRS S THAKUR-RAJBANSI: Mr Speaker, I know that this Bill has been passed in other provinces .../

THE SPEAKER: MF?

MRS S THAKUR-RAJBANSI (MF): Mr Speaker, I know that this Bill has been passed in other provinces and all parties in other provinces have accepted it, but I do believe that what Mr Burrows have said that procedures should be followed and with these we will accept this Bill.

THE SPEAKER: Mrs Rajbansi, what we debating on is whether to suspend Rule 193. Do you accept that? Thank you.

Let us proceed. ACDP?

MRS J M DOWNS (ACDP): Mr Speaker, I have done considerable research, not only in this country, but around the world and it is not an unusual thing for governments to fund political parties and if we have a problem with the constitutionality of the Bill, then it needs to be looked at. With those two comments, we support the Motion in suspending the Rules pertaining to the publication and we will discuss the Bill when we come to that debate.

THE SPEAKER: UDM?

MR B J MSOMI (UDM): The UDM supports the Motion as moved by the Chief Whip, thank you.

THE SPEAKER: Chief Whip? Response.

[Insert isiZulu](#)

Tht is the reason why there is a Provincial Division, a High Court, Court of Appeal and Constitutional Court. They do not agree. So only choose the one we think will serves us the best. Thank you very much.

[Interjections.]

THE SPEAKER: Thank you hon members. I now take the opportunity to put this Motion

to the House. Those who support it say "Aye!" [Aye!] Those who oppose it say [No!] The "ayes" have it.

Hon Keys?

MR RE KEYS (DA): Mr Speaker, I rise on Rule 81(1) and request that the opposition by the DA to this Motion be noted.

THE SPEAKER: Thank you that shall be recorded.

END OF TAKE WW11, 12 & 13

WW14

MR V C XABA (ANC): Mr Speaker, again just to remind the House, this motion was moved per our last sitting and we are now asking the Speaker to put it to a vote. Here, we want to suspend Rule 194 (1) (c) which requires the publication of a notice and in the Provincial Gazette with a closing date being at least 15 working days from the publication date. It is clear that we cannot meet the minimum of 15 days, given that the Bill was published on the 24 November 2008. Now we consider approving it today 4 December 2008. But, I must that all processes have been followed including allowing members of the public to engage with the Portfolio Committee. We did not cut corners, the only thing ... Yes Mr Burrows we do not cut corners. The only thing we did was to expedite the process. Our rules allow us to expedite a process given that we have to adjourn today for a long recess and only to come back early next year. We may not come back, but I think we will come back to officially open Parliament and then deal with those minor/administrative issues and then adjourn for elections two or three months later.

So I therefore ask you Mr Speaker to foot this Bill to a vote. Thank you very much.

THE SPEAKER: Thank you Chief Whip. [Pause] IFP?

DR L P H M MTSHALI: The IFP supports the suspension of the rule to dispense with the period of publication of the Bill.

THE SPEAKER: Thank you. ANC?

MRS B F SCOTT: Hon Speaker, the ANC supports the suspension of this rule in order to shorten the publication of this Bill.

THE SPEAKER: Thank you. DA?

MR BURROWS: This House, including yourself, has so much theory of the Constitutional Court. I would have thought that the one they want to do in a **XXX12:16:37** is constitutionally contentious; is to do everything properly and correctly all the way down the road. As I indicated in the Committee, we believe that the procedure set out in the rules should be followed **XXX12:16:57** absolutely according to word. That has not occurred because a certification that has already been suspended. You do not need certification if it is in accordance with the law, simple move on. This is now saying you do not need 15 days' notice, simple move on. Matatiele was an experience, Mr Speaker; you in this House do not want to go through it again. I repeat again to you **XXX12:17:17**. We are opposed to this action.

THE SPEAKER: Thank you DA. NADECO?

INKOSI M Z MTHULI: Mr Speaker, NADECO also supports the suspension of this Rule. I thank you, Sir.

THE SPEAKER: Thank you NADECO. MF?

MRS THAKUR-RAJBANSI: Speaker we support the suspension of this Rule.

THE SPEAKER: Thank you. ACDP?

MRS J A DOWNS: We support, Mr Speaker.

THE SPEAKER: I did not hear it. I hope those who are recording did hear.

MRS J A DOWNS: Mr Speaker, we support.

THE SPEAKER: Thank you hon member. UDM?

MR B J MSOMI: The UDM supports the suspension of this Standing Rule 194 (1) (c) because even the DA is going to reap the fruits. I thank you.

THE SPEAKER: Thank you hon members. That concludes our debate on this matter.

Now, I want the Chief Whip to respond to the debate.

MR V C XABA (CHIEF WHIP): Mr Speaker I want to thank Mr Burrows for the manner in which he co-operated with the process. His contributions really shaped the Bill. So..., it is true Mr Burrows, *ja* it is true. [Laughter] We are not cutting corners, the Bill was published. We published it in the various newspapers. No, no, we did not cut corners! Yes! But, people were given an opportunity to make their presentations and those presentations were considered by the Portfolio Committee of Finance.

If you look at the Bill you can see that it has been substantially amended. It is not the same as it was introduced by the MEC before me. Thank you very much. *Hhayi, sakubamba*. [Laughter]

THE SPEAKER: Hon members may I then put this Bill after this debate. May I put this motion to the House. Those who support the motion say 'I' ['I'], those who oppose say 'NO' ['NO']. The 'Is' have it.

Hon member Mr Keys?

MR R KEYS (DA): Mr Speaker I rise on Rule 81 (1) and request that the opposition of the DA to this motion be noted.

THE SPEAKER: Thank you, it shall be noted.

END OF TAKE WW14

WW15

THE SPEAKER: Hon members that concludes our debate and, therefore, item 8.2 is concluded. We then proceed. [Pause] Hon members, I am trying here to look at what the Chief Whip is going to advise. We are running into a slight difficulty with our processes – they arise from the time at which we started and the planning for all the work on the Order Paper. Chief Whip?

MR V C XABA: Mr Speaker we are racing against time, my apologies. The intention was to have the bill tabled before lunch so as to allow the Portfolio Committee to go through it during lunch time so that the House could then receive the report immediately after lunch. So, if you want that process to be followed even now, I would request that we

swap the items. Instead of taking a debate on the report on the multi-party...wait a minute...

THE SPEAKER: We should be taking a debate on the KZN funding of political parties and I am told it is 30 minutes.

MR V C XABA: Yes! Yes! Yes! Then delay 4.4 up until after lunch so that we are able to bring forward the two Bills.

THE SPEAKER: In other words, we take 8.4 to be followed by 8.5 which will make it possible.

MR BURROWS: Can I just raise a point of order Mr Speaker?

MR SPEAKER: Oh, I see, 8.5 becomes 8.4

MR R M BURROWS: The problem we have got Mr Speaker...

THE SPEAKER: Yes?

MR BURROWS: ...is that we do not have the speech. The speech is not from the Order Paper. The speech of the MEC on [Adjustments XX12:22:39](#) estimates.

MR V C XABA: No, we are not debating the speech. The MEC will be moving the Adjustments Bill. No, he is going to read his speech.

MR R M BURROWS: The problem we have, Mr Speaker is that if it is part of the debate then what are you going to do? Adjourn the debate in the middle because surely the...you make the speech...? No, I will let them sort it out.

THE SPEAKER: No, it is just the time. Just the time, you see that is why I was saying if we take the KZN Funding Bill I am told that is 30 minutes, and the other one is 60 minutes.

MR V C XABA: Mr Speaker can we do this; can we move item 8.4 to after lunch...

THE SPEAKER: Item 8.4 to after lunch?

MR V C XABA: ...so that we can deal with 8.3 and the tabling... just the tabling part of

it.

THE SPEAKER: Right.

MR V C XABA: Thank you very much.

THE SPEAKER: Hon members that solves my problem - that is exactly what I wanted us to sort out before I even venture into those items, otherwise they would have created a problem. It does make sense... we take a 30 minutes' debate to be followed by just the tabling then we adjourn for lunch. That is the thing that I wanted us to **XXX12:24:20**. Is that agreed upon? Any opposition to that re-arrangement of the Order Paper by the House?

Hon members the House then approve the re-arrangement of its Order Paper. Thank you. Shall we then proceed with the debate on the KZN Funding of Political Parties Bill and that will be introduced by the hon MEC, leader of Government Business, Dr Z L Mkhize who has 10 minutes to do so. *Khabazela?*

END OF TAKE WW15

[Beginning of W W 16 – Jax]

INTRODUCTION OF KZN FUNDING OF REPRESENTED POLITICAL PARTIES BILL

DR Z L MKHIZE (MEC for Finance): Mr Speaker, thank you very much. I rise to table before this House the KwaZulu-Natal Funding of Represented Political Parties Bill, 2008. The Bill seeks to make provincial government funding available to political parties that are represented in this House. This Bill is styled along the lines of an Act that is already operational in the Province of Gauteng.

As leaders representing various formations of the people of this province, we should take the decisions that are guided by a vision where we are taking our province and its people. Our vision is that of a vibrant province that is economically prosperous and whose people enjoy the fruits of our democracy. I can assure you that it is easy for every one of us to identify with this vision. We may, of course, differ in the manner in which we articulate the implementation plan to achieve this vision. It is a vision capable of being understood and carried out by individuals and corporations alike. That vision must be

underpinned by the functions of a multi-party democracy, a democracy which - just like any other product - comes at a cost.

Joseph Stiglitz in his book, *The Roaring Nineties*, speaks of, and I quote:

A vision entails a balanced role of government in an attempt to achieve social justice at all levels - at global level, as well as at the local. At the same time it promotes a sense of individual and national responsibility. It envisions strengthening individual opportunities at the same time that it enhances democratic collective action. It is a vision and an agenda that takes into account the means between the economy and the political processes, and between these and the kind of society and the kind of individuals we create.

Democracy is a product of individual choices that each of our forebears who participated in the struggle to get us to this democracy had to make. These choices oftentimes led to the paying of the ultimate price. These individuals created a collective that would fight at all costs to achieve democracy and a better life for all South Africans. As the descendents of these heroes we have a duty to promote, enhance and protect the democracy they so gallantly fought for.

Democracy means that it is the will of the ordinary voter, especially the poor and the workers. Politics must therefore focus on the downtrodden which means helping the poor out of their poverty. It is the strengthening of the individual opportunity that must be tackled by each public representative. It certainly is a task that we on this side of the House accept. We should promote democracy which will lead to individual responsibility and national pride, rather than whether an individual is rich or poor or whether a particular party has access to highly resourced private sector donors or not.

We should also agree with columnist Karima Brown who says that we should dispel with contempt the attempts of making governance equal to an elite pact with capital and those who stand to benefit most from it. Instead, we should be more committed to participatory democracy that will guard against what could amount to the corporate capture of the state whilst we leave room for *bona fide* donations with no strings attached - not even invisible strings!

In discussing this Bill, there have been very interesting views. Some of us believe that

this Bill is aimed at funding the upcoming elections. That may well be part of our intention. However, we see this Bill breathing life into structures of political formations beyond elections. We intend to give support to political parties that will create the machinery to manage the administration. It is indeed important to ensure that political parties have the funding that will enable them to do proper research in order to ensure that there is a different view supported by solid arguments that test those that are brought in by the administration. We often see policy formation resting in the hands of the administration, simply because organisations cannot sustain the capacity that can equal or match the administration.

There have also been arguments for such a Bill to focus on parties outside this House. We have declined this approach in line with the national legislation. Secondly, there is no rational formula for applying such funds, except as a percentage of representation in this House. One has to consider that there are many parties which register with the IEC and which never make it past the polling station.

Details of how equitable will be applied to all represented parties are contained in the Bill. I therefore wish to thank all the parties for working with us to ensure that this Bill is passed. I want to thank the hon Chairperson and members of the Portfolio Committee of Finance and Economic Development for all the work that they have done, including all the amendments. I hereby table the Bill. Thank you, sir.

[Beginning of W W 17 – Jax]

THE SPEAKER: Thank you, hon MEC. We now proceed to the hon members ...

MR R M BURROWS (DA): Mr Speaker, I rise on a point of order. The hon Chairperson of the Portfolio Committee on Finance and Economic Development has presented a report to the House. She is about to speak to it. It contains a minority report which is attached to it. I would refer you to Rule 138(2). I will read out the two sections which are appropriate, and I quote:

Every report of a committee must reflect the agreement reached in the committee. In the absence of unanimous agreement, the report must reflect the decision of the committee and dissenting views or votes.

Dissenting views or votes must be contained in the minority report that must

accompany the committee report.

The hon Chairperson of the Portfolio Committee on Finance and Economic Development and I have not actually interacted on this particular point. However, I have interacted with the secretary of the committee on the basis that my understanding of Rule 138(2) is that it is a minority report, drafted by the minority, which accompanies the committee report. I understand that that is not the view of the secretary and the chairperson. What I am asking for is for you to obtain advice from your legal advisors in the Legislature as to whether a minority report is drafted by the minority or whether it is drafted by the majority. Thank you.

THE SPEAKER: Mr Burrows ... Yes, chairperson?

MRS B F SCOTT (Chairperson of Portfolio Committee on Finance and Economic Development): Mr Speaker, I just want to say that Mr Burrows does know that when I tabled the minority report, which I have attached to the main report, it was done on the advice of the senior legal advisor of the Legislature.

MR V C XABA (Chief Whip of the Legislature): Mr Speaker, I just want to add that all the reports of the committee are drafted by the chairperson.

THE SPEAKER: No, look, hon members, there was a request by the hon member and I will oblige. I will seek advice on that matter, hon Mr Burrows, so that we are all satisfied that we are doing the correct thing. Thank you. Let us now proceed to the next speaker on the Speakers' List. Hon Mrs Scott?

[Beginning of W W 18 – Jax]

MRS B F SCOTT (Chairperson of Portfolio Committee on Finance and Economic Development): Mr Speaker, hon members, the KwaZulu-Natal Funding of Political Parties Bill, 2008, was referred to the Portfolio Committee on Finance and Economic Development for consideration and report to this House. The committee has held a public hearing which was extensively advertised. The hearing was well attended and a number of written and verbal submissions were received and considered.

At a meeting held on Tuesday, 2 December 2008, the decision of the committee was to approve the Bill, with amendments. The amendments which were agreed to are

indicated in a copy of the Bill attached to the report. One of the amendments agreed to was to amend the title of the Bill to the KwaZulu-Natal Funding of Represented Political Parties Bill, 2008. The Bill, as amended by the portfolio committee, as well as the explanatory memorandum are tabled simultaneously with the report. The committee accordingly recommends that this House approve the Bill, as amended.

In terms of the minority report of my committee, this minority report is submitted in terms of Standing Rule 138(2) and is to accompany the main committee report. The Democratic Alliance did not support the above Bill in the committee. I thank you.

THE SPEAKER: Thank you, hon Mrs Scott. Hon Dr L P H M Mtshali?

[Beginning of W W 19 – Jax]

DR L P H M MTSHALI (IFP): Mr Speaker, the IFP supports the KwaZulu-Natal Funding of Represented Political Parties Bill. The stated objectives of this Bill are, and I quote:

To strengthen democracy in the Legislature and to educate and develop the political will of the public so as to enhance participation in political life.

The IFP affirms that the Represented Political Parties Fund, established and administered by the hon Speaker, will supplement fundraising efforts undertaken by political parties. The Gauteng Legislature set the precedent and enacted legislation to this effect, and the constitutionality thereof has not been challenged.

We cannot help but observe that even the party which raised concerns about the constitutionality of the Gauteng legislation has since received its share of the funding. [Interjections] There is already an indication that the proponents of constitutionality in KwaZulu-Natal will draw funding from the Represented Political Parties Fund once the Bill before this House is signed into law by the hon Premier, followed by the promulgation of the regulations.

The IFP endorses the following principles of the Represented Political Parties Fund: Firstly, in keeping with national legislation, only political parties which participate in the Legislature will be beneficiaries of this fund and, secondly, the allocations to political parties will be made on the basis of a prescribed formula based on equity and proportionality.

We in the IFP approve the following distributions of funding: 20% equity and 80% proportionality. [Interjections] We commit ourselves to the rules that were promulgated to regulate the administration of the fund, in keeping with the PFMA and Treasury directives. We support the Bill and we wish it to be signed into law. We wish it to be passed and signed into law. Thank you, sir.

HON MEMBERS: Hear, hear!

THE SPEAKER: Thank you, Dr Mtshali. We now give the hon member Mrs Scott an opportunity to speak for four minutes.

[Beginning of W W 20 – Jax]

MRS B F SCOTT (ANC): Mr Speaker, hon members, I am going to have to anticipate the debate rather than answer to it, because I am right in the beginning. I just wanted to deal with two things. The first is the standpoint put forward by the DA which, I know, will be very well articulated by the hon Mr Burrows. For me there is a moral dilemma here, because if there is a moral argument against a Bill - about political parties receiving money because of the constitutionality thereof – then surely the political party that puts forward those arguments should not take the money when it is so voted. We will stand and observe whether they do take the money or whether they will actually stick to their arguments in terms of the debate. [Interjections]

I do know what the DA's position in Gauteng was. The Bill was passed by all political parties and the DA has subsequently taken the money for two years in a row. At no point have they in any way tried to challenge the Bill constitutionally, so I look forward to the outcome of this debate.

The other issue that I want to address is the issue of the fairness of the quota. Now, the quota or formula is not something that is part of the Bill. It is going to be part of the regulations. In the deliberations of the committee, we took the Gauteng route which was 20:80. Gauteng originally did 20:40:40, because 40% was the number of seats that parties had. That is no longer valid because the floor-crossing legislation has been repealed, so if we had put in that 40% in our current Bill, the legality of our current Bill would only serve for four months, and we would have had to amend it in four months' time. So, given the fact that the floor-crossing legislation has gone, we have gone for the

20:80 ratio. Now, even if you had to look at the 20:80 ratio, the minority parties are kicking way above their weight. We have allowed that because we believe that minority parties should have sufficient funding.

I am going to give you an example in financial terms. If we had to take R20 million as the figure for the political party fund and I was a one-person party in this House, it would mean that I get 1,25% of the R20 million, which would mean that I get R250 000. We had proposed an additional clause which, Mr Speaker, you will consider as the person who will move the regulations that 20% of the allocation gets divided into equal parts by the number of parties in the House. So 20% of R20 million would be R4 million, and that would be divided by seven equally. This means that if you were a one-person party, for that section only you would get R571 000. [Interjections] Over and above that, you then get your percentage of the remaining portion. So it is the one party's percentage of the R16 million which comes to R200 000, which means that the least any political party in this House can get is R771 000, which is three times the weight of that political party in percentage terms. I just wanted to argue the point from a financial perspective.

The big parties are not being greedy. As an alternative, we could have said: Make the whole lot proportional, and the IFP and the ANC would have had R500 000 more! [Interjections] We are getting a lot more than you, hon Mr Krog, because we got more votes! [Time expired.]

[Beginning of W W 21 – Jax]

THE SPEAKER: Hon Mr Burrows, you are the next speaker.

