

DEBATES AND PROCEEDINGS OF THE THIRD

KWAZULU-NATAL PROVINCIAL LEGISLATURE

FOURTH SESSION

THIRD LEGISLATURE

THURSDAY, 07 JUNE 2007

THE HOUSE MET AT 10:02 IN THE LEGISLATIVE CHAMBER, PIETERMARITZ-BURG.

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

The Speaker took the Chair and read the prayer.

2. OBITUARIES AND OTHER CEREMONIAL MATTERS

THE SPEAKER: There is no matter in respect of this item that has been brought to the attention of the Speaker.

3. ANNOUNCEMENTS BY THE SPEAKER

THE SPEAKER: The first announcement I want to make is in relation to a notice that was brought to my office and because the Whips of the IFP are here, I would like them to confirm or amend this announcement. A report came to my office, indicating that *uMam 'uNgcobo* is now at Westville Hospital. Members of the House are encouraged to go and see her, time permitting. Am I right about that announcement, hon member Mr Bhengu?

MR G B BHENGU (IFP): Quite right.

THE SPEAKER: That announcement has then been made.

The second announcement I need to make is that there is a notice to all members of the Portfolio Committee on Social Welfare. A meeting has been scheduled for lunchtime in the ANC Caucus Room today, Thursday, 7 May 2007, to discuss the international study tour to China. Your attendance is very important. So, members of the Health and Welfare Portfolio Committee, at lunchtime you have a meeting to discuss your trip to China.

Other announcements are as follows: Members are informed that Wendy Landsberg from Parmed will be Committee Room # 1 from 10:00 today to attend to members' queries. Members are advised to make use of that opportunity.

I also hope that Chief Whips and party representatives will grapple with the issues we have with our Parmed service - the major queries and the major complaints. That's a matter all of you should grapple with after the Rules Committee discussed the service by Parmed to the hon Mrs Ngcobo and the hon Mr Singh.

Members are reminded of the Youth Parliament sitting scheduled for the 14th and 15th of June 2007 at the Stanger Recreational Grounds in town. The programme will be as follows: There will be a welcome by the Mayor; Youth Commission's presentation; a consolidated report by iLembe District; iThala's presentation and then lunch. After that there will be presentations by the hon Speaker, the hon Premier and hon MECs on the 14th, followed by a vote of thanks. On the 15th there will be a formal Youth Sitting beginning at 10:00.

This concludes the announcements for today.

4. ANNOUNCEMENTS OR REPORTS BY THE PREMIER

THE SPEAKER: Is the hon Premier in the House? If not, hon MEC?

MR J S NDEBELE (Premier of KwaZulu-Natal): Hon Speaker and members of the House, we don't have announcements as yet.

THE SPEAKER: Okay, okay.

5. TABLING OF REPORTS OR PAPERS

THE SPEAKER: Any tabling of reports or papers? Hon Chairperson of the Portfolio Committee on Finance and Economic Development?

MRS B F SCOTT (Chairperson of the Portfolio Committee on Finance and Economic Development): RS Speaker, I want to table the report of the Finance and Economic Development Portfolio Committee on the 2006/2007 close-out budget performance report for the province. Thank you.

THE SPEAKER: Thank you, Chairperson.

6. FORMAL MOTIONS AND NOTICES BY THE CHIEF WHIP

THE SPEAKER: Hon Chief Whip?

MR V C XABA (Chief Whip of the Legislature): Mr Speaker, my intention was to move this motion as a motion without concurrence. I have subsequently learned that one of the parties is not ready to support that we dispense with the notice. On that score I would request that I move it as a motion with notice so as to allow members time to apply their minds to the notice itself.

THE SPEAKER: My ruling to accommodate your concerns is that we will allow that the motion is moved. We shall confirm whether it is moved without notice or with notice at a later stage. Move the notice and we will be left with that confirmation.

MR V C XABA (Chief Whip of the Legislature): So, I will move it with unanimous concurrence and you will then determine whether we have concurrence after I have moved it?

THE SPEAKER: No, just move the motion. What we will rule on is whether it is moved with or without notice after you have concluded your consultations and have reported to me.

MR V C XABA (Chief Whip of the Legislature): Mr Speaker, I hereby move the following motion -

This House noting that:

1. The Standing Rules of the KZN Legislature previously did not provide for a non-member being able to address the Legislature;
2. The practice of a non-member addressing the House is constitutionally acceptable and is common

practice at Parliament and in other Legislatures;

3. Permitting a non-member to address the House on pertinent issues can assist in enhancing oversight and improving service delivery to the people of the province and,
4. The Rules Committee has agreed and has recommended that the Standing Rules should be amended to allow for the practice of non-members to address the Legislature.

This House therefore resolves:

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

"The Speaker, after consultation with the Chief Whip, the Chief Whip of the Official Opposition, representatives of other parties in the Legislature and the Leader of Government Business, may invite a person who is not a member of the House to –

- (a) Address the House or the members of the House, or
- (b) Attend a meeting of the House and state his/her views on a matter before the House

Mr Speaker, I so move.

THE SPEAKER: Thank you, hon Chief Whip. That is a formal motion that has now been moved. We will confirm later after your consultation whether it is with notice or without.

MR R M BURROWS (DA): On a point of order, Mr Speaker,

THE SPEAKER: Yes, Mr Burrows?

MR R M BURROWS (DA): Mr Speaker, much as I appreciate your intent in attempting to have a motion introduced with concurrence of all the members in the House, the reality is that the motion, as it has been read, does not enjoy the concurrence of all members of the House. This has been pointed out to the Chief Whip. I would, with respect, urge that the ruling that you should give, is that it is a motion without concurrence so that, if necessary, it can appear on the Order Paper of the next sitting day of the House. Quite frankly, however, it cannot now be tabled as a motion with either, subject to a discussion that the Chief Whip still has to have with us. It cannot be. The Rules do not provide for it.

THE SPEAKER: Mr Burrows, I understand you. However, when we are dealing with these matters we are managing business. We must find the best way of managing it. You have a different point of view from the Chief Whip. The Chief Whip has indicated to me that one of the parties is not ready, which indicates that he is in the process of consultation. All that I will be confirming, as soon as he reports back to me, is that he is satisfied that there is no concurrence. I will be confirming that this is the Rule under which this motion has been moved, which will then determine whether it is with concurrence or without concurrence. I therefore do not think it is a matter of the Rules providing for how the Speaker should handle each and every detailed issue during each and every minute.

We are sitting today. This matter will be clarified before the end of this day's sitting. I see nothing wrong with that, because it is not offending against any rule and it is not offending against any law. All that we are doing is just managing the business of the House in the best way possible and in the interests of the House.

MR R M BURROWS (DA): Mr Speaker, I rise again in terms of Rule 9 which deals with motions without notice. I accept that what you are doing is to defer a decision until later in the day. If I were to clarify the situation and indicate that the four members of the Democratic Alliance who are present here now will not support the motion as it has been put, will that help you?

THE SPEAKER: No, it will not, because you are not the Chief Whip who has moved the motion and who has the right to move it. Now I am waiting for the Chief Whip to confirm with me. That is the only technicality that arises out of that. As soon as the Chief Whip has confirmed with me, which will be quite soon, we will deal with the matter in that manner.

MR V C XABA (Chief Whip of the Legislature): Speaker, I want to confirm exactly what you have just said. We will revert to you during the course of the day.

THE SPEAKER: Thank you.

[The Chief Whip, Mr V C Xaba, moved the motion without notice under Standing Rule 93(g) with the unanimous concurrence of all the members present in the House. The Presiding Officer was requested to put the motion to the vote for approval as a resolution of the house under Standing Rule 91(2).]

7. NOTICES OF BILLS OR MOTIONS

THE SPEAKER: Hon members will remember that during the last sitting of the House this item was not attended to. I did rule that members who wanted to speak on this item should forward their names to the clerks at the table, to our support staff.

I have been informed that only one name was submitted and that is the name of the hon member Mr Jeebodh who, under the circumstances, would therefore enjoy preference. [Interjections] Well, I was saying that under the circumstances he will enjoy preference when it comes to this issue, because he submitted his name for a motion to be moved on this day. May I proceed and take other names?

[Whereupon members stood to have their names recorded by the Speaker.]

Mr Krog, could you move just a little so I can see if there is anybody behind you? No, it is fine now. You can move back to your place. Hon members, I believe I have captured all your names and will now request you to take your seats.

MR T M JEEBODH (ANC): Mr Speaker. I shall move on the next sitting of the House that -

This House noting that:

1. Financials of municipalities are being prepared;
2. Property rates, levies and water tariffs are being reviewed, and
3. In some towns north of the Tugela, rates have been pegged in excess of 20%.

This House therefore resolves:

To call on the provincial MEC for Local Government to immediately investigate the ridiculous rates which are not in line with government norms and CPIX increases of 6%, and

To call on the MEC of Local Government to bring the transgressors to heel.

Mr Speaker, I so move.

MR M B GWALA (MEC for Public Works): Mr Speaker, I shall move on the next sitting day of this House that -

This House noting:

1. An expert historian's view of Prince Mangosuthu Buthelezi as a struggle hero whose contribution to dismantling apartheid from within is beyond dispute, according to no less a figure than Professor Herbert Vilakazi, as he put it in *The Sowetan* newspaper last week.

This House therefore resolves:

To condemn the tendency of many self-proclaimed struggle historians to rewrite history to suit their own ends, and

To give credit where it is due at all times, irrespective of changing political weather.

Mr Speaker, I so move.

MR R M BURROWS (DA): Mr Speaker, I give notice that on the next sitting I shall move as follows -

This House noting:

1. The general debate within the ranks of the African National Congress pertaining to the future of the provinces, either in number or totally; and

2. The disagreement between senior members of the ANC, SACP and Cosatu, including between Premiers in South Africa regarding the future of the provinces.

This House therefore resolves:

To call on the Premier of KwaZulu-Natal and the President of the SACP in KwaZulu-Natal to commit themselves and their regions to fully support the continued existence of all provinces, especially KwaZulu-Natal, and the extension of the powers of provinces within a single South Africa.

Mr Speaker, I so move.

THE SPEAKER: Mmm. It is a pity that when one is the Speaker, one cannot really make any comments from the Chair! [Laughter.]

PROF J S MAPHALALA (NADECO): *Ngiyabonga Somlomo, ngokuhlala kwale Ndlu okulandelayo ngiyophakamisa kanje:*

Le Ndlu iphakamisa ukuthi izimpawu zomgwaqo zibhalwe nangolimi lwesiZulu ukuze kuhlengeke izimpilo zabantu ababalelwa emashumini ayisishayalolunye ekhulwini. Ngiyophakamisa.

MR M E SITHEBE (ANC): *Somlomo Baba, ngokuhlala kwale Ndlu okulandelayo ngophakamisa kanje:*

Ubuqola obahlukile obuqondiswe kubafuyi bezinyamazane neziqiwi nabanikazi beziqiwi okwenzeka endaweni yaseMvoti, ikakhulukazi eNewdale. Lobu busela nobuqola benziwa ngabantu abangabalimi abaqavile bahlukumeza abantu abaye bazuza imihlaba kuhlelo lwe-Land Affairs kanye nabalimi abazimele. Kuyodingeka ukuba sisukume sibhekane nalezi zimo ezifuna ukukhubaza umnotho wesifundazwe nezokuvakasha.

Mr Speaker, I so move.

Ms L R MBUYAZI (IFP): *Ngiyabonga Somlomo, ngokuhlala kwale Ndlu okulandelayo ngiyakuphakamisa kanje:*

Le Ndlu iyakunaka ukuthi ukuhlala kwephalamende laphaya eMsinga ngaphansi komkhankaso wokuhambisa iphalamende kubantu kwenzeka emuva nje kokuba ikomidi lephalamende i-Cluster Committee likade livakashele kule ndawo lapho lenze khona uphenyo olunzulu ngezidingo zabantu balesi sifunda.

Ngakho-ke le Ndlu inquma kanje:

Ukukhuthaza ubuholi bephalamende lesifundazwe salapha KwaZulu-Natali ukuba bulicabangasise kahle iqhinga lokuhambisa iphalamende kubantu ukuze kungaphindeki imisebenzi eyenziwe ngamakomidi ephalamende nohulumeni. Ngiyabonga.

MR R E KEYS (DA): Mr Speaker, I will move on the next sitting day of this House -

This House noting:

1. The right of organised labour to engage in strike action; and
2. The widespread unlawful intimidation, assault, threats to educators and learners, destruction of property, forced closing of schools, the expulsion of learners from exams, etc.

This House therefore resolves:

To condemn the violence used by some union members and to call on the unions to reel in those unruly members and to assist the police to bring the lawbreakers to book; and

To call on government and unions to speedily settle the dispute so that our learners will not be prejudiced any further.

Mr Speaker, I so move.

MR S W MCOYI (IFP): *Somlomo, ngokulandelayo ngiyophakamisa kanje:*

Akusona yini isikhathi lesi lapho iphalamende liye ngejubane kubantu, liyiswe ezinganeni ezisele zodwa ezikoleni, liyiswe kothisha abasemgwaqeni, liyiswe ezigulini ezisele zodwa ezibhedlela, liyiswe konesi abasemgwaqeni.

Le Ndlu inquma kanje:

Iphalamende aliyosiza othisha nonesi ngeziswenya zezimali lezi elihlale libonakala lizikhithiza mhla kwasa. Ngiyophakamisa kanjalo.

MRS M H AMBLER-MOORE (DA): Mr Speaker, I shall move on the next sitting day of this House that –

This House noting:

1. President Thabo Mbeki's comments, as reported in *Die Burger* of 6 June 2007, that a critical look at affirmative action could promote reconciliation, social cohesion and improve the chances of the disadvantaged to be economically empowered.

This House therefore resolves to:

Agree with the hon President;

Affirm the necessity of correcting imbalances in our society; and

State that there is a need to review policies and actions which need to be taken to improve the situation, and also how long such policies should remain in effect.

INKOSI K W MATHABA (IFP): *Somlomo Baba, ngokuhlala kwale Ndlu okulandelayo ngiyophakamisa kanje:*

Ukubhexwa ngenhlamba yiLungu elihloniphekile lale Ndlu uMnumzane uPaulos Ngcobo, lokubiza amalungu eqembu leNkatha Yenkululeko ngamasela, eba amaklabishi namaselula, nokubulawa kwamawindi, kuyadabukisa ukuthi abahleli bemashi yamaZulu abayiziNduna nababesebenzisana namaphoyisa kahulumeni nakamasipala bethula umbiko emveni kwemashi wokuthi konke kuhambe kahle, ngaphandle kwezicwelegcwele nje, ebezikwimashi engasheyelwe mthetho, ebeziklobe ngaseShell House, nababhebhezeli bokwebiwa kwamaklabishi namaselula.

Le Ndlu iyonquma ukukhuza ubudlabha bokukhuluma kukaPaulos Ngcobo kungathi wehla emthini ukuba aqale aphenye amaqiniso ngaphambi kokuba aphahluke. (Interruption – call for point of order)

THE SPEAKER: *Yebo lungu elihloniphekile*

DR B M RADEBE (ANC): *Somlomo Baba, iLungu elihloniphekile iNkosi yakwaMathaba kune-convention yale Ndlu ethi ubiza elinye ilungu elihloniphekile ngelungu elihloniphekile, hhayi lokhu akushoyo ukuthi u"Paulos Ngcobo", sicela i-motion yakhe ayilungise.*

THE SPEAKER: Hon member, the motion does offend the Rules of the House, in that ...

ayikulandeli ukuthi u-Hon member uNgcobo, yilungise baba, Ndabezitha, iNkosi siyacela ukuthi ke ilungise leyo motion.

INKOSI K W MATHABA (IFP): *Mhlonishwa, bengisho lona iLungu elihloniphekile uPaulos Ngcobo.*

THE SPEAKER: *Siyabonga-ke.*

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

This House noting:

1. The hon MEC Bheki Cele's interpretation of the Road Traffic Act, namely that he considers it lawful for MECs to exceed the speed limit if they are late for meetings.

This House therefore resolves:

To state that MECs who cannot plan their meetings or schedules do not have the right to exceed the speed limit and drive recklessly to be in time, as this is not within the meaning of "execution of their duties", and

To call on the MEC to obtain a legal opinion or change the law to be moral and acceptable to the safety of citizens of KwaZulu-Natal.

Mr Speaker, I so move.

DR B T BUTHELEZI (IFP): *Ngokuhlala kwale Ndlu okulandelayo ngiyophakamisa kanje:*

Le Ndlu iyakuqonda ukuphatheka kabi kukaNgqongqoshe Wezempilo kazwelonke, uDkt. uManto Shabalala-Msimang, ngokunganikwa kwakhe ithuba lokukhuluma engqungqutheleni yokulwa negciwane lengculazi eThekwini.

Le ndlu-ke iyonquma kanje:

Ukuzwakalisa ukukhathazeka kwayo ngokuthi uNgqongqoshe adube le ngqungquthela ngoba nje ziwadla ephakathi.

Ukumkhumbuza uNgqongqoshe ukuthi impi yegciwane lesifo sengculazi ingaphezu kwanoma yimuphi umuntu, noma ngabe uneconsi noma cha.

Ukuthi kungukhombisa izinga eliphansi lobuholi bukaNgqongqoshe ukuduba ingqungquthela edingida izindaba zokufa nokuphila ngenxa nje yokunganikwa ithuba lokusina azibethele ejadwini, ngiyophakamisa.

THE SPEAKER: The last member on my list is Mr P Govender.

MR P GOVENDER (IFP): Mr Speaker, I shall move on the next sitting day of this House as follows -

This House noting:

1. The direction taken by striking civil servants and the devastating effects on essential services this has had, together with the accompanying violence and intimidation, and
2. The inability of the ANC-led government to find a speedy and amicable resolution to the strike action.

This House therefore resolves:

To call on the ANC-led government to live up to its election promise of a better life for all, by ensuring that a semblance of normality is restored without further delay.

Mr Speaker, I so move. [Hear, hear]

THE SPEAKER: Members ...

MR R M BURROWS (DA): Mr Speaker, I rise on a point of order. I am not sure whether you have come to the end of your list or whether your list continues and you've run out of time, but the hon Bongani Msomi, who does have his own Whip, definitely stood up. In fact, he was one the first to stand up. May I defend his right to be whipped? [Laughter]

THE SPEAKER: *Cha Nomndayi, thina madoda aKwaZulu siye sithi insizwa mayivele inyamalala nje ikhona kusuke kukhona okuthé shayi-shayi kancane. Kusho ukuthi ngilikhumbula kahle impela, ngikhumbula kahle uNomndayi emile kodwa ukuthi akabhalekanga ngani la angazi yini, angazi. Kodwa ngiyakuvumela.*

I agree with you, Mr Burrows. I remember Mr Msomi standing, but why his name is not on my list is just confusing.

Cha kulungile-ke, awukushintshe lokhu okwenzayo Nomndayi ubheke izindawo lapho ongakwenza khona. Asimnikeze ithuba baba.

I am sorry. I will have to give this hon member time to move his motion. He had stood up. That is true.

MR B J MSOMI (NADECO): *Ngiyabonga Somlomo, angazi ngoba sengawuyeka lo muthi angisawusebenzisi.*

Ngokuhlala kwale Ndlu okulandelayo ngiyophakamisa kanje:

INdlu ibabaza ukungabezelelani kwezombusazwe phakathi kwe-IFP ne-ANC nokubonakale ngesikhathi iSishayamthetho sihleli eMsinga ngesonto eledule, nokube nobuhixixi obuningi. Lesi simo simbi futhi siyisihlava esizokhubaza izinhlelo zentuthuko zakuleya ndawo.

Ngakho-ke iNdlu inquma ukunxusa lezi nhlangano zombili ukuba zenze imizamo yokubambisana ukulungisa lesi simo esimbi kangaka nesithunaza ibanga eselihanjiwe kulesi sifundazwe sakithi.

Okwesibili ukunxusa amalunga ale Ndlu ukuba ngaso sonke isikhathi makasebenzele ukuvikela isithunzi sale Ndlu ehloniphekile, ngiyophakamisa kanjalo. Ngiyabonga

THE SPEAKER: *Sibonge Nomndayi,. Uxole kakhulu weNomndayi, asikho isizathu kahle.*

MR J S NDEBELE (Premier of KwaZulu-Natal): Mr Speaker, I crave your indulgence and ask to go back to Item 5 on the Order Paper. May I be allowed to table this Public Service Commission: State of the Public Service report? Thank you.

THE SPEAKER: That, comrade Premier, will be condoned. [Laughter.]

Hon members, you know that I have regular meetings with the Premier. The language I use in those meetings just comes out automatically, without me realising it. Hon Premier, that will be condoned.

8. ORDERS OF THE DAY

8.1 QUESTIONS

THE SPEAKER: As far as I remember, the only question that is to be answered is Question 38/2007, which is to be answered by the hon Premier.

MR J S NDEBELE (Premier of KwaZulu-Natal): Mr Speaker, I have the answer to Question 38, a Parliamentary Question for Written Reply. Can I table it?

THE SPEAKER: Hon Premier, it looks as if it is a very long reply. In terms of the procedure, you may table it. I would request that the hon member who asked the question accepts the tabling and get the copy of the reply, otherwise it will mean going through all of those pages. The member who asked the question is the hon Dr LPHM Mtshali. Hon Dr Mtshali, can we hear from you? The answer is ready. Can it be tabled?

DR L P H M MTSHALI (Leader of Official Opposition): Hon Speaker, the answer may be tabled. Thank you.

THE SPEAKER: Thank you very much, hon Dr Mtshali. Hon Premier, the answer to the question can be tabled. Thank you, it is then taken as tabled. That is the only question that needed to be attended to today.

8.2 VOTING ON THE KZN PUBLIC PROTECTOR ACT, REPEAL BILL

THE SPEAKER: Members will remember that the voting on this Bill is outstanding from the last debate. In terms of our Rules, today we can only vote by the Speaker putting the question.

Question put.

Agreed to.

Bill read a second time.

THE SPEAKER: Thank you very much. That concludes the matter. The Bill has been passed.

8.3 END OF THE YEAR PROVINCIAL BUDGET AND PERFORMANCE ASSESSMENT REPORT BY THE MEC FOR FINANCE AND ECONOMIC DEVELOPMENT

THE SPEAKER: In the absence of the MEC, may I get an indication whether any MEC has been authorised to table this report on behalf of the MEC?

MR M A TARR (ANC): Mr Speaker ...

THE SPEAKER: Hallo, hon member Mr Tarr.

MR M A TARR (ANC): Mr Speaker, I believe that Mrs Scott was prepared to perform that function. I think it has caught up on the Order Paper more quickly than she had expected. If you would allow me two minutes ... She is probably just outside somewhere. She had to take a phone call. I can go right now, Mr Speaker.

THE SPEAKER: No, but she cannot do that, Mr Tarr. In terms of our Rules, no member can represent an MEC. Only another MEC can represent an MEC. That is why I was asking from members of the Executive whether any one of them is authorised to proceed with that report.

MR V C XABA (Chief Whip of the Legislature): Mr Speaker, if hon members support me, may I suggest that we reorder the business of the day. I suggest that we start with the report of the Portfolio Committee Chair, because the report is ready. The report would then be followed by the MEC's input before we get into a fully fledged debate on the End of the Year Provincial Budget and Performance Assessment Report.

MR R M BURROWS (DA): Mr Speaker ...

THE SPEAKER: I don't see how we can do that, hon Chief Whip. The only option that is available to us is to move on to the debate on the KwaZulu-Natal Peace Act, Repeal Bill, if that is ready. The House would then have to condone the reordering of the items on the Order Paper. That is the only way in which we can address that situation. I do agree that, because of the absence of Questions, our time has moved more quickly than hon members have anticipated.

MR V C XABA (Chief Whip of the Legislature): Mr Speaker, I will have a problem if we move to Item 8.5. My arrangement with the MEC for Safety and Security is that he will be available after lunch. I had looked at the Order Paper and saw that it would be okay for him to come after lunch. The reason why he is not with us today is that he has had to attend to another prior commitment.

THE SPEAKER: And your item further down the Order Paper ... Is that also not ready?

MR V C XABA (Chief Whip of the Legislature): That one too, Mr Speaker. We can tackle it, but we wanted to tackle it in the presence of the MEC for Safety and Security, because the matter relates to security issues.

MR R M BURROWS (DA): Mr Speaker, I tend to agree with you that it would not be possible to substitute the introductory remarks of the Chairperson, because that is the beginning of the debate. However, could the Chief Whip indicate to us when the MEC for Finance and Economic Development might be available? We can then adjourn until that time. I think it's the only way.

THE SPEAKER: That is what I wanted us to do. Mr Chief Whip?

MR V C XABA (Chief Whip of the Legislature): My deputy says the MEC will be here in 20 minutes' time. That therefore allows us to adjourn for 20 minutes.

THE SPEAKER: I don't see any problem with that being done. As I have said, it is a fact that we have moved more quickly than we had anticipated.

I have another announcement which I should make before we adjourn for a short while. This announcement is addressed to the hon Speaker, Mr T W Mchunu. It says: "*Macingwane*, can I please crave your indulgence in requesting an announcement of a reminder to members of the Local Government and Traditional Affairs Portfolio Committee, to attend a special meeting of the committee, to deal with the draft 13th Constitutional Amendment Bill. This is on the Matatiele matter. The meeting will be held in the IFP Caucus Room at 12:00 today. Members should have received notices. Thank you. M A Kubheka, Chairperson."

Hon members, the 13th Constitutional Amendment Bill has apparently gone through the Standing Committee on NCOP matters, and is now for discussion by the relevant committee, namely the Local Government and Traditional Affairs Committee.

I will request that we adjourn for a period that will allow us to restart when we are certain that the MEC will have arrived, and that is estimated at about 20 minutes from now.

Business suspended at 10:51.

Business resumed at 11:17.

THE SPEAKER: Hon members, when we adjourned the House we had been at Item number 8.3 and that was the End of the year Provincial Budget and Performance Assessment Report by the MEC for Finance and Economic Development, which would have been followed by a debate on that matter in terms of Item number 8.4. May I request that the hon MEC table the report, please?

DR Z L MKHIZE (MEC for Finance and Economic Development): Thank you, Speaker and hon members. I wish to start by apologising for the inconvenience caused to the House for the fact that I couldn't be in at the time. I do want to

say that I was a little misled by the structure of the programme and therefore had not been aware of what was transpiring at that time, so it's more a question of being unaware than being unavailable. I want to apologise.

I have the pleasure to table in this House a preliminary close-out budget performance report for the 2006/07 financial year for the province of KwaZulu-Natal. I want to assume that the copies are available to the members. I have to look at ... No, the copies have to be available. Oh, I see it is being distributed.

THE SPEAKER: Members, the copies are being distributed. If some of you have not received them as yet, please accept that they are on their way to you.

DR Z L MKHIZE (MEC): Thank you very much. I always look at Mr Burrows, because if he has his copy, it means everybody already has theirs. [Laughter.] I know he would also be the first one to indicate if he did not get his copy. [Interjections.] Ja.

I have indicated to the Chairperson that this matter has not yet been served on Cabinet and it is a little bit of management that we have to try and deal with, because this is indeed a preliminary close-out report. It is not at all final. I wish to also apologise to my colleagues in the sense that I have had to come and present this report when I have not been able to get it to Cabinet yet.

The report is set out as follows: The first section summarises the provincial budget. The second section presents revenue collected by province, and the last section discusses the budget expenditure performance.

The budget performance has four main areas, namely General Expenditure Outcome; Expenditure and Conditional Grants; Infrastructure Spending and Donor Funding. It is important for this House to know that this expenditure outcome has not been audited and it might change after the finalisation of the annual financial statements which will be scrutinised by both the Auditor-General and the accounting services at the Provincial Treasury. That change is important, because when it happens later and the figures are different, it should be understood that it was delivered in this context.

2006/07 Provincial Budget Summary

Provincial receipts for 2006/07 amounted to R37,4 billion, the bulk of which (85,6%) is the equitable share allocation; and the rest is made up of the conditional grants at 10,6% and provincial earned revenue at 3,8%.

Provincial payments, including conditional grants, amounted to R36,9 billion, leaving an amount of R580 million as under-expenditure. I may as well reflect, Mr Speaker, now that Mr Burrows is smiling ... [Interjections] ... it is from this amount where approved roll-overs and unspent conditional grants will be financed. If you refer to Table 1, for the province the real surplus that may be available for additional allocation in the adjustment budget will be about R114 million from the unspent GEMS allocation.

Under and over-expenditure in the province is explained further under the Budget Performance section of the report.

The province derives the bulk of its revenue from four sources. These are motor vehicle licences by the Department of Transport, casinos, taxis, income from horseracing collected by the Office of the Premier, patient fees by the Department of Health and interest income from Provincial Treasury.

Table 2 provides a summary of provincial owned revenue per department. The total provincial revenue for the 2006/07 financial year amounted to about R1,420 billion compared to the budget of R1,274 billion, resulting in an over-collection of R146,4 million or 11,5%. It should be borne in mind that the provincially owned revenue budget was increased by R100

million in the adjustment estimates, following the strong performance in the media.

Transport over-collected by R58,3 million which can be attributed to annual tariff adjustments for motor vehicle licence fees.

The Office of the Premier collected R22 million more, due to improved surveillance of casino operations.

Provincial Treasury over-collected R66,5 million due to increased cumulative cash balances in the intergovernmental cash co-ordinating account, as well as an increase in the interest rate.

Education collected R18.2 million more due to recoveries of outstanding debts from employers and employees, mainly SMT, as well as increases in administrative charges such as exam and remarking fees.

Budget Performance

Preliminary expenditure for the financial year amounted to R36 996 million, 98,8% over the final appropriation of R37 billion from R29 million, resulting in a net under-expenditure of R434 million, excluding financial rollovers.

December expenditure includes conditional grants. Please refer to Table 3. Eight of the 16 provincial departments spent within 2% of the final appropriation, with six departments ending the financial year with a net over-expenditure, namely Education, Housing, Royal Household, Community Safety and Liaison, Transport, Sports and Recreation.

Of the six departments, only the Royal Household overspent its budget. The over-expenditure in the Royal Household landed at 10,1% or R3,5 million, despite an additional R3 million allocated in the adjustment budget. The over-expenditure under the Royal Household is attributed to the relocation of the department to Nongoma, subsistence and travel costs, as well as the purchase of motor vehicles for His Majesty's fleet.

The over-expenditure of the other five departments varied between 0,1% and 0,8% of the voted funds, and we consider these variations insignificant.

In rand value, the highest over-expenditure was recorded in the Department of Education, with R136 million worth of over-expenditure. This over-expenditure occurred mainly in Programme 2: Public Ordinary Schools, amounting to R256 million. Of this amount, R172 million relates to capital expenditure on buildings and other fee structures, caused mainly by the reduction of the infrastructure budget during the adjustment estimate following the low level of spending at media. As per the agreement, the Treasury will reimburse the department up to R100 million for legitimate infrastructure over-expenditure.

The balance of over-expenditure under Programme 2 in Education is due to under-provision in respect of petty cash payments to no-fee schools and increased transfers to Section 21 schools, as well as inadequate provision for the payment to the learner: teacher support material managing agents.

The only other programme that recorded over-expenditure was Programme 3: Independent School Subsidies, with minimal overspending of R300 000.

The lowest spending was recorded in Provincial Treasury as 73,5% expenditure. This is largely due to the underutilisation of GEMS (R114 million) due to the lower than anticipated take-up of this medical scheme by government employees. This amount may be available to the province to finance unforeseeable and unavoidable expenditure in the Adjustment Budget which will be tabled in November/December 2007.

The Department of Economic Development spent 80,9% of its adjusted budget. The under-expenditure is explained by delays in the establishment of secondary co-operatives, as well as problems associated with site selections to locate various projects under this Programme. The department has not been able to absorb that kind of expenditure as these were new programmes.

As mentioned earlier, the remaining eight departments spent between 93% and 100% of their final appropriation.

The Department of Health underspent its budget by R155 million or 1,3% of the final appropriation of R11,819 billion. This under-expenditure relates to the delays in the implementation of forensic pathology service grants and the hospital revitalisation which has been offset by over-expenditure in other areas due to an increasing demand for health services. Details of the expenditure on conditional grants are discussed later in this memorandum.

Social Welfare: The under-expenditure of R59 million under Social Welfare and Population Development relates to the rollover of R105 million from 2005/06 relating to the former food relief and integrated social development service conditional grant, now part of equitable share.

Approximately R66 million of this rollover relates to a national tender that was awarded and subsequently challenged through a tender process. The court decision on the appeal was made only in March 2007, and the court ruled that the tender processes were flawed and needs to be redone. The Department is awaiting guidance from the National Department of Social Development in this regard. Part of the R103 million rollover, that is R39 million, was earmarked for the provision of nutrition supplements for XTR and MDR TB patients. The department was requested to work jointly with the Department of Health in this programme.

It seems that there was no agreement reached by the two departments before the end of the financial year and I am working on convening a meeting between the Treasury and the two departments to resolve the issue.

Local Government and Traditional Affairs: Another significant under-expenditure was recorded against Local Government and Traditional Affairs, amounting to R29 million which relates mainly to the delay in installation of water purification plants, the building of *amakhosi* houses and traditional administrative centres, as well as outstanding invoices relating to official vehicles purchased in 2006/07.

Expenditure excluding Conditional Grants: As shown in Table 4, provincial spending in 2006/07, excluding conditional grants, is very satisfactory at 99,5%, nearly 100%, compared to the expenditure in 2004, which was 97,5%, and in 2005, which was 98,6%. We need to maintain this momentum of spending for the province to achieve its objectives as stated in the provincial growth and development strategy.

Conditional Grants: A summary of conditional grants expenditure per department against the respective final appropriation for 2006/07 is presented in Table 5. In total the province spent R3,9 billion of the R4,2 billion allocated, leaving an unspent amount of R244 million or 55,8%.

The Department of Agriculture performed poorly on conditional grants expenditure. It spent 75,7% of the allocation which is land care (52,9), comprehensive agricultural support (69,8) and disaster management grants (100%). The 100% expenditure on the disaster management grant is not a true reflection of reality as there was no actual expenditure on this grant. The entire R23 million was actually surrendered to the National Department of Agriculture.

The land care grant was underspent by R4,9 million due to unanticipated delays in the procurement, whilst the under-expenditure of the comprehensive agriculture support programme was due to delays in the implementation of the training and mentorship programmes at agricultural colleges. The department has requested a roll-over of the unspent amount.

With regard to the Department of Education, the underspending on the national schools' nutrition programme is due to the late receipt of invoices from suppliers, as well as equipment ordered but not delivered before the 31st of March. The department has requested a roll-over of R46,3 million. However, it will be difficult to accommodate such a request given the fact that the department has no savings since it overspent its total budget.

The Department of Health underspent on the hospital revitalisation grant (70,9%) and the forensic pathology services grant (39,8%). The other four conditional grants have been fully spent. The under-expenditure on the revitalisation grant is due to delays caused by tender appeals and labour difficulties on the part of the contractors. The other contributing factors are the national directive to the Provincial Health Department that R80 million would be reallocated on other provinces in 2006/07. The department had to slow down expenditure on the hospital revitalisation in anticipation of the reduction in the allocation. However, this money was never taken away from the department, but has actually slowed down the expenditure.

There is an issue which we need to clear up on this problem because, from a National Treasury point of view, this is a decision by the Department of Health. It is not Treasury that has actually withdrawn this money. Although an impression seems to have been created that the Department of Health had to lose this money because of 2010 pressures, as far as we were concerned from the National and Provincial Treasury, we have not really had that as an issue that would have necessitated the withdrawal of those funds. This is an issue that we will continue discussing with the Department of National Treasury, as well as the national Department of Health because the report to the National Treasury was that it was a decision by the Health Department and that it had nothing to do with Treasury. I do want us to be clear on that issue.

The slow rate of spending against forensic pathology services is due to claims that were submitted by the South African Police Service without adequate details relating to personal costs. These claims will be paid once the supporting documents are received.

Motor vehicles: These were ordered but not delivered. Infrastructure spending: That was delayed due to changes in business plans and then submissions by the Department of Public Works.

Infrastructure spending: The province as a whole performed very well on infrastructure spending. Some 99% of the infrastructure allocation was spent. If one refers to Table 6, the Department of Education and Housing recorded over expenditure of 15,8% and 5,3% respectively. Over-expenditure in Education is partly as a result of a decision to reduce the capital infrastructure by R100 million during adjustment estimates. This decision was based on the low spending at media and followed by an intense discussion at MEC levels between the Department of Education and Treasury.

As part of the discussion it was agreed that, should the Department of Education overspend on its capital infrastructure budget, Provincial Treasury would fund such illegitimate over expenditure up to a maximum of R100 million. It's a pity my colleague isn't here because I wanted to take a bow and a salute her because we had some very interesting bargaining at that level. The friendly offers that had been made related to the HOD and the senior DDG on Infrastructure who offered letters of resignation for safekeeping by the MEC. The MEC felt she wasn't very keen on that. She said to us, "We will spend the money, for sure." We then said, "Seeing is believing." That is what has now happened. Of course, I am very pleased to see that they have honoured their commitment. I therefore salute her and say, "May we keep this good culture of expenditure. I am very pleased with that." [Interjections] Needless to say, the HOD and his senior staff are happily keeping their jobs, and there are no problems on that front.

The over-expenditure of R53 million on the human settlement grant by the Department of Housing is mainly due to the high demand for housing within the province, as well as the late submission of invoices by municipalities. A substantial portion of this over-expenditure is funded from savings within the spending areas of the department.

On donor funding: Table 7 provides details of donor funding and agency receipts and expenditure per department for the 2006/07 financial year. The amount reflected in Table 7 is not voted for by the Provincial Legislature, does not form part of the province's budget and is therefore not included in the report on the revenue and expenditure already discussed in the earlier sections.

A total of R230 million was available to the province through the donations of six provincial departments. As depicted in Table 7, expenditure on donor funding is significantly low. This is an area of concern and the Provincial Treasury will be following this issue with the respective departments during the 2007/08 financial year.

Economic development has had the largest under-expenditure on donor funding. The amount of R109 million received by the department could not be spent, the reason being that these funds were only received on the 31st of March 2007 and will therefore be utilised in this 2007/08 financial year.

The amount reflected against the Department of Local Government and Traditional Affairs under the agency section, is in respect of the training given to community development workers which is then reimbursed by the Department of Local Government, water and related services sector education and training authority.

The bulk of the amount under the Department of Transport is in respect of the bus subsidy allocation to operators which is administered on behalf of the National Department of Transport. Depending on the claims by the operators, these funds are usually not used in full in one financial year and have to be returned to the department.

As members will notice, the province performed generally well on expenditure compared to previous financial years. There are, however, areas of concern. The first concern is the under-spending by the Department of Economic Development, given the fact that this is the department mandated to contribute to economic growth in the province and this we have discussed with the Head of the Department and have been assured that whatever the discrepancies that would have led to the delays in implementing the programmes, have been resolved and therefore we should see a normal expenditure pattern taking place in this department.

The second concern relates to the over-expenditure by the Department of Royal Household. This department has persistently overspent its budget over the past three financial years. The Office of the Premier and the Treasurer are developing a plan of action to assist the Royal Household to manage its expenditure within allocated resources. As soon as that has been done, I believe the Premier will make the necessary announcement on that issue. However, the matter has been thoroughly canvassed and discussed between Treasury and the Premier's Office. We want to assure members that we are going to take the necessary remedial steps on this matter.

Lastly, expenditure on the conditional grants is generally low. The recipient departments need to pay more attention to planning and submission of proper business plans to ensure that conditional grants allocations are fully spent.

In summary, I would like the House to note the following:

- The improvement in the expenditure performance of the province compared to previous financial years;
- The persistent overspending in the Department of Royal Household;
- The significant underspending by Economic Development; and lastly
- The slow spending on conditional grants especially in the Department of Agriculture and Health.

Also please note the very good expenditure pattern from the Department of Education. I want to keep underlining that because, when it changes, we will also make everybody aware of that.

I would like to assure this House that Provincial Treasury will do its utmost to ensure appropriate levels of spending for both equitable share allocation and conditional grants in the 2007/08 financial year by intervening early in the departments. They will need the support.

I want to take this opportunity to thank the members of the House for listening. I also want to thank my team in the Department of Finance for the hard work they have been engaged in, and in particular for preparing this report within the timeframe that we have had. I am grateful to the Head of the Department and senior management. Thank you very much.

THE SPEAKER: Thank you very much, hon MEC Mkhize.

MRS B F SCOTT (Chairperson of Portfolio Committee on Finance and Economic Development): Mr Speaker and hon members, on 15 May 2007 the Finance and Economic Development Portfolio Committee received a briefing about on Provincial Treasury and the 2006/2007 Preliminary Close-out Budget Performance Report for KwaZulu-Natal. Due to significant over or under-expenditure, the Committee selected the following department for hearings on their 2006/07 close-out budget statements: the Department of Education, the Department of Health, the Department of Agriculture and Environmental Affairs, the Department of Economic Development and the Department dealing with the Royal Household. These hearings were conducted from 16 to 18 May 2007.

In this regard the Committee wishes to extend its gratitude to Provincial Treasury for its assistance to the Committee during these close-out budget hearings, and to all MECs, Heads of Departments, Chief Financial Officers and Departmental officials who participated in these hearings. The co-operation of departments is greatly appreciated.

Our general overview, and I will repeat some of the things the hon MEC has already said, is that the total provincial revenue for the 2006/07 financial year amounted to R1,42 billion, compared to the budget of R1,274 billion, resulting in a net over-collection of a R146,4 million or 11,5%.