MR R M BURROWS (DA): Thank you, Mr Speaker, the Democratic Alliance believes there is a place in South Africa for public funding of political parties, both those represented in and those outside of the legislatures. To that extent we fully supported the national legislation enacted in terms of the Constitution, mainly Section 236 which reads, and I quote:

To enhance multi-party democracy, national legislation must provide for the funding of political parties participating in national and provincial legislatures on an equitable and proportional basis.

So, in common with all other political parties in this House, the DA does receive funding

in terms of the Public Funding of Represented Political Parties Act, which funding includes taking full account of each hon member in this House - in this House! The same is true of all of us. All the parties in this House receive funding at national level in terms of our numbers in this House, so if there is to be additional or supplementary funding, it should be done constitutionally and in terms of that national Act.

MR R E KEYS (DA): Hear, hear!

MR R M BURROWS (DA): That is our argument. It is not a moral argument. We do not believe it is a case of a high-ground, low-ground scenario. We are all taking public funds.

Much has been made of the DA's position in Gauteng. We voted for it, but it is worth noting that such support came after the following unequivocal statement from the Gauteng MEC Cachalia after reservations had been expressed by the DA regarding its constitutionality. These are Cachalia's words, and I quote:

Perhaps in the light of these reservations, I should clarify that after discussions with the Premier of Gauteng, it is the Premier's intention to refer the Bill to the Constitutional Court for a declaratory order before making any decision with respect to his signing of the Bill.

So he signed. So we agreed. Now, I want to ask the hon MEC directly: Is this Bill going to be referred to the Constitutional Court? If he says yes, we will vote for it. If he says no, we will vote against it. It is as simple as that. There is no high ground or low ground. The IFP supports the measure. The IFP is in financial difficulty. We all know that ... [Laughter] ...so they are going to vote for it. However, I want to tell you something that the hon Leader of the IFP needs to know. [Interjections] If the IFP had opposed this legislation, this legislation would not have been before us today. It is as simple as that.

THE SPEAKER: Hon member Dr Mtshali?

DR L P H M MTSHALI (IFP): Mr Speaker, will the hon member take a question about the statement he has just made about my party?

THE SPEAKER: Hon member Mr Burrows?

MR R M BURROWS: Mr Speaker, I regret I have just one minute and 28 seconds left,

so no, I will not. Mr Speaker, we clearly set out ...

THE SPEAKER: Just a second, Mr Burrows.

MR R M BURROWS: It is one minute and 28 seconds.

THE SPEAKER: Yes, I know it is one minute. It is one minute and something, but I was wanting to give you ... [Interjections] Hey, what is happening now? [Laughter] You see, that is exactly where I run into problems. [Interjections] Right, one, two ... [Interjections] Right, now I am happier, Mr Burrows.

MR R M BURROWS (DA): Thank you, Mr Speaker.

THE SPEAKER: I may fail you, but please proceed.

MR R M BURROWS (DA): Mr Speaker, the DA supported the Gauteng legislation. We do not hide that fact, but to my knowledge that piece of legislation has never been submitted to the Constitutional Court.

AN HON MEMBER: Hawu!

MR R M BURROWS (DA): However, to our knowledge we have opposed it elsewhere. We opposed it in the Free State and we opposed it in Limpopo. As far as we are aware, there are also a number of other provinces, such as the Western Cape and the Eastern Cape. They have not even started on this. They have not even looked at this piece of legislation.

We believe this debate is premature. There needs to be a full debate on public and private funding. However, we also need to get a declaratory order from the Constitutional Court.

Mr Speaker, we have clearly set out our position, not only in this House, but also publicly out there. If this House chooses to pass this Bill which we are opposing, this party is not going to be placed in an inferior political position than if the Bill were not passed, so we will certainly take funds if they are made available under the Bill, should this Bill become an Act. We will pass on the funds for use by the party in terms of the requirements of the legislation, but we will warn our colleagues - as I warn everybody in this House - that if the Constitutional Court strikes down the legislation - if IDASA, for example, goes to the

Constitutional Court and strikes it down – then the political parties will have to repay the money. Let us clearly understand that.

MR J KROG (DA): Be careful!

MR R M BURROWS (DA): If we do it with our eyes open, we need to be careful. That money will have to be returned to the fiscus. We do not believe this House has the constitutional power to pass this legislation, and we will accordingly oppose it.

[Beginning of W W 22 – Jax]

THE SPEAKER: Thank you, hon Mr Burrows. Hon Rev Mbatha?

REV A H MBATHA (NADECO): [Insert isiZulu 12:49](#). Mr Speaker, NADECO supports this Bill, the overall reason being that it deepens democracy. There is always tension in this country when it comes to campaigns. Those who still control the economic resources of the country control the media and, even to a greater degree, control the commercial activities of the public broadcaster. We are the only country in which the public broadcaster is funded through a funding mix.

Abanotho abakwazi Somlomo ukusekela lo Mthethosivivinywa ngoba unikeza utho kwabangafanele babe notho. Singakhuluma lapha eNdlini size sidabuke imilomo kodwa iqiniso ukuthi lo Mthetho wenza into abanye abakule Ndlu ngoba bezovimba yona. Lo Mthetho ulinganisa izicebi nabampofu. Lokhu-ke kukodwa kwenza ukuba abantu abafakwe lapha eNdlini zicebi bathi zizosiyeka izicebi ukusinika uma singavimbi lo monakalo lapha eNdlini.

It is therefore critical that this House tries to balance the scales. I am afraid this Bill does not do so all the way. This Bill is going to enable political parties which have no control of the economic resources of the country to participate in the election campaign. The argument on the 80:20 ratio, as the chairperson put it, does not hold water, except that it relies on the logic that the Bill has the support of the majority parties. I understand that. I understand that kudinga ukuba uphose iqatha uthi ngelethu sodwa ngakho-ke valani iminyango. Ngikufunda kahle ukuthi iqembu likaKhongolose lithe yeyi IFP nanti iqatha valani emuva kwenu. Akungixaki lokho kungenza ngazi kahle ukuthi akekho umuntu ozifunza esihlathini. Iqatha lithe lingaphonswa yalibamba i-IFP yalibambisisa, akungixaki lokho. [Interjections] One thing ... [Interjections]

THE SPEAKER: Hon Rev Mbatha, kunelunga elihloniphekile elisafuna ukuphonsa inkulumo.

DR L P H M MTSHALI (IFP) Somlomo baba, angazi noma leli lunga elihloniphekile lingawuthatha yini umbuzo ngoba lalingamelwe ekomidini kuxoxwa ngalo Mthetho [Laughter]

THE SPEAKER: Hon member, ungawuthatha umbuzo?

REV A H MBATHA (NADECO): Uma sengiqede lapha Sihlalo mangizongena eqatheni ngizowuthatha [Laughter] We in this House have benefited from one thing, which is this: If you want the majority's support for anything, phonsa iqatha that you are going to get that! Ngakho-ke namhlanje kungokwesibili kule Ndlu sibona i-IFP isaphotha uKhongolose bebambene emshadweni bethi bachitha amaqembu amancane. Bakwenza lokhu mhla bephasisa imithetho bangafihla futhi bathi bakwenziswe yiqatha. Namhlanje bayakwenza futhi besivele silindele ukuthi bakwenze. Asikaze sibabone bebona eliconsayo ibhodwe bebheka eceleni.[Interjections] [Laughter] ngakho-ke Somlomo iNADECO iyaweseka lo Mthethosivivinywa. Siyawuze singene eqatheni nathi. [Time expired]

[Beginning of W W 23 – Jax]

THE SPEAKER: Thank you, hon member. The next person to speak is the hon member Mr Rajbansi.

MR A RAJBANSI (MF): Thank you, Mr Speaker. We have had a coalition of the change. Today we have a coalition of the strange. [Laughter]

AN HON MEMBER: Yes! Tell them, sir!

MR A RAJBANSI (MF): I support this Bill. However, the Democratic Alliance says they do things based on values and principles. If they are honest about their declared policy, if they say one must not make funding available and then vote against it, they must not privately go to church and pray in the hope that the ANC, the IFP and the MF support it. Let me give you an example. [Interjections]

This political party was called the DP. At that time they were the great masters of leaking

information to the press. [Interjections] There once was a proposal to increase salaries and they leaked it to the press. The president knew who had leaked it and he suspended the increase. They then elected Colin Eglin to go and see the Leader of the House to say: "The DP boys are feeling it very hard. We want the salary increase." [Interjections] This is a statement of fact! I am telling you this is a statement of truth! I was there! [Interjections]

You see, one of the things is this: As far as the 80:20 ratio is concerned, there was research done on what happens elsewhere in the world. In Europe, where the funding promotes multi-party democracy, it is 50:50. They assist small political parties. You see, I heard Mr Roger Burrows say that the MF needs the money. What the MF can do with R5 000 is to ...

AN HON MEMBER: He said he didn't say it.

MR A RAJBANSI (MF): He didn't say it, right.

MR R M BURROWS (DA): Thank you.

MR A RAJBANSI (MF): I was assuming you'd say it! It is in your mind! [Laughter] It is in your mind, but you did not say it! [Laughter]

Mr Speaker, as far as this party is concerned, they spend 80% of their money attacking the MF. [Interjections] However, let me tell you this: In 2006 they did it - 80%. I will give you the results. The DA had 53 seats, but I hit them with 34 ... [Inaudible] Next year they are going to get a hundred ... [Inaudible].

Tony Leon put an advert on the radio: "Don't trust Mr Rajbansi, because he works with the ANC!" A radio advert! We will work with the majority.

MR J KROG (DA): That is true!

MR A RAJBANSI (MF): Right. From 53 they went down to 36! The DA was the only party which shrunk in 2006. We improved by 30% and next year we are going to be in devastating form! [Laughter] Devastating! And you will be the "Destroyed Alliance"! Come to Phoenix on Saturday and Sunday. I will be addressing 30 000 people. [Time expired.]

[Beginning of W W 24 – Jax]

THE SPEAKER: Thank you. Hon member Mrs Downs?

MRS J M DOWNS (ACDP): Mr Speaker, I have done considerable research on political party funding. In Germany and Sweden they do get political party funding. They share it 60% in Sweden ... 60% is divided equally and 40% is a top-up. In Germany it is about 50%, but their funding also depends on how much funds they raise privately, as well. There is a quota allocated to that. In Guatemala, which is an emerging democracy like ours, the entire amount is shared equally amongst political parties. Having said that, you know, the majority will make a decision that the majority will make and we will have to live with the funding. However, we must not kid ourselves that this will entirely deepen democracy.

Our party has always agreed with the funding of political parties from the fiscus, because it cuts out a lot of corrupt relationships. It cuts out unseemly relationships which may not necessarily be corrupt, and it also cuts out unfair influence-peddling. We also believe that in a democracy such as ours there is a great need to support and assist political parties, to assist the multiplicity, even of minority, so that minority voices are heard in the legislatures, that their concerns are attended to and that the issues which they feel strongly about are discussed.

Having said that, we wholeheartedly support the objectives of this Bill. We would wish that the sharing out of it was done on a more equitable basis in terms of strengthening democracy. However, that is something that we are going to have to live with. Hopefully in the new parliament we will be able to change things. I have to tell you that if the ACDP were a majority, we would do it in the way that we have suggested. [Time expired.]

THE SPEAKER: Hon member Mr Msomi?

[Beginning of W W 25]

MR B J MSOMI (UDM): Somlomo, angibonge. Anginankinga ngoMthethosivinywa lo sikhuluma ngawo kodwa ngingenkinga ngalokhu kwabiwa okukhulunywa ngakho ukuthi umgovu, umhobholo nokuba ugimbela kwesawo kwamaqembu amakhulu amabili ala eNdlini kuyamangalisa. Kuyacaca ukuthi ibhodwe eliconsayo liyohlale lilandeleka njalo. Lokhu ngikusho ngoba ngibona into engejwayelekile.

THE SPEAKER: Thank you, hon Mr Msomi ake sibambe. Hon member Dr Mtshali?

DR L P H M MTSHALI (IFP): Somlomo baba ake ngizwe ukuthi ulimi oluhaya kangaka selivumelekile yini la eNdlini. [Laughter]

THE SPEAKER: Alungahayi kakhulu Nomdayi.

MR B J MSOMI (UDM): Somlomo lokhu ngikusho ngoba ngibona into engagjwayelekile la eNdlini ukubona i-IFP ne ANC kuba izithupha ziya emasini ngoba nje lo Mthethosivivinywa uvuma bona. Lokhu-ke kimina kukhomba into eyodwa Somlomo, ukuthi awukho umehluko kula maqembu amabili uma kungukuthi kuyiwa ngasezintweni ezidliwayo nezivuna wona. Kusho ukuthi angasebenzisana noma inini uma kungukuthi amavenge azotholakala ngendlela elinganayo kuwona omabili ngoba awanandaba namaqembu amanye amancane. Ayinto eyodwa uma sekuyiwa ngasekudleni pho singathini-ke singeke sathini uma abantu belawulwa ogovana njengoba umhlonishwa eke washo uMatshinga ukuthi abantu balandele ogovana babo.

Umuntu obenomqondo kulo Mthethosivivinywa owakhelwe ukugxilisa ukusimamiswa kwentando yeningi kodwa manje kuyacaca ukuthi injongo yawo ukusimamisa lamaqembu averse enakho ukuthi abenakho kakhulu kuthi abezabalaza azabalaze kakhulu. Lokhu-ke Somlomo kungibiza ukuthi ngithi awaqaphele la maqembu ukuthi ngelinye ilanga lamaqembu amancane ayohlangana kwenzeke lokhu okwenzeka e-Cape Town ukuthi kuphathe amaqembu angaphethe angenazo izihlalo eziningi. Ukubambisa kwamaqembu la amabili i-ANC ne IFP kukhomba into eyodwa ukuthi awanandaba nalo Mthethosivivinywa wokugxilisa intando yeningi. Yidlani-ke masoka kobola sengathi ikuxhagana kwenu kungahlala kanjalo noma imali ingekho kungakhulunywa ngemali. [Time expired]

[Beginning of W W 26]

THE SPEAKER: Hon member Mr Gcabashe.

MR S J GCABASHE: Somlomo asizibongele ukuthola leli thuba nokho-ke besingawalindele lamatshe angaka agebiselwa phezu kwethu namhlanje. Kuyishwa elikhulu kabi. Ngithole isifundo engingasoze ngasilibala empilweni yami. Bengiye ngithi uma ngilalela la maqembu ekhuluma ngasonke isikhathi uma kunenkinga ekhona phakathi kwe-IFP ne ANC ngicabange ukuthi aqinisile uma ethi kungakuhle uma lezi

nhlango zihlale phansi zixoxe zibonisane lapho okufanele zibonisane khona kodwa-ke namhlanje kuvela ngokusobala kimina ukuthi cha iqiniso alikho kuwona. Akukona kuphela ukuthi ngoba kungamavenge Nomdayi ngikuzwile ufika ekuseni uthi ugqoke isudi ngoba uzobona umshado we-IFP ne ANC. Abashadani abantu bandawonye. Uyabona nina sekufanele sinifundise umlando empeleni siphuma ndawonye i-IFP ne ANC zikhona isikhathi la sophambana khona kodwa futhi kuhle kakhulu uma iqiniso liyikuthi lasivumelana khona siyavumelana hhayi nje kuphela ngoba kuyimali. Bengithi nizokujabulela-ke lokho.

Ngebhadi elikhulu yinye nje into ama-parties amancane ayikhohlwayo including i-DA. Bakwethu, uyabona ivoti leli liyasetshenzelwa alidiliki- nje njengemana. Musani ukwenza sengathi iphutha lethu ukuthi ningawatholi amavoti sizisole sizisolele ukuthi nina aniwatholanga ngani. Akuyona indaba yethu leyo so-ke ningathandaza nisho yonke into ukuthi azokhula awezukukhula ngempela kukhona-nje abangezokubuya la. So-ke asisukuthwala icala esingalenzanga lo Mthetho lo ulunge ngempela-ke namhlanje nina uma ningase nenyuse inamba nani nizo-benefitha kusho ukuthi ngamanye amazwi sebezani ningashishilizi nje. Ikhona nje abanye bashishiliza kakhulu nangesikhathi se floor crossing so iphelile-ke indaba kakhisimuzi sebezani.

DA, iphutha bengithi i-DA yinye all along Mr Burrows ngithola ukuthi manje ihlukene kaningi kamanje ayisembili seyinokuhamba ngama –provinces noma ubani okuthi akenze akuthandayo uyakwenza. Lo Mthetho u-simple, u- clear bekufanele ngabe siwu-supportha sonke ilungile i- concern oyiphakamisayo ngenandaba ye constitutionality of the Bill but the fact remains ukuthi even e-Gauteng kade nishilo no Minister eshilo uye ku Constitutional Court lo Mthetho kodwa nemalim nilokhu niyithathile zonke izinsuku anizange nisho ukuthi ngoba aniyi ku Constitutional Court uku seekha le declarity order vele asizukuyithatha imali. Niyithathile ngakho-ke kufanele i-DA ibe umbala owodwa ingabi imibakla eminingi le engiyibone ilokhuzwa u Ellen Zille ngoba manje asizukunithemba ukuthi ninhloboni ngempela.

Kuzobaluleka-ke ukuthi ama-parties abeneqiniso. Khabazela, siyabonga ukuthi ibe khona le mali. Ofanele ukuyithola uzoyithola ngendlela efanele ukuba itholakale ngayo ayikho enye ongayenza nawe ngaphandle kwalokho. Ngizwile iLungu elihloniphekileyo le- ACDP lisi quothela indaba yokuthi kwenzakalani e-Sweden nakuphi nakuphi nako Canada, yes siyaya lapho kodwa siselapha e-Afrika njengamanje sizokwenza

ngalendlela le esicabanga ukuthi iyona ezosithatha isibeke kwi-level elandelayo. Ngakho-ke ngiyayibongela ukungabi namahloni i-ANC ne IFP ukuthi uma into i-correct bayenze nje ibe-correct. Asikweleti muntu, ngibonge kakhulu.

THE SPEAKER: Thank you. We will now conclude with the hon MEC who will close the debate.

DR Z L MKHIZE (MEC for Finance and Economic Development): Ngiyabonga Baba Somlomo. Akungakanani engizokusho ngizobonga nje ukusekeleka kwalo Mthetho yiwo wonke amaqembu ngoba naleli le-DA elikhala izinyembezi zengwenya ngoba bazongibuza Umbuzo ukuthi i-Bill yase Gauteng ayiyanga ngani kwi Constitutional Court ngabe bebuze laba be DA ukuthi niyithatha kanjani imali ungabe nithatha lo Mthetho nihamba niyowumangalela enkantolo. Aniwumangalelanga ngani enkantolo ngoba phela manje uma ninesikhalo yiyani enkantolo nifike nithi basinika imali asiyifuni thathani lo Mthetho inkantolo iwucishe. Ngabe nenze lokho manje-ke anyanga enkantolo. You cannot have too many rules. You either accept the Bill. In the event that you do not accept it, you still want to get the money. You want to complain that the MEC did not take the Bill to court. Why do you not take it to court if you are unhappy?