The preliminary provincial expenditure for the financial year amounted to R36,996 billion or 98,8% of the final appropriation of R37,429 billion, resulting in a net under-expenditure of R434 million. Eight of the 16 provincial departments spent within 2% of the final appropriation, with six departments ending the financial year with a net over-expenditure. Of these six departments, only the Department of the Royal Household over-spent its budget by more than 1%, with over-expenditure of 10.1% or R4 million. The over-expenditure of the other five departments varied between 0.1% and 0.8%. In Rand value, the highest over-expenditure was recorded by the Department of Education with R136 million.

The lowest spending departments were recorded by Provincial Treasury with a 73,5 % spent and Economic Development at 80,9% spent. The remaining eight departments spent between 93 and 100% of their final appropriation. The under-expenditure in provincial Treasury is mainly due to the provision of R114 million for the Government Employee Medical Scheme (GEMS) not being required in the 2006/07 financial year.

Vote 3: Department of Agriculture and Environmental Affairs

Overall, the Department of Agriculture and Environmental Affairs over-spent its 2006/2007 budget by R9,332 million on equitable share funding. The Department under-spent its Comprehensive Agriculture Support Programme and Land Care conditional grant funding by an amount of R21,632 million. The Department repaid the amount of R23 million to National Agriculture in respect of the unspent Disaster Management conditional grant funding for the 2004/05 and 2005/06

financial years.

What is of concern to the Committee is the continued high level of expenditure against the Programme 1, and that intervention is required by the Department to ensure that the over-spending does not continue in the 2007/08 financial year. A number of resolutions were passed by the Committee.

The first one was on excess employees. The Committee noted the report received by the Department that when the rural road function, which was originally housed in the Department of Agriculture, was transferred to the Department of Transport, the 500 to 600 staff members attached to this function remained with the Department of Agriculture, and are in excess to the Department's organogram.

The Committee hereby resolved for the Department to report to the Committee by 30 August 2007 on the outcome of its negotiations with the Department of Transport for the transfer of these excess staff members.

The next resolution was on the DPSA investigation. The Committee noted that the DPSA was compiling a diagnostic report on the staff structure of the Department of Agriculture and Environmental Affairs. The Committee resolved for the Department to furnish the Committee with the DPSA report on completion, as well as the action plan the Department will embark on to realign the staff structure of the Department with the DPSA recommendations.

The next resolution was on the Internal Audit Report. The Committee resolved that the outcome of the Forensic Investigations that flowed from the 10 March 2007 Internal Audit Report on the Department of Agriculture and Environmental Affairs, with reference to Audit Findings 11 to 16, had to be reported to the Committee by provincial Treasury on completion.

Vote 4: Department of Economic Development

The Department of Economic Development underspent its budget by R97,795 million or 19,08%. This under-expenditure was mainly in respect to Programme 4, which was Integrated Business Services for an amount of R69,2 million relating to delays in secondary co-operative contracts and delays in the implementation of the Masifundisane contract. Furthermore, an amount of R10 million was underspent in Programme 3: Trade and Sector Development with respect to the Bee Foundation project, which is a honey bee project, which experienced implementation challenges due to non-delivery by the service provider. In this regard the Committee passed a resolution.

The Committee noted the under-expenditure of R69,2 million in Programme 4: Integrated Business Services relating to delays and in secondary co-operative contracts, and delays in the implementation of the Masifundisane contract and (b) the under-expenditure of R10 million Programme 3: Trade and Sector Development with respect to the Bee Foundation project, which experienced implementation challenges due to non-delivery by the service provider. The Committee resolved that the Department supply a report to the Committee by 30 July 2007 detailing the reasons for the under-expenditure in Programmes 3 and 4, stating what progress had been made in resolving the problems relating to these projects, and what steps the Department had taken to prevent under-expenditure of that nature in the future.

Vote 5: Department of Education

The bulk of the over-expenditure for the Department of Education, amounting to R255,7 million occurred in Programme 2: Public Ordinary Schools for the following reasons: the under-provision of petty cash to no-fee schools, the transfers to Section 21 schools which qualify for funds in line with amended National Norms and Standards policy, over-expenditure on learner:teacher support materials and over-expenditure on infrastructure.

Dealing with the first item, which is the under-provision of petty cash to no-fee schools, the Department explained to the Committee at its hearing in March 2007 that National Government had increased the allocation to no-fee schools and, further, that the Department would only be compensated for this increase in funding from the start of the 2007/08 financial year. However, the increase in no-fee schools commenced at the start of the calendar year, i.e. January 2007. The Department has not been compensated for expenditure for the last three months of the 2006/07 financial year. Resolution 31 of 2007 was passed by the House on this issue, and the Committee awaits a report back at the mid-term budget hearings.

On the transfers to section 21 schools, during the course of the 2006/07 financial year there was an adjustment to the National Norms and Standards policy with respect to schools which had a financial implication on Section 21 school transfers that had not been budgeted for.

On learner:teacher support materials, numerous schools, particularly severely disadvantaged schools, had over-ordered textbooks. The Department decided to absorb this over-expenditure for schools where there is never any spare stock of text books. There had been an under-order of textbooks in the previous financial years and the amount of new learners was above the estimated numbers.

Finally, on the issue of infrastructure expenditure, due to the initial slow trends of expenditure on infrastructure by mid-year 2006/07, Provincial Treasury reduced the Department's infrastructure budget by R100 million in the 2006/07 Adjustments Estimate. However, Provincial Treasury committed to paying the R100 million back to the Department of Education if the Department was able to spend this amount by the end of the 2006/07 financial year. The close-out budget report for the Department indicated that the Department over-spent by a total of R136 million. Provincial Treasury agreed to allocate an additional R100 million to the Department in the 2007/08 Adjustments Estimate.

The Committee did express its concern over the action of provincial Treasury which created the circumstances which led to the over-expenditure by the Department, and ultimately condoned the over-expenditure prior to it taking place. It is the view of the Committee that the overall over-expenditure by the department of Education in the 2006/07 financial year, whilst not condoned, was justifiable, and no resolutions were proposed.

Vote 7: Department of Health

Overall the Department of Health overspent its 2006/07 budget by R33,1 million on equitable share funding. The Department underspent a R188,2 million on conditional grants, namely the Hospital Revitalisation Grant by R92,466 million and the Forensic Pathology Grant by R96,476 million.

On Hospital Revitalisation Grant, an amount of R88,9 million from a roll-over of R112,5 million for the 2005/06 was originally earmarked for release back to the National Department of Health on its instructions, and the Provincial Department had to curb its Hospital Revitalisation Grant expenditure to affect this repayment to national government. However, what appears to be the result of poor communication between the provincial and national levels of government, the National Department ultimately did not require the repayment of the R88,9 million, which resulted in an over-expenditure in the Provincial Department's budget.

The under-expenditure of the Forensic Pathology Services grant was attributed to the delays in processing of SAPS claims in the five months preceding the Department's takeover of this function in August 2006. Other reasons were the delays in the submission of claims by the Department of Works, the difficulty in obtaining suitable qualified staff and the challenges in obtaining SAPS co-operation for the upgrade of certain existing mortuaries located at SAPS facilities

On the goods and services over-expenditure, the most significant over-expenditure was for Goods and Services for an

amount of R164,1 million, which can be largely be attributed to the increased spending pressures on the HIV/Aids pandemic and the XDR-MDR TB crisis. What is of great concern to the Committee is that in 2006 the Provincial Executive took a resolution that the Department of Social Welfare and Population Development was to assist in the financing of the Department of Health's TB crisis from roll-overs and savings in the Integrated Social Development Services Grant. This Provincial Executive resolution was reinforced by Finance Resolution 46 of 2006, which was passed in the House in November 2006 for MECs and Heads of Departments of Finance and Economic Development, Health and Social Welfare and Population Development to meet to assess the extent of the Department of the Department of Social Welfare and Population Development's assistance to the Department of Health and report progress by 31 January 2007.

During the March 2007 Budget hearings it was reported to the Committee that the relevant MECs and Heads of Department still had not met, and that the Department of Social Welfare and Population Development had failed to respond to two written directives to assist the Department of Health from Provincial Treasury. In April 2007 the House passed Finance Resolution 55 of 2007 where the extent of the Committee's concern was noted. The deadline for the progress report on this matter was extended to 31 May 2007. At the hearing with the Department of Health on 17 May 2007, 12 days prior to the 31 May 2007 deadline, it was reported that the relevant MECs and Heads of department concerned still had not met on this matter. This was confirmed in a response received by the Department of Social Welfare and Population Development on 24 May 2006.

It is the view of the Committee that the overall under-expenditure by the Department of Health in the 2006/07 financial year, whilst not condoned, was justifiable, and that no resolutions were proposed in this regard. However, a resolution was proposed for the TB crisis. The resolution was as follows: "The Committee notes with extreme concern, the continued non-compliance to Finance Resolutions 46 of 2006 and 55 of 2007 passed by the House regarding the extent to which the Department of Social Welfare and Population Development can assist the Department of Health with the funding of the TB crisis from roll-overs and savings in the Integrated Social Development Services Grant."

The Committee resolved for the Speaker and Leader of Government Business to investigate the cause of this non-compliance to resolutions passed by the House, and report back to the Committee on the outcome of these investigations by 30 June 2007, and whether this non-compliance in any way constitutes contempt of the House.

Vote 10: Department of the Royal Household

The Committee noted with extreme concern that the Department of the Royal Household ended the 2006/07 financial year with a net over-expenditure of R3,4 million, despite an additional R3,2 million being allocated to the Department during the 2006/07 Adjustments Estimate for subsistence and travel costs for His Majesty the King, his entourage and the Queens, and for His Majesty's vehicle fleet. The bulk of the over-expenditure of R2,6 million was against Programme 1: Support Services for His Majesty the King, comprising R1 million for the unauthorised move of the Department's offices from Ulundi to Nongoma; R2 million for subsistence and travel costs for His Majesty the King, his entourage and the Queens; and R1,6 million overspending on the purchase of motor vehicles for His Majesty's fleet. To date no written proof has been provided to the Committee authorising the movement of the Department's offices to Nongoma. Despite a bail-out from Provincial Treasury of R3,2 million for subsistence and travel and the vehicle fleet of His Majesty the King in November 2007, an additional R3,6 million was again overspent on the same expenditure items in the remaining few months of the financial year - a flagrant disregard of the PFMA and the resolutions of this House.

Furthermore, the Department overspent by R246 000 against the category 'Transfers and subsidies to: Other' and was unable to furnish a reason for this over-expenditure. The category 'Buildings and other fixed structures' shows actual expenditure at year end of R520 000, which contradicts the recorded expenditure under 'Construction' for year end of R1,7 million. This discrepancy, as well as the inability of the Department to explain the net under-spending of R1,2 million against 'Buildings and other fixed structures', is of concern to the Committee.

It is clear to the Committee that there is a total breakdown in administrative and financial management controls in the Department, and that the Accounting Officer of this Department is incapable of keeping the expenditure of the Department within budget. Despite firm resolutions passed by this House during the 2006/07 Adjustments Estimate and 2007/08 Budget debate, no visible improvement has been made. In this regard the Committee passed a resolution.

The Committee noted:

- (a) That the Department of Royal Household ended the 2006/07 financial year with a net over-expenditure of R3,4 million, despite an additional R3,2 million being allocated to the department during the 2006/07 Adjustments Estimate for subsistence and travel costs for His Majesty the King, his entourage and the Queens, and for His Majesty's vehicle fleet. The over-expenditure of R3,6 million was for the same expenditure items paid for by Provincial Treasury in the 2006/07 Adjustments Estimate. This expenditure occurred in the few remaining months of the financial year, which constitutes a flagrant disregard by the Accounting Officer of the Department for the PFMA and the resolutions of the House.

The Committee resolved that the Department of the Premier and Provincial Treasury, in addition to the interventions required in Resolutions 45 of 2007 to 49 of 2007 of the 2007/08 Budget report of the Committee adopted by the House in April 2007, immediately intervene in the administration of the Department including, if necessary, the secondment of personnel, and provide a report to the Committee by 25 June 2007 detailing a realigned budget for the 2007/08 financial year, reducing the current budget by the unauthorised expenditure for the past three financial years, and breaking up the three programmes of Vote 10 into cost items, such as subsistence and travel, vehicle purchases, vehicle maintenance, etc; and

- (b) For each cost item referred to in subsection (a) above, a plan must be provided on how the Department intends spending this money during the course of the 2007/2008 financial year. For example, if R10 million is allocated to 'Subsistence and Travel', the events to be attended by His Majesty the King and his entourage must be indicated and the amount budgeted for each event listed.

Mr Speaker, thank you. That is the conclusion of our report which was accepted unanimously by the Committee.

THE SPEAKER: Thank you, hon member Mrs Scott. I now proceed to the next speaker on the Order Paper. I have an amended list signed by all Whips and party representatives, and according to the list the next person to speak on this item is Mrs Downs, for six minutes. There has been a swap of Hamilton down to the space of Mrs Downs and Mrs Downs is now the first member to speak.

MRS J M DOWNS (ACDP): Mr Speaker, I wish to begin by congratulating the Provincial Treasury. When I opened the PSC report to have a look, I saw a table on page 22 which talks about trends and under and over-expenditure from 2004 to 2006. I notice that KwaZulu-Natal is within the 0,2% to – 0,1% range in expenditure, which means that our overall budgeting and expenditure is extremely accurate. I think that congratulations are definitely in order. It is nice to see that.

There are a few concerns that we have. I want to just talk about the Health first of all. I am interested to hear the MEC talked about the over-collection of revenue in her speech, but she did not mention the under-collection of revenue in the Health Department at all. There is an under-collection by about R16 million. It is something that we have been asking questions about in the Finance Committee for some years. I do not think that we have a formal resolution on the matter. We have had explanations from the Department of Health, but I am not convinced that they are doing everything that they can to collect the fees that they should be collecting.

The other concerns that we in the ACDP have are on the Education Department. Having travelled on an education study

tour overseas very recently, and without pre-empting the findings of that tour, I really believe that we need to be paying more attention to Education. We have several objections that Education is underfunded. I have to agree with that. If we want to see the kind of development that we have to have in this province, we need to be looking at funding Education more, so I am not surprised that it is overspent.

The only concern that I have is in the schools nutrition programme. There is a problem of management, where invoices and machinery and so on are coming in late, which makes it difficult to actually then tie everything up. Perhaps we need to look at a multi-year situation, where we are able to get time to get time to get those invoices and it needs to be managed.

The biggest concerns that we have are the Department of Agriculture. The conditional grants that were under-spent in the Department of Agriculture, land care, Agriculture Support Programme and the Disaster Management are of great concern. These are issues that we have had in our province. Land care is vital in the province if we want to see the agricultural revolution that we are talking about. Agriculture support services could have been better planned. However, I think this is an indication of the overall problems with management in this department, and we trust that this will be improved in the next financial year.

I now come to the Department of Health. Again, it is not entirely their fault. The hospital revitalisation under-expenditure is not entirely their fault. However, I would think that there should be better intergovernmental communication and co-operation because, again, hospital revitalisation in this province, particularly with some of our older hospitals, that expenditure is desperately needed. I am hoping that we will get the rollover and that we will be able to expend those amounts.

The issue with the forensic pathology labs again highlights the problems and management within the SACP ... pardon, the SAPS. [Laughter.] Sorry, not the SACP! [Interjections] The Speaker can smile at me, but I think that was maybe a bit more than a Freudian slip! As I was saying, it highlights the problems I think in the SAPS. I am very glad that the pathology and forensic units have moved over to Health. We, as a Legislature, really need to be pushing to get those services pushed over as soon as we possibly can, because I think they are going to improve greatly.

Having been the victim of a murder in my close organisation, and having to visit the pathology labs and the forensic units, I must say they have been pretty bad. I am looking forward to seeing those improved.

I now come to the Department of Economic Affairs. I echo what the MEC says. This department is the one that is going to be providing growth in the province. We need to have better planning. It is something that is desperately needed and I really think that this is one of the lead departments. We cannot have, we just simply cannot have under-expenditure in this department. You know, whatever the reasons, they need to iron them out and sort them out, because it is a matter of good management.

As far as the Department of the Royal Household is concerned, well, I actually think it is ridiculous. The attitude of the Acting Head of Department of Royal Household is that whatever His Majesty asks for, he gives him without concern for budgets or whatever. It is a ridiculous attitude and needs to be changed.

I do not think that the budgets are properly done in the first place, because the things that would be needed by His Majesty would be provided for. I think that is the first problem. Secondly, I am sure that if anybody discusses things with His Majesty and says there simply is not the budget for what you want, we will have to put it in next year's budget, I am quite sure that His Majesty, as a proper person, would accept that. I do not think that the Head of the Department is doing his job effectively. [Time expired.]

MR M E SITHEBE (ANC): Mr Speaker, I am elated and humble to be amongst the speakers entrusted to talk on the

fiduciary issues. The issue of good and clean governance is the key to acceleration of social service delivery which engulfs the immense majority of humanity. The under-developed and developing inhabitants of the world can be disentangled from a social quagmire only through effective, transparent, accountable and coherent governance.

It is important to observe Section 215(1) of our Constitution, which reads as follows:

National, provincial and municipal budgets and budgetary processes must promote transparency, accountability and the effective financial management of the economy, debt and the public sector.

The reports received from Treasury are an indication of our adherence to constitutional imperatives which seeks to enable us to provide service delivery in an effective and fair manner. At least it is important to acknowledge the challenges that confront us as we seek to redress all service backlogs that we inherited from an obnoxious apartheid legacy.

I intend to speak on a few issues that are reflected in reports of under-spending, over-spending and related stuff. The resolution of the Finance Committee should be observed and adhered to. You should have portfolio committees checking what the resolutions are, the resolutions that were taken at the finance level. They should be able to monitor and observe those resolutions and see whether the departments are adhering to those resolutions. That is an area that needs to be flagged. I think it is quite important that all members of committees should attend to that, because that is what we are expected to do as members of this Legislature.

The working relations amongst portfolio committees, Treasury and internal audit committees should be improved in order to maximise service delivery to our people in the province. Capacity building for our committees is required so that they are fully equipped to unleash their oversight role. The Constitution outlines the oversight role of the Legislature in Section 114(2)(a) and (b) respectively. The two sub-sections deal with accountability and oversight which obliges the Legislature to set up mechanisms and systems so that services are delivered in a sustainable manner.

Let me touch on Section 21 schools. It is important to observe that the accountability and oversight role in all Section 21 schools is minimal. Most audits done on behalf of Section 21 schools require much attention. We need to sharpen the above outlined area in order to enhance transparency and accountability. This is an area that needs to be looked at because we should check whether there is value for money for what we provide for those Section 21 schools.

The second area of my focus is an over-expenditure of R164.1 million affected by the Department of Health, which is an attribute to the increased spending pressure on HIV/Aids and the XTR and MDR TB crisis. The Finance Committee observes that to date no progress has been affected. Maybe we need to draw our attention to Section 214(2)(j) of our Constitution which reads as follows:

“the need for flexibility in responding to emergencies or other temporal needs, and other factors based on similar objectives criteria.”

In this case we are saying it is quite important that we should continue to be flexible in terms of providing the necessary service where we are required to do so, and begin to work in the spirit of cooperative governance as per the constitutional mandate that is entrusted on our shoulders.

The other area of major concern is the Department of Royal Household. There is quite a lot of expenditure that is affected at that level. It does not look very rosy. In fact, it's quite pathetic. We need to have a mechanism in place that will address all those areas that need to be attended to. We are not convinced that they will be in a position to come up with a clear mechanism to provide some sort of transparent management of finances at that level. However, we are pinning our hopes on the whole question of at least a secondment of personnel that are going to be deployed at that level. I mean, the

Portfolio Committee on Finance expects at least a report by the end of June so that we can check whether we are clamping down on what is essentially an untenable situation.

It is also essential to note a roll-over of R88,9 million from R112,5 for 2005/06 which was earmarked for the hospital revitalisation grant. This should be addressed in order to fast-track service delivery. We need to sharpen our communication in order for us to adhere to our Constitutional mandate as per Chapter 3 of our Constitution which puts a lot of emphasis on the whole question our corporate governance. We need to ensure that our national sphere and our provincial sphere of government begin to talk to each other and begin to share information so that we accelerate service delivery to our people.

Lastly, comrade Speaker, let us rise and build the province despite all odds that we encounter on a day-to-day basis as we better the lives of our people. Hon Speaker, comrade Speaker, we are now having an enacted all relevant legislation that are ... [Interjections.]

MRS B S MOHLAKA (IFP): *Baba Somlomo* [Mr Speaker], on a point of order: The word “comrade” is not parliamentary. [Interjections.]

THE SPEAKER: No, what is not parliamentary is for the hon member not to use the prefix. That is correct. However, there is no rule against using the word “comrade”, so I just plead with the hon member to use the correct approach that is intended by the Rules. Do include the prefix that needs to be used. I have already spoken on those matters. [Interjections]

Ya, but asizukududa ama-rules ethu njengalesi Sishayamthetho athi konke okushoyo kufanale kulandele u-“honourable” konke okushoyo ukuthi uthini emva kwalokho as long as it is parliamentary kodwa u-“honourable” kufanele ukuthi abe khona ingakho ngiqondisa leyo nto ...[akuzwakali] ngisize nje umsebenzise u-“honourable” lunga elihloniphekile noma yiliphi ilunga uma usukuma nje uzosebenzisa lawo magama mfake u-“honourable” ngoba usemthethweni yethu njengesiShayamthetho. Ngiyabonga.

MR M E SITHEBE (ANC): Thank you, hon comrade Speaker. [Interjections] Hon comrade Speaker, I think ...

THE SPEAKER: *Awubambe futhi engathi kukhona inkinga la.*

MRS B S MOHLAKA (IFP): *Baba Somlomo uyasixosha uthi asihambe la eNdlini.*

THE SPEAKER: *Angisezwanga kahle aninikeze ilungu elihloniphekile liyibeke kahle inkulumo yalo. Konakele kuphi lungu elihloniphekile?*

MRS B S MOHLAKA: Hon Speaker ...

indaba yobungani noma yini kusho ukuthi uyasixosha-ke thina ngoba phela kusho ukuthi asiyena u-“Comrade”. Sengihlala phansi

THE SPEAKER: *Hhayi akuyona-ke i-Point of Order ke leyo ngoba phela kukhona lento okuthiwa i-freedom of speech ne-choice as well. Eeh okufanele ukuthi ilandelwe.*

MR R M BURROWS (DA): Mr Speaker, I did have a memory that we actually considered this matter in the Rules Committee. I refer to Rule 63: “A member may not refer to any other member by his first or first name or names only. The term “honourable” must be used followed by the member’s surname or portfolio.” So it is “the hon Speaker”. It cannot

be "the hon comrade", with respect. [Interjections]

THE SPEAKER: You see, that interpretation of the Rules is very restrictive. It is very restrictive, but it is also accommodating because in a sense ... [Interjections.] Hon members, can we please have order. I was saying it is restrictive, but it is also accommodating because in a sense it does not say you cannot say any other thing that is not unparliamentary. In my view the norms of society must also be respected. There is nothing wrong when hon members call each other brothers and sisters, it is part of social dialogue and it is part of the terminology that is used by society. Nobody can be offended by that.

The other issue that is quite important is that some of these names, some of these terms, may seem offensive to others. However, for others it is actually an honour to be called in that manner. Let us be accommodating. Let us be tolerant. There is nothing derogatory about the word "comrade", nothing at all. That has never been proved. The Rule was not intended to address that, so can we please allow that word to go. Let the hon member proceed without further interruption, please. [Interjections.] We do seem to be entering a debate. After the Chief Whip of the Opposition, I will then see what we can do with the issue if it is the same issue. Yes, hon Chief Whip?

MR H L COMBRINCK (Chief Whip of the Official Opposition): Mr Speaker, I wish to say something on the same Rule. It was a way of speaking we learned in the House for 12 years, but we have never used it. If it is a ruling by you, Speaker, we will have to abide by that. You said we must be accommodative about the whole matter. However, can you do a ruling on that issue so that we know where we stand? Thanks, Speaker.

THE SPEAKER: Look, that is exactly what I was intending to go to. Let us look at the first part of the Rule. The first part of the Rule says a member may not refer to any other member by his or her first name or names only. The intention there is to define that before you use the member's name, please use the word "honourable." That is what the rule is trying to do, to insert the word "honourable." That is my interpretation.

Now, where anything else is not offending the Rules of this Legislature or the practice of this Legislature, there is nothing wrong. That is why I am tolerant of a person who uses "honourable" and any other designations or status that are there. When you say "honourable Dr So-and-so", you are giving him or her that status. You are describing the status of that person. It is hon Dr So-and-so. Otherwise, if we were to be as restrictive as the Rule here says, we would certainly not say hon Professor So-and-so, or hon Dr So-and-so, because those are descriptive names. In this case, the word "comrade" is also a descriptive name for a particular relationship. It is not offending any practices of the House. That is why I am saying, if the word "honourable" has been used and nothing else offends, then the hon member is within his rights.

This matter will also form part of my discussions with the Whippers as we discuss the manner in which I handle some of the matters while I preside here, and for the sake of any other presiding officer, as well. Shall we take it for now that the hon member will proceed and use the prefix of "honourable" as indicated by the Rules, and other descriptive terminology thereafter, but then also names and surnames. Please proceed, hon Sithebe.

MR M E SITHEBE (ANC): Thank you, hon comrade Mchunu. I am seeing hon *Inkosi* Mathaba over there reading the Rules.

In conclusion, we have now enacted all relevant pieces of legislation that seek to guide us as we attend to our day-to-day work that we are faced with. Our task is to ensure that all committees begin to work and begin to get closer to the mandate that we have from our pieces of legislation, like the Public Finance Management Act. I thank you, hon Speaker. Thank you.

MR J KROG (DA): Mr Speaker, I am just happy to be back in the House. I do not know under what Rule, but I think it is my speaking turn next.

THE SPEAKER: Is it your speaking turn? [Interjections] Hon Mr Krog, when you rose, the hon Chief Whip of the Opposition also stood up. I was expecting that there would be an explanation, but if it is your turn, well, then it is your turn. I do not know how it became your turn. It really is not on my list here.

Hon members, firstly I would like to entertain an explanation from the Chief Whip of the Opposition with regard to the issue of Mr Hamilton, after which I will proceed. Now, the issue of Mr Hamilton?

MR H L COMBRINCK (Chief Whip of the Official Opposition): Speaker, we tried to accommodate him on the first Speakers List. As I had indicated to you, the debate was supposed to be after lunch. However, because of Question time being condensed and there being no further questions, the whole programme moved along rather rapidly. I told Mr Hamilton yesterday that he could be here after lunch. Unfortunately I cannot move him again. If he is not in the House, he forfeits his time.

THE SPEAKER: That is what I wanted us to record. In that case ...

MR R M BURROWS (DA): With respect, Mr Speaker, we signed an alteration that Mr Hamilton had exchanged places with Mrs Downs, and not Mr Krog at all. Mr Krog was never involved. That is what we signed.

THE SPEAKER: No, Mr Burrows, can you just bear with me? I am trying to manage a situation here which I do not think you would understand better than me. The issue of Mr Hamilton therefore remains as follows: if by the time we come to his slot on the Speakers List and he is not here, there is an agreement by the Whips that he forfeits that slot.

The second issue that we must now address is the issue as it pertains to Mr Krog. In the list I have here, after Mr Sithebe, it is Mr Rajbansi. After Mr Rajbansi, it is Mr Hamilton who has taken the place of Mrs Downs. Then it is Mr Tarr, Mr Mbatha, Mr Msomi and then Mr Krog, and then Mr Ngcobo and Dr LPHM Mtshali. I am made to understand that members have in their possession a list that has Mr Krog as the fifth speaker on the Speaker's List. In my list he is number 10 on the Speakers list. I have therefore agreed with the Chief Whip that I will use the list that is in the possession of the members of the House, rather than the one I have. I seem to be the only who is holding such a list. Any member who is holding a list in which Mr Krog is number 10, please know that you and I are holding a list that is no longer being used in the House.

MR V C XABA (Chief Whip of the Legislature): Mr Speaker, may I address you on that point? The hon Mr Combrinck came to me with a list and wanted me to agree to a swap. I did not even look at it or compared it to the one before me. I appended my signature on it and went to Downs and all other members and they all appended their signatures on it. The list that is before you is the list that I am talking about right now. Where Mr Combrinck got that list, I just cannot understand. Anyway, the list that you have is the list that is before me. Can the issue just rest there, Mr Speaker?

THE SPEAKER: Hon members, I would love to proceed. Chief Whip of the Opposition?

MR H L COMBRINCK (Chief Whip of the Official Opposition): Speaker, it is most unfair for the Chief Whip to say he does not know where I got it. This list was produced by his office and was given to the staff to be distributed in the House. I picked it up here on the table. So pardon me, it is not an invention that I picked up. If we made a mistake, we made a mistake, but it is not something that was suddenly typed somewhere in my office. I take exception to that.

THE SPEAKER: Well, let us not continue with debating that, Mr Chief Whip of the Opposition. The list that I had, before

the amended list came to me, does have Mr Krog as number 5. That is the list I was using initially, but this amended list that was subsequently given to me has Mr Krog as number 10. I mean, where that comes from is a subject for my investigation later. However, let us not fight about it. We will proceed with the hon member Mr Krog who is then going to have – I hope the times are still correct. [Interjections.] Even the times are very, very clumsy. [Interjections.] Yes, but I would hate to tell you how much they had given you in your number 10 slot. [Interjections.] Well, do not go for that one. Hon Mr Krog, you have seven minutes to debate on this item.

MR J KROG (DA): Thank you, Mr Speaker. It is very nice to be back in the House.

May I start immediately by congratulating the MEC for concluding the uShaka International Airport and the Dube TradePort deal that we read about in the paper this morning. I think it is a major achievement, although the price is more than double the initial estimated cost. We look forward to the sod turning which, as was indicated, will happen during June of this year.

The MEC and Treasury must be complimented in presenting the preliminary close-out report of departments for 2006/07 on the 10th of May, just more than a month after the end of the financial year. I think that is a record and a great achievement.

The Chairperson of the Portfolio Committee on Finance is commended for setting up and conducting the hearings on Education, Agriculture, Health and the Royal Household with such great speed. I think that must be her DA pedigree showing! [Laughter.] The over-collection of revenue of 11,5% (some R146 million), compared to a budget of R1,42 billion is also welcomed. However, we in the DA have a suspicion that budgeting was slightly conservative on the revenue side.

The net under-expenditure of R434 million - almost half a billion - is worrying, especially if one considers that R243 million was on conditional grants. The MEC himself has raised that in this speech.

It is also worrying, because we have just come from Umzinyathi where we have seen what is happening in the rural communities. The emphasis during these hearings was on expenditure, over and under, rand and cent terms. The departments were also requested to report on inputs, outputs, outcomes and to align their expenditure to the strategic objectives and strategic plans. I call it HMTB – not “His Majesty”, but “Honourable Mike Tarr’s Baby”. He emphasises performance budget systems as vital in our system of evaluating departments, especially after close-out. This should be more important in future when reporting to this committee. This reporting was inadequate in the sense that not all departments had reported. This must be in line with priorities set by the Government.

The mission statement of Treasury, namely to be centre of excellence in financial and fiscal management in the country, should be adopted by the Portfolio Committee on Finance and also by this Legislature. This should include the previous vision that the best value for each rand spent in KwaZulu-Natal must be achieved. This is where we do not succeed, Mr Speaker. The Department of Agriculture is an example of us not achieving the best value for each rand spent.

Part of the programme of the Portfolio Committee on Finance during the past few months was a presentation on the rands given to us to spend in our province. The DA is not convinced that that the equitable share - conditional grants and strategic projects such as Koega Port and Gautrain – is, in fact, equitable and takes everything into consideration, especially backlogs in this province. Only 2% of the formula of the equitable share is to address backlogs and poverty. Quite rightly, the Finance Committee address itself to this aspect which is important. Expenditure – over and under – is important. Aligning budget to strategy is important. However, the total income and revenue that we receive must be ... [Indistinct.] ... and we must consider that or the DORA Bill. The acid test is whether the Executive, departments, portfolio committees and Legislature have achieved what we should have during the past year.

Dr Jeff McCarthy, a consultant and development researcher, has found that KwaZulu-Natal know-how migrates up country to Gauteng. This must be a warning to us. Skilled people from KwaZulu-Natal must be retained to ensure development. KwaZulu-Natal loses skilled people at a rate of 1:2 – that is, one skilled person comes to KwaZulu-Natal and two leave the province.

Residents of KwaZulu-Natal earn an average of half those of the Western Cape and Gauteng. This knowledge is important for us when we plan for the future. As the hon Mrs Downs has said, education must be a priority in our expenditure.

I also want to refer to the SAIRR [South African Institute of Race Relations] report that has just been released. That report emphasises great imbalances in terms of education, poverty levels and job opportunity between KwaZulu-Natal and other provinces. According to the report 11,5% of the population of KwaZulu-Natal have no education. In Gauteng this figure is 3,9%. Gauteng is nearly three times better off than KZN. Adults with degrees in KZN stand at 3,3%. In Gauteng this figure is 6,3% - double. The figure for adults with diplomas in KwaZulu-Natal stands at 5%. In Gauteng it is 10%. The matric pass rate in KwaZulu-Natal is 66%. In Gauteng it is 79%. University entry passes in KwaZulu-Natal stand at 15%. In Gauteng this figure is 22%. Some 29% of households in KZN have no electricity. In Gauteng this figure stands at 15%. Households with no access to sanitation are 7,7% in KwaZulu-Natal. In Gauteng this figure is 1,5%.

Mr Speaker, I have been accused of being negative, but in previous debates it is important to see what we are doing and where we are going. The growth and development must be seen. The facts must be presented. I prefer to see these facts and be forewarned, rather than being an ostrich with my head in the ground, or one of the three monkeys that see no problems, hear no problems and speak of no problems.

It is important for us to see in a greater context where we are going. Take these facts and develop our future budgets in relation to these facts that are available to us and to the province. We face a great challenge to keep our skilled persons in this province. I think that is an ideal that we have to align with our priorities in this government. I thank you.

THE SPEAKER: Thank you, Mr Krog. I now proceed to the sixth speaker on my Speakers' List. The next member to speak is the hon Mr Rajbansi. The hon member is not here. I therefore proceed to the seventh speaker who is the hon Mr Hamilton. The hon Mr Hamilton is not in the House, and he therefore forfeits his speaking turn. The next speaker on the list is the hon Mr Tarr who has 10 minutes.

MR M A TARR (ANC): Mr Speaker, the hon Mr Krog made reference to the report by the Institute of Race Relations. I think many members would have received this in their mail and post boxes. The institute quotes a number of statistics, but unfortunately – and I do not have it here with me – it presents our province in a most unspeakably negative way. They put forward many positive facts about Gauteng, and then they follow on with KwaZulu-Natal. It is the province with the highest Aids rate in the country. It is the province with the lowest education standards in the country. It is the province with the highest HIV statistics in the country. That is how they present our province!

Now, some of those statistics may be true, but there are many other ways in which they could have presented our province too, such as the province showing the best growth rate in the country or the province which has a much higher potential than any other provinces in many respects. It is therefore unfortunate that they still see fit to portray our Province in that sense. I am not picking on Mr Krog. He is quoting exactly what they said there.

Getting back to today's debate, it is extremely difficult to say anything new about the close-out reports that has not actually been highlighted by the hon MEC or Mrs Scott or the other speakers in the House today. However, I think there is one important aspect that I should perhaps bring to the notice of the House. The report deals with the different departments, but instead of leaving it there, the report then goes on to formulate a resolution which deals with whatever

problem was identified by the Portfolio Committee. These resolutions in this report are taken together with the other resolutions of the Finance Committee and those resolutions that were dealt with. That actually wipes the slate clean for the previous year. This, of course, should be a very good source of satisfaction to everyone in this House. We know the previous year has been thoroughly dealt with. What has not been dealt with is still standing over in the form of resolutions, so they do not fall through the cracks and disappear. They are still there in the form of a resolution which the committee can then monitor and follow up on. In a very neat way the previous year is cleaned up. Some resolutions stand over and they need to be dealt with. The Chairperson of the Committee, the hon Mrs Scott, who has been at the forefront of doing this, certainly deserves congratulations from the House.

The Committee itself was satisfied with most of the explanations that were given for the over or under-expenditure. As Mr Krog pointed out, our total expenditure was 1,2% under the total. This is well within the guidelines which would normally be accepted to be okay. As far as the province is concerned, the big picture is fine. We are doing well. I think Mrs Downs made reference to this little booklet that was handed out today. That also indicates that the big picture in our province is okay.

There are some concerns. They have been highlighted. I think two of the most serious concerns relate to the Royal Household. I understand from Treasury they have now started a process whereby they can intervene to deal with the problems in the Royal Household. Of course, the other concern relates to the lack of assistance from the Department of Welfare to the Department of Health in dealing with the extreme drug-resistant TB crisis and also the HIV crisis. Those have been dealt with at some length, so I do not think that it serves any purpose to go further there.

I now would like to get onto what Mr Krog refers to as a HMTB. Perhaps I can also refer to it as the HJKB, because I know he also has a particular interest in this field. What we are saying here today is that compliance looks okay. It is fine. However, what about value for money? That is the next thing which would be very useful in close-out reports down the track, if we are able to look at that.

What would be of interest to the House is to know of the new initiative that is taking place in the Premier's Department. The Premier has made mention of it a number of times, and he has coined the word "nerve centre". He is now in the process of creating a nerve centre in the Premier's Department. What that entails is the pooling of all data that is available – census data, budget data from the different departments, GIS [geographical information systems] data, etc. At the moment there is a process taking place which is called the "first build". This involves looking at all available data sources, pooling them and then having programmes in place - there is an international firm that is an expert in this – and then you can actually mine that data and combine all the data that we do have, so that we really know what is going on in the Province.

What does this actually mean, Mr Speaker? It means that data will be available on which we can set performance targets. It means we will be able to measure progress towards provincial goals by monitoring this data. Of course, it provides an ideal oversight tool for departments and, particularly, for portfolio committees in the Legislature. It also assists in moving away from a set-up whereby there is a tendency to operate within silos.

I can think of one or two examples like poverty alleviation. Now poverty alleviation depends on a range of things – health intervention, roads, agriculture, education and economic development. All those departments together must play some role in assisting with poverty alleviation. How then do we monitor progress? We can do that now by actually looking at this pool of data. We can mine the data. We can create poverty indexes. There has already been an attempt to do that. However, I think it needs a fresh look. We can create poverty indexes and we can then monitor our progress towards our provincial goals.

Once this is in place, it would put us at the forefront of any monitoring and evaluation process in our country. However, a

final word of warning or caution is that it will take a very strong and concerted effort to put the system in place. It is going to require resources and those resources could be considerable. I am talking about resources in terms of human resources, in terms of buildings, in terms of money. Now, if we do not do it properly, we might as well not start at all. However, I am hoping that in the near future a business plan will be presented to this House for implementation. It could run into a lot of money but, as I have said, I believe it would be worthwhile so that when we look at future close-out reports, we can say not only has there been compliance with the regulations, but we can tell the public out there on the basis of measurable standards, that they have received value for their money.

Thank you, Mr Speaker.

REV A H MBATHA (NADECO): *Ngiyabonga Somlomo.*

NADECO would like to congratulate the hon MEC on a good report on budget performance. I must also quickly say that the hon MEC impressed the House by making his observations at the end which are similar to those made by us in the House. This makes it very difficult for us to attack him, so his report ... [Interjections.] Hon Speaker, I am asking for protection. I do not know why they are talking about Koega now.

THE SPEAKER: *Musani ukulihlupha ilunga elihloniphekile likhuluma. Cha bakwenye indawo nje Mthiya, bakwenye nje impela, wena nje khululeka wazi ukuthi abasho kuwena.*

REV A H MBATHA (NADECO): Hon Speaker, it is very good that that there was an over-performance on total revenue collection, despite the R100m adjustment. One would caution quickly, though, that if you overperform on collection or on sales in the private sector, as it appears here, it is seen to be a failure to forecast or a failure to project properly. However, in any event, we are happy that the budget showed that an over-performance and over-performance did take place. For that we are happy.

The under-expenditure on economic development is bad. That is a bad reflection if one compares it with the dire need out there. This should not happen, and this has already been said by speakers before me. There are many people out there who need help in their co-ops, for their ventures. They need help so that they can kick off and start doing something, and yet we underspend in an area where people are expecting help from. If we plant less, we cannot expect to harvest more. That is a fact. If the Economic Development economises on its own budget, we will economise on our growth. The hon MEC has already made that observation too.

It is critical that the hon MEC, together with the Head of Department, will sit down and come up with a plan to arrive at user-friendly methods which will enable members of the public to access funding or help from this department.

The matter of Social Welfare, which underspent by R66 million due to a flawed tender process, should be seen as a failure to perform by the people that were overseeing the tender process. It is not something that can easily be accepted, namely that money that is meant to service people ends up in the fiscus simply because the people who were pursuing the process failed to see to it that the process was correct and run early. Therefore, I do not think that this should lie there. The hon MEC will have to interface with this department and ensure that we do not get a situation where we fail to spend money because the process was seen to be flawed.

This goes together with the two provincial departments that were supposed to sit together and agree as to how to spend the money. Simply because they failed to sit together and agree until the year-end, we were not able to spend that money. What were they doing every day? It is their call to sit together and ensure that the year-end is about to come and make sure that they use the year-end as the deadline. For them to simply think that it would be reported that they failed to agree therefore, that they were unable to spend the money, is not good enough.