MR R M BURROWS (DA): Mr Speaker, is the hon MEC prepared to take a question?

DR Z L MKHIZE (MEC for Finance and Economic Development): No.

THE SPEAKER: He is not prepared to take a question. Please proceed, hon MEC.

DR Z L MKHIZE (MEC for Finance and Economic Development): Hhayi angifune kuphendula mbuzo la ngithi mina yiyani enkantolo uma ningayifuni imali ningathi ngala kulomhlathi niyahlafuna kolo mhlathi niyaphimisa. Cha, ningakwenzi lokho. [Laughter] La Mthiya, Nomdayi maluju bafowethu izibalo nje lezi masingaxatshaniswa amaphesenti ukuthi abavoti banithanda kangakanani. Abantu basinika amavoti manje asikwazi ukuhlukanisa izinto nje ngoba sibuka ubuso bendoda kube kungathi hayi cha lo siyamthanda bese sithi akanikwe. Kufanele kusho abavoti ukuthi nangu ofanele amavoti angaka ngakho-ke lokhu kubambisana okukhona kubanjiswana ngoba kufanele uma siphikisana sophikisana futhi emini. Ngiyalivuma leli likaMnguni lokuthi nami ngangithembile ukuthi siyagquguzela ukuthi cha akubanjiswane, hhawu kusale sekukhalwa kangaka kuqonganiswe kangaka hhayi angizwa mina. Angizwa kahle ukuthi

inkinga iphi lana. Lapha isibalo esikhona sikhombisa ukuthi lapho lasiwuthathe khona uMthetho sihambise ngaleyo ndlela esiyibone yenziwa lapho siwuthathe khona uMthetho. Asizange siphikisane nalutho kodwa uma kungabe abahlonishwa bethi chabo ayobuye ixoxwe le ndaba isengabuye ikhulunywe nje-ke kodwa ngeke kuthi siwuthathe uMthetho ume kanje bese sithi sinezizathu zokuthi singawushitsha.

Kukhona abalokhu bekhala bengaphandle bethi nabo bayafuna ukuthi babalwe kulo Mthetho bengekho kwakhona la kule Ndlu manje kuhlupheke ngoba abanye bagcina kulezi zintambo zakwa IEC abazeqi kwakuzeqa. Uma kudlule ukhetho baphela kanjalo oyoze ulubone futhi uhla mhlazana sekuyiwa evotini manje-ke sizobala kanjani uma sekuthiwa akubaliswane? Ngenye-ke yezinto le okwami nje Somlomo bekungukubonga ukuthi awu cha amaqembu cha siyabonga ukuthi kubanjiswane sasivele sifisile ukuthi lo Mthetho kungabi uMrthetho ongavele uphase kungekho ukuthi sonke sibona ngendlela efanayo ngakho-ke siyawafisela amaqembu ukuthi sengathi angasebenza kanzima azikhandle khona kuzothi uma kufika ukhetho oluzayo abuye namavoti azokwenza ukuthi uma senza izibalo angakhaleli amanye amaqembu, Ngiyabonga.

Debate concluded.

Question put and agreed to.

MR R E KEYS (DA): Mr Speaker, I rise on Rule 81(1) and would like that the opposition of the DA be noted and that the Premier refers the matter to the Constitutional Court. Thank you very much.

THE SPEAKER: Thank you, Mr Keys. The views of the DA will be noted.

Hon members, the Bill has been passed. We therefore proceed to Item 8.5 which we have changed to Item 8.4 by unanimous consent of the House.

We will now allow the hon MEC for Finance and Economic Development delivers his speech on the Adjustment Estimates Bill.

DR Z L MKHIZE (MEC for Finance and Economic Development) Siyabonga Somlomo.

Please complete the debate on the Adjustment Estimates Bill. See Order Paper for

sequence of Orders of the Day and indicate the variations.

THE SPEAKER: Thank you, MEC. We have come to the conclusion of the debate. I now put the Bill to the House. Will those who support the Bill, say “Aye” [Aye]. Those who oppose it, say “No” [No]. The “Ayes” have it. Hon Mr Keys?

MR R E KEYS (DA): Mr Speaker, I rise on Rule 81(1) and would like that the opposition of the DA be noted and that the Premier refers to the matter to the Constitutional Court. Thank you very much.

THE SPEAKER: Mr Keys, thank you, the views of the DA will be noted. The Bill has now been passed. We therefore proceed to item number 8.5 which we have changed to 8.4 by unanimous consent of the House, and allow that the Leader of Government Business, the MEC for Finance, delivers his speech on the Adjustments Estimate Bill.

END OF TAKE WW28

WW29

DR Z L MKHIZE (ANC): *Siyabonga Somlomo.* Mr Speaker, hon members I rise to tell you the Adjustment Estimates for the year 2008 and 2009. These estimates are prepared in keeping with Section 31 of the PMFA which requires that the MEC for Finance tables the Provincial Adjustment Budget annually. Adjustments are made to the main appropriation to cater for unforeseeable and unavoidable expenditure as per Section 31.2 (b) of the PFMA. Adjustments also accommodate Treasury approval over request for those departments who could not spend the entire amount voted by the Legislature as per section 31.2 (g) on the PFMA. The Adjustment Budgets further provide for the utilization of savings under the main division which within a vote for the deferment of excessive expenditure under another main division within the same vote, commonly referred to as **via XXX01:14:41**. Lastly, the Adjustment Budget includes funds to be appropriated for expenditure already announced by the MEC for Finance during the Tabling of the main budget as per section 31.2 (d) of the PFMA.

As it will become clearer later in this address crafting the 2008/2009 Adjustment Budget has been very difficult. The first complicating factor has been the over expenditure outcome over the 2007/2008 which had to be financed as a first charge by the Provincial Revenue Fund. Members will recall that we ended with 2007/2008 financial year with a

net over expenditure of some R164 million after taking into account the legitimate roll-overs and other commitments as can be seen in Table 1.

The second complicating factor has been the [XXX01:15:32](#) to console the resources in the national fiscals to fully finance all unavoidable expenditures. This has been driven largely by the prevailing economic climate both internationally and domestically as Minister Manuel pointed out in the 2008/2009 mid-term Budget Policy statement that it is in the aspect of South Africa's interconnectedness with the global financial crisis. Domestically the crisis has manifested itself in higher than anticipated interest rates driven by influential pressures and such frequent slow down in the economic growth. In simple terms, a slow down in the economic growth means less tax revenue for the state that is why the national fiscals is under pressure for this financial year. This pressure is then passed on to the rest of the spending agencies that rely on the national fiscals.

We have also seen that the reduction of tax revenue focuses led the need to budget for marginal deficit in accent to a two year cycle. We are however grateful that we have in the past, as this government adopted very pragmatic economic policies that have shielded our country from the shocks that have re-evaporated well over.

The roll-overs – given the over expenditure of the previous financial year and what was predicted to be a difficult year, [XXX01:16:53](#) very strictly. Cabinet approval of roll-overs was limited to conditional grants that were covered by law and those roll-over requests that would make it to prejudicial to government to do otherwise. A total of R207.618 million worth of roll-overs and commitments was approved by approved by Ministers' Committee on Budget early in the financial year.

There are three significant roll-overs, however, that are worth noting. One is R68.25 million - the Department of Education in relation to the Occupational Specific Dispensation for educators; two is R66.631 million – the Department of Agriculture and Environmental Affairs mainly relation to the infrastructure project; three is R33.491 million for the construction of Emakhosini Multi-media Centre by Amafa. We also happen to make provision for the payment of a portion of Casino taxes of the relevant municipalities as perception 76 (2) of KwaZulu-Natal Gambling Board. To this end an amount of R8.963 million was made available.

Due to the over expenditure in the last financial year, a Provincial Revenue Fund has

also been under severe pressure. In fact, the Provincial Bank Account has been in overdraft since the beginning of the current financial year. As a result of this overdraft the Provincial Treasury has not been able to realise the interest usually attracted from positive cash balances. This has necessitated a downward revision of the Provincial owned revenue by R75 million. As a result of this downward adjustment, the net deficit position for the province increases to R231.28 million.

The 2007/2008 over expenditure: Table 2 in the KZN Audited Expenditure Outcome for the entire province during 2007/2008 financial year provides a good background to the over expenditure we referred to earlier. As can be seen from the Table, the largest over expenditure occurred in the Department of Health. This Department over spent its final appropriation by R1.34 billion or 74%. We have indicated the new contributors to this. The programme will help the district health services, provincial hospitals and central hospital services. The main reason for the over expenditure being; the under funding of the 7.5% salary increase in 2007 and the OSD for nurses; both affecting compensation of employees. Secondly, increased demand for Anti-Retroviral Treatment and inflationary pressures relating to the increased cost of medicines and fuel products, fuel food, laboratory cost, etc. Thirdly, the June 2007 strike action in the utilization of private sector enterprises to maintain service delivery during the strike.

The over expenditure in the Department of Health has been a major concern to Treasury, the Minister's committed budget and Cabinet largely because of its impact on the overall Provincial fiscas. Unfortunately, it seems as if Health will again overspend its current year's allocation. Remuneral expenditure results as at the end of October 2008 indicated projected over the expenditure of R1.69 billion by the end of 2008/2009 also taken into account what is proposed in these adjustments. What this means is that the Department of Health will have an accumulated an over expenditure of some R2.732 billion for the two financial years.

Given the gravity of the situation **XXX01:21:01** on 2 June 2008, Cabinet took a decision to the fact that a joint management team made up of Treasury and Health be formed. The manager of this team was to **XXX01:21:17** causes of budget overruns in the Department, development and implement specific measures to the contained runaway expenditure and put in place measures to prevent it from occurring again in the future. The team was been hired at work and a thorough diagnosis of issues leading to and

perpetuating the over expenditure had been developed and communicated in several reports of the team. By the end of 2008 all diagnostic exercises had been completed. It is now time to implement public measures to contain runaway expenditure and put measures in place to prevent it from occurring again in the future. I will not elaborate on the diagnostic exercise but I would like to indicate to this House that a concrete plan has been developed jointly by Treasury and Health to arrest the over expenditure.

Measures to arrest over expenditure: the fiscal adjustment plan for Health has three components; namely the strengthening of the institutional capacity, Personnel Management and Supply Chain Management. So, I will just discuss briefly some of these. On the strengthening of the institutional capacity, we believe that we need to strengthen management capacity at the institutional level where the majority of the expenditure takes place. The report put together by the team identified a number of areas of management and control weaknesses at these levels:

Personnel management; this is the largest cost driver given that the services rendered are very labour intensive. XXX01:22:56 to focus on the spending item of this Department. There has also been a proposed allocation of some R260 million to finance last year's nurses OSD subject to the approval of this House. Accordingly, the Department will conduct an integrity check on the Persal System to verify the authenticity of the personal record which will include deductions of OSD over payments made to undeserving nursing personnel. I am aware however, of the Labour Court ruling of 15 November that restricts government from making these deductions but I am confident that we will lodge a successful appeal. In addition, I am proposing some of the measures including increasing of monthly clinical posts with a view to reducing the post to establishment.

The third one: the Supply Chain Management – goods and services of the Department of Health is the second largest cost driver after compensation of employees. It has happened in this area that the Department has proposed to get savings. We have indicated clearly that we do not foresee that improving expenditure in this area will compromise service delivery. We believe that there will be efficiency improvements that will be made which should provide us with the required savings. So changes to the main appropriation – let me then run through the changes to the main appropriation as approved by the Minister's Committee on Budget and Cabinet proposed for the House.

The changes have been made possible due to Additional Equitable Share Funding received from the Minister of finance as well as Internal Provincial re-Prioritisation. The Equitable Share for KwaZulu-Natal has been increased by a total of R977.866 million to cater for the following:

The learner-teacher support material, medical goods and services, OSD for nurses' vaccines, and the higher than budgeted 2008 settlement. Lastly, we mentioned an Additional Equitable share allocations are earmarked and therefore, cannot be used to finance other things except those indicated above. The Province has then added a further R700 million into the Additional Equitable amount, reaching a total of R1.678billion for allocation. The R700 million was identified through re-prioritisation in the Department of Economic Development. But, we are financing the net financial deficit of R239 million arising from the 2007/2008 over expenditure as well as the downward revision of the revenue collection in 2008/2009 - a total of R1 billion R438 million is then available for allocation which is indicated on the Tables.

Several adjustments were made to Conditional Grants including Disaster Funding. These are also indicated in Table 3 and therefore I will not discuss them. I would like to acknowledge the R646 million allocations to the Department of Transport for the restoration of the road infrastructure damaged by floods in the Province as well as in supporting the construction of Sani Pass.

Allow me then to indicate additional allocations that are proposed in this adjustment. A total of R69.197 million proposed for the office of the Premier focusing on Emakhosini Multi-media Centre by Amafa. And another R31.26 million proposed for the Legislature to finance a range of any expenditure as well as financing every proposed political party's Funding Bill. A total of R213.783 million goes to Agriculture mainly for the completion of the Mushroom Base, and the comprehensive agricultural support programme grant and Disaster Relief Allocation.

Education – this one was revised upwards by R947, 617 million accommodation of OSD, 2008's wage settlement, examination services, learner-teacher support material and school nutrition programmes. The other rollovers then depend on the school, the others relate to rollovers for storm damage to schools.

Health – the budget has increased by R740.159 million to accommodate medical goods

and services, OSD for nurses, vaccines and 2008 wage settlement. But also, recent **XXX01:28:00** paid a substantial increase of R127.519 million for the comprehensive HIV and Aids programme.

Housing has also received R46.467 million to mitigate inflationary pressures in the Integrated Housing and Human Settlement Grant. There are several other small adjustments for other departments needing to accommodate the higher amount of 2008 wage settlement. These allocations are clearly indicated in the Adjustment Estimate Document. I would therefore like to invite members of this House to familiarize themselves with the contents of the Bill, particularly the Adjustment Estimate Document. This document contains every last detail of all the Adjustments proposed.

Let me conclude by expressing the same level of optimism expressed by Minister Manuel; "as we acknowledge the effects of the global domestic economic slow down, it is our view that the opportunities of improved economic growth will remain present in the years ahead". I am also confident that the over expenditure trend that is emerging in the Province will soon be reversed. I therefore appeal to my colleagues in the Executive as well as in the Departmental Accounting Officers to remain vigilant and guard against spending funds that we do not have. I would like to convey my sincere appreciation to the members of the Executive Council and the members of this legislature, particularly the Finance and Economic Development Portfolio Committee and its chairperson for their continued support and the team in Treasury. I would also like to thank them also for all the work they have done to put this Bill together. I therefore, table for consideration to this House the Adjustment Estimates Bill for 2008/2009 and I look forward to the debate on this Bill, this afternoon. Thank you very much.

END OF TAKE WW29

THE SPEAKER: Thank you very much, MEC for Economic Development and Finance. Members, this Bill, the Adjustments Estimates Bill, have now been tabled through this speech together with all the memoranda, which explains all the necessary sections of the Bill. I now therefore refer the Bill and all the documentation, which accompany it, to the Portfolio Committee for Finance to deal with and hopefully they will be able to deal report back as we come back from lunch.

We are now are at Sitting at 20 past one and we do need to adjourn for lunch. I am told

that there is glittering lunch, whatever that means and that members are invited to participate in that lunch. Please do not disappoint those who have arranged the lunch. It is arranged in such a way that It is the last lunch of the year 2008, hopefully. We hope that nothing will bring us back before Christmas and New Year. Therefore as members are going on holiday, the administration obviously agreed to by myself after consulting the Chief Whip, have agreed that lunch must be what it is. Hon members we will adjourn and comeback at half past two. That is how gracious we are. We now adjourn.

END OF TAKE WW30

THE SPEAKER: Hon members, Thank you very much for your attempts to eat as quickly as possible and come back. You have really managed it.

The only other matter that I now need to talk about is the report by the Chairperson of the Finance and Economic Development Portfolio Committee. Hon member, Mrs Scott.

MRS B F SCOTT (CHAIRPERSON OF THE PORTFOLIO COMMITTEE ON ECONOMIC DEVELOPMENT AND FINANCE): Mr Speaker and hon members, it is a very short report.

We met at lunch time to consider the Adjustments as tabled by the hon MEC for Finance and all political parties were present with the exception of the Minority Front. All political parties, with the exception of the DA, adopted the Bill in the Committee. However, this does not preclude political parties from using their rights in terms of Rules 80, 81 and 82. Those who have adopted the Bill in principle, thank you Mr Speaker.

END OF TAKE WW31

THE SPEAKER: Thank you very much, hon member Mrs Scott. Hon Mr Mzobe. The hon member has three minutes. [Insert isiZulu.](#)

MR M R MZOBE (IFP): Hon Speaker and members of the legislature, we in the IFP as an opposition party cannot gloss over the fact that the provincial government has overspent massively over the financial year under review. The reasons for this are doubtless complex, but one of them is the ANC government's obvious inability to run a tight ship.

The levels of overspending in the Departments of Health and Education running at R1.6 billion and R700 million respectively are simply frightening. These figures are all the more serious when we consider that the two departments are probably the most important vehicles for service delivery for the people of KwaZulu-Natal taking the HIV/Aids pandemic and the crisis in education.

AN HON MEMBER: Where do you come from?

MR M R MZOBE (IFP): Equally disconcerting, is the under-spending of the R510 million by the Department of Economic Development which prides itself in pursuing some of the ruling party's flexi-policies, namely it has often declared support for the AMSC's and co-operatives.

All in all this government has failed to carry out the most fundamental function of any administration - that of managing it's finances.

Having decried the overall state of this government's finance, the IFP cannot support the Adjustments Estimate in the following departments; Vote 1 – Office of the Premier, Programme 1. The IFP will not support over-expenditure incurred by the departments' reversal of the valued gambling contract within the central monitoring system, which has led to a lost challenge and subsequent appeals in court.

In Programme 2, in the departmental claims for the 2007/08 financial year relating to the provincial events such as Youth Month celebrations, will not be supported by the IFP as an official opposition party as this expenditure cannot be justifiably as "unforeseen".

On Vote 2: Provincial Legislature on Programme 2. Thank you, Sir I will continue from where I left off.

END OF TAKE WW32

THE SPEAKER: Thank you, hon Mzobi. Shall we then proceed to the hon Mr Tarr. The hon member has seven minutes.

MR M A TARR (ANC): Thank you very much, Mr Speaker. Mr Speaker, you know, it's sometimes very nice to be a member of the opposition in this House, because you know as a member of the opposition you can stand up and say, "We do not support this"...

[Interjections] I know, I know, that is why I know it is nice. “We do not support this, we don’t like that and this government is useless” and that’s what opposition people do and I suppose that is their job, but it is easy to do that.

Mr Speaker, what is more difficult is actually to run the outfit, run the show and obviously we are facing difficult times at the moment and to deal with them. Now we all know the reasons for our overrun and I am grateful that the hon Minister has put a recovery plan in front of us today, but let me go back a bit. You know, if we look at the world situation as it is right now, the world is entering a recession, I think the recession is about a 0% growth and they are many countries that are reaching that point and ourselves of course as well.