I think the hon MEC needs to pay particular attention in this area too. These resources are meant to help people. They are not meant to stifle the bureaucracy in the departments. The departments are there to reach the people.

I now come to the under-expenditure by Local Government on water purification. If it is on water purification, my first feeling is that this is a health hazard. If you save money or you underspend, you fail to take a precaution which is critical to health, and you end up reporting that you were unable to spend the money in that area. We have debated the issue in Agriculture long enough in this House. Hon MEC, now that we have started a clean slate, I just hope we will not experience what has happened in the Department of Agriculture before. If we look at government performance in the past year, we will all think of the Department of Agriculture which became topical in this House.

I do not understand why the Health Department shows poor management to the extent that R80 million was not spent. We need to look into it. Hon MEC, you know these issues where there was no problem, except that the department fails to live up to the business plan, so at the end of the year it simply reports that it was unable to spend R80 million, or that the Hospital Revitalisation Plan was unable to be completed within the year. They should at least try to report that there is a likelihood of them failing to do this, so that the necessary precautions can be taken to correct that before the year ends. In that way we do not end up with unspent money when there are many hospitals out there that could have been attended to.

Yes, hon MEC, I think all of us are glad about the infrastructure, because infrastructure spending lies at the core of development in this country. One is pleased to see that 99,9% ... I hope it is 99,9%, because I did not study the report too well. However, the fact that there is 100% spending on infrastructure is good, because I personally have said in this House that if you fail to budget properly for infrastructure, you will be failing the country. I therefore commend the department on its spending on infrastructure.

I feel that the R53 million on housing is a good overspending. If you go out there to the public and say we have to build more houses than anticipated, it is a good report to the public out there. If we provide more accommodation for our people than we have anticipated in this House, we all have to be happy about that.

I am not so sure about this donor funding issue, or maybe I do not understand it because my understanding is that this donor funding usually goes with some projects and those projects usually attract some people who are to get jobs out of them. However, because nobody really cares whether people have jobs or not, donor funding turns out not to attend to it as it should. Maybe I will understand later as to what can be done so that donor funding is utilised properly for the benefit of the people out there.

My final remarks, hon MEC, relates to the Royal Household, obviously. My view in this is that we need personnel in that department. We also need a system that one cannot override. You know the systems that I am subjected to as an ordinary person. I do not expect it to be the same systems that His Majesty the King is subjected to. However, I am sure that his workers are supposed to be subjected to the same system. They are not His Majesty. They also have to account for what they do, and they also have to face a situation where you go to an ATM and you cannot get money out of it because there is not enough money inside. I do not expect His Majesty to be in that situation ever. In fact, I will be the first to complain. However, I think his workers have to face that kind of system, hon MEC. Thank you.

THE SPEAKER: Thank you, hon Rev Mbatha. Hon members, we are now going to adjourn for lunch.

Ngiyambona uNomndayi bese esukumile, cha, siyabuya nje khona manje.

However, before we adjourn, I need to say something. You will remember that at Msinga I kept on trying to indicate to you to put faces to the names of our service officers in the Chamber. You have seen them moving up and down but,

mistakenly, in the morning I was not able to remember that. I kept on saying you will see them. You know the names. I will now say to you the man in that corner there is Joseph Gumbi. That is Xolani Ninela in the corner there. In that corner is Siphon Hlatshwako. That is uZamangwane Khanyile. That is Zamangwane Khanyile on that side. That is Ntokozo Gasa this side. I just wanted you to know that these are the new members of staff who have joined us as service officers. I hope they will enjoy their work, and I hope they will be treated with dignity.

The also need to remind members that the Health and Welfare Portfolio Committees will meet when we adjourn. The suggestion from the Chairpersons of these Portfolio Committees is that we start the meeting before going to lunch. The meeting is in the Caucus Room.

Finally, before I forget, I also need to record the names of those who will be representing this branch of the CPA at the Africa Region CPA meeting in Cape Town: Delegate T W Mchunu; Observer L G B Ndabandaba; Observer N G Swartbooi; Observer I L R Mbuyazi; Observer L Hlongwa, and the Secretary of the Branch, N Naidoo. Those are the names of our delegation then. Hon members, we will adjourn until two o'clock this afternoon.

Business suspended at 13:13.

Business resumed at 14:01.

THE SPEAKER: When we adjourned for lunch, the hon Mr Msomi was to address the House as the next speaker.

MR B J MSOMI (UDM): *Somlomo, i-draft yami la bengiyenze ngesiLungu, kodwa ukukhuluma isiLungu lonke usuku, mina ngizokhuluma ngesiZulu. Okokuqala ngithi angibonge kuqala kuNgqongqoshe uKhabazela, umhlonishwa ngombiko wakhe asethulele wona la. Kanjalo futhi ngiphinde ngibonge uSihlalo weKomidi le-Finance and Economic Development, umhlonishwa u-Belinda Scott. Umuntu uyazibonela nje ukuthi le mibiko yomibili iyakhulumisana - they talk to each other, into ekhomba ukuthi kukhona ukusebenzisana nokuqonda ngomsebenzi owenziwayo.*

Angidlule-ke lapho Somlomo, nakuba mhlawumbe inkulumo yami izohambisana nezinkulumo ezenziwe ngabahlonishwa abakhulume phambi kwami. Ngizokhuluma la ngokungasebenzi kwezimali ngendlela eMnyangweni Wemfundo, la kuthiwa khona kune-underexpenditure khona ikakhulukazi lezi zimali okufanele ziye kuma-no fee schools. Kungiphatha kabi Somlomo ngoba lezi zikole zisenkingeni enkulu kabi yokuthi zingazi ukuthi lezi zimali zitholakala nini, ngasiphi isikhathi, begcine bephoqelekile mhlawumbe ukuthi baze bathathe izimali kubazali. Kuyadumaza-ke nokho ukuthi le mali ayikwazanga ukusebenza ngendlela. Kungaba kuhle mhlawumbe ukuthi uMnyango ukusukumele lokho.

Ngiphinde ngibe seMnyangweni Wezempilo futhi, ukuthi ukwakhiwa kabusha nokuvuselelwa kwezibhedlela akuyona into enhle ukuthi kube nezimali ezingasebenzanga ngenxa yokuthi kunezikhalo mhlawumbe ngalabo abasuke befuna ukunikwa le misebenzi. Ngiyavumelana nesikhulumi esikhulume ngaphambi kwami umhlonishwa uMbatha, ubaba uMbatha, othe lokhu kukhomba ukuthi kukhona ukungahambi kahle uma kuzoba khona ama-appeals amaningi angaze adale nokuthi kube khona i-under-expenditure engaka. So, bekungaba kuhle mhlawumbe ukuthi uMnyango usilekelele la ukuthi iliphi iqhinga oza nalo manje lokuthi angabi khona la macala, uma kungukuthi kulo nyaka sizimisele ukuthi siyisebenzise yonke imali okufanele isetshenziswe ngoba le nto yama-rollover akuyona into enhle futhi ayikhombi impilo.

Kwi-Agriculture noma kwezolimo, ngizovumelana nami futhi naye umhlonishwa uMbatha, kuningi osekukhulunyele la, kodwa-ke kungidumaze kakhulu, nokho umuntu enethemba-ke ukuthi isimo esisibone senzeka kulo Mnyango obaluleke kangaka angeke sisenzeka njengoba sazi ukuthi ubuholi bakhona busha, u-Minister wakhona musha. Kuyadabukisa kakhulu ukubona ukuthi kunezimali ezazikhishelwe ukuthi zisize abantu ezinhlekeleleni zezulu, namanje abantu bayakhala ukuthi izimali abazitholanga, bayakhala abanye ukuthi kwathola abangafanele bathole, kodwa uma sesithola umbiko namhlanje lo wokuvala ukusetshenziswa kwezimali uthole ukuthi kunezimali ezingasebenzanga, kuyiphutha-ke

elikhulu lokho.

Kanjalo futhi nokuthi kulungiswe umhlaba kusizwe abantu ngezolimo, umxhumanisi weNtambanana lapho athola khona ukuthi kunemali eyayiphuma kwi-European Union Fund eyaze yabuyela emuva ngoba uMnyango uhlulekile ukuthi ukuyisebenzise le mali ngesikhathi, yaze yahamba yaya kubantu abayidingayo. So, bekungaba kuhle mhlambe ukuthi-ke ubuholi obusha boMnyango buqikelele ukuthi lezi zinto ezenzekile zibe yisifundo zingaphinde zenzeke. Ngiyajabula-ke nokho ngoba uNgqongqoshe umhlonishwa uGcwabe ukhulumile ngoMnyango wakhe athe awenzanga kahle kanti ulindeleke ukuthi usize kakhulu kulabo sozimboni abasaqala, nosonkotileka abasaqala. Kunemali eningi engasebenzanga. Ngikujabulele lokhu ukuthi akuveze ukuthi kwawuyena akekho happy, akajabulanga ngakho ngoba kukhona omunye nje umhloli, usombusazwe oke wenza uhlahlaziyo ngamaqembu wonke akhona la kuhulumeni. Walwenza lonke uhlahlaziyo lwakhe waze wawaqeda wonke amaqembu kodwa wakhohlwa elakhe wangalithinta elakhe. So, kuwubuholi obuhle-ke lokhu ukuthi mhlambe nawe ungazishiyi ngaphandle uma kungukuthi mhlawumbe uyahlaziya phela ukusebenza kwale eminye iMnyango noma usuke uhlahlaziya ngento ethinta wena ukuthi ungazishiyi ngaphandle wena, uzifake nawe ngoba lokho kuyokwenza ukuthi ngisho umuntu ekugxibha noma ekusola cha abone ukuthi le ndoda i-honest ikhuluma iqiniso. So kube kuhle-ke ukuthi uGcwabe aveze naye okwenzeka eMnyangweni wakhe ukuthi akukuhle ngoba kulindeleke lukhulu kuyena ukuthi ashintshe isimo sezomnotho kulesi sifundazwe sakithi.

Ngiyahambisana-ke Somlomo kakhulu neziphakamiso ezenziwe yeKomidi lakwa-Finance la bekhulume ngokuthi kuye kube khona ukungenelela ekusebenzeni koMnyango lo esithi yi-Royal Household, ngempela akusona isimo esamukelekile sokuthi ngempela noma sekwenziwe bahlangatshezwe kodwa uthole futhi imali isebenza ngokudlulele. So, ngale kokunanaza nje, mhlambe kungasisiza kakhulu ukuthi uNdunankulu, uMnyango wakwa-Treasury bangenelele basize uma kungukuthi mhlambe kubonakala ukuthi abaphathi boMnyango mhlambe abakwazi ukwenza ngendlela le ezogcina ihambisana ne-PFMA njengoba sazi ukuthi sibuswa yiyona.

Kodwa angikusho lokhu ukuthi nakuba kunjalo, umuntu kufanele akuqonde ukuthi lo Mnyango unguMnyanyo ongafani neminye iminyango, onezingqinamba zawo okungathi mhlambe uma kuthiwa iyalungiswa indaba yalo mnyango ngingafisa ukuthi ukulungiswa nokungelela kungafaniswa neminye iminyango ngoba kusanenkinga, okungenzeka ukuthi mhlawumbe kwabhajethi eyabelwe lo Mnyango kwasekuqaleni yayingazange ize yanele, so mhlambe bekungasiza ukuthi kuke kubhekwe kahle ukuthi yini le edala ukuthi izimali zisebenze ngokweqile ngoba mhlambe kwasekuqaleni imali eyeyibekelwe lo Mnyango yayingazange ibe yinhle njengoba sazi ukuthi uma kubhajethwa kusetshenziswa ukuthi kulo Mnyango nalo Mnyango kunyuswa ngemali engaka, mhlambe yilokho okwenza ukuthi sigcine sinenkinga ngalo Mnyango obhekele iSilo esisikhonze kakhulu njengesizwe. Ngiyabonga Somlomo.

THE SPEAKER: Thank you, hon member Mr Msomi. I will now afford the hon member Mr Burrows the opportunity of four minutes.

MR R M BURROWS (DA): Mr Speaker, I too would like to echo the congratulations offered to the Treasury and to the Head of Treasury for the work which was done in bringing out the report on the close-out, and to the Chair of the Portfolio Committee on Finance for her work and, in particular, in producing the report so speedily this year.

It is said that, as in many things, the art of budgeting is the art of saying "yes" and "no", and knowing at which correct time to say them and that is really the issue of the Royal Household. As with all things, the question of the Royal Household is an issue of when to say "no" and an issue of who says "no". There is this very peculiar expression in the English language that somebody has to bell the cat. Somebody has to hang the bell on the cat without being clawed. Somebody has to tell His Majesty, "No, you cannot spend any more money!" At the end of the day it is one of the issues that were raised in the Portfolio Committee on Finance, where the Treasury itself pointed out that they believe that His Majesty is sympathetic to a budget and strictly keeping to a budget. However, then the reality must be that somebody is going to have to keep to that budget.

One of the recommendations flowing out of our Finance Committee is that there must be a realigned budget for 2007/08, reducing the current budget by the unauthorised expenditure of the previous three financial years. That means cutting that budget by some R7 million. I want to tell you, the effect of that is going to be very significant in that department. However, somebody has to do it. Somebody has to apply the rules that apply to all other departments to this department. That requirement must come out of the law that all departments have to comply with, namely the PFMA.

Here is an amount of R34 billion and we spent 98,8% satisfactory. That is good. There is an amount of R434 million, an under-expenditure, the bulk of which comes out of GEMS, the medical aid scheme, which was not spent this year, and also the conditional grants on health not being correctly spent. That has been explained in detail by my colleagues.

However, there are two things that I do want to emphasise to the MEC. One of them was the over-expenditure in education on what is called norms-and-standards money, aid to schools and, in particular, Section 21 schools. Now, this decision came out of a Minmec meeting, we are told. The Head of Department of the Treasury tells us that Minmec meetings have the effect of statute, of law, of making law. If Minmec does that, then I have little doubt that Minmec should be reporting to somebody, saying: If you are changing the funding of schools halfway through a budget, and you made no budgetary provision, please tell the Head of Treasury. Please tell the Finance Portfolio Committee, otherwise you are going to overspend. You cannot then hang it simply by saying it is an unfunded mandate, because it is not! It is a mandate created by the MEC and the Ministers together.

We must revisit this issue of the money that supposedly should be coming out of Welfare and going into Health. It occurs because of an Executive decision, a Cabinet decision, reinforced by this House. Does this House resolution get ignored and, if so, is the MEC guilty of contempt? It is a very real question that must be answered and must be answered immediately. Thank you, Mr Speaker.

MR P N NGCOBO (ANC): *Ngibonge Somlomo ukuthola leli thuba.*

Ubaba u-Krog said that he had ample opportunity just to drive around at uMsinga last week after being given extra time by the Speaker. Thank you for having the time to tour uMsinga area.

Ngizwile neNkosi yasemaCambini laphayana isho ekuseni ukuthi - ikhuluma nge-motion yayo engiyithandile. Bengibuza nje kuma-members ukuthi sinini isiteleka sale Ndlu sika-5.57. Kumina okubalulekile ukuthi cishe yonke iminyango ikwazile ukusebenzisa izimali ebinikwe zona noma emihlanu iminyango ijombe kancane kusabelomali ebinikwe sona. Sesiya manje ukuthi uMnyango Wezemfundo ujombe ngo-R136 million. UMnyango Wezemvelo wona usibikele ukuthi ngenkathi uyeka ukwakha imigwaqo, abasebenzi bona basala bangaba nawo umsebenzi kulo Mnyango. Njengoba sazi ukuthi uMnyango Wezemvelo wawenza imigwaqo kodwa ngemva kwesivumelwano, sithole ukuthi abasebenzi abawu-500 Khabazela, basasele eMnyangweni we-Agriculture, okwenza ukuthi babe yi-surplus. Sicelile-ke siyikomidi ukuthi siyafisa ukuthi lolu daba luxazululwe mhlawumbe, basinike umbiko ngo-Agasti. Siyazi futhi ukuthi lo Mnyango usemkhankasweni wokuhlela kabusha uhlelo lwabasebenzi bawo ukuze bahlangabezane nezinselelo ezintsha zikaHulumeni kanye noNgqongqoshe oholo lo Mnyango, uBhungane.

Khabazela, iminyango yonke yakuzwa uma uthi, angeke ukubekezelele ukungasetshenziswa kwezimali zengqalasizinda. Kuyajabulisa ukuthola ukuthi kusale imfalakahlana esondele ko-100% okuyiyona abayisebenzisile. UMnyango Wezomnotho wona awukwazanga ukusebenzisa zonke izimali zawo ngenxa yodaba lwama-cooperatives nodaba lweMasifundisane. Ukuhluleka ukusebenzisa imali kwaba ngenxa yokuthi inkampani eyayiqashelwe ukwenza lo msebenzi yahluleka ukwenza umsebenzi wabo. Siyathemba ukuthi ngelinye ilanga siyoqaphela ukuthi umuntu esimnika i-tender uyokwazi ukwenza umsebenzi omuhle, sihlunge ngobunyonincwi.

Ngidlule ngiye kwezemfundo lapho uMgcinimafa wesifunda athatha imali engango-R100 million ngoba ekholelwa ekutheni

uMnyango Wezemfundo ngeke ukwazi ukusebenzisa le mali yokwakha ingqalasizinda. Lokho kwavela emva kokuthi uHulumeni kazwelonke ebuke indlela imali ne-infrastructure eyayisetshenziswa ngakhona kulo mnyango. Sinolwazi ukuthi lokho kwenzeka emva kwezingxoxo ezathatha isikhathi eside njengoba bona babebeka imali phansi befunga begomela ngokuthi, noma ikanjani bazoyiqeda ngesikhathi leyo mali.

Asibathulele isigqoko la bafowethu bakwa-Education. Bakwazile ukuthi bazuze, bakwazi ukwenza lokho.

Uyabona, enye inkinga Somlomo kwakuyinkinga yenani labantwana elabaphezulu kwalelo elalibhekiwe, nenani loku-oda izincwadi elalingaphansi eminyakeni edlule. Siyikomidi savumelana ukuthi abonanga kakhulu ngenxa yokuthi izizathu abazibeka siyazizwa.

Uma siya kuMnyango Wezempilo, siyabona ukuthi kwaba nokushayisana kwamagama mayelana nohlelo lokuvuselela izibhedlela njengoba bengakwazanga ukusebenzisa imali ababenikwe yona eminyakeni edlule. Le mali engango-R88 million esuka ku-R112 million, kubukeka sengathithi kwakungadingeka ukuthi ibuyele komkhulu njengoba usuchazile Khabazela. Ngaphezulu kwalokho, udaba lwe-Forensic Pathology Services, esuka emaphoyiseni nalo lube nomfakela ekutheni uMnyango ube ngaphansi kwemali owawunikwe yona. Siphinde sabona uMnyango wehla ngemali engango-R164 million ngenxa yesifo sikamashayabhuqe i-HIV ne-Aids. Lapha ngiyavumelana noMengameli, uma ethi abantu bakithi balambile. Nalokho-ke kwenza ukuthi kube nzima ukuthi baphuze amaphilisi, asebenze kangcono. Ngale ndlela, abantu bakithi, badinga usizo loMnyango ukuthi ubanike ukudla okuletha umsoco ukuze badle amaphilisi asebenze kangcono nasemizimbeni yabo.

Udaba lwaseNdlunkulu lokusebenziswa kwezimali ngokweqile seludinga abadala. Siyajabula ukuzwa ukuthi u-Treasury uzohamba aye kulo Mnyango, athumele noma ithimba lakhe, ukutakula lo Mnyango ngoba ngaphezulu kokuthi sesibanike imali engango-R3.2 million sezwa ukuthi bakhokha imali engange-R1 million ngenkathi besuka Olundi beya kwaNongoma kanye nemali engu-R1.6 million yezimoto zondlunkulu ezisemgangathweni obafanele. Samuzwa uDkt. Shongwe echaza ukuthi kunzima ukutshela uHlanga Lomhlabathi ukuthi kukhona into okuthiwa yi-PFMA. Ozakwethu-ke bakhulumile ngaleyo nto.

Sengivala mangisho ukuthi uMnyango we-Premier ophethe ezokugembula uthe uhlele ukuqoqa imali engango-R216 million kodwa waqoqa imali engango-R238 million. Lo Mnyango ubuye wacela ukudlulisa kulo nyaka imali engango-R52.6 Million icelwa ngaMafa aKwaZulu-Natali. Le mali izokwenza umsebenzi we-Multi-Media Centre kanye nemaKhosini Ophathe Heritage Park kanye nezimali ezincane ezizobhekana nomsebenzi wasOndini Historic Reserve nase-Phoenix Settlement.

Udaba olunye olubalulekile kimina, udaba lwe-Provincial Public Service Training Academy eyayizoshintshwa kanye ne-UNISA ephuze ukulungiswa ngenxa yokushintsha kwebhili. Kubalulekile Khabazela, le Academy siyayidinga ukuze sikwazi ukuthi siphrojuse abantu abasha abazosebenzela uHulumeni.