Now inevitably that is going to affect us. We do not leave in a cocoon, we are not isolated from all these issues, so inevitably, for example, we have seen what has happened to the price of platinum, it crops up on our television screens every night. That has resulted in considerable layoffs, we have seen that and that is something we will deal with – there are thousands of workers being laid off and that goes throughout the mining industry.

We have seen what is happening in the steel industry where Mittal Steel are cutting back on their workforce. Now, that is because people are not buying steel overseas, they are not making cars anymore, so platinum catalytic converters, they do not need them anymore, so all those things impact upon us.

We see other things happening as well. We see the weakening of the exchange rate and what happens there, suddenly medicines become more and more expensive because we have not got the capital inflows which we relied on in the past, people in the developing countries are starting to withdraw their capital because they regard some developed countries as being a risk.

So the result I think we are going to see happen and I think our State President has warned us of this, we are going to see less money in our fiscus in terms of the taxes raised, in terms of revenue coming into the country and then of course what is going to happen to this province, we are not going to see large changes or increases in the baseline of our MTEF and that is also something which we are going to have to deal with.

We have heard, for example in the committee, that not only is there not going to be more coming into the MTEF, as Mr Krog has just reminded me, it's probably going to reduce in the sense that our population in this province is also in a decline.

So, Mr Speaker, we are in for hard times, we do have a recovery plan in place and in terms of what the hon MEC said this morning, we are going to have to look to all the departments in the new government to actually cut back on any expenditure which is unnecessary and any expenditure which does not directly result in some benefit to poorer people. [Interjections]

On a slightly lighter note, I am looking at this which was put on my desk this morning and I wonder whether that is not the short of item where we could be cutting back on. [Hear hear] I am saying thank you for this – I am just wondering if someone is going to help me carry it round, it is quite heavy, it will have to stay on my desk.

Yes, I am being facetious, but really every single department and I hope that the new Cabinet after elections will make every endeavour that they possibly can, to eliminate expenditure which is not absolutely necessary. I think that echoes what our hon Minister said this morning and I think if we can stick to the recovery plan which I know has taken a lot of thinking and scratching your heads in Treasury, I think if we can stick to that, there is light at the end of the tunnel. Fortunately prudent management of our country, budgeting for surpluses and that over the past few years has assisted and I think that if we do all these things right, we are going to come through the current situation far better than most.

With those few words, Mr Speaker, I would like to support the additional estimates which were tabled by the MEC this morning. Thank you.

END OF TAKE WW33

THE SPEAKER: Thank you, hon Mr Tarr. Mr Krog?

MR J KROG (DA): Thank you, Mr Speaker. Mr Speaker, I agree with most of the things the hon Tarr has said, but I think what is required in this last four months of this financial year is a serious attempt to reduce these facts, to reduce this expenditure, otherwise we are sitting with R2 billion overdraft, we are sitting with overexpenditure that will only be recovered, in terms of the plan, in 2011 and that will be the major part of our MTEF

prognosis is reduced. I think we are in for hard times.

That is the reason why the DA will oppose the adjustment appropriation, mainly because not enough is done now to regularise this overexpenditure, as Mr Tarr said, through all departments, and reduce the overdraft. We are spending as if there is no tomorrow. I again express concern at the financial position of the province. Without being an alarmist, the financial crunch that the Treasury talks about is much worse than this parliament, its members, the press or the public realise. KwaZulu-Natal has never had an overdraft of R2.1 billion, which Treasury has to monitor daily. We hear more and more about reports of payments to suppliers that are held back. Even travelling expenses of the members are in arrears and paid late.

If Treasury is correct and revenue income of the province will have to be adjusted downwards, state income over the next 10 financial years will reduce as a result of lower growth. The last few years we had a 3 to 4% growth, the last quarter our growth is down to 0.26% — those are alarming statistics!

If our emphasis has to shift to poverty alleviation and service delivery, it becomes more and more serious. The Treasury is correct that fiscal discipline and only spending money that you have is an attitude not held by the executive and heads of departments and CFOs, it is an attitude that we have got to develop. If it was not for the wisdom of Trevor Manuel that budgeted for surpluses during the last two financial years, our crisis in this country and KwaZulu-Natal would have been much worse.

It is good to read reports and hear the Auditor-General report that accounting policies are being improved, but that says nothing to performance on those priorities that we set, on value for money, it says nothing about value for money, what we are doing. It only reflects on the last financial year — 2007/2008. The crisis is now — 2008/2009.

In the debate on the Mid-term Review, I called on the MEC for Finance, Dr Mkhize, to take control of all departments and instil fiscal discipline. I am afraid I am not convinced that there is urgency if I consider this Adjustments Estimate Bill.

Although the overexpenditure projected has reduced from R2.1 billion to R1.5 billion, this picture becomes bleak if it is taken into account the total new money from national government is R1 billion. The government of KwaZulu-Natal has put in R700 million

from our own slush fund, a growth fund, SME and co-ops, that we considered so important over the last three years to budget large amounts for.

If additional funding was not available, we could have overspent this budget by R3.2 billion. It is frightening, Mr Speaker. What is the use of a budget if you are overspending the original approved amounts of this House by R3.2 billion? Are we following those budgets? The Department of Health had a plan to reduce expenditure last year, November – what has happened to that plan? Is that plan hanging in the air?

THE SPEAKER: Hon members, hon member Krog, I am just being asked here to make an urgent intervention. The MEC is being requested — one of the staff members seems to be collapsing with what is suspected as a heart problem. Now, it puts us in disarray because we were looking for Dr Buthelezi, but they say they cannot find him. Now I am saying to you, please bear with us. Yes, Mama?

MS L R MBUYAZI (IFP): Sorry, Mr Speaker, Dr Buthelezi is attending an urgent IEC meeting, he is attending another meeting in Durban.

THE SPEAKER: Thanks for the explanation, Mama, but it is not obligatory, it is just to clarify to us as members. They say the staff member is collapsing right outside, so in the interest of health, we cannot say that there is no doctor when in fact there is one and that is thing that worries me. Now it is putting the House in disarray, I do not know whether we should not be adjourning for a few minutes. Chief Whip, I am looking at us adjourning for a few minutes just to get a doctor to attend to this matter.

MR V C XABA (Chief Whip of the Legislature): We can do that, unless members have a problem with another MEC standing in for the other MEC. We do have his staff members who will be taking copious notes for him when he comes into the House.

MR J KROG (DA): No, I want to speak to the MEC for Finance.

MR V C XABA (Chief Whip of the Legislature): *Ja*, I am saying if you have a problem with that then we can adjourn, but if you do not have a problem with that, then we can continue.

MR J KROG (DA): I do not want to speak to anyone else.

THE SPEAKER: But the problem does not lie more on the side of the members – I am sure it would lie on the side of the relevant MEC who is not there when the issues are raised. He will find them in Hansard afterwards. You see, when he finds them in Hansard and he has not responded to them, it does become a bit unfair.

MR V C XABA (Chief Whip of the Legislature): Speaker, I am told that the ambulance is already here. That would then release the MEC to join us in a minute or two.

THE SPEAKER: That means in the few minutes that we have got, I can just talk about a lot of other things that... [Laughter] Well, I mean, seeing that I do not have enough time to speak, it is an opportunity for me to address you. [Laughter, interjections] Enze njani uRadebe? Cha, kahleni malungu ahloniphekile mina bengicabanga ukuthi it is a very good opportunity for recruiting potential voters from either side. [Laughter] Uma ngibona ngakwi-IFP baningi kabi engingaba-*persuade*. Cha ngingaba-*persuade* ukuthi iNkosi yamaBomvu ayikwazi nje ukungicckela phansi. Ake usibhekele laphaya Baba. Awusi-*chekhele* ukuthi u-MEC ukude kangakanani. Ulunguze nje ubone ukuthi kwenjakalani.

PROCEEDINGS SUSPENDED/RESUMED

THE SPEAKER: I am informed, hon members, that the matter has been attended to and that the MEC and others are now coming back, in which case, Mr Krog, may I ask you to be ready. I did not see how many minutes you had left.

MR J KROG (DA): Three.

THE SPEAKER: You had three left? Okay. One good thing is your honesty.

Hon members, may I thank you very much for your patience. The report I am getting from the Secretary and the doctor is that the member of staff was one of our members from the HR Department, but she has now been attended to, taken by ambulance and according to the doctor, when she left she did not look that serious, so we hope nothing worse happens.

Thank you very much, hon members, let us now resume the proceedings. Hon MEC, we had suspended the proceedings, therefore there is nothing that you have missed. We are therefore giving the hon member three minutes to conclude and thereafter we will proceed. Mr Krog?

MR J KROG (DA): Thank you, Mr Speaker. Mr Speaker, I was at the plans that we had from Treasury. We have understood from the MEC that since July they have implemented a new recovery plan. It is four months down the line – I wonder if he could give this House some indication of whether that recovery plan is successful and would contribute to the desired outcomes?

Are we as the legislature really serious about overspending? If we vote for parties to have R20 million running into the election, I submit that is an unconstitutional act. Are we serious about overexpenditure if some of our members now are allowed to travel business class? Are we really cutting the fat and concentrating on services if we spend R28.7 million in a court settlement as a direct result of poorly advised decisions? Are we serious when the Department of Health's advertising costs amount to nearly R70 million and all other MECs and departments advertise daily, as we have seen in today's *Mercury*, for every unthinkable reason!

Is our will to fiscal discipline there if hundreds of cases of fraud remain outstanding and is not followed up, if no civil claims are instituted against those that steal from this government? Are we serious in implementing the law if the PFMA prescripts are breached consistently and no criminal action is taken? Are our priorities right if our properties and school buildings need maintenance of R780 million and we budget R90 million? Are our priorities right when our per child expenditure remains the lowest in the country and we still have imbizos, sod-turning parties, birthday parties and massive funerals. [Laughter]

We understand that most of these overexpenditure pressures are OSD and salaries. I ask the question, is the problem not that COSATU is part of government and can demand massive increases without increases in productivity?

We are again hearing, running up the election, promises of increases. World economics are open and unless we can compete with the Chinas of this world, all South African resources will be of little use.

Spending as if there is no tomorrow is not only reckless and arrogant, but does not contribute to reduce the gap between the rich and the poor. Every South African will have to pull the country up on his own boot strings. The President of South Africa, President Motlanthe, has indicated that we are going through difficult times. Difficult

times lie ahead for South Africa. As I have said, the last month we have lost 11 000 jobs. It is predicted that in the next three months we will lose 78 000 jobs.

Mr Speaker, I call on the Executive to see that we do not overspend and reduce our budget of R2 billion. Thank you, Mr Speaker.

THE SPEAKER: Thank you, hon member Mr Krog.

END OF TAKE WW34

THE SPEAKER: Thank you hon member, Mr Krog. The next speaker is hon Reverend A H Mbatha.

REV A H MBATHA (NADECO): Ngiyabonga Somlomo. I-NADECO izithola kufanele ukuba isekele lo Mthetho esiphezu kwawo because we find ourselves in a situation where there are certain imperatives that are dictated to by the nature of our society. As the member before me has just observed, we have seen the world markets tumbling and the strongest economies have become so weak, to the extent that they are pumping funds from government into the private sector.

In our case, where the levels of unemployment has been very high in any case, we are going to find ourselves from this House, being expected to inject livelihood into the economy as world markets are continuing to slide. There exists a wide gap between poverty stricken communities and the middle class in our province. To bridge this gap we need to continuously inject funding in the departments for them to render services to our people and I mean to render services to our people and not to squander those resources.

Critical to this province is Health, Social Development and I carry no brief from these departments — Health, Social Development, Education and Agriculture. If we do not as this province take care of these areas that I have mentioned, we are going to face a situation where KwaZulu-Natal could become famous for the same reasons Zimbabwe is famous in SADC as we speak.

What worries me though is that the Department of Agriculture and Environmental Affairs sometimes does not show the competency needed to manage the resources or the budgets allocated to them. I did not add what the hon member behind me thinks. The

picture changes however, when we have to address reasons for our expenditure. Some reasons given in this Bill are pressures and I hope that these pressures mean justified pressures. One has no choice but to support justified pressures, but where there is lack of good management which result in pressures from departments, my request is that the departments need to take a closer look at the available systems that have nothing wrong in them but they do not have skilled people to manage them.

I think it is easy for an MEC or for a Head of Department to say they are freezing posts so that they do not get into over-expenditure, but sometimes it can mean freezing posts where they were to attract important skills that are to deal with the systems of government that are meant to monitor our expenditure and ensure and ensure that we do not suffer raised fool expenditure. So it is important for the MECs who are our link with these departments to ensure that the required skills in these departments do exist and if they do not exist they must be attracted into the departments so that we do not suffer twice. We suffer from the economic slump and we suffer from the wastage that takes place within the departments.

There is also a third one, if that happens the people who are our stakeholders, who are suppose to be served, they suffer most. I therefore want to appeal to the Department of Health to ensure that as we are going for such huge over-expenditures let us make sure that that money is used where it is supposed to be used. So that we do not have to deal with outbreaks at the same time to deal with corruption outbreaks.

To the Department of Social Development I honestly have sympathy with this department. It is amazing to see what is happening this year, this season in our province where we are going through tornadoes and we are going through storms in a way unseen. It is very clear to me that what is needed there are funds so that we can address the needs in this department

Ngalokhu Somlomo ngifisela uMnyango lo ka Mhlonishwa uMkhize inqubekela phambili.

END OF TAKE WW35

WW36

MR A RAJBANSI (MF): Thank you Mr Speaker. There is a nice Latin phrase, "*Rerem cognos pere* XXX03:25:44

I heard the hon Mr Krog as a financial wizard, trying to analyze the reasons for over expenditure. The two MECs from the Departments where there has been over expenditure have appeared at the Finance Committee and also on the XXX03:26:14 Committee and the turnaround strategies were discussed and explained.

The IFP, of course, is not voting against the whole appropriation but they have said certain selected departments. But I thought that the DA after singing praises of certain departments for the past years should have at least stood up and said: "We want to be consistent. We will support the additional appropriation". XXX03:26:52. So, that is hypocritical. I cannot... Now wait! Wait! Wait! You see... No, no, wait! Wait! Wait! The MF is not a member of the Finance Portfolio Committee. They are not because... because we are knowledgeable. We are honest and there is no hypocriticalness in what we say. But there are quite a lot of trends, not only has it been referred to about what is happening globally, what is going to affect our future allocation – our best nasalisation XXX03:27:38 etc. The trend is that our population is dropping. Our growth in this Province is dropping.

Certain countries are faced with a similar situation but they say we are resilient. We are going to phase history XXX03:27:59 and South Africa has weathered the storm because of a very strong financial management system. I think we must give credit to our Treasury, provincial as well as national. One of our off set in our province, is that we have a good political leadership in the management of our finances and all departments. If you look at all departments, it is unavoidable. Education has an overdraft. Now you are prepared to condemn the MEC? You have been singing praises about the MEC! Let us be honest! Let us be honest! Let us be honest! Education has an overdraft and there are good reasons. Health has got an overdraft. You have got an overdraft – you are waiting for the pay increase! [Laughter] I have heard you are talking to the bank saying: "Please I will handle the overdraft I am just waiting for the increase, I will get back later".

What I am saying is this; all the departments have sound financial management systems. And the oversight in this Legislature - the outstanding! You allow/have members of the Public Accounts Committee; you allow/have members of the Finance Committee - you know there may be problems. The first thing you must look at is called domestic budgeting. I told the person handling my own domestic budget let us go by this principle; if you want to spend ask yourself is it necessary? Can we avoid it? Are we

going to spend money on debts talk? And I believe everybody must do that. You know, Sports and Recreation advertises in a very limited way but behind me hon Mr Krog, gets butterflies jumping in his stomach. Sometimes he sees the advert, right? It comes from FRP – From Raj's Profit. You think it comes from the State's pocket, right? So, remember this, do not confuse things. Do not confuse what my party does and what my Department does. Let me tell you this; with the little money I have got, it is less money in the Department of Sports and Recreation. We had unqualified reports for two years in a row and we have delivered. What I am saying is that every department, I mean if you take XXX03:30:40 - how are we getting sufficient money? You talk about equitable share from 1994 that is where you have a problem. XXX03:30:46 [Time expired]

END OF TAKE WW36

WW37

MR P N NGCOBO (ANC): Hon members, you have disempowered me. [Laughter] Ok, let me start my input by thanking the MEC Khabazela, Mshengu and your team, let me thank the chairperson of the Finance and Economic Development Committee and all the parties that were involved in this task that we had. This Adjustment Budget Debate is taking place at a time when the entire world is experiencing an economic meltdown which is now starting to hit us as well.

Recently in America there was talk about a Rescue Plan for their banking industry. Now it is the motor industry and recently the city bank XXX03:32:13. One member of the Senator asked them about the kind of sacrifices they were prepared to make and concessions to the recovery plans. It was clear to me that the plans were not thought through by the CEOs who appeared before the Committee. They only expected the government to foot the bill.

Here at home, most of the factories intend to take early Christmas shut down and look at early retirement strategy in order to avoid retrenchments. All of us have been told to "*hamba kahle*" during the Festive Season. I think the MEC said that earlier on - the one that is going to wallop the DA in 2009. Our mining industry, the auto manufacturing sector and its motor component are feeling the pinch. The jobs are at stake. Those who are importing today realize that it is much better to buy goods internally than to import because of the fluctuation of the rand to a dollar. A task team has been set up to look at

ways of XXX03:33:13 between the Department of Mineral and Energy, the Chamber of Mines and the Unions.

As the global financial crisis make consumers increasingly reluctant to part with cash and the members unwilling to offer credit, car makers across the world have struggled to find buyers to keep their production running. Bank debt at FNB has increased significantly. Analysts expect job loses to rise sharply as export markets shift and domestic spending remain subdued. Phorechrome which is the world second largest Phorechrome producer will shut down all its mining and smelting operations from December this year to the end of February next year. The average house prices rise but the residential property market remains under pressure. Our task is to appropriate funds that have become available to the province, unforeseeable and unavoidable expenditure recommended by Cabinet, shifting of between funds and within the votes or follow the transfer of functions, the utilization of savings under a main division within a vote to the deferment of access expenditure under another main division within the same ward, and the rollover of unspent funds from preceding financial year.

It is the responsibility of the accounting officer to ensure that expenditure of the department and the main division within the vote and effective and appropriate sector are taken to prevent unauthorised expenditure. If that happens, she must report to the relevant executive authority and the Treasurer. In certain cases we have seen accounting officers carrying such information and appearing before the committee with information which sometimes has not been seen by their principals. We need to keep on reminding ourselves about the role that all of us are supposed to play in our pursuance of our oversight jobs as enshrined in the Constitution. We cannot interfere in the running of the department, of course. That can create serious chaos.

As many of us are aware that November 2008, the Treasurer projected to spend R53 billion by year end compared to the budget of R51 billion which clearly indicated to us that come the end of the Financial Year, our expenditure was going to be in the region of R2 billion. Thank you to the national grant that came with the additional equitable share allocation of R977 million and whose aim is to deal with education, help for goods and services and OSD and new infant vaccines and the 10.5 wedge agreement which we will be applicable in the main two big departments namely; Education and Health.

We also received the additional conditional grant which came to a billion rand and again this money cannot be used for something else either than what is meant for, leaving the Treasurer with almost R700 million. Out of that we know that he had to dispose of R310 million to allocate to departments. It is clear that this province cannot do what it wanted to do with this funding. You see other departments showing spending pressures namely; the Department of Health, Education and the Social Development – *uphi uMkhumbi?* Works and the popular Royal Household, but I am told by my colleagues that the contribution that is going to be made by Khabazela to the DA because they voted against – they will take that R2 billion and complement the Department of the Royal Household with R2 million as well as the business class tickets that the hon Krog was talking about. I do not know whether they are going to be funding the XXX03:36:57 but I am told that he donates the R2 million to the Royal Household. [Laughter]

To the Premier... hon Raj, I wish and pray that during the elections next year you deal with the DA. You have reduced them from what percentage to what percentage? Please prepare yourself! They are destabilized! [Laughter] Deal with them next year hon Raj.

To the Premier, there will be no XXX03:37:32 next year. To the Premier, my feeling is that the amount set aside for the 2010 *incane kakhulu*. The task ahead of us is huge and the expectations are very high from our people out there. Those of us who have been going to these functions have realised that in each and every corner of the province you hear people, sports activists, talking about playing a role towards the 2010. Therefore when I look at the budget I feel that hon Khabazela perhaps next year we must talk seriously about the 2010 budget. We can see the performance here in the province of Golden Arrows, Amazulu, Maritzburg United, to a less extent Thanda Royal Zulu – of course I am not talking about Pirates and the Sharks' performance in the Springbok team – it bears testimony to this. So, *mhlawumbe-ke* next year uKhabazela will look around the coffers *mhlawumbe abheke ukuthi i-2010 ingenzenjani* so that we have a very effective and successful 2010 Soccer World Cup, particularly in XXX03:38:42 **Ethekwini** region.

END OF TAKE WW37

THE SPEAKER: Thank you, hon member. Hon member Mrs Downs?

MRS J M DOWNS (ACDP): Mr Speaker, I have been in this legislature long enough to remember the bad old days when we had budget rollovers continuously from the Department of Social Development and those budget overspends that we did in those bad old days caused a huge problem for other departments in the province. What ended up happening was that we had four very, very lean years trying to deal with those overexpenditures in the department and it was on the social grant side and what has since happened is that we kept the deficit and the grants went over to SASSA and SASSA have now taken over the problem and we all went phew and breathed a hefty sigh of relief because it was an ongoing and continuous problem.

The point that I am wanting to make about this, Mr Speaker, that unless we really look at our budgeting correctly, we are going to have a continual problem with the Department of Health and the Department of Education in particular, those two departments. I continue to believe, as does my party, that those two departments have been underfunded, the Department of Education in particular. Our spend, as other hon colleagues have said before me, per child in this province is less than in any other province and our backlog of infrastructure is the highest in the country and unless we address this issue, in this kind of economic climate when we do not have skills development and when we do not have technology, we are not going to get the growth that we need to provide jobs and make jobs in our province. So it is actually a must-do, not a want-to-do, a must-do.

The overexpenditure in the Department of Health worries me. I believe that we have a problem in the Department of Health, that we do not have enough nurses on duty. I believe that our doctors are hamstrung and a lot of them are underpaid. We need revitalisation, we need equipment and so on. However, I do not believe that the overexpenditure is solely due to those reasons and it worries me when a moratorium is placed on getting staff into hospitals where it is needed. We have heard over the last couple of months, awful reports, Ladysmith Provincial Hospital has one such report where piles of dirty laundry have been left in the hospital for long periods of time because the funds have been cut off and I do not believe that budgeting is being done correctly in this department.

The fact of the matter – as the hon MEC said this morning, we have been unfairly labelled as the AIDS Epicentre – the problem is that this province does carry the largest HIV & Aids burden in this country and so the label unfortunately does belong to us and we have to take cognisance of that. It means longer bed days, it means more people need ARVs and medication, it means infections are more difficult to cure, it means... [Interjections] It means that the spend per person in our Department of Health may possibly need to be more than the spend per person in other provinces' Departments of Health and we need to take account of that.

However, Mr Speaker, I also get extremely worried when the level of overspending goes up in the Department of Health, but the level of services drop. It is true that we have got more people on ARVs, but I visit these hospitals and the conditions in some of them are appalling and the wait and the services in some of them are really appalling and need attention. Thank you.

THE SPEAKER: Hon member Mr Msomi?

END OF TAKE WW38

THE SPEAKER: Hon member, Mr Msomi.

MR B J MSOMI (UDM): Ngiyabonga Somlomo. Ngithi bekungaba kuhle ukube kulokhu kubuyekwezwa kwezimali njengoba kwenzeka, bekukhona into ethi izolekelela ekwakhiweni amathuba omsebenzi njengoba sibona elahleka futhi njengoba sebeke bakhuluma ozakwethu ngaphambili. Siyabona izinkampani eziningi ziyavala njengoba sesizwile ukuthi isimo somnotho emhlabeni wonke asikho kahle. Kungaba kuhle ukuthi uGcwabe ake asinike amaplani anawo mayelana nokubamba amathuba omsebenzi akhona ukuthi angalahleki ngoba sisenkingeni impela.

Ngiyazibona nezincazelo ezinikiwe ngamanye ama-departments ezinama-spending pressures noma ukucindezeleka ekusetshenzisweni kwezimali. Kodwa kunama-department amabili la engibona ukuthi awazange aze athole lutho kanti usizi lwawo siyalwazi. Okunye mhlawumbe kudalwa abasebenzi abasebenza khona. Uma ngibheka la, sengike ngakhuluma nekansela leSilo ukuthi eMnyangweni we-Royal Household siyazi ukuthi kune-pressure engakanani and there is absolutely nothing le okukhulunywa ngayo. So kungaba kuhle sibheke ukuthi kungani ngoba siyazi ukuthi kunenkinga impela

kuloya Mnyango. Kungaba mhlawumbe yi-capacity yabasebenzi noma yingani kodwa siyazi ukuthi ama-spending pressures angakanani, mhlawumbe uGcwabe angasilekelela ngakhona.

Kwa-Social Development siyazibona nazi izikhukhula, izulu liyaduma kwenzeka zonke izinto. Bekungeke kwaba kuhle yini ukuba nabo bake bathole uchatha ngoba kuyabonakala ukuthi muningi umsebenzi. Kungenzeka lidume izulu namhlanje, liphinde lidume nakusasa, asazi kuzokwenzakalani.

Ngiphinde ngibe nesikhalo sokuthi ngiyavumelana nokuthi izinto ziyanyuka usuku nosuku noma inyanga nenyanga. Kodwa engikhala ngakho kwa-Housing njengoba kunama-thunderstorms nezimo zezulu ezinje, sibona lezi zindlu ezakhiwe zibhidlika. Yiningi imali efakwayo kuqalwa phansi kwakhiwa ngenxa yosonkontileka. Ngikhumbula njengoba kade kuse-Mooi River kwakuqalwa phansi kuyovuselelwa izindlu ezazakhiwe zaphela kodwa umuntu owayezakha wazishiya kanjalo kodwa bona basacatshangelwa njengoba namanje bethole more than R46 million. Kungeke yini kwabhekelelwa ukuthi laba bantu abahlulekayo ukwenza umsebenzi kube yibona abakwazi ukuthi bakhokhe le mali ukuze uhulumeni angalahlekelwa ngoba mhlawumbe ngabe asikhiphi le mali engu-R46 million ukube amaprojekthi awaphinde aqalwe phansi ngenxa ye-quality yezindlu ezakhiwayo. Bekungaba kuhle noKhabazela njengoba uMnyango wakhe ubhekele intuthuko nakho konke okunye ake abheke ukuthi yini eyenzakalayo ukuze sigcine sesinohlobo olunje lwezindlu.

Ngiphinde ngikhale la ngemali enikwe i-Department of Transport uma ukhuluma ngaloya mgwaqo i-Sani Pass. Leya ndawo yimbi kabi. Uyabona nje ikhilomitha elilodwa liyothatha enkulu imali ngoba kunamatshe kuzo zonke izindawo ngoba indawo ime kabi. Bekungenzeka yini ukuthi le mali ithi xaxa la ku-R30 million? Kodwa ngiyazi ukuthi izokwenziwa in phases kulo nyaka, ibuye ifakwe futhi ngonyaka ozayo. Kodwa uma ubheka u-R30 million awukho kakhulu uma kukhulunywa ngokwakhiwa komgwaqo.

Uma ukhuluma ngezempilo, uthe ngake ngakuphawula futhi phambilini ukuthi okuhle bachazile ukuthi kungani ngoba noma kungathiwa yiphutha labasebenzi, ngabe yiphutha likamphathiswa, kodwa asifanele sibone izibhedlela zakithi zingasebenzi nabantu bakithi bengakwazi ukuthola usizi ngenxa yokuthi kukhona abantu abenze amaphutha.

Siyakuvuma futhi ukuthi imithi iyenyuka imihla neyizolo. Kwi-transport, uphethiloli ubiza ngendlela emangalisayo. Siqala manje ukuphefumula ngophethiloli. Imijovo kanye nemali okufanele iholele abasebenzi, yinto ekhona leyo esiyaziyo futhi eyenzakalayo.

Ngisho ukuthi kulokhu okunye njengakwa-Education, kungaba kuhle ngempela ... **[Time expired]**

THE SPEAKER: Sorry Nomdayi, isikhathi besingesiningi kakhulu. Hon member Mrs Scotts, you have seven minutes.

END OF TAKE WW 39

THE SPEAKER: Hon member Mrs Scott, the member has seven minutes.

MRS B F SCOTT (ANC): Mr Speaker, hon members. Firstly, I would like to congratulate the MEC for Finance and Economic Development, as well as the Head of Treasury and his staff, in the adjustments. I think that they have had to do some quite fancy footwork to get ourselves out of the problem that we have been in and I think that they have done a very good job. Thank you very much and also thank you for the recovery plan with respect to Health, it makes a lot of sense and it certainly will lift the province out of a problem, if it is stuck to, so we have got to make sure that there is discipline in that regard.

However, hon MEC, there is growing concern and that is the overexpenditure of departments, because it is in violation of the PFMA. Whilst we might understand some of the overexpenditure because it deals with human lives and with children, it still has to be managed, because every cent of overexpenditure means that we've got to try and find the money from somewhere. We had this discussion yesterday in committee and I think that the view of the Finance Committee for a very long is that it is about time the closing balances of departments become their opening balances, because until such time that that happens, departments are going to continue to overspend, because there is no sanction against departments for overspending.

It is a difficult thing to manage, I know. I mean, the Department of Health, we are forcing the Department of Health to pay the money back, maybe not all in one year because they cannot, but we certainly are making them pay the money back over a period of two

years, their overexpenditure, and if we can do that to the Department of Health and if we can, for example, cut their MTEF by 5% and enforce savings of nearly R1.1 billion over two years, then the other departments have got to be treated the same.

In this respect – and I am sorry to bring it up, I mean I know everybody knows that this is my bug-bear – but the Department of the Royal Household, it has overspent its budget by 38%. It is unacceptable, Mr Speaker, and I think that they should be treated in exactly the same way as the Department of Health and that that R11 million, whilst it might not be possible for it to be their opening balance for the 2009/2010 financial year, I think that there should be a recovery plan where they have got to pay the money back over a two year period and that their MTEF is also cut by 5%. I do not know why they should be treated any differently.

On the other departments, I know I have already spoken to the hon MEC for Social Development, that the other expenditures are projected overexpenditures. I am sure that both the hon MEC of Works and the hon MEC of Social Development could within the next four months, contain their overexpenditure to bring them down to... [Interjections] No, I think that we could actually manage these overexpenditures to bring them into line by the end of the financial year. They are not large amounts and I think that they are both manageable amounts.

The Education Department is a bit different because we know why it happened, you know, the deduction was taken off not by the Department of Education, it was taken off somewhere else, we are just having to try and alleviate that problem.

I really do think that we need to have a policy decision in this House about managing overexpenditure strictly and start imposing the PFMA as it should be imposed, which is making it opening balances.

The other thing I just want to mention in the short time that I do have, is national commitments, because it is of a growing concern, is that things are getting agreed to in the MINMECs and things are agreed to in terms of national policy and it is not being followed through with funds. The OSD has been one very painful experience that this province has had to learn through the Department of Health and we have not even gone through all the OSD expenditure that is needed in Health and all of these expenditures have a carryover effect into the outer MTEF.

We still have OSDs, we have got the OSD implementation in Education which we saw had an impact this year, and in Social Development that is being put on hold until money can be found, but it goes beyond just the OSD issue, there are other issues as well. Another one of them is roads. We have had some national commitments to road developments in this province, like Sani Pass, like the John Ross Highway and like the road in front of the new airport. Then at the eleventh hour, provincial Treasury come to the table with a little bit or none at all and we get left with the can in this province to actually fund the shortfall and these shortfalls are not insignificant.

I also think that the disaster management issue is not handled properly and this is not a provincial issue, I think this is a national issue. We know for a fact that the Department of Transport which does have the capacity, was given R616 million for the storm damage to roads, but municipalities got over a billion, but the Department of Transport is having to use that R616 million to fix municipal roads because municipalities do not have the capacity to do it. So surely the logical thing would be to give that money to the Department of Transport rather than give it to municipalities or alternatively, insist that the municipalities that do not have the capacity to spend the money on their roads, to use the Department of Transport on an agency basis.

However it is not resolving, some of our coastal roads are so bad in these municipalities, that poor people are having to use the toll road. The Department of Transport does not have the money to fix all these roads. Municipalities have got the money and they are not spending it.

If you had to look at MIG expenditure, it is really bad and we should be... I know that they are a separate arm of government, but I think that through our FFC and through our interventions through provincial Treasury, we should actually make a plea in this regard, because I think that that R1.1 billion that went to disasters, to municipalities, a lot of it should be managed by the Department of Transport if we actually want to see it done.

With those few words, hon MEC, the ANC party supports the adjustments. Thank you.

END OF TAKE WW40

WW41

MR M R MZOBE (IFP): Thank you Mr Speaker. I am now dealing with vote to provincial

legislature. Programme 1, the additional amount of R400 000 to fund EIA study process cost relating to the legislature complex will not be supported by the IFP. The IFP demands the conclusive decision on the safety of the legislature given the confusion regarding the multiple parliamentary complexes including the proposed new value.

On vote 3 - Agriculture and Environmental Affairs programme 2; the Howick allocation of R22 million of the comprehensive agricultural support programme task for Land Reform Projects is of concern to the IFP given the low rate of spending throughout the financial year under review. The blatant attempt to catch up the standing questions, the department's ability to manage its resources effectively.

On page 4 – Economic Development, programme 4; the IFP is alarmed at the level of under spending of such initiatives as support of the SMME's co-operatives and the growth fund which is in its admission from the backbone of the provincial government's economic policy. The IFP re-iterates its concern about the management of Ithala which has seen its loans directed to the public office bearers rather than emerging entrepreneurs. This year has seen the unfair dismissal of Ithala's CEO as well as more unanswered questions into the entity's dealings including that of the loan to Dolphin Whispers.

On vote 5, programme 2 the IFP maintains that the performance of the Department in the management of the national school nutrition programme does not match the altered requirements, the increased age of the beneficiaries.

Programme 6 – Treasury, on page 5; the IFP takes note of under spending which relates to delays experienced with completion of phase 1 of the Government Pressings Project. We re-iterate that a political debate is not taking place in this House on issues of desirability and **feasibilityXXX03:58:55** of such ambitious projects that do not have a direct bearing on the service delivery in the Province.

Vote 7 – Health, on programme 5; the IFP demands the particulars of the R6.1 million Medico Legal Claim linking to the hospital in question within the hospital services. On the whole, the impact of over spending is deliberating as far as the delivery of healthcare services to the people of KwaZulu-Natal is concerned. The most **XXX03:59:43** consequence is of course, the freezing of both administrative and medical posts that is affecting virtually all public health facilities. The IFP has previously called on the national

Minister of Finance and the national Treasury to invoke section 100 of the constitution and intervene in the financial management of the Department of Health.

Vote 8 – Housing, programme 3; the IFP is concerned about the generally slow pace of upgrading of R23 hostels which is the likely reason for over expenditure.

Programme 5; the IFP is equally concerned about under spending in urban and rural development and appeals to the Department to sort out the discrepancies in dealing with information in its dealings with the Independent Development Trust.

Vote 11 – Local Government and Traditional Affairs, on programme 4; the IFP re-iterates its perennial concern about the lack of funding in the house of traditional leaders as a public entity in compliance with PFMA schedule 3. Urgent attention to the matter is required given the ongoing investigation into the alleged non compliance of the imposition and collection of the traditional review with the governance and leadership Act number 5 of 2005.

Vote 13 – Social Development, on programme 3; the IFP will not support the cost of hire of additional facilities office rentals and telephones required by the services which the Department shares with SASA given that the relegation of this service to SASA was not XXX04:02:16 by a prospect of shared cost. The IFP also questions the reasons for the absence of funds relating to the Independent Development Trust in the Department's budgets.

Programme 14 on programme 2 – Works, the IFP is alarmed at the Department's slow transfer of rates money to the municipalities. In this regard we 04:02:55 the outstanding XXX to the Ulundi Municipality and its implications for service delivery.

I therefore, thank you Mr Speaker.

THE SPEAKER: Thank you *lunga elihlonophekile*, hon Mzobe. Just as a point of clarity, when you were reading I was following you by reading through the schedule. You said something in your speech which reflected on programme 5 of vote 8. Am I right?

MR M R MZOBE: Thank you hon Speaker. In actual fact, I meant programme 3 on the nextXXX04:04:13 number 5, not dealing with 3 only.

THE SPEAKER: No no, I am referring to your speech because you seemed to be reading a speech. The problem with your speech is that it is going to go into Hansard with you having determined in terms of Vote 8 that “the existing programme 5” – am I right that there is no programme 5 and that your speech is inaccurate?

MR M R MZOBE: That is part of the fact that it should be 3 only, not 5.

THE SPEAKER: Thank you. I just wanted us to ensure that we have a ruling that that part of your speech should not reflect on Hansard because it is not accurate. Thank you.

END OF TAKE WW41

THE SPEAKER: Hon members, we have concluded this debate. We are now left with the MEC who is going to close the debate. Hon MEC, you have 15 minutes to close this debate.

DR Z L MKHIZE (MEC for Finance and Economic Development): Thank you, Mr Speaker. I want to thank the members for the debate and I must indicate that I have taken note of a lot of the points that we have raised. I will not be able to respond to all of them, but just comment on a few of them as having been raised.