Okunye-ke Khabazela, indaba yama-club ebhola - engithi angidlule kuyona - yokuthi uHulumeni ubasizile la bafowethu ngendaba yemali yebhola. Okungiphathe kabi nje ukuthi kuthe uHulumeni uma ngabe eseshintsha wangabe esavalelisa kubona, manje okwenza ukuthi bangene ezindlekweni bathi uma sebeqalile ukuqasha o-coach baqasha ngisho ababafana abancane o-under 15, under 17. Kuthe phakathi nendawo uHulumeni washintsha. Manje bathi sebenalaba bantu asebebaqashile, banezikimi ezinhlanu umuntu kade engazidingi, ngoba azi ukuthi uHulumeni uzomsiza. Manje uHulumeni uma engasavalelile kwenza ukuthi lezi ndleko sezisele kubona manje. Banxusile Khabazela ukuthi mhlawumbe mawungase u-Treasury ake abheke ukuthi angabasiza kanjani ngoba, angisho ukuthi ku-wrong lokhu okwenzekile ukuthi mhlawumbe uhlelo silumise, kodwa manje uma sesilumisa sebeqalile sabafaka ezindlekweni,

ngicabanga ukuthi asisenabo ubulungiswa kulokho.

Enye into engifisa ukukhuluma ngayo indaba yokuthi izolo ..we attended a gathering whose task was to brief the stakeholders about the strategy regarding 2010. UKhathide is the Chairperson of Local Government. I think he must have a handle on this matter, because the majority of municipalities see themselves as training camps, thereby incurring exorbitant costs and hence nobody is certain about which country will qualify to be in the last 32 countries. There are upcoming countries which will disappoint so many soccer loving families. It is important for us to guide them and assist the municipalities before they can declare the costs.

DR L P H M MTSHALI (IFP): Hon Speaker and hon members, the IFP is concerned about the continuing proliferation of the terms over-expenditure and under-expenditure in the 2006/07 preliminary budget close-out budget performance report. Not only does this reveal an essential budgetary imbalance, but it also seriously compromises service delivery in many areas in which this government markets itself to the public, as well as this honourable House as its flagship programmes. Take education. The bulk of the department's over-expenditure to the tune of R255,7 million, according to the report, occurred against Programme 2: Public Ordinary School Education. This is basically unauthorised expenditure, and it affects both Section 21 schools and no-fee schools. I will remind the House that the latter are the government's publicly declared pride and joy. However, the crisis on the ground runs deeper than the budgetary imbalance implies.

Let me give you an idea as to what is really happening in these schools. Only a small percentage of poor pupils in KwaZulu-Natal are currently benefiting from the no-fee school policy. Despite the no-fee policy, many parents are still not being informed about the fee exemption policies. School records are being withheld because of non-payment, and children are being discriminated against at school. All this is largely due to poor awareness and dismal communication.

The granting and non-granting of exemption is not monitored and the system makes it hard for schools to budget as the number of pupils who qualify for exemption is usually unknown. As a result a significant number of KwaZulu-Natal schools are breaking the law by continuing to charge fees despite legislation declaring them no-fee institutions. Justifications given by the principals, when confronted about the school fees, raise questions about how effectively the provincial Education Department is communicating policies and regulations determined at national level. The IFP demands clear guidelines about beneficiaries of both the existing policies and any announcements on new policies. The latter should not be made until policies are ready to be rolled out.

Concurrent with over-expenditure and education is under-expenditure which, once again, concerns a flagship initiative, namely the National School Nutrition Programme. This amounts to R61 million. Both the figure and the practical consequences of under-expenditure on the ground raise doubts about this government's commitment to its own priorities.

Let me move on to Health. Again, the same budgetary trends emerge. Although the department's under-spending figures run much higher and with more devastating consequences for the hospital patients who have enjoyed the effects of such trials as the Hospital Revitalisation Programme, the over-expenditure on departmental administration cannot be glossed over. The figure is R14,8 million and has been mostly overspent on consultants, enhancing Black Economic Empowerment, cooperative and SMME activities. The IFP, although in full support of the promotion of cooperatives in principle, cannot help but wonder at what we see as over-reliance on cooperatives in the supply of such items from linen and vegetables to medical facilities, given that the cooperatives' often precarious foundations.

Let me put this clearly. We want to see not only functioning, but prosperous cooperatives. A successful symbiosis of the department with cooperatives will, however, require a more comprehensive set of standards and targets from the side of the department, as well as a more rigorous approach from the cooperatives which need to base their commercial interest on sound business plans. On the whole, the impression has been created that the provincial Department of Health is more concerned about the intricacies of its own administration than the people afflicted by HIV/Aids, TB, malaria and other

medical conditions in this province. Someone has clearly forgotten that the core function of the department is the provision of health care to the people of KwaZulu-Natal.

The over-spending on administration has inevitably been riddled with inconsistencies and absurdity. We know that the department recently commissioned a performance survey at the cost of R4 million, which rather sensibly recommended a "lean and thin" administration. By way of implementation, the department somehow devised new departmental structures in the form of new posts for directors and advisors on top of the existing bloated mass of officials.

Furthermore, the misguided over-spending spree in the department raises concerns about the potential conflict of interests. It seems that the same people who have been commissioned to recommend changes are cashing in on their implementation while they remain employees of the department. We in the official opposition are seriously concerned about the effects of this peculiar transformation and what effect it has on the ground, on the tax-payers and the clients of medical services in KwaZulu-Natal.

Somlomo ohloniphekile neNdlu yakho, uMnyango Wezemfundo ube nenkinga laphaya yokuthi le zikole phela okwathiwa akusezokhokhwa mali kuzo, umlayezo awudlulanga ngokufaneleyo. Ngakho-ke siyacela ukuthi imilayezo yemigomo yeminyango ayibodlula kuqala ngaphambi kokuba kungeniswe izinhlelo ezabelweni zezimali. Ngokunjalo, loluya hlelo phela lokuba kudliwe ezikoleni lezo eziqokiwe alubonakale luhamba ngendlela efaneleyo kungabikho isizathu sokuthi kubekhona imali engasebenzanga ngoba labo abebephathiswe lo msebenzi behluleke endleleni, bawa. Sithi abawe bavuke bazithathe. Ohlangothini-ke loMnyango Wezempilo, okukhulu phela akukhona ukufuna ochwepheshe ngaphandle. Yebo, bayafuneka ochwepheshe kodwa phela uma ochwepheshe bezoncoma ukuthi akuncishiswe lesi sihlekehleke soMnyango esilapha komkhulu kuqiniswe lapha ezinhleni eziphansi kubantu, kungenziwa lokho, kuyohlale kusehuka lokho. Asazi-ke Somlomo, baba ohloniphekileyo ukuthi uma sekufika ezingeni lochwepheshe abanye babo babonakale bencike mfene kodwa bebe beseMnyangweni – benyenye bebe behola. Awu Somlomo, siyababaza! Ngiyabonga.

The SPEAKER: The Leader of Government Business. [Laughter]

DR Z L MKHIZE (MEC for Finance and Economic Development): *Somlomo baba. Siyabonga ithuba.*

I did not hear what the honourable federalist Burrows said. [Laughter.] Thank you very much, colleagues, for a very interesting debate. It is very interesting. I always enjoy being the last speaker.

DR L P H M MTSHALI (IFP): [Inaudible.]

DR Z L MKHIZE (MEC): *Mantshinga baba. Wasubabaza. Cha, kuyezwakala.*

I want to express my appreciation to the members, particularly for the report. I must say that the working relations with the committee are very, very encouraging to us. We have found that on the matter of exchanging on issues, we are able to understand the committee's areas of concern much better.

I want to deal with a concern that has been raised about the issue of no-fee schools. The concern here is that the announcement was made, and that money was not given and now we are supposed to reimburse. This is a planning issue. It is a cycle problem. We at Treasury all know that. When it comes to any funding, it should be noted that the Department of Education and Minmec may take a decision outside the budgeting cycle, and therefore it is not possible – unless the department has made preparations – to fund the decision when they take it. It means that decision will have to be funded when the funding is available.

That issue is not something that is a Treasury problem. It is a problem of the department. If the department is concerned about it, maybe we should then see how the department can deal with it. If the committee is concerned about it, I am sure they will get the same explanation from the department.

The other concern has been the question about how we had a problem of a R100 million budget taken away from the Department of Education. You know, the way the members are arguing this point, is basically to say: It does not matter which way you go – you are either dead or you are damned. If you are not dead, you are damned. Now that is a very clear message coming from the members here. What has happened in the past, is that we would see that there's an under-expenditure trend, and we would keep quiet. When the year comes to an end, the members say: Where was Treasury when the under-expenditure took place? Now, we were there. We did not intervene because even the department could see there was a trend. Then we changed that approach. When we see there is going to be under-expenditure, we intervene. We take the money away. Then the department overspends. Then the members say: Why did you take the money away? Did you not realise this would happen? It will always be that you cannot be right about it. We have simply taken an approach that says: Halfway through the process, the cycle, we will intervene. When we intervene, we will deal with the consequences, but what we will not allow is a bad record where this province is going to be recorded as having not managed its finances. At the end of the year it is this government that will not have managed its finances, irrespective of who we thought we wanted to protect the budget from.

We are very pleased to see that our colleagues have come to an understanding on the pro-active standard way of planning wherein the plans are drawn up a long time ahead and that all the departments make their cycle plans, particularly the Department of Works, so that in time then when the funds are available, the implementation takes place immediately.

On the issue of the Department of Health capital budget, the revitalisation grant, Treasury – both national and provincial – is not culpable. We are not at all involved. We have simply recorded what has happened and, please, that is not an issue that we can deal with. It is a family matter within the Health family. They understand what is going on. We still do not quite know.

We all, however, share the concerns of the committee because we have fought very hard to deal with this issue. What silenced our provincial Treasury was when the response was that the Health Minmec took the decision. We cannot do anything about it, so we accept it.

I now come to the issue of the Department of Welfare. We regret the fact that the matter has dragged on the way it has. However, we will be dealing with it. There is basically no objection to get the matter implemented. We need to sort out the misunderstanding between the different departments.

Regarding the issue of the Royal Household, we are very pleased that the Premier has signed the deal and that he, together with Treasury, is currently dealing with the matter that has been raised here. He will make the necessary announcements as soon as possible. I am sure the committee members and members of this House will be satisfied with it. The matter is already receiving the necessary attention from both the Premier and Treasury.

The hon Mrs Downs, the hon Comrade Downs ... [Laughter.] Thank you for the acknowledgement. The issues that you have raised are again acknowledged. We think the issue of overspending on the Department of Education is something that the department itself will manage. I do not think there is a big problem.

I agree with you that the issue of forensic pathology services has to be improved. It is a matter that has been delayed for long enough. We need to get that improved. Long ago, when we were new in the Department of Health, we actually heard this matter discussed. It has been slowly dragging on in terms of implementation. I hope to see closure at some point.

The Department of Economic Development, again, I can attest to the improvements that are currently taking place. We will make sure that the pattern of under-expenditure will not be seen in 2007/08. That is an issue of my own commitment and undertaking, as well. It is indeed a problem in the sense that we have pushed a lot of programmes into the department without being able to change and improve the capacity of the department at the same time.

Hon Sithube, the issue of the Section 21 schools has been noted and I hope that between the Portfolio Committee and the MEC there will also be a discussion to deal with that issue. I must just indicate that the issue of the reduction of the revitalisation grant will not necessarily on its own have affected the delivery process of the infrastructure that was necessary. As we have said, we are going to put up the programme of public/private initiatives and public/private partnerships to deal with that matter. We are going through that process, so either way we will get it solved.

Is the hon member Krog still around?

MR J KROG: *Yebo!* [Yes!] I am awake.

DR Z L MKHIZE (MEC): And he is awake! [Laughter.]

Well, I would have liked to grab you from your seat in uMsinga. You had too much free time that time! [Laughter] I actually do regret that the hon Hamilton could not get the opportunity to debate with you. I will nevertheless respond to your speech. [Laughter.] Yes, for the sake of the doubting Thomases, I hope this last statement about the signature on the contract closes the issue. [Interjections.] If you could do a bit of a workshop for the hon Krog, you can tell him that he will have a long enough time to doubt things which are now taking place. His doubts will also be cleared. He still has a long time to live. In this case, the issue of the airport ... Any more questions? [Interjections.] You see! That is typical! He must always find something to doubt. We cannot cure you of that!

The issue is that the airport is going to be built. We have put the money in the budget. We have done what is our responsibility. The other bid will be done by Acsa. That is the responsibility of the Airports Company. To date they have put out specifications that pushed the bill to that amount. They understand it and we have no problem with it. Just remember, this airport – maybe South Africa is not about to build another airport in another maybe hundred years, who knows? However, this airport should be able to serve KwaZulu-Natal for the next 60 years. The capacity we want to ensure is that by 2010, when it opens, it must be able to take us up to 2015, at 7,5 million passengers annually. Looking at 60 years to come, you and I and will not be around, but by that time 35 million passengers must be accommodated annually. We are therefore looking very far ahead. Never mind the pain, we will deal with that.

I listened to the argument about the revenue over-collection. I mean, how can you be so sceptical and say, no, in fact, somebody underestimated the thing. That has been going on in the whole country. The fact is that there is quite an improvement in the revenue collection. Where we can do it, we do it. [Interjections.] Yes, I can understand that, but we are simply saying we are going to put pressure on ourselves and say: Do better, do better than before, but it does not mean that as soon as you find that there is over-collection, then of course, the baddies were guilty of under-estimation. Really, it cannot be like that. [Interjections.] Well, I do not know what it was, but he did it to me. [Interjections.]

The other issue which you raised is about the comparisons between KwaZulu-Natal and Gauteng. Lesson number one: KwaZulu-Natal is not Gauteng, so please do not compare them. There are so many differences. The only thing you can help us with is that maybe you might be influential in some of the big companies. Tell them to come and relocate to KwaZulu-Natal. At least then we can have some sense of looking at how we can begin to compare the economic growth in KwaZulu-Natal and Gauteng. You have lots of mines there. There has been a history of it in the province. Gauteng has had all sorts of attention and, secondly, if you want to compare us, then you must feel guilty about it. [Interjection.] It is the wrong point, hon member! [Laughter.] Of course, pessimism is a matter of choice. You know, in isiZulu there is an

expression that says: "Akukho soka lingenasici." [Everyone makes mistakes.] You can decide to look at the good side or you can look at the minor specs which are negative, and it is a conclusion. We are looking at the same thing and in this case here, how it comes across is that you will always see something that is a bit of a problem, even when we do not see the things in the same way.

However, we think that what you need for this province is an approach that says: How do we improve this economy? How do we improve the budgets? How do we improve the issues that are fundamental challenges, like the issue of basic skills. It is an issue that we must actually do something about. The issue of education, we cannot compare everything in terms of the performance. Take, for example, the issue of the demarcation of Gauteng. Is that taking into account the levels of poverty that exists in Limpopo? That was originally one province. Suddenly, if you were to sit here and cut out the centre of Durban and then say the rest of the province is poor, you do have a bit of a problem. So the comparison must come out clear to us. [Interjections.] Exactly! That is the point that is being made. At the moment it is not quite clear what the point is. [Interjections.] If you say so, all right. We can talk about that, but let it then sound like that, and not as if you always just want to be negative about it or because you want to fight. [Interjections.]

THE SPEAKER: I will start with the DA Whip. If members consistently violate the practice of the House, I do expect you to assist me. However, if you do not assist me and that consistently happens, I will be left with no option but to also consistently eject that member from the House. At uMsinga I consistently told Mr Krog not to engage directly with members when they were speaking and he was not speaking. I consistently said that. Eventually it led to me having to take a decision against Mr Krog. Now, today a similar activity is taking place. Fortunately this is happening during the last few minutes of the debate. The debate will be another four and half minutes. It is the last minutes of the debate, and maybe there will be no other activity by Mr Krog to directly engage with members, because that creates commotion in the House. So, please! I am pleading for that. I can hear the MEC pleading that the member does not get chucked out of the House, but I will not agree with him. It will be very unfortunate. At this point in time, yes, I am not going to chuck you out of the House. However, if you repeat your actions in the last four and a half minutes, I will do it. Hon MEC, please proceed. I am sure you have nothing to do with what we are fighting about with Mr Krog. Please allow me to just reset this clock. [Interjections.] Yes, you are right. It was 04:08. Right, let us see. [Interjections.] No, it cannot be that. I am trying to reset it, but I do not know how. Right! Now I have it right.

Qhubeka-ke Ngqongqoshe.

DR Z L MKHIZE (MEC): Mr Speaker, thank you very much.

Hon Tarr, we have noted the issues that you have raised.

Hon uMthiya, baba uMbatha, ngiyakuzwa baba ukuthi uyafuna ukugadla kodwa hhayi bo! Asingalolelani imikhonto.

I do want to concede that there is a need to ensure that there is appropriate expenditure. We have discussed that issue and also the issue of Welfare tenders. That is a challenge, because it is impossible to stop that problem. It is everywhere, in all these departments. There is a way to deal with the procurement challenges, but where the suppliers or the potential suppliers can challenge the department, you cannot do anything about it. As soon as that matter goes on appeal or it goes to court, you leave it the hands of the court. There are certain under-expenditures that are going to arise from those. If it goes on for two or three years in court, you cannot do anything about it. That is the reality you must always know.

I now come to the issue of Local Government in relation to the issue of water. I have been informed that, in fact, it was at the time this report was done. There were certain amounts that were not committed, but they are now committed, so I believe that this issue is being dealt with.

On the issue of donor funding, the answer was specific. Late receipt is late expenditure. That is really the problem. We cannot do too much about it. Hon Msomi, some of the issues that you have raised are similar to those which were raised by hon Mbatha. I am sure the MEC can deal with the issue of the distribution of grants and funds to the wrong recipients. It is the MEC who deals with those issues.

The hon Mr Burrows was talking about a way of saying yes and a way of saying no. It reminds me of a Japanese word. If you say yes in Japanese, you say *hai*. *Hai* can be yes and sometimes *hai* can mean no. Sometimes it can mean maybe. It depends on the tone. Maybe that is the lesson. [Laughter.]

However, I want to say that we should not be concerned. These matters are going to get adequate attention from the Premier, particularly taking into account the role, the responsibilities and the dignity of His Majesty. There is a huge distinction. His Majesty is not a manager. Someone else is the manager, so we are not talking about His Majesty. We are talking about management. If I talk about management, understand that one does not have to be royalty to flout the rules. As long as there is poor supervision in management, you do not need to be royalty. You will flout the rules, so that would be our issue.

Hon Ngcobo, indeed ...

abadala cha balisingethe lolu daba kodwa, angiyivumi indaba yokuthi kuthiwe iSilo asiyazi i-PFMA.

It is misleading. The PFMA is the responsibility of the Head of the Department, full stop. Do not bring anybody into it. That is the issue, so I do not want us to get back into that particular issue.

The issue of football, I am sure ...

bazoluqoqa labo abaqondene noMnyango wakwa-Sports nalabo abaqondene nawo. Ngiyabonga kakhulu-ke. uBaba uMantshinga cha ngimzile ebabaza. Anginampendulo, ngicabanga ukuthi izinto aziphakamisayo kofanele zixoxwe namakomidi aqondene, okwanamhlanje sizikhulumela ngohlangothi lwezimali.

Most of the issues raised relate to departmental policy matters. I do not intend to get into those issues.

Ngibonga kakhulu baba Somlomo namalungu ahloniphekile.

Thank you.

THE SPEAKER: Thank you, hon MEC. Hon members, that concludes our debate on Item 8.4. We now proceed to Item 8.5 which is the Debate on the KwaZulu-Natal Peace Act Repeal Bill. I am missing the Chief Whip. In terms of this ... Hon Chief Whip, we have concluded the debate on Item 8.4. We are now on Item 8.5 on the Order Paper. That is the debate on the KwaZulu-Natal Peace Act Repeal Bill. I need to indicate that I do not seem to have a Speakers List with me. Okay, the mistake is with the distribution of the list. That is why I was a bit worried, because I understood what the Chief Whip had said yesterday. Let us allow that ...

kukhona i-distribution lana kulaba abadistributhayo, ngifuneleni nami i-Speakers List.

8.4 DEBATE ON THE KWAZULU-NATAL PEACE ACT, REPEAL BILL

Hon members ...

MR B H CELE (MEC for Transport and Safety and Community Liaison): Mr Speaker, can I make a special request to

have my time reduced to two minutes? [Interjections.]