The hon Mzobi, the point that he has raised about the concerns in a number of departments, we note that as the point of your party and therefore it is a matter just for us to note. Some of the cases, I could just say that the issue of CASP, we cannot so much determine whether they get given or not, it is a national conditional grant, so we cannot remove it if it has been allocated from the national department.

The comment about the issues in Ithala. Just to say that they work related tensions, but the CEO is not fired, he is still in office.

The other issues in relation to the work on assessing on Dolphin Whispers and all those projects, it is work-in-progress and we did brief the committee, we will be updating the committee as we move on.

The issue that you raise which I just want to explain a little bit, relates to the R28 million that I think yourself and another member raised, it is an unfortunate situation in that the decision was taken by the erstwhile Premier that that contract should be awarded and it

was in contravention to some of the provisions from national government in relation to the National Gambling Board and therefore had to be avoided, had to be reversed. Particularly it was a bit unusual in that it was signed about two or so days before the elections in 2004 and it was committing the government to a contract of about R137 million. It was not possible for us to proceed with it, so we therefore said that it needed to be terminated.

In the process of negotiations a forensic analysis was done which actually determined that there was legitimate expenditure that the contractors had gone into, which we needed to refund. Therefore what we landed up with was a costly political decision, but at the end that decision, we paid less of what was possible to pay. It is not something that should have actually been accepted in the first instance, so we had to do an out of court settlement.

The hon Tarr, interesting comments you make. Just to read for your interest that I have a letter from the Minister of Finance. He is commenting on the concern around the global economic crisis and also asking us to try and tighten up the financial controls in a number of departments. He makes one question and I want read that section. He says,

“Further, as you may have noticed, the current adverse economic climate the world finds itself in, is impacting on South Africa. Part of our responsibility in these turbulent times would be to protect the programmes targeted at providing access to quality services to the poor. The current environment requires decisive leadership to ensure that in adverse conditions our constituencies, particularly the poor, are not left behind.”

So the approach basically deals with those issues that you have raised, that we will not disadvantage the poor, even with the worse form of financial constraint that the government might be going through.

Hon Krog raised the question of a big bang approach, I want to recover the money now. It is not sustainable to do that, we have to really try and get the services to run, otherwise it means closing down a number of services, so it is not possible to do that, but although you have indicated rather reluctantly, I do think that those departments do deserve congratulations for having a very good audit outcome. In fact for the first time this year, this time we have got no disclaimer. I would have thought that that should

have also been acknowledged. I would like to see the criticism, but I would also like to see a balance and comments in terms of not underpaying what a significant issue it is, particularly because if it was, otherwise I would have got quite a stinging comment, which I would have welcomed. I just think that a compliment would have been good for the departments to be encouraged to keep to that kind of performance that the AG has reported.

Just to add that in fact the best outcome in the whole country is in KwaZulu-Natal and I do think that it is something that we cannot just sort of sweep under the carpet and not make it clear that the work of trying to improve the financial management, has in fact started showing.

The Provincial Growth Fund was delayed in the signing of their agreements, mainly because of the tension, the caution on the side of the partners. That is really why it delayed. As a result therefore we have not been very quick to spend the money that is by no means a slush fund and if there is a way of expunging that word from the dictionary, I would recommend it.

Then, some of the issues around adverts, we must just be a little careful because most of the adverts do go to the issue of job advertisements which we need to keep a particular balance about.

Then, hon Mbatha, you do agree on the issue of the impact of the global economic crisis on ourselves and again that South Africa has in fact done very well to withstand the pressure, but we cannot do that forever and I think it is fair to look at that and therefore we need to focus on what issues we need to prioritise on. You will then notice that even already starting from the Adjustment Estimate Budget, we are focusing on particular priorities which we make sure are the same as national so that we can focus on the areas which are accepted, both nationally and provincially. However, the issue of freezing of the posts, we do not freeze the critical posts and the ones that will be frozen are mostly the non-critical posts.

The other issues, I would say we note them, particularly the issue around the disasters. I will comment a little bit about it again a little later.

Hon Rajbansi spoke about the inter-provincial migration of people. This has resulted

actually in KwaZulu-Natal becoming the second largest province. As a result we have started having shifts in our budgetary allocation because of the numbers that we have lost. So I think we need to understand, part of the reduction in the subsequent fiscal allocations has got to be as a result of that.

Hon Ngcobo talks about the issue that we need to tread carefully as South Africa. Again I think we must agree. Here we must actually indicate that because of the performance of the global economy, we will start losing jobs, particularly in the areas of manufacturing, in mining. Most of those to whom we export, if they are going to cut down on their own production, then we will in fact start losing jobs. In some of the companies which have got parent companies abroad, they are already suffering. When they begin to cut down, they will cut down such that even our own companies will be affected. We need to deal with that and understand that it is important for us to always be cautious.

The concern that Mrs Downs has raised, again I appreciate. The issue is that we have actually made the adjustments as advised from national level. There is not a way we can improve on what we have done right now. The discrepancy in the *per capita* allocation is something that is going to take us a while to actually deal with. Our Ministers' Committee on Budget has already raised this as a concern, that what is now happening, when there is allocation, all of that we are putting in the two departments and there is very little that goes to the other departments, other than just their own baseline thing. It is creating a huge distortion, however we have to move in that direction, but even if we have done so, we still cannot reach the equitable levels on a *per capita* basis. I do not think we need to look at that alone. I agree, we will need to increase the resources at that level, but I do not think we must use one in this to judge negatively the way we have allocated the budget. As for this one, we have made sure that it is completely aligned to what the national government would have asked us to do.

Hon Msomi, the issue of job creation, we have put quite a bit of money on the side to try and stimulate that. We have had to pull back that money. Somewhere something has to give. If we begin to have the pressures of fiscal constraints, somewhere there are certain priorities we need to begin to sacrifice, so in this case we actually went and pulled out the money from Economic Development, precisely because we need it now to make sure that health services do not suffer and it is really a question of having to

choose one or the other and there is not a way we could have gone and closed the hospitals and then say, no, but we can still try and get people to create jobs using the Small Business Fund the Provincial Growth Fund, etcetera.

So that is why we pulled it back and that is why I keep saying to the hon Krog that in fact the issue of calling it a sludge fund is not correct because if we found other departments having some money that we thought could delay certain programmes, we would have wiped it out and pulled it out to go and save the health and education services. So from that perspective... [Interjection] I need to explain again, Mr Krog, we have not signed for three years because we have got partners. The partners have said they were not ready to sign until they were happy with the rules. It has taken us that long. If you would like to interview them, we can bring them for you.

Then the other issue of the challenge of the disasters is a serious one. It is very difficult, every year we have major disasters in this province. It is either the sea, floods, fire or cold spells. All of that just wipes the province out within a very short space of time and every year we are trying to catch up and we do not have an allocation for disasters. So what we have now been discussing is that it is difficult to budget because once some disaster has occurred, we go back to national Treasury who will then offer us some remedial finances and maybe we can try and deal with that. It is never enough because they allocate whatever is available.

The Department of Housing, the MEC was having the same problem, so when we finished building the houses, the storm comes and breaks the whole thing, now what do we do? So we are saying, again we need to look at this and budget moving forward, that already the ones that are under pressure now, we need to budget for them for the following year so that every year in addition to the normal kind of preparation, we can pull some of the rehabilitative work such that every year you are able to cover, then at least you can cost going forward. That, you know, has been a problem. It is a very difficult thing to deal with, but nevertheless I think we need to accept that it is an act of God, we cannot do much about it, we have to try and catch up thereafter.

The R30 million for Sani Pass may be small, but I would say a good start. It is a matter of point of view, the glass is half full or half empty - I would say we are going to fill it up.

Then, hon Scott, you raised the question of being strict about closing balance being the

opening balance. We are strict on that now. It is just that we could not recover this money quicker and therefore we are saying the department has to take responsibility for their overexpenditure and moving forward we are going to make sure that we deal with those particular issues.

The issues that you are raising, for example, some of the issues about the conditions of the roads and so on, you know, if we had to ask the Department of Transport to come and give us their cost and planned, you will be shocked that in fact even if you gave them half the budget, they would not be able to cover it. So it is a question of saying, how much can you afford additional and that is the way we can deal with it.

Otherwise, ladies and gentlemen, hon members, I want to thank you very much for the debate. Thank you.

END OF TAKE WW42

WW 43 – Jax

THE SPEAKER: Thank you, hon MEC. Hon members, we have come to the end of our debate. Before we proceed to voting, I want to make an announcement. As you will remember, our voting procedures is that all divisions in respect of the various programmes and Votes will take place once after the voting on all the programmes has been concluded. We will take note of the various programmes and Votes for which divisions have been requested in terms of the categories listed. I do need to indicate that requests for divisions on the programmes were received only from the IFP.

I did receive a letter from the DA which was quite long after one o'clock. The letter from the DA was saying:

Dear Mr Speaker

Rule 82 does not require that notice of a division be given if the Appropriation Bill is opposed in its entirety. As a courtesy the DA informs your office that it will be calling for a division on the Bill in its entirety.

[Interjections] I disagree with this interpretation. A division is a division in terms of the Rules. Whatever is going to be decided upon, a division is a division. Therefore, if there

was going to be a request from the DA for a division ...You see, what we must read in that Rule is not the notice period. We must not read the notice period. We must read the notification to the Presiding Officer, and therefore it is not a courtesy.

MR R M BURROWS (DA): Mr Speaker, with respect, Rule 82 (2) says that, in the case of an Appropriation Bill, if a party wishes to call a division on one or more Votes of the Bill and not the Bill in its entirety, then they must let the Speaker know. We want to vote against the Bill in its entirety. We are not voting on any subdivisions, so it is not a matter of letting the Speaker know.

THE SPEAKER: We agree. We agree that that is how that Rule is written. There is a procedure besides the Rule, and the procedure that we have agreed upon is that we, the Presiding Officers, must know that there will be a calling for a division by this particular party. Even if its for the entire Bill, that is what I am asking. Please, let us not say it is a courtesy, because we want to know how to run this entire voting process, with anticipation of where and when there will be a division and what will happen where. That is all that I am noting. However, we will discuss it if there is any problem. However, in the future, please just give us an indication that you are going to be calling for a division on the Bill in its entirety. That is all that we are asking for. Please, hon members.

Nonetheless, we have concluded our debate. We are now going to go on to the voting. As I have indicated, there is going to be a division as per the IFP's notification. There will therefore be a final division on the entire Bill. As I have been indicated, it is for the processes of our own procedures and not for the purposes of the Rules.

Hon members, may I take this opportunity to begin with our voting process? As I have indicated, when I come to a programme in which a party has requested a division, I will request that that party stands to indicate that they are requiring a division, in which case I will the establish the necessary support, but the division will take place after all of the programmes have been voted on.

Voting on KZN Adjustment Estimates Bill commences.

VOTE 1: OFFICE OF THE PREMIER

Programme 1

Question put and agreed to.

The IFP requested a division.

Results of division:

For: 38 Against: 23 Absent: 18

Programme 2

Question put and agreed to.

The IFP requested a division.

Results of division:

For: 38 Against: 23 Absent: 18

Programme 3

Question put and agreed to.

TOTAL VOTE: Question put and agreed to.

VOTE 2: PROVINCIAL LEGISLATURE

Programme 1

Question put and agreed to.

The IFP requested a division.

Results of division:

For: 38 Against: 23 Absent: 18

Programme 2

Question put and agreed to.

Programme 3

Question put and agreed to.

TOTAL VOTE: Question put and agreed to.

VOTE 3: AGRICULTURE AND ENVIRONMENTAL AFFAIRS

Programme 1

Question put and agreed to.

Programme 2

Question put and agreed to.

The IFP requested a division.

Results of division:

For: 38 Against: 23 Absent: 18

Programme 3

Question put and agreed to.

Programme 4

Question put and agreed to.

TOTAL VOTE: Question put and agreed to.

VOTE 4: ECONOMIC DEVELOPMENT

Programme 1

Question put and agreed to.

Programme 2

Question put and agreed to.

Programme 3

Question put and agreed to.

Programme 4

Question put and agreed to.

The IFP requested a division.

Results of division:

For: 38 Against: 23 Absent: 18

Programme 5

Question put and agreed to.

Total Vote: Question put and agreed to.

VOTE 5: EDUCATION

Programme 1

Question put and agreed to.

Programme 2

Question put and agreed to.

The IFP requested a division.

Results of division:

For: 43 Against: 18 Absent: 18

Programme 3

Question put and agreed to.

Programme 4

Question put and agreed to.

Programme 5

Question put and agreed to.

Programme 6

Question put and agreed to.

Programme 7

Question put and agreed to.

Programme 8

Question put and agreed to.

TOTAL VOTE: Question put and agreed to.

VOTE 6: PROVINCIAL TREASURY

Programme 1

Question put and agreed to.

Programme 2

Question put and agreed to.

Programme 3

Question put and agreed to.

Programme 4

Question put and agreed to.

Programme 5

Question put and agreed to.

The IFP requested a division.

Results of division:

For: 38 Against: 23 Absent: 18

TOTAL VOTE: Question put and agreed to.

VOTE 7: HEALTH

Programme 1

Question put and agreed to.

Programme 2

Question put and agreed to.

Programme 3

Question put and agreed to.

Programme 4

Question put and agreed to.

Programme 5

Question put and agreed to.

The IFP requested a division.

Results of division:

For: 43 Against: 18 Absent: 18

Programme 6

Question put and agreed to.

Programme 8

Question put and agreed to.

TOTAL VOTE: Question put and agreed to.

VOTE 8: HOUSING

DR L P H M MTSHALI: Mr Speaker, could I crave your indulgence? It is with Programme 4 of this Vote that we have a problem with. There was a typing error and it became Programme 5, which is non-existent.

THE SPEAKER: Dr Mtshali, yes, I hear what you say. That is why I tried to reason with the hon member who was debating, and he kept on insisting that it was Programme 3. He did not mention Programme 4. Nonetheless, we have received your programmes in time. If it is an error, let us accept that it is an error. We will entertain that. Can you rise then to officially request a division?

DR L P H M MTSHALI: Mr Speaker, thank you for your magnanimity. We shall be calling for a division on Programme 4.

Programme 1

Question put and agreed to.

Programme 3

Question put and agreed to.

The IFP requested a division.

Results of division:

For: 43 Against: 18 Absent: 18

Programme 4

Question put and agreed to.

The IFP requested a division.

Results of division:

For: 43 Against: 18 Absent: 18

TOTAL VOTE: Question put and agreed to.

VOTE 9: COMMUNITY SAFETY AND LIAISON

Programme 1

Question put and agreed to.

Programme 2

Question put and agreed to.

TOTAL VOTE: Question put and agreed to.

VOTE 11: LOCAL GOVERNMENT AND TRADITIONAL AFFAIRS

Programme 1

Question put and agreed to.

Programme 2

Question put and agreed to.

Programme 3

Question put and agreed to.

Programme 4

Question put and agreed to.

The IFP requested a division.

Results of division:

For: 43 Against: 18 Absent: 18

Programme 5

Question put and agreed to.

Programme 6

Question put and agreed to.

TOTAL VOTE: Question put and agreed to.

VOTE 12: TRANSPORT

Programme 1

Question put and agreed to.

Programme 2

Question put and agreed to.

Programme 4

Question put and agreed to.

TOTAL VOTE: Question put and agreed to.

VOTE 13: SOCIAL WELFARE AND POPULATION DEVELOPMENT

Programme 1

Question put and agreed to.

Programme 2

Question put and agreed to.

Programme 3

Question put and agreed to.

The IFP requested a division.

Results of division:

For: 43

Against: 18

Absent: 18

TOTAL VOTE: Question put and agreed to.

VOTE 14: WORKS

Programme 1

Question put and agreed to.

Programme 2

Question put and agreed to.

The IFP requested a division.

Results of division:

For: 38 Against: 23 Absent: 18

Programme 3

Question put and agreed to.

TOTAL VOTE: Question put and agreed to.

VOTE 15: ARTS, CULTURE AND TOURISM

Programme 1

Question put and agreed to.

Programme 2

Question put and agreed to.

Programme 3

Question put and agreed to.

Programme 4

Question put and agreed to.

TOTAL VOTE: Question put and agreed to.

VOTE 16: SPORT AND RECREATION

Programme 1

Question put and agreed to.

Programme 2

Question put and agreed to.

TOTAL VOTE: Question put and agreed to.

KZN ADJUSTMENT ESTIMATES BILL

Question put and agreed to.

The DA called for a division.

Results of division:

For: 56 Against: 05 Absent: 18

Bill read for a second time.

THE SPEAKER: Hon members, thank you for your support during this process.

8.6 Debate on Report of the Multi-Party Oversight Committee visit to Amajuba District

THE SPEAKER: I have received notice of an arrangement from the Chief Whip. The arrangement says there is unanimous agreement that the time originally allocated will be halved for each of the members. There is just one member who complained. He requested an extra 30 seconds and I will give that member that amount of time. However, all members are requested to stick to halve their times. It is understandable, because we started quite late and many hon members had prior arrangements. I therefore want to thank the Chief Whip and the hon member Mr Mtetwa for agreeing to this arrangement, otherwise we would have run into problems. I now call upon the hon

member Mr Mtetwa to introduce this debate.

THE CHAIRPERSON OF COMMITTEES (Mr S N Mtetwa): Thank you very much, Mr Speaker ...

End of WW 43

WW44

REV S N MTETWA (ANC): Thank you very much Mr Speaker. This report was tabled when we had a seating on 29 September at Amajuba, I therefore wanted to confirm the agreement and also say the latest version of the agreement is that I must start by exemplary and make only two instead of one. The report that was tabled is from the oversight multiparty delegation that took place from 9 to 11 September 2008. Therefore, I submit to you speaker that my speech of two pages be recorded on the Hansard without me reading it – to save time. Thank you.

THE SPEAKER: Dingiswayo, **Insert ISIZULU** XXX05:30:00

We rule therefore that the speech by the Chairperson of Committees will be recorded in the Hansard and will be distributed to Members. **Insert ISIZULU** XXX05:30:15 ... distribute to members so that they know what will be recorded in the Hansard.

Shall we then proceed with the next speaker, hon Mohlaka. Hon Mohlaka has three minutes.

END OF TAKE WW44

THE SPEAKER: Siyabonga lungu elihloniphekile. Hon D N Khuzwayo, lino-three minutes and 30 seconds. Ngicela ungangihluphi ngoba u-three hours kube yiphutha nje lomlomo.

MR D N KHUZWAYO (ANC): Baba Somlomo, ngizozama ngoba nakhu ngimufushane ngizame ukuthi ngithe ukunweba kancane ngibe mude. Ngizocela nami kanjalo ngoba bengisibhalile isipishi sami ukuthi sifakwe laphaya ku-Hansard. Ngizoba mufishane kakhulu.

Sihambile

MR D N KHUZWAYO (ANC): Baba Somlomo, ngizozama ngoba nakhu ngimufushane ngizame ukuthi ngithi ukunweba kancane ngibe mude. Ngizocela nami kanjalo ngoba bengisibhalile isipishi sami ukuthi sifakwe laphaya ku-Hansard. Ngizoba mufishane kakhulu.