THE SPEAKER: *Cha Ndosi angithi phela wena bayakugidlabeza, uwena nje ongacaphuna lokho okubonayo ukuthi uyakwazi ukukucaphuna*

MR B H CELE (MEC): Mr Speaker, the KZN Peace Act, Repeal Bill of 2002 never commenced because the Premier did not proclaim its commencement by way of a notice in the *Gazette* within the prescribed nine months, as required by the Repeal Act. This Bill now repeals the KZN Peace Act to remedy this situation. Its commencement will be automatic upon its becoming law to avoid a similar problem occurring. In addition, the Bill will validate what was done in terms of the KZN Peace Act, as that Act also never commenced by notice in the *Gazette*, as required. There is no necessity for the Peace Act anymore, as the objectives are being achieved by the programme of the Department. I thank you, Mr Speaker.

THE SPEAKER: *Cha ubuyazi le ndaba.*

Hon members, we have heard that statement from the MEC who has introduced the Bill. I now need to proceed to the Report by the Chairperson of Community Safety and Liaison. The hon Sithebe has five minutes.

MR M E SITHEBE (Chairperson of Community Safety and Liaison): Mr Speaker, I find pleasure in tabling this report or this Bill which was deliberated on at the 30th of January 2007 by the committee. We unanimously voted in favour of the Bill in its entirety, without any amendments of clauses, and recommended the approval of the Bill by the House.

The Bill and its explanatory memorandum is attached here, as per Standing Rule 198, subsection 1(c) as annexed here. I so move.

THE SPEAKER: That also takes care of the introduction of the report by the Chairperson. I then proceed to the speakers of parties. The hon Mr Xaba, ANC Chief Whip, has one minute.

MR V C XABA (Chief Whip of the Legislature): *Ngithunywe iqembu likaKhongolose ukuthi ngizobonga uNgqongqoshe bese ngisho ukuthi lo Mthethosivivinywa liyawusekela ukuthi uphele. Ngiyabonga.*

THE SPEAKER: Thank you, hon Chief Whip. That concludes the input by the hon Chief Whip. The IFP? Hon H L Combrinck.

Awu, akekho. Kusho ukuthi-ke asizukukwazi ukuqhubeka. Ngcolosi, ake ngikuzwe ukuthi uthini.

MR G B BHENGU (IFP): *Iqembu le-IFP liyawusekela lo Mthethosivivinywa ukuthi uphele. Uthi hhawu ini manje?*

THE SPEAKER: *Ngiyakuzwa Ngcolosi kodwa-ke umuntu obekufanele ukuthi akhulume lapha ilungu elihloniphekile uMnu. Combrinck. Yingakho nje bengicabanga ukuthi wena usukuma nokuphakamisa iphuzu kodwa-ke, uma ilungu elihloniphekile lingekho eNdlini kulungile. Cha, angithi phela kusuke kwenziwe uhla lwezikhulumi. Kunomehluko uma ngabe kuthiwa ngitshelwa nje ngomlomo ukuthi kuzoba ubani ozokhuluma kodwa manje uhla lwezikhulumi olungiholayo. Angiqhubeke-ke ngiye laphayana kwi-DA.*

MR R E KEYS (DA): Thank you, Mr Speaker. The DA supports this Bill on the basis that this province has matured. It does not need an Act of this nature, and we therefore support the Bill.

REV A H MBATHA (NADECO): *Somlomo ohloniphekile, i-Nadeco iyajabula ukuthi isekele lo Mthethosivivinywa ukuba uphele ngoba sesilapho esasithandazela khona ukuthi lesi sifundazwe sifike khona. Abaphambana nomthetho sebeyoba ngosikhwiliphambana nje mgokwabo.*

THE SPEAKER: *Siyabonga.*

I now call on the hon member Mr Rajbansi. The hon member is not here and therefore forfeits his speaking turn.

MRS J M DOWNS (ACDP): Mr Speaker, having been one of those people who served on the erstwhile Peace Committee and in the Finance Sub-Committee of it, I cannot tell you how delighted I am to support the repeal of this Bill. Obviously, the ACDP fully supports the repeal of this Bill.

MR B J MSOMI (UDM): *Iqembu le-UDM liyawusekela lo Mthethosivivinywa ukuthi uphele ikakhulukazi ngoba kukhomba ukukhula kwezombusazwe esifundazweni sakithi. Akungaphinde kube khona ukubuyela emumva.*

THE SPEAKER: *Siyabonga-ke Nomndayi. Ngiyethemba nje ukuthi ababhalayo bazoqondisa ukuthi nesekele uMthethosivivinywa, angithi? Kuzwakale sengathi uMthethosisekelo. Anginikeze-ke manje uNgqongqoshe onemizuzu emibili-ke nje manje ukuthi ayivale yonke lenkulumompikiswano ayivule ngaphansi komzuzu.*

MR B H CELE (MEC for Transport and Community Safety and Liaison): Thank you, Mr Speaker. At the speed this debate has progressed, we are lucky there are no speed traps, otherwise we all would have been trapped and arrested. [Interjections.] No, I agree. No blue lights either! The last time we used them, it was in ... [Indistinct] ... and Tugela - Mr Burrows and myself, but what can we say? We are very pleased, and I fully concur with what Mrs Downs has said. It shows the maturity and the ground that we have covered as a province. The prayer and the wish is that never and never and never again will we go back to the necessity of having such a Bill.

Debate concluded.

Question agreed to.

Bill read a second time.

MR V C XABA (Chief Whip of the Legislature): Mr Speaker, I hope you noticed that the title has the date as 2006. I hope that this typing error will be corrected. Thank you very much.

THE SPEAKER: Thank you, hon Chief Whip. We will deal with both these Acts, because there was that observation. Thank you. Let us now proceed. We have now concluded the debate on Item 8.5 in the speediest manner possible.

8.6 DEBATE ON THE DA MOTION

MR R E KEYS (DA): Thank you, Mr Speaker. The Democratic Alliance motion reads as follows: "This House resolves to demand the very best criminal justice system, fully resourced for South Africa, in order to reduce our crime figures to amongst the lowest in the world."

Mr Speaker, firstly I would like to analyse the nature of crime in our society. Criminals inflict violent, barbaric and inhumane torture on defenceless victims every day in South Africa. Criminals torture, maim, belittle and butcher their victims with an attitude of invincibility and with no feelings of remorse. Fifty people are murdered every day in South Africa – eight times that of the international norm.

What are the effects of crime? The effects of this violent and senseless crime include, among other things, that our women and children who survive rape develop an intense distrust of all men. Secondly, victims who survive are left to fend for themselves and therefore recoil within themselves. With no or very little assistance and counselling from the State, their response is to isolate themselves and withdraw from society as much as is possible. Basic trust in the

goodness of human nature is broken down.

On the other side, it increases the racism that we are trying to get rid of in our society. If the victim is white and the assailant is black, a prejudice is strengthened in terms of race. If the victim is black and the assailant is white, stereotypes are simply made worse.

On the economic front, investment in our society by our own citizens and by foreigners is reduced - a reduced confidence in the future of our society. More and more victims of crime are looking for ways to leave this country. More and more of our scarce disposable resources go into private security.

If one looks at the *Independent* on Saturday, we have a headline banner about Crime Stoppers, a private security firm which, with weapons and like combat troops, have to patrol the streets in order to make the town of Amanzimtoti safe. Now, it is actually the role of the police to do that.

What is the response to crime by the State and the ANC? We are told that all countries experience crime. Why do people cry about it? To quote Minister Nqakulu himself, "Let the whingers leave the country!" Essentially he says: "What is the big deal?" Well, Minister, the lives of our people and the constitutional right to life are a big deal!

We are told that it is only contact crime that is increasing – rape, hijackings, assault and murder. This is exactly the point. It is these crimes that drive good people into the laager and, where people have the resources, drive them out of the country. This response does not befit a government committed to human rights. What they are saying is that it is alright that we experience crime because our neighbours have the same problem. Put another way, if our neighbours abuse and assault their children, it is sufficient justification to accept that it happens in our own home, as well.

The government is now increasing SAPS members to above the 150 000 that the DA demanded. Well done! However, we must ask: Why was recruitment of police personnel put on ice for the first eight years of our democracy? Why do we always have to experience things reaching critical proportions and wait for things to get out of control before the ANC wakes up to reality? Picking up the pieces is more difficult than preventing the fall. Maybe the ANC needs to read the nursery rhyme about Humpty Dumpty again.

We are also told that there is no crisis. Now, here we have an article with the heading "Losing the Crime War". This editorial says if we take into account the scale of crime here, the huge number of criminals, their ingenuity, boldness and utter ruthlessness, and we balance that against the inability of the police to cope, we can only conclude that what we have here is not a crime problem. It is, in fact, a war. Unless the government wakes up to that fact and works relentlessly towards finding and implementing intelligent and practical solutions, no matter how much they cost, we are going to lose this war.

Witness the vacancies, understaffing, under-resourcing and inappropriate training of our police, prosecutors, magistrates and corrections services personnel. In each arm of the criminal justice system we are sorely lacking in this delivery. Our prisons are overcrowded, and amnesties allow many a hardened criminal to be turned loose on our society. [Time expired.] I will continue at the end, Mr Speaker.

MS L F SHABALALA (ANC): Mr Speaker, it is my pleasure to be part of this debate. I have a problem with the statement that says the ANC does not care. I have a problem with the attitude of politicising crime. Crime affects all of us. It does not care about colour when it comes to the victim.

I want also to quote a statement that was written by one of the editors of a Sunday paper, Mondli Makhanya. He said in *The Sunday Times* of 22 April 2007:

We are so terrified by crime that we are starting to think like criminals.

He goes on to say:

As a nation we may fall into a trap of handing the victory over to the criminals, something they crave so much. Bend the law, shred the Constitution just a little bit, because if we torture a suspect, then everything we fought for and bled and died for is over. And they have won.

He cites the example of George Bush who, after all, violated the constitution. As a result, six years later, it is not easy to distinguish between George Bush and Osama bin Laden.

We often call for the death penalty. Mob justice does not get the criticism and negative characterisation it deserves from the media.

Usuzwa nje iphepha lithi umphakathi uziphathele umthetho ngokwawo ngoba usukhathele ukuntshontshelwa kodwa lingasho ukuthi lokhu kuyisenzo esibi kangakanani.

Let us look at the role of the organs of civil society. Our motive forces out there have spoken. They said they have confidence in the ANC to implement the principles and the clauses of the Freedom Charter to their advantage.

Ukuzizwa bekhululekile besho noma yini ewumbono oncomayo nogxekayo bese beqhubeka nempilo ekhululekile. Bangaboshwa futhi bangabulawa.

Community involvement is crucial, but characterisation of our communities helps us to shape the strategy. Of course, they are not static, neither are the strategies. The culture of our community is communal. We need to capitalise on that. It is tactically correct that the volunteers will be nominated by communities themselves.

Umuntu emphakathini waziwa ngokuthi ungubani, uzalwa ubani futhi yena ezalwa ngubani. Kwelakithi waziwa ngokuthi umntakamabani. Mina-ke ngingumntakaMaZwane. Imilando yemindenini eyakhele indawo ibalulekile ngoba isigebengu emphakathini siba yihlazo emndenini othize. UNgqongqoshe uNdosi, uhlale esho kaningi ethi asikho isigebengu esivela etsheni. Sivela emndenini nasemphakathini othize. Isigebengu sigcina nje ephepheni sinegama nesibongo nendawo. Siyehlukaniswa noma siyasuswa emndenini. Akushiwo ukuthi u-Palulos ozala uNksz. Zanele Ludidi uyise wakhe uMuziwendoda Sithole ongumshana kaMnu. Muziwakhe Sithebe.

Lokho kwenza labo abathintekayo bafune ukuziqhelanisa nobugebengu. Mzukwane ebuya ebusuku lo mfana ekhaya, bangabuza ukuthi useqala lokhu kuganga kwakhe futhi usefuna ukubahlaza emaphepheni. Uzocetshwa yibona-ke namhlanje. Amaphepha agagula izihlobo uma umsolwa ehlobene nomuntu ovelele emphakathini. Mhlawumbe uNgqongqoshe ngelinye ilanga angake abuke amaphephandaba alolu hlobo ngeminyaka ezayo asakaza uMnyango noma elinye lamaphephandaba ezindaba zesiZulu kungasiza.

Ngingasho nje ukuthi kwelakithi e-Steadville abafana abancane, eshumini bayisishiyagalolunye abathanda izibhamu. Labo bakhuliswa omama abangabodwana ababizwa ngama-single mothers. Igebe elikhona elomuntu obambe iqhaza lokuba ubaba, okubizwa nge-father figure ngesilungu. Umuntu oba khona kula makhaya kuba umalume ongenakundla-ke yokuthi axoxe izindaba ezinjengalezi.

They have chosen to look the other way, drinking away their souls or having the best excuses that they are working out of Ladysmith or somewhere. They are the immediate father figures in the absence of most biological fathers who choose to abscond and abdicate their responsibilities.

Ngikusho ngoba lokhu ekhaya kithi abafanyana abancane babhekela kumfowethu abambiza ngomalume. Uma umuntu eqale nje ukwenza iphutha kuye kuthiwe ngeke abheme lapha ekhaya ngoba umalume akaze akwenze lokhu.

During the funeral of the late Mr Thulas Mngomezulu who died violently at the hands of robbers, the Premier of KwaZulu-Natal, the hon Comrade S'bu Ndebele posed a very critical and challenging question when he asked: "Where is an African family?" I wish that this concept can be developed and implemented, even piloted.

I have been so touched by the TV programme "uKhumbulekhaya". I have learned that every human being has had some issues at some point in his or her life and that some men are walking time bombs. Fortunately some of them choose the easy way of communicating their problems and making peace with life. Such programmes need to be sponsored and directed to the communities, such as *ikomidi engiphuma kulona e- Steadville*. We may not necessarily look for new approaches, but rather reinforce those that are out there in the communities.

Sectoral mobilisation, as per the character of the specific community, is critical and strategic.

Abantu bafuna ukuzizwa beyingxenywe futhi bebambe iqhaza ezinhlweni zikahulumeni. Hhayi ukuthi kube khona ukuthi bakekwa emaceleni. Ngiyavumelana futhi nokuthi kube khona uhlelo lokuthi kube khona izinhlaka zomphakathi ezilekelela uhulumeni. Hhayi ukuthi kuthiwe kufanele sithenge amaveni sakhe amajele amaningi ukuze ubugebengu buphele. Izinsiza esinazo yiwo kanye amalungu omphakathi. Sengigcina ngoba bengicelile ukuthi iNkosi ingisize ngingalingeki ngiphendule ilungu elihloniphekile uMnu Keys kodwa ngifuna ukuthi nje ngisho amazwi ashizo omunye umbhali, u-Samuel Johnson.

I quote:

You may abuse a tragedy, though you cannot write one. You may scold a carpenter who made a bad table, though you cannot make a table. It is not your trade to make tables.

Ngifuna ukuthi-ke lokhu kusho ukuthi noma angathatha lo mshophi neshwa lobugebengu obenzeka emphakathini yena akwenze ipolitiki kodwa kufanele angakhohlwa ukuthi lokhu akusho ukuthi iqembu lakhe i-DA liyobusa. Ngamanye amagama, i-DA ingawusikaza nje lombuso ngejozi kodwa ngeke balibuse. Ngiyabonga baba Somlomo.

THE SPEAKER: May I take this opportunity to indicate that I have here a spectacle case. Somebody must be missing this case. It is green. Whoever misses it will need to tell me which optometrist they are using so that I will confirm that this person has lost this case. [Laughter.] It reminds me of a case that has been sitting in my office for a very long time, with specs inside it. It is similar to this one, not the colour, but the case. The case is similar to this. It is from the same optometrist, and that is why I need to talk to this person. If anybody is missing a case of spectacles, please get in touch with me.

MR B H CELE (MEC for Transport and Community Safety and Liaison): Mr Speaker, I would not know where you got it, but it looks like the Provincial Commissioner's spectacle case that may have been left in your office. I will deal with that, because we had a meeting there and I remember seeing something that that. It depends where it was picked up.

THE SPEAKER: Thank you, hon MEC Cele. We will talk about it. If nobody successfully claims it, then I will have to come back to you. Thank you.

PROF J S MAPHALALA (NADECO): *Ngiyabonga, Somlomo. Ngibonga ilungu elihloniphekile uMnu Keys nabe-DA ukuthi babeke lesi sihlolo phambi kwethu. Udaba lolu lodlame nokungaphephi alukaze luhlaziywe lapha esifundazweni sethu nasezweni lonke. Uma luhlaziywa uyomangala ukuthi kungani abantu abangaphezu kwamashumi*

ayisishiyagalombili ekhulwini kungama-Afrika alaphaya emajele. Kungani abantu abangaphezu kwamashumi ayisishiyagalombili kuyizingane zama-Afrika ezilaphaya ejele.

Sisuke thina uma kuhlaziywa le nto, siyihlaziye ngokuthi siyizwe elingacwasi ngokwebala kube yinto yokudlala. Uma uvakashela ejele lase-Westville uthola izingane zama-Afrika zodwa zilaphaya zihluphekile futhi zigibele phezu kwezinye. Umbuzo uthi: Kungani kwenzeka kanjalo na? Manje-ke ngokuvilapha ukuhlaziya kube sengathi amaphoyisa angababutha bonke abafake olwandle babhubhudle khona bafe laba bantu.

Into ebalulekile ukuthola isisusa sokuthi yini kube yithina esigcwele emajele. Ungaya e-Gauteng, uye lapha e-Westville noma uyephi, uyohlangana nabantu abahlakaniphile kodwa, inqwaba yabo yilaba bakithi. UMthethosisekelo wethu uthi imiphakathi mine, amaNdiya, abelungu, amaKhaladi nama-Afrika. Uma ngabe-ke sesikhuluma laphaya, kumele umuntu akhulumele umphakathi wakubo ngokubona kwami ngoba le ndaba izosihlupha yokuthi sinyanyalate. Engikubonayo okwenza abantu bakithi ukuthi bahlupheke kangaka ubuye ungadlile uma uye ejele uhlangane nabo bodwa kuyibo abahluphekayo, kungaba abesifazane kungaba abani, inhlupeko.

Inhlupeko kufanele ixazululwe lena eyenza ukuthi bazidele amathambo laba bakithi bethi bazama ukuzikhipha esimweni sokuklunyeka bese bebanjwa befakwe ejele, laba bakithi ababanjwayo. Kungani kungabanjwa le eminye imiphakathi? Kungani thina lokhu engikukhulumayo sesabe ukukhuluma ngakho silokhu sithi nje udlame. Abantu bakithi abagcwele laphayana, bambalwa kabi abalezi ezinye izizwe. Uboya laphaya e-Westville ubuye uye kuwo onke nje amajele ngisho naseMthunzini kulawa amancane. Uyozwa ubuhlungu ongakaze ubuzwe ngisho ababulele noma abanjani.

Kufanele kube nembizo enkulu yalaba abangama-Afrika abalapha eNdlini kuhlalwe kahle phansi kuqasheliswane ngengozi yokuphela kwabantu bakithi, sisodwa. Akulona icala ngoba noMthethosisekelo uyasho ukuthi imiphakathi inelungelo lokuhlangana yona ngokwayo. Mhlawumbe-ke kuyoqhamuka isu ngoba ngibona sengathi manje abantu bazolwela ukuthi akukaboshwa kusadalwa. Kusafanele kuyobanjwa abanye. Kuzophela laba bakithi ngoba phela inhlupeko laphaya ngaphandle idla umunyu, ububha buyesabeka. Angazi noma ingakithi lapho ngiphuma khona lapho ngibona khona abantu behluphekile. Hhayi ukuthi akukho okwenzekayo, kukhona okwenziwayo kodwa ububha bukhulu ngangokuthi buphoqa abantu bakithi bayongena laphaya.

Ngithi-ke mina uma sihlaziya lolu daba, Somlomo, asime lapho. Uma usukhona laphaya, kukhona abaphezulu, onqondonqondo abakade bebona abanquma futhi badubule abantu bese bebekwa bodwa khona lapha. Ngezansi kwabo kube abenze nje izintwana ezincane njengokuthatha izikhwama zomesisi. Kuyaqhudelwana. Uma ephuma lo muntu uzobuya eseklabhe abantu naye eselapha phezulu naye esewunqondonqondo. Nalokho kufanele kuhlaziywe ukuthi mhlawumbe labo nqondonqondo ababekade bebona babekwe kwelabo bodwa ijele ngale. Kungabi bikho ukuqhudelana ngokuthi omunye usezingeni elingaphansi ngoba ashaya umuntu futhi wamgwaza endlebeni noma wathatha isikhwama. Kufanele behlukane bengabonani. Kodwa-ke, Somlomo, ingcabha imile kulaba bakithi abamnyama abalapha eNdlini. Hhayi ngomoya omubi ngoba noMthethosisekelo uvele wakubeka kanjalo.