Sihambile njengoba wawusithumile nethimba siholwa wuBaba uNyambose. Uhambo lwethu lwaba luhle kakhulu impela ngoba amakhosi namakhansela, izimeya kanye nomphakathi wawuphume ngobuningi bawo. Abanye babo babekhalaza impela bethi sonke lesi sikhathi besihlaleleni njengoba sesiqhamuka kubona sesibatshela ukuthi sekuyagcinwa. Sabaphendula-ke ngokuthi babe nenhlanhla laphaya eMajuba ngokuthi kube yibona abokugcina. Uma ngingasho iphutha, kunezifunda eziwu-four bese kuba yi-Metro eyesihlanu lapho iSishayamthetho esingakwazanga ukufinyelela khona. Savumelana nabo ukuthi phela bazophuma bayovota ukuze inhlango le ebusayo KwaZulu-Natali iphinde futhi iqhubeke nesivumelwano esenziwa ukuze baphinde basibone iSishayamthetho siya kubantu.

Okwangiphatha kabuhlungu kakhulu engicabanga ukuthi ngeke lokhu ngingadluli kukona engakubona mhla zingama-30 kuMandulo lapho kwakuneSilo samaBandla. IMinyango eyayiphumile lapha eSishayamthetho eyayikhona eMajuba eMphelandaba, ilethe izigidigidi nezizumbulu zezimali, iSilo uqobo lwaso sikhona bezofakazisa le ntuthuko eza kuleya ndawo. Kwangiphatha kabi uma ngibona elinye itenjana elalibekiwe uma ungena eMadadeni okwakuthiwa elabathize okwabe kwaziwa kahle ukuthi kwakuthatha ngokuthi iSilo asihlonishwa, kodwa sekuyibona futhi. Siyaye sithi iSilo iMbube uma ibize umhlangano ngapha ikhona, nabo babiza owabo ngapha. Kwangiphatha kabi-ke lokho. Sengithi cha okuningi-ke sekuyokwazi ukutholakala lana kwa-Hansard. Mangibonge.

THE SPEAKER: Usuyekile njalo lungu elihloniphekile? Kahleni bo ukuthi akanalutho. Likhona ilungu elikhuluma lingenalutho? Hon member, Mr Keys.

End of take WW46

THE SPEAKER: Siyabonga lungu elihloniphekile. Hon D N Khuzwayo, lino-three minutes and 30 seconds. Ngicela ungangihluphi ngoba u-three hours kube yiphutha nje lomlomo.

MR R E KEYS(DA): Thank you, Mr Speaker. On our visits, everywhere we went, there was a litany of complaints that government was not delivering. My colleagues have highlighted them; lack of water, electricity, roads in bad repair — if they exist at all — schools, teachers, security from crime, among other complaints. The list went on and on and on.

This is an indictment on government. The delivery is poor at best and non-existent in the worse case scenarios.

While people suffer, the ANC splashes out hundreds of millions a year on iZimbizo, [Hear! Hear!] taking Parliament to the People and now splashing out eight hundred million rand on a parliamentary complex at the cost of better schools, at the cost of better hospitals, at the cost of better clinics and police stations and the stimulation of the local economies around the province.

These visits have exposed the hypocrisy

[Abafuni ukuphakamisa izimo zezimpilo zabantu. Bafuna ukuphakamisa iqembu kuphela. Yena esikhohliwe iqhamukaphi. Ikhohliwe abantu ngemuva. I-ANC iqhubeka nokulwa ngaphakathi kuyina. Bonke abantu bayabona ukuthi i-ANC ayinaso isikhathi sokusiza.](#)

Stop this expensive roadshow and the roving circuses. Put the resources in bettering the lives of people.

[Umuntu ngumuntu ngabantu.](#)

END OF TAKE WW47

THE SPEAKER: Hon iNkosi uMthuli, Ndabezitha.

INKOSI MZ MTHULI (NADECO): Baba Somlomo, kuyiqiniso ukuthi amanoni sesiyoweqa, asiseyokwazi ukudlula kahle kuwona. Ngiyafisa ukusho ukuthi ohambweni

Iwethu lwaseMajuba, sahamba kahle kakhulu. Ububi noma ubuhle kwakufana ngoba uma abantu uma besemhlanganweni kukhona ababeka okuhle, kukhona ababeka okubi. Ngakho-ke kuyinjwayelo lokho ukuthi uma uye ebantwini uthola okuhle nokubi. Kodwa-ke ikakhulukazi ezindaweni esasizihambile, oSizweni, Madadeni nase-Utrecht sakhona indawo esaba nobunzima kakhulu kuyona esaqiniswa ngayo uqala umhlangano ebizwa ngokuthiwa i-Chatstown. E-Chatstown abantu bakhona bacishe impela bathi singaxoxi nabo ngendlela ababekhala ngayo ngokuthi baningi ababefika kubona bezokhuluma izinto ezingafezeki ezibaphatha kabi, okukhombisa ukuthi nanamanje azikakafezeki.

Kodwa-ke ngasekugcineni sagcina sikwazile ukubanqoba sikhulume nabo ukuthi kukhona okuyokwenzeka ngelinye ilanga bangadikibali ngoba izinto abazibala zaba ngangemvula. Sabona ukuthi laba bantu bamkhathalele ngempela uhulumeni. Ngakho-ke mina ngiphakamisa ukuthi bekungaba kuhle uma uhulumeni engabavakashela laba bantu ngezinga lokuthi kube khona angafike akushiye kubona noma ngabe uhlobo luni lwe-phrojekthi, akwazi ukubaduduza ukuze bazibone ukuthi nabo bangabahulumeni.

Ngithatha leli thuba ukuba ngibonge kakhulu Somlomo.

THE SPEAKER: Thank you, lungu elihloniphekile. Hon member, Mr Rajbansi.

END OF TAKE WW48

THE SPEAKER: Thank you [isiZulu](#) hon member **Mr Rajbansi**

MR A RAJBANSI (MF): Thank you, Mr Speaker. My XXX that the department visited the place and take into consideration the concerns of the people. I may say XXX as amost important area for sports development. That is where we have the training camp for the SA Games.

We have built eight sports fields in the district. We have built six combination courts. Through the Department of Local Government, we have financed the acquisition of the Iscor Sports Complex. We have seen a XXX rugby development, indigenous games, mass school sport and all federations are functioning there and we are firing on all cylinders in respect of the three areas.

On sport fields, I can report that U-Sect is of the prior race for next year. Sure, we will do

the official opening in September next year. This is actually the greatest area as far as attitude is concerned. We are going to introduce boxing development there too. Radley Keys and I will commence the first tournament. Thank you.

END OF TAKE WW49

THE SPEAKER: Nkosazane uZondi uno *three and a half minutes*.

NKSZ W P ZONDI (ANC): Ngiyabonga Somlomo. Ngokungachithi isikhathi sakhongifuna ukubonga umsebenzi wePhalamende ukuthi liphume liye ebantwini. Ukube iPhalamende lalingaphumanga laya ebantwini ngabe asazanga ngalawa maBhunu alaphaya endaweni yaseMajuba ashaya abantu abalimaze aphinde ahlukumeze nabakhele amapulazi. Okusho ukuthi-ke Somlomo ubuholi bukaMazalankosi nobuholi bakho Macingwane sibubona bubuhle bufinyelela ebantwini.

Ngiyethemba ukuthi-ke kuyoqhubeka lokhu ngoba abantu bayasizakala. Ukufika kwePhalamende kubona kuyabasiza yingakho kunalolu hlelo esilubona luqhanqalaza lokunikezelwa komhlaba ezandleni zabantu.

Ngiyabonga Somlomo.

END OF TAKE WW 50

WW51

MRS J P DOWNS (ACDP): Thank you Mr Speaker. I just wanted to say that this is the type of taking parliament to the people that the ACDP whole heartedly and completely supports. I just wish that other parliamentary pressures have not kept me from doing these visits because I believe that they are worthwhile. You see what the real problems are in the community and we can practice proper oversight which is our job in terms of the executive. Thank you Mr Speaker.

END OF TAKE WW51

THE SPEAKER: Thank you hon member. Nomndayi singangawe Baba.

MR B J MSOMI (UDM): Somlomo angibonge nami ithuba engilitholayo. Angisho ukuthi ukuvakasha nokuhamba kwekomidi elisuke liqhube amalungu asuka emaqenjini

ahlukene kuyinto enhle. Nakuba sisabona ukuthi imiphumela akukakabi yile esiyifunayo njengoba umholi wayo i-ANC ekuvumile lokho ukuthi kuningi okungenzakalanga, siyakholwa ukuthi kusazokwenzeka. Engifisa ukukusho ngalesi sikhathi esincane enginaso ukuthi yini singenzi elinye icebo lokuthi ama-visits siwenze kusanesikhathi futhi siwa-debate sizazokuya ezindaweni ngoba noma singalu-debate lolu daba uyabona ukuthi sekuthanda ukudlulelwa yisikhathi ngoba sasithi sizothi uma siya e-Newcastle siye nezinto eziphathekayo noNgqongqoshe bethu beyophendula kubantu. Bengingaceal ukuthi uma sikwenza sikwenze sinesikhathi futhi neminyango ikwazi uma isiya ikwazi ukubhekana nezinto abantu abasuke beziphakamisile.

Ngiyabonga kakhulu Somlomo.

THE SPEAKER: Siyabonga Nomndayi. Hon member, Mr Mari.

END OF TAKE WW52

WW53

MR G MARI (DA): Thank you Mr Speaker. [Indistinct] ...The multi-party visit to Amajuba was quite an eye opener for the Committee. Speaker after speaker condemned the ANC for failing to do basic services to the community – services like water, sanitation, infrastructure and housing was actually not delivered on the ground. The Committee could not **XXX05:48:14** the MECs and the Departments.

At the visits we heard of the fights of the poor who are ravaged by poverty and which goes unnoticed by MECs and the Department officials who do not respond to the district cries for services. Promises made by the Premier and MECs at these lavishly wasteful Izimbizos do not materialize and people out there are asking; where is MEC Mabuyakhulu? Where is the Premier that promised to open the mines to create jobs in the area?

The DA is extremely concerned that governance and service delivery in the province is suffering. Municipalities are in a state of meltdown. Corruption, fraud and mismanagement go unchanged. Nepotism is rife – jobs for **XXX05:48:54** and family friends continue. Let us stop this senseless wastage. Instead of spending millions on Izimbizos let us put services on the ground and build a community hall, a bridge or a

road with the money that we are wasting on them.

The ANC have been in control for only one term and during this time we have seen Municipalities being polarised XXX05:49:16, the Education Department over spending its budget, the other departments over spending, Department of Agriculture in a similar state XXX05:49:22, Local Government admitting that municipality is bankrupt and calling up for Section 136 intervention. This has never happened before. The Department of Social Welfare incurred us with fraud and corruption – how does the MEC fly in his helicopter and the red light? This is all happening at the XXX05:49:37 see the marked improvement in the MPF period.

Since the ANC came into power we are going backwards. It is time for the ANC to get out. They completely cannot cope. Never has this province been in such a chaotic state even under the IFP. Mr Speaker, thank you.

END OF TAKE WW53

THE SPEAKER: Hon members, Masobode, hon member, you have three minutes.

MR MAI KUBHEKA (ANC): Ngiyabonga Somlomo. Nami angigcwalise kulento esishiwo ozakwethu kusukela kubaba uNyambose noMnguni lapha uKhuzwayo nelungu elihloniphekile uZondi. Ekugcizeleleni ukuzibonakalisa kokubaluleka kwalolu hlelo lokuhlenganisa amakhanda nabantu esenza umsebenzi wabo ngenhloso yokukubuka sihlanyanele nabo ukuthi inqubekela phambili injani esiyenzayo ezinhlelweni zokwenza izimpilo zabantu zibe ngcono ngokunjalo zithuthuke.

Ngicabanga ukuthi kuliqiniso ukuthi kuyasisiza lokhu ukuthi sifike eduze sizizwele thina mathupha ukuthi bazibuka kanjani abantu izinhlelo, nakuba sizazi. Ngiyafisa ukusho ukuthi ayazwakala amaphuzu ashiwoyo abantu be DA njengoba sebekhlumile la ngaphambili. Kodwa into engibona engathi iyiyo kubona mina ukuthi amaphuzu abawaphakamisayo awazinye izinkulump mpikiswano, awasizona eyalena kahle-kahle ngoba maningi agxile ekusebenzeni kwama-departments ngokuhlukahlukana. Yizinto esihlale sikhuluma ngazo la kulendlu isikhathi ngesikhathi leyo. Angibonike ukuthi bekuyinkundla efanelekile mhlambe ukwenza kona ukuthi kuphele ebebengakusho kulolu daba.

Okuyisona simo ebengifuna ukuthi ngikhulume ngaso futhi ukuncoma uholo lukasihlalo wozihlalo kuloluhambo lonke, nolwenza kube lula ukuthi abantu bakwazi ukuzikhuluma ngendlela efanelekile izinto abebefisa ukuthi bazibeke

ngaphambili futhi babe nethemba lokuthi ziyazwakala zizolandelwa futhi. Akufuneki sikushiye eceleni-ke ukuthi sikhuluma nje la namhlanje sesithe siseMadadeni, ngalesi sikhathi kuhleli isishayamthetho khona, uSomlomo wayikhanda inkundla yokuthi ongqongqoshe bakwazi ukuyophendula ngalezi zinto ebantwini. Singakhuluma ngazo thina ngale ndlela amanye amalungu akhuluma ngazo la, kodwa iqiniso lithi abantu laba ababeziphakamisile lezi zinto abazibona njengezingqinamba ekwenzeni ukuthi isimo sentuthuko sisheshe, bakwazi ukuthola izimpendulo nezingcaciso kuNdunankulu wesifundazwe kanye nakongqongqoshe bakhe bonke. Lokho kwenza ukuthi bazi-ke abantu ukuthi sikuphi nesimo njengamanje.

Into okuyina engicabanga ukuthi ibalulekile somlomo, necabanga ukuthi kufanele siyishiye kusihlalo wozihlalo, ngenhloso yokuthi ayibhekelele uma kuqhubeka isikhathi kuya phambili, yile yokuthi-e sikwazi ukulandelela ukuthi seziphakanyisiwe-ke lezi zinkinga esinazo, ezihamba ngokomnyango, ngokwehlukahlukana kwayo, baphendula ongqongqoshe, kulesi sikhathi abakwaze ukuphendula ngaso, yini-ke esiyenzayo manje ukuqinisekisa ukuthi lobu buthakathaka obubonakele ngokukhuluma kwabantu asibi nabo uma siqhubeka siya phambili. Kusho ukuthi esingeni lamakomidi, ama-portfolio committees, kuyobaluleka ukubeka iso elibanzi kubo ongqongqoshe ukuthi kucace ukuthi kukhona abakwenzayo, hhayi kuphela kulesi sifunda saseMajuba, kodwa nakwezinye izifunda esike safinyelela kuzona, lapho esingazange sikuqinise khona ukuthi silandelela kanjani ukuthi lobo buthakathaka obubonakalayo kuyakwazi ukuthi bulandelelwe. Ngale kwakho konke lokho, ngicabanga ukuthi uhlelo njengoba eshilo amanye amalunga, uhlelo oluhle kakhulu nokufuneka luqinisewe ukusuka manje kuya phambili.

Ngicabanga ukuthi mina ngingathi imali esetshenziswa ngendlela efanelekile, ikakhulukazi ezweni elibuswa ngentandoyeningi ngoba asikwazi ukubashiya eceleni laba Bantu esiphethe umsebenzi wabo. Kufuneka isikhathi nesikhathi sibe nazo izinkundla zokuhlala phansi sixoxe ngezindaba zombuso, njengoba senza nje. Imali yabo futhi leyo.

Ngiyabonga Somlomo.

END OF TAKE 54

MR SPEAKER: Siyabonga lungu elihloniphekile. Ilungu elilandelayo, uGabhisa.

MR N G KHAWULA (IFP): Ngiyathokoza Somlomo. Umphakathi waseChibini eDanhouser, kuWard 3 wazakhela isikole usuhlulwa ukufaka i-roof nokwenza i-plastering. Siyacela-ke ukuthi ungqongqoshe noma engekho, akahambe ayobasiza ngoba laba Bantu kusho ukuthi basazimisele, benza lento eyayishiwo uHulumeni waKwaZulu, owawuholwa uMntwana wakwaPhindangene ecela irand for rand kubantu akha izikole, wakha ama-college, bawavala-ke

abangaphesheya. Uma ungqongqoshe engabasizi-ke Inkatha izobasiza uma isiphethe ngonyaka ozayo.

E-Utrecht, eMadlangeni, uDokotela uyedwa lapha esibhedlela. Intuthuko eMadlangeni ayikho. Kodwa intuthuko yase Madlangeni akunankinga noma ingekho, intuthuko yaseMadlangeni singayibuiza kungqongqoshe, ubaba uMabuyakhulu, noma engekho nje, ngoba phela abaseMadlangeni abakwazi ukuletha intuthuko ngoba uma beletha intuthuko, ubaba uMabuyakhulu uyababopha. Awukwazi-ke ukuletha intuthuko, usejele uboshiwe. Okusho ukuthi intuthuko yaseMadlangeni kufanele siyibuze kubaba umabuyakhulu.

EDanhouser izimayini zivaliwe. Abanrtu baseDanhouser bayacela ukuthi izimayini azivulwe, uhulumeni kakhongolose ulonile izwe, izimayini zivaliwe. ECharlestown, abantu baseCharlestown bayakhala, izinkomo zabo zidla amatshe, ezmabhunu zidla utshani. Abantu baseCharlestown bayacela ukuba babuyiselwe umhlaba. Uhulumeni kakhongoloseke ungabe usuthi yiwona obuyisela abantu umhlaba. Vele uma becelile, befake izicelo sokuthi umhlaba ubuyiselwe, kufanele ukuthi babuyiselwe.

Ngiyathokozake Somlomo. Ngiyabonga. Okunye angeke ngisakusho ngoba isikhathi sami sincane. Ngiyabonga Somlomo.

END OF TAKE 55

MR SPEAKER: Siyabonga lungu elihloniphekile. Ngivulela manje uSihlalo Wozihlalo ukuthi avale le **debate** ngo **five minutes** angase awuthathe.

MR S N MTETWA (CHAIR OF CHAIRS): Cha bengivumile u two minutes. Angizukushintsha ngenxa yabantu abashintshashintshayo. Engafundiswa kona ngimi kukhona Somlomo wokuthi niyakulazi iqiniso, neqiniso liyakunikhulula. Uma niya ebantwini, abanatu bakhuluma izinto ezahlukene, nifike layindlaini nishintshe, bayazi abantu, bayakhuluma. Why ningazikhulumi ezinye izinto ezazishiwo ngabantu na? nithi singayi ebantwini singuhulumeni? Lezi zinto esasizizwa lapha, sasizozizwa nini? Hheyi madoda! Why kodwa-ke emaqemnjini awu seven akhona kungamaqembu awu two nje, i-DA ne IFP, ekhalela ukuthi kuphunyelwa ngaphandle? Cha bo bo! Ngiyakhuzza, musani ukuthi akungayiwa ebantwini. Musani nje ukuyisho leyonto. Uyabona nje eshiwo yilungu elihloniphekileyo uMohlaka, hhawu Mohlaka, kulungile phel;a izinsuku zivuma lokho ukuthi kukhulume umuntu abonakale, kodwa-ke ake sikhulume nje okuyikona ngoba nasetendeni elikhulu lapha ungqongqoshe wayiphendula le ndaba. Manje uma sesizobuya sizothi wonke ama cinic avbala izinsuku zonke, hhawu madoda, akunjalo.

Kodwa-ke uphendule kahle uMkhize noma engasekho naye ukuthi cha ngempela ukuphumela ngaphandle kwaba yi eya-opener, hhayi kodwa ngale ndlela ahso ngayo, ngale ndlela mina engisho ngayo ukuthi uma uphumile uya lapha uthola

izinto ongeke uzithole uma ulayindlini. So kwasisiza. Somlomo ngiyaphinda ukusho ukuthi, uhlelo lwakho sengathi abantu bangakusekela, neqembu lakho noma inhlango yakho okuyona bavotele ukuthi nje asiphume siye kubona. Kwehlukaniswe ngalokho okungenani ngoba sengiyabona ukuthi izinto ezishiwo ngabantu niyazitolika. Kungcono bavele bayisho njengoba siya evotini. Uma abantu bethi abafuni siye kubona, abavele bakusho-ke evotini ngoba ngiqinisekile ngalesi zinhlango abanye abazikhulumayo bethi abantu babebaningi etendeni ngexa yokuthi bazothola i-lunch, kuthukwa abantu bakithi behluphekile. Inhlamba leyo, iyekeni leyonto. Bahluphekile abantu bafuna usizo and bayaqala ukuyibona lento. Kohulumeni bonke abake baba khona, hhawu! Kulesi sikhathi nje!

Cha okwami ukuthi ngibonge Somlomo ithimba esasinalo cha, noma ningakhuluma kanje senilale navuka, kodwa naziphatha kahle ngesikhathi siphumile. Anizange nikhombise ukuthi niqhamuka emaqenjini enu, naniziphatha njengamalungu esishayamthetho. Kodwa uyabona uma ngase ubheke i-report yethu Somlomo, kukhona lokhu okuncanyana engingakubalula engingakuthandanga kahle okofanele ukuthi amalungu akuyeke. Iyisithupha imihlangano esasiyihamba, ezinsukwini ezintathu. Uma ubheka irejista uyothola ukuthi kukhona nje ilungu elivele liye kanye, kanye emhlanganweni, kuzo zonke lezi nsuku zontathu. Ngibanincenga maqembu. Ezinye-ke lezo zezindlela zokumosha imali kunale ndlela enisho ngayo. Kofanele kungenziwa lokho.

Siyababonga onggongqoshe nabathumela ama PLOs, sasinawo ethatha ezinye izinto. Ngiyabona ukuthi yingakho lokhu kwabalula kakhulu kunakuqala kuthi uma sekulapha etendeni ngiphendule izinto ezaziqonde ngqo. Uyabona nje engivala ngayo, eDondotha lapha impendulo eyaqhamuka kwaDepartment of Transport ngidlule khona izona. Ndunankulu lo mgwaqo lo owamenezelwa ngo 2003, uyakhonkwa manje. Hhawu, ekugcinenike Somlomo ngiyakucela ukuthi lo mbiko lona okungowalendlu, ngoba leli komidi lalihambele lendlu, kuyasetshenzwa impela. Ngiyabonga.

THE SPEAKER: Hon members, the first thing that I decide upon is that all speeches that will be properly tabled by members, will be recorded in Hansard, but also I now put this report of this Multiparty Oversight Committee to the House. Those who support it, say "Aye" [Aye]. Those who oppose it, say "No". The ayes have it and the report is now the report of the House. Thank you very much, hon members.

We have come to the end of that debate and to the end of all items on which we were going to debate. There is just this announcement that I need to make now before members leave. Thandi Matiwane is asking for ANC members to come and collect their photo frames and calendars from her manager's office, Vusi Ndwandwe's office. You

are therefore requested to oblige by collecting those items.

We are informing you again, all members of the IFP, ANC and DA, that calendars from the legislature and from the MEC of Finance and Economic Development has been left with your party offices. The only parties who I agreed could be given their stuff here, is the UDM, the ACDP, the MF and NADECO. Those are the only parties I authorised to be given their items here. I am sure your photos will also be in your offices.

That concludes these items for report. Chief Whip?

MR V C XABA (Chief Whip of the Legislature): Mr Speaker, can I report that there is a vacancy in the position of Parliamentary Counsellor to His Majesty, which was left vacant by the late Reverend C J Mtetwa. The Speaker has since written to the IFP to request the IFP to give us a replacement and the matter was due to be in a formal motion of the last sitting of the House and it could not go through because the Chief Whip was not ready at that time and I want to report, Mr Speaker, that even today the IFP is not ready with a name, so we would hold the matter in abeyance until such time the IFP is ready with a name so that we can have that position filled. So I wanted just to report, Mr Speaker, that your office, together with my office, have attended to the matter and the delay is only on the part of the IFP, I think they are attending to it. Thank you very much.

THE SPEAKER: Thank you, hon Chief Whip. Hon members, that was for noting by the legislature, thank you.

We have completed these announcements and we therefore, in terms of the final item of the Agenda, now give an opportunity and the reason why I started with the announcement, is because I want when we say goodbye, to really say goodbye and leave. We will be giving parties an opportunity to render their festive season greetings, but you will notice that from your Order Paper there was one omission there. It is a custom that once parties have all had their say, we then give the Premier also on behalf of government, the last say. So there will be the Premier after the ANC. May I then allow that the UDM starts the ball rolling?

END OF TAKE WW57

MR B J MSOMI (UDM): Somlomo, angibonge. Kuyaye kube isikhathi esihle njalo uma kukhona unyaka la amaqembu aye alingane khona namavenge asikwayo alingane ngoba kusuke sekukhomba khona ukuthi sigoqa unyaka. Unyaka obunzima lo Somlomo kithina sonke, sibaningi esigulile, sibaningi esihanjelwe zihlobo, sahanjelwa abantu abaseduze kwethu. Kodwa kuyisikhathi esihle lesi sokuthi umuntu nomuntu okhona layindlini abonge uMdali ukuthi ukwazile ukumgcina kuze kube la ngoba konke okwenzekile bekungeyona intando yethu.

Ngithatha leli thuba-ke lokufisela ozakwethu bonke, abahlonishwa abalayindlini ukuphumula okuhle, bakwazi ukuhlala nemindeni yabo, babuyekeze izinqumo abazithathile kuqala unyaka, babheke ezenzekile nezingenzekanga nanokuthi yiziphi izizathu ezenze zingenzeki. Baphinde futhi bazixhumanise noMdali owasenza ukuthi sibe ngabantu, sibe yilento esisiyiyona sehlake ezilwaneni. Ngicelela ne-staff sase-Legislature ukuthi nabo babe bokhisimusi omuhle nokuphumula okuhle nakuba bezosala bona basebenze kunathi. Ngiphinde futhi ngifisele bonke abaphathiswa ama **Members of Executive Council** obekuyilokhu njalo sisebenzisana, sibambisene nabo kanye ne-staff sabo, ukuthi babe nokhisimusi omuhle. Siphinde futhi sihlamngane nonyaka ozayo ngoba ngiyazi sizohlangana emgwaqweni thina nozakwethu sesimemeza, sisebenza, siheha amavoti, senza ukuthi-ke sibuye kakhulu kunakuqala, kuthi nalabo abazethembile sibakhombise ukuthi cha, inkundla yezombusazwe le. Kodwa-ke singaphambani endleleni. Simemezane nje kube kühle.

Ngithi-ke wonke umuntu olayindlini kanye nezihlobo, ababe nokhisimusi omuhle. Ngiyabonga Somlomo.

END OF TAKE 58

THE SPEAKER:Siyabonga Nomndayi....

WW59

MRS J S DOWNS (ACDP): Thank you Mr Speaker. If I could first of wish all the staff a very merry and happy festive season and to thank them for the service that they have rendered us in the past year — most of the times it has been outstanding. We know that they worked very hard on our behalf. Secondly, to my colleagues, I wish you a blessed Christmas and I trust that you will remember the reason why we celebrate Christmas, that it is a celebration of the birth of King Jesus and that He came into the world along with His twelve disciples. We are what we are today because of His birth. So, I wish you all a very blessed Christmas and a very happy and prosperous New Year. And I wish you a good and peaceful rest because I think for all of us whether we are retiring or not, it is time for elections and we will all be extremely busy in the New Year. So, I hope you

all have a very peaceful and happy rest.

END OF TAKE WW59

THE SPEAKER: Thank you hon member Mrs Downs. [Insert isiZulu](#)

MRS S THAKUR-RAJBANSI (MF): Thank you, hon Speaker. Hon members we have come to the end of yet another a very fruitful year. To all hon members, I know that this is just that little bit of recess that we have been looking forward to. At least it is some time that we can spend a little bit of quality time with our family and our friends. It is also a time when elections are eminent and going into that mode as we go out into the community, we should spread the message of peace, love and harmony. Especially in a time when, not only we as a country, but the whole world is facing such tough times and such a recession has set in. With this we should share with the less fortunate because it has been said that this is going to be a very tight Christmas. That is our duty as public servants. I know the members will perform it well, but I also want to thank all the legislature staff- from the Secretary, all the attendants, even right down to the cleaners. They have been very helpful this whole year and they have worked very hard to run this Legislature as smoothly as they have and to make our lives that much easier.

On behalf of Mr Rajbansi and myself, look we are all hon members and in the course of our work, we sometimes can hurt, we can offend people with what we say, but we are mature enough to forgive and forget. And to this end, I want to wish the hon Belinda Scott, a very dear colleague of mine, who is very hard-working and very committed and passionate about her committee and I want to wish her a very Merry Christmas. With these words the Minority Front wishes all hon members a save and a merry Christmas as well as a prosperous New Year.

SPEAKER: NADECO? [Insert isiZulu](#)

END OF TAKE WW60

WW61

REV A H MBATHA (NADECO): *Ngiyabonga Somlomo.* People of the Northern Hemisphere were experiencing cold at this time on 22 December, therefore, they would gather together and celebrate the fact that their Winter was about to come to an end and

the sun was to rise again. The Christians in the XXX06:14:20 taking over the day and declaring 25 December to be the rising of the sun of the Christian faith which was the coming of Christ - may the sun rise again to all of you. May the winter come to its end in your lives, in your families and in your Parties. May your lives be bright once more because the sun has risen. On 25 December we will be celebrating this day, a wonderful day. Have a blessed Christmas and a happy New Year.

END OF TAKE WW61

THE SPEAKER: Thank you, Mthiya. DA, Mr Burrows?

MR R M BURROWS (ANC): Thank you, Mr Speaker. On behalf of the Democratic Alliance I would like to extend our thanks and appreciation to the Secretary of the Legislature and to all her staff, whatever level they serve us, because that is what they do. Thank you.

To the South African Police Service who I sometimes think we take for granted in this place, who have provided security and kept us protected.

To the media, without the media we would not politically exist at all, any of us, they have done good work, particularly the DA of course... [Interjections] and the MF, I mean you must say, they might have to buy theirs but they still get it in the media. [Interjections] This was not an attack, Raj, do not rise to it. [Laughs]

To our own political staff, Mr Speaker, I am sure we all extend our thanks. Christmas is a period of great danger for everybody who travels on the roads. Please will you all come back here in January or February, after the Christmas season, beware of the roads, beware of swimming and water, it is always problematic.

To the political opponents of our party, I would like to echo what Mrs Rajbansi has said, because I think her words apply to all of us. We give offence, we take offence, but it should end in this House and we should move on. 2008 has been a tough year politically, it has been a tough year legally – a lot of people in and out of court – but now we have also got economic pressures and one of the things this House has got to be known for and I think it is, is that we take care of every rand, because every rand is not your rand, it is not government's rand, it is the taxpayer's rand, it comes ultimately out of the pocket of every taxpayer and that care coming through structures and oversight is

exactly where we should be.

We are heading for a tough election, sooner I understand, rather than later. Remember that those decisions made in election time are also made in the heat of politics and populism is not democracy, populism is populism for populism sake and we need to express through tough decisions made, where this country is going. Let us not promise the earth and deliver nothing. Let us half promise and deliver it 100%.

Mr Speaker, we wish Christmas greetings and a very blessed and happy new year to everybody in the House. Thank you.

END OF TAKE WW62

WW63

THE SPEAKER: Thank you hon member, Mr Burrows. IFP – Nkosi uMbovu?

INKOSI NGUBANE (IFP): Mr Speaker, I have been requested by the hon Dr LPHM Mtshali to read this document on his behalf. Therefore, if there is something good it will be Inkosi uNgubane – if it contains a bad message, it will be Dr Mtshali.

Anyway, the Provincial Legislature programme for this year has now come to an end. Whilst some progress has been achieved on delivering basic service there have been serious setbacks, the most controversial being today when the legislature voted on the Adjustment Estimate Bill that is to rectify the dismal state of financial management by this government marked by vast over spending. Although the budget of most government departments has been overspent, the improvement in the delivery of services through our constituents has been neglected. Equally alarming, the Legislature has not had the opportunity to carry out its oversight role in many of the most pressing issues – some of which have still been going on for a number of years. [Interjections]

THE SPEAKER: Insert isiZULU **XXX06:19:41**

MR J H SLABBERT (ANC): I just want to enquire if this is Christmas wishes or is it a debate?

THE SPEAKER: That was just a by-the-way enquiry. Can you proceed hon member?

INKOSI NGUBANE: One of the most significant issues has come to symbolize the failure of this government on the ground is undoubtedly the forensic investigation into the mismanagement and overspending in the Department of Agriculture whose item is yet to be subjected to public scrutiny.

As leader of the official opposition, meaning Dr Mtshali, I would like to see the KwaZulu... [Interjections]

THE SPEAKER: Insert isiZULU XXX06:20:46

REV A H MBATHA (NADECO): Insert isiZULU XXX06:20:56

THE SPEAKER: Insert isiZULU XXX06:21:11:

INKOSI NGUBANE: Insert isiZULU XXX06:21:40

THE SPEAKER: Insert isiZULU XXX06:21:42

INKOSI NGUBANE: *Hlala phansi Mfundisi.* I would like to see the KwaZulu-Natal Legislature approach its oversight obligation to the South African citizens and taxpayers with considerable more vigour and dedication in the New Year 2009.

We in the official opposition also wish our Executive, our fellow members of this House, members of the Legislature staff and members of the media a very Merry Christmas and a Happy New Year, 2009. May you spend your Festive Season in health, peace and prosperity among your loved ones. At the same time, we are aware that not everyone's Festive Season will be merry, peaceful and prosperous. There are many who still go to bed hungry every night in this country and Province. There are still too many vulnerable individuals whose prospects for improvement remain big. Our thoughts remain with them – we will think of them and extend them our private charity. To orphans, children who hold their household, [Time expired] to abused women and to the poorest of the poor... [Interjections]

THE SPEAKER: Thank you. *Siyabonga lunga elihloniphekile.*

INKOSI NGUBANE: Merry Christmas and a Happy New Year to you all!

END OF TAKE WW63

THE SPEAKER: ANC - Mkhize?

MR Z L MKHIZE (Leader of Government Business): Thank you, Mr Speaker. On behalf of the African National Congress, we wish all the members of this House a peaceful festive season. We wish them to be able to rest and we also want them to rest, particularly because we are going to be starting a very hectic year and it is a year in which we will be wanting to ensure our people express their wishes, their will through a process of an election. Therefore it is important for us to accept that throughout the whole year we have had lots of debates, we have agreed on a lot of issues, we have disagreed on many others, but there have been times when we have all had our emotions raised, sometimes angry some of us, but we must understand that it is part of expressing the different views that we have and in the process that on its own should not translate into personal enmity and bitterness, in which case as we approach the elections, we need a constructive spirit of all of us accepting that we play according to the rules and that at the end of it, it is not a personal issue between us, but it is that we need to express the views of our parties and our constituencies. So from that perspective, we would like to see a free and fair and friendly election which is peaceful, in which case even if we differ, even if we have a contest, that should be conducted with a spirit of respect amongst ourselves and therefore we should all work together to eliminate tensions and conflict and make sure that there is no violence that erupts during those elections.

May we take this opportunity to thank yourself, Mr Speaker, the Secretary and the staff of this legislature, for all the work that they have done in supporting the legislature. May we extend also our gratitude to the members of the different departments that have supported all of the MECs, as well as the portfolio committees during the work that they have been doing. We believe that it is that cooperation that will give us the best product in terms of us being able to do our oversight work.

I want to thank my colleagues, the Premier and the Members of the Executive for the work that they have done in ensuring service delivery and to all of us as we move out of here, we wish you everything of the best, a merry Christmas and a prosperous new year. Thank you very much.

THE SPEAKER: Thank you, hon Leader of Government Business. Hon Premier, you are the final voice on this item.

END OF TAKE WW64

THE SPEAKER: Thank you hon Leader of Government Business. Hon Premier you are the final voice on this item.

THE PREMIER OF KWAZULU-NATAL: Thank you very much Mr Speaker. I want to echo what hon members have said.

We can pride ourselves in this House that we have defined and redefined democracy. Democracy has been understood as representative. We have redefined democracy as participatory. We have enjoyed mass support, but we have also extended our democratic understanding to mass-participation. We want to thank the members who have over a period of almost 15 years mellowed, understood each other much more and what members were saying here about offending and taking offence. This has been the rough year. Members have got to understand each other so that you find members arguing quite fiercely here and outside they will say: You did not understand me properly, this is what I was saying. I think this has been the maturity of the House.

I have never sat in the chair, but it is not an easy chair to sit in and you have really conducted this legislature very maturely. You have allowed members to expressed themselves very well.

Thank you very much to the Secretary and the entire staff of our Legislature. They have not been found wanting in terms of efficiency and competency. It has been a very good year. We also want to thank the Whips. At the beginning I did not understand what Whips do. They are the people who worry about each Sitting. Will it start well, will it end well and they worry about those things and sometimes we say scant words about them. They really whip us into line.

Sometimes members come in quite hot, but in a few months they understand the Rules and we understand each other.

Thank you very much and a Merry Christmas and Happy New Year.

[Hear! Hear!]

SPEAKER: Thank you Premier and thank you to all leaders of parties who made contributions to this item. It is an item which brings us to a closure and as I have indicated earlier, hopefully for the rest of the year. We do have a scant understanding of next year framework of when we are likely to gather. It is proper to just adjourn this House *sine die* to allow for any eventuality.

Hon members, have good holidays.

THE HOUSE ADJOURNS SINE DIE