Akube nomhlangano khona sizokhuluma into esile futhi abantu bakithi yibo abalaphaya, laba abanye yiphesenti elilodwa. Le nto ngiyibone ngiphethe i-notebook. Ngithe ngiya laphaya eduze kwaseMpangeni ngethuka ukubona ukuthi kanti abantu bakithi baningi kangaka nase-Westville futhi intsha yakithi iningi. Uma ngibala nje ngibabeka laphaya emashumini ayisishiyagalombili ekhulwini. Manje-ke asikhulumeni ngaleyo nto, kanzima ngempela ukuthi akube khona okwenziwayo. Ngeke kulunge ukuthi thina sikhiqize izigebengu kangaka bakwethu. Ake kukhulunywe. Ngisazolalela njengoba ngihlezi nje. Ngibonga kakhulu ithuba.

THE SPEAKER: The next speaker is the hon Mr Rajbansi. The hon member is still not in the House and therefore forfeits the opportunity to speak.

MRS J M DOWNS (ACDP): Mr Speaker, the causes of crime and its solutions are too complex to debate in four minutes. What I really want to do is to focus on what we can do as a province and what we should be doing as a province. In order to do that, I want to illustrate part of the problem with something that actually happened.

I live in Amanzimtoti which is currently besieged. It has never been a high-crime area before, and suddenly we have had a whole lot of shocking crimes because of criminals that have moved into the area.

Our police station, thankfully, is quite a good one, but one night my daughter was on her way out, at about seven o'clock in the evening. A young girl had been pulled out of her car. She had been driven off the road. She had been pulled out of her car and she was screaming for help. My daughter was driving on her own and did not want to put herself in danger, as well. She quickly drove to the 'Toti police station which was less than a block away from the incident, ran into the police station and asked the police to come and assist this young girl. They said yes, they were aware of the incident. Nothing happened.

My daughter then got back in the car and she thought what she would do was drive and hoot and make a noise, and try and drive off the assailant of the young girl that was being assaulted. I am going to refer to the colour of the people because it is very illustrative. My daughter is a white girl. So, as she got to the car, two black women came to her and said: "Did you just report the incident about that girl who is screaming down the road?" She said yes. They then told her that they had already reported the matter 15 minutes previously. They said the policemen in the station had said they were eating and were not going out. The policemen were even more rude to them than they were to my daughter.

Then an Indian guy came up to them. He said he had also reported the matter. So the four of them, which showed a wonderful rainbow South Africa, drove down, rescued the girl and brought her back to the police station. The police never once set foot out of the door. I have complained to the station commissioner and I know that he is taking disciplinary action. However, what is the point of what I am saying?

'Toti police station is generally a good police station. It has a low level of complaints. However, in the good police stations there are levels of incompetence and people who could not give a continental about what is happening. They should have been out there like a shot. They could have arrested this guy. I have to tell you that they took her up to the trauma centre. They never took a statement, because the man who had assaulted her came to the police station. To get out of the trauma centre, you have to go into the car park. They could not call the police to come and help them, because they were all stuck in the trauma centre. It was absolutely bizarre.

However, I can say to the MEC the police station in KwaMakhutha, eNsimbini and Folweni are the worst police stations. They are probably not the worst in the province, but they are certainly the worst I have ever encountered.

I have had occasion to go to the police captain of eNsimbini and tell him that if his policeman who had been reported for assaulting a fourteen-year old, harassed the family any more, I was going to hold him personally responsible. I have had to deal with issues like that. They are awful. We really need to step up.

I know that we have put a monitoring tool in place. I know that over the past three years we have increased our provincial monitoring. This is the direct responsibility that has been given to the province. However, I really think, Mr MEC, we need to improve it to more than a paper kind of thing, where we are doing this report, and do more than hotline reporting. Many people do not report bad policing. They really just do not have the wherewithal. They do not have the courage. They do not have the ability, and so on, to report bad policing. We need to be able to do spot checks. We need to be able to interview people in the community, and we need to be able to go beyond the CPFs to ramp up the performance at the police stations. I believe those are things that the province can do. [Time expired.]

THE SPEAKER: Mr Msomi, you have four minutes.

MR B J MSOMI (UDM): *Sihlalo angibonge ithuba engilitholayo, ngibonge nakwi-DA ukuthi bakwazi ukuphakamisa le motion siyixoxe. Kafushane nje angisho ukuthi ubugebengu budlange kuyo yonke indawo, busezingeni elingamukelekile. Ubufakazi balokho uthi uma uhamba nje emgwaqweni ubone imizi eminye isifana namajele, kufakwe izinsimbi ngoba abantu bebalekela ukuthi kukhona umuntu ongangena noma babanjwe inkunzi noma baphucwe izimpahla zabo zingaphakathi ekhaya. Ongabiyele njengamanje ongenayo imali hhayi ngoba kuwukuthi kuhamba kahle.*

Ebengingakufisa-ke mina ukuthi - ngiyakhumbula ngesinye isikhathi, uNdosi uzokhumbula, kwake kwathi eLamonti kwaxaka ubugebengu kakhulu, kodwa kwaba khona imizamo eyenziwayo - kube khona namalambu amakhulu akhanyisayo kube semini ngisho ebusuku, ngempela kwaba khona ubungcono obaba khona. Ikakhulukazi izindawo ezisemalokishini, lapho kungakhanyi khona kahle, ubugebengu budlangile. Ake ngiyalelise njengasekhaya la ngizalwa khona, ekhaya eMlazi lapha kwa D, uma kuke kwahlwa nje angeke uyithume ngisho ingane esitolo. Umuntu owehla ebhasini kufanele ahlangatshewe yinqwaba yabantu ngoba ngeke nje izindlu eziwu-4 okufanele azihambe esuka esitobhini, akulula ukuzihamba lezo zindawo ngoba sekuhlwile.

*So, bengingajabula-ke kube khona imizamo eyenziwayo ukuthi lezi zindawo ezingalayithiwe kahle zilayithwe, kukhanye.. Lapha nje, ngase-stadium eMlazi awuhambi ebusuku khona ngeke unqamule ngase-stadium ebusuku, kuze kube ngcono uma kukhona abadlala ibhola noma kunjani ngenxa yobugebengu obukhona. Nalokhu mhlambe okuphakanyiswe ngumhlonishwa uMrs Downs ukuthi uma ubikile udaba kuthatha eside isikhathi ukuthi amaphoyisa afike. Ake ngilinganise njengalaphana khona lapha kwa-D. Kunomunye udade la obevinjezelwe ngomunye umuntu ngesibhamu ephandle eshaya amawindi enza yonke into, kodwa amaphoyisa kwawathatha isikhathi esingango-30 minutes ukuthi afike. Lokho kubiza ukuthi kuze kube ngumphakathi osukumayo ozibambelayo umuntu kanti lokhu futhi akukuhle. *

Ngiyafisa futhi ukusho ukuthi ubugebengu obukhona ezikoleni zakithi, ngake ngakhuluma ngakho kwangathi ngikhuluma kabi uma ngithi, yini kungabi khona uphiko olwenziwayo ukuthi lukwazi ukugada nasezikoleni ngoba izingane, abafundi bahlale bebanjwa nezibhamu zonke izinsuku, babanjwa nezikhali, babanjwa nani-nani izikhali ezahlukene.

Uma bexabana abafundi, into eyayenzeka ngesikhathi sethu kwakuke kube khona abantu abangezwani nabanye, kodwa akukaze kufike ezingeni lapho kuphathwa khona izibhamu, kuphathelwane imimese, ukuthi kubulawane esikoleni. So, bengingafisa mhlawumbe ukuthi kube khona okwenziwayo ngalokho, njengokuthi kube khona uphiko olubhekene nezikole, ziphephe ngoba nabantu nje uqobo lwabo abadala babudedengu. Uthola ukuthi ingane iyakwazi ukuthola isibhamu engeke asho umuntu ukuthi esikabani, sidubulani, njengoba sesike safunda emaphepheni. Kokhona ingane edubule enye, cishe izingane ezino-10 years. Nokuthi nabo abantu abadala banesandla kwezinye izinto ezenzakalayo ngoba indlela abenza ngayo izinto akuyona le ekhombisa ukuthi kuliwa nobugebengu.

Ngiyavumelana futhi nokuthi kungaba kuhle ukuthi kube khona uphenyo olwenziwayo noma mhlawumbe uhlaziyo lokuthi yini edala ukuthi kube khona ubugebengu obungaka. Ngempela kubantu abahluphekayo kakhulu, buningi ubugebengu ababuzwayo. Lokhu abakhuluma ngakho eManzimtoti ukuthi nje kuphela bayazwakala bona mhlawumbe banezindlela zokuxhumana nabamaphepha Bangingi abantu ababhekene nobugebengu obungaphezu kwalobu baseManzimtoti, ukuthi kuphela bayakwazi ukuzikhulumela bona, angisho ukuthi kulungile-ke kube khoba ubugebengu, kodwa bengifisa impela Ndosi ukuthi uma kungenzeka, sibe khona lesi sigcawu sokubonisana nabo bonke abantu abathintekayo bomphakathi ukuthi iliphi ikhambi elingenziwa ngoba ngiyavumelana nokuthi ezinye zezigebengu zisuka emakhaya kodwa inkinga ngisho abazali sebeyazisaba izingane zabo, abakwazi ukukhuluma nazo.

Uma eke wathi umzali ingane yakhe iboshiwe ugijima kuqala futhi ahambe ayoyikhipha ejele, ayibheyilele ngoba azi ukuthi ngeke ahlale kahle ekhaya. Inkinga endala-ke esiyaziyo leyo iyenzeka nakwezinye izindawo la uthola ukuthi ubaba uhleli kube omama kakhulu abanozwela.

THE SPEAKER: Thank you, hon Msomi. We go on to the hon member Mr Krog who has seven minutes.

MR J KROG (DA): Thank you, Mr Speaker. Are you setting the time, sir? Thank you.

The DA motion which urges this government to ensure that this country has proper funding for a criminal justice system that will work must be the one of the most important priorities to ensure a successful 2010 World Cup.

To protect the citizens of South Africa and visitors against the scourge of violent crime, a two-legged approach must be followed. Poverty must be addressed. 10% of the population cannot have access to 45% of the income, and 40% of the population cannot have access to 5% of the income. Law and order must be visibly enforced. The example that was presented to this House by the hon Msomi and the hon Downs clearly indicates the problems. A visit of this Legislature to Umzinyathi last week and the report by the hon Sam Mthethwa's oversight committee emphasises the importance of this motion by my party.

I wish to quote from the report of the multi-party oversight committee. In Wasbank the people said robbery was rife. Secondly, they said police to do investigate cases. Thirdly, child abuse cases are not treated as a priority. They said the police are not helpful. Police are drunk during working hours. I quote from that report, Mr Speaker.

In Nquthu the people said rape, housebreaking and theft were rife. They spoke of a poor working relationship between the police and the community. They said there was no follow-up on cases.

In Msinga, the people said at least five additional police stations are needed. There is a high rate of stock theft. Pilot projects are not funded. The CPF does not receive finances. This Legislature has heard these things over and over since 2004; in fact, since 1994. Since you have introduced your programme of taking Parliament to the People in 2004, we have heard the same complaints by communities. In Escourt, KwaNgwanase and iXopo people are all saying the same things. Has anything changed since 2004 when you took over as Speaker, sir?

Since the Premier introduced his programme of *Izimbizo* to hear the people in 2004, we visited Gamalakhe ... [Indistinct.] ... and Ladysmith. Has anything changed? Since the MEC for Finance introduced his people's budgets and road shows in rural areas, has anything changed? Mr Speaker, since you introduced your annual Youth Parliament, annual Workers' Parliament and annual Women's Parliament, has anything changed? Reading the honorable Sam Mthethwa's report of the multi-party delegation, we must present the answers to improve the criminal justice system, as requested by the DA in this motion.

We need to prioritise government funding, firstly, for education, better schools, youth learnership programmes, basic services to the communities that are required in Wasbank, Nquthu, Msinga, Mvoti, Muden and Nhalakahle. Greytown Hospital had no water for two weeks! The DA was in Umzinyathi to help in the delivery of services.

All South Africans demand the very best criminal system, fully resourced for South Africa.

The increases in the SAPS, Justice and Correctional Service budgets are acknowledged by the DA. However, it should become an even higher priority. Services of education, water, electricity, housing and sanitation cannot be supplied properly to a crime-ridden society. More police should be trained. More police station should be built and better equipped. More funds should be allocated to reservists and CPFs and community involvement.

Mr Speaker, like your party's policy of primary health care, the government must invest in primary police care. If there are more and better visible policing, the burden on the justice system and the correctional services system would be relieved. If there are more and better schools, the burden on security systems would be relieved. If there are more jobs, the burden

on the justice system would also be relieved. The finances of the government must be re-prioritised. All expenditure criteria should either be education, jobs, security or basic services such as water, electricity and housing.

We talk about it every day, but the priority does not happen in our departments. Unless we as leaders set an example, how can we expect citizens to abide by the law of the land? Unless we interpret the law correctly, and in a principled way execute that law, how can the people follow us? How can our police chief Jacky Selebi befriend a crook like Aglioti? How can the Deputy President of the ANC remain in the position if a judge has expressed a view that he was part of a corrupt relationship with a convicted fraudster? How can two judge presidents receive substantial funding from businesses? Why is Jacob Zuma not charged, notwithstanding the statement that the State was ready in October 2006, nine months ago? Why is Mac Maharaj not charged after receiving a bribe of R1 million from Shabir Shaik, for his company to do drivers licenses?

Why is Petro SA's payment to Imvume and the ANC not fully investigated? Why can the hon Cele allow a law that is wrong if it allows for speeding? Mr Speaker, if the law is wrong and people's lives are in danger, change that law. We can do a lot to improve the criminal justice system. We have heard it over and over. Let us not be deaf to the people's demand from all over the province - Mzinyathi, KwaManguzi, everywhere.

We have an example of New York. New York was like South Africa at one stage. However, the policemen became the public's friends. They became the people that cleared the dust and the dirt off the streets. Let them set the example! Let us follow that example and become followers of the zero tolerance principle. Let us have the morality to do the right thing. Mr Speaker, I thank you.

MR M B GWALA (IFP): *Mhlonishwa Somlomo, ngisho kuwe zitshulu zeBhunu ezanqum' eBhanoyini libheke eGhana. Zisuka nje amadaka, ngifuna ukulungisa iphutha elenziwa amalungu ale Ndlu ahlwempu emqondweni lokuthi nxa ekhuluma njalo aqhathanise uhulumeni okhona nohulumeni waKwaZulu ngaphambi kuka 1994. Kungukuxova lokho.*

Umlando usobala nje. Uhulumeni waKwaZulu wawunikezwa isabelo esincane kunabo bonke ohulumeni bezabelo ngoba wawethweswe icala lokuthi iqembu leNkatha alivumanga ukuthatha uzimele-geqe nokuthi iqembu leNkatha alivumanga ukungena ezingxoxweni nohulumeni wangaleso sikhathi ngoba sasithi thina be-IFP akukhishwe kuqala abaholi abafana noMnumzane uNelson Mandela, Zeph Mthupeng, Mnumzane Sisulu kanye nabanye.

Isabelo esasinikwa uhulumeni waKwaZulu sasisincane kangokuthi imali yentela eyayikhokhwa yinkampani yakwa-RBM eRichards Bay, eyayikhokhela uhulumeni omkhulu yayinkulu ngaphezu kwemali eyayabelwa uHulumeni waKwaZulu. Phezu kwakho konke lokho, yiwona lo hulumeni oholwa uMntwana wakwaPhindangene owakha uxhaxha lwezikole ezingaphezu kuka-6000 kanye namakolishi emfundo ephakeme. Ezinye zalezi zikole zashiswa yi-UDF yesekwe yibo bona la maphompo amakhulu akhuluma ngokuthi uhulumeni waKwaZulu akenzanga lutho.

Yiwona lo hulumeni owanconywa womhlonishwa uDerek Keys ngokuthi nguye yedwa owaphatha kahle amafa omphakathi ukwedlula bonke ohulumeni ababekhona ngaphambi kuka-1994. Kuyadabukisa-ke ukuba abantu abanobuchopho obuntula ulwazi bame kule Ndlu bayeke ukukhuluma ngentuthuko nenhlalakahle yesizukulwane sanamuhlanje, balibale ukudikadikana nohulumeni ongekho njengamanje. Ngingasho ukuthi ngisho abanye basanswininiza namanje ngoba bayezwa ukuthi lokhu engikukhulumayo kungamaqiniso, yikho benswininiza njengoba ngikhuluma kanjena nje.

Uma-ke kunalaba bantu kule Ndlu bengakhuzi amavukana aqhwisha phezu kweziduli zobulongwe kwezombusazwe, kusho ukuthi l eNdlu yakho Somlomo izoyeka ukubuka izinkinga zomphakathi sivuselane amanxeba ngokubhocana ngezinto zakudala. Ngakho-ke iqembu leNkatha Yenkululeko lenza isimemezelo manje sokuthi sekwanele. Ngiyafisa Somlomo ukuthi isiphakamiso seqembu le-DA sidingwa ukwesekwa kakhulu ngenxa yesimo izwe lakhithi elikusona

ngenxa yobugebengu. Isihloko sabo senza ukuba esami sithi: "Quest for a new criminal justice system."

Ukukhathazeka komphakathi ngobugebengu obudla lubi lapha KwaZulu-Natali nakuyo yonke iNingizimu Afrika, kusukela esimweni esiyiso sobugebengu uqobo kanye nasovalweni lwabo kanye ubugebengu. Busukela futhi ekutheni uHulumeni uyiphika ame ngentaba le nkinga. Abantu abakhathazeka ngakho. Ingani bacabanga ukuthi baziphatha ngendlela eyamukelekayo emthethweni; kepha babona inqwaba yalabo abangawugcini umthetho bengancinza ngisho yizenze leli. Ishwa wukuthi labo abezwakalisa ukukhathazeka kwabo ngobugebengu babizwa ngokuthi bangabantu abatetenyiswa ngobugebengu.

Nxa ngikhuluma ngalaba bantu uhulumeni abazi kangcono njengabatetenyiswa ngubugebengu, ngiqonde abanthu phaqha abathobela umthetho wezwe. Abakholelwa ekuvuselelweni konembeza bezaphulamthetho kanye nasekujezisweni kwazo. Ngabantu laba abaqonda kahle kamhlophe ukuthi kunezimbangela ezijulile zobugebengu futhi abakuqondayo ukuthi kakukho uhulumeni ongaziqeda nya. Kephala laba bantu bayakholelwa futhi wukuthi izinhlaka zombusazwe nezomthetho zakuleli zwe kazishayi khona; futhi baqinisele.

I would like to list some factors that bring us to where we find ourselves today – to a criminal justice system that needs to re-establish the public trust on which it will ultimately depend if it is to curb crime. If you cared to ask them, most Africans would tell you that the criminal justice system, as we know it, primarily respects the rights of the accused. Very few would tell you that they have confidence in a system that meets the needs of the victims.

One suggestion is that our criminal justice system is obsolete. Geographical and social mobility has loosened the traditional ties of home and community. The family structure has changes. The divorce rate has increased rapidly. Single-person households are common. The demography has changed. The high-crime category of young men between 15 and 25 has expanded. The disciplines of informal control imposed in the family and schools are less rigid that they once were.

Isimo sokuhleleka kwenhlalo yomphakathi ngokwendabuko kasisekho. Inhlonipho esimweni senhlalo yomphakathi seyehlile ngezanga. Izindlela zokusebenza seziguqukile. Abesifazane bazifumana sebesemsebenzini; akasekho futhi umuntu olindele ukubambelela emsebenzini owodwa impilo yakhe yonke. Isizwe esithuthukayo kakhulu siyisizwe esibiza intengo enkulu. Intuthuko yenyusa amathuba obugebengu futhi ibenza bukhange kahulu. Intuthuko isho ukuthi iningi labantu linokuthile okunokwebiwa. Izidakamizwa zisho ukuthi iningi labantu bazimisele ukweba. Ubugebengu obuhleliweyo, obuthengisa ngabantu nezidakamizwa, benza imali. Umhlonishwa uyazi ukuthi kukhona olunye udaba olujule kabi oluyobuye luvumbuke ngelinye ilanga, ngezinto ezenziwa ngabantu ngoba benzela ukuba bazihlumise bona ngoba befuna ukuthi kuqanjwe amanga ukuze bakwazi ukuzihlumisa bona.

Empeleni, okwenzekayo nje kungolunye uhlangothi olungumphumela womphakathi womhlaba ohlangeneyo nomhlaba oqukukayo. Isimo semindeneni sesiguqukile. Ukufuduka kwabantu ngobuningi kuyaqhubeka. Ngenxa yezinga nohlobo lwalezi zinguquko enhlalweni yomphakathi, izinselelo ezibhekene nohlelo lwezobulungiswa sezikhule kakhulu, ngendlela eyenza inhlekisa uhlelo olwakhelwe esinye isikhathi sempilo – hhayi nje elinye ishumi leminyaka elizayo.

Kephala isimo esesekele umphakathi kasikapheli nya. Yingakho imithetho ephambene nokuziphatha budedengu seyiphophe sonke lesi sikhathi ngoba ngokusobala nje imi ohlangothini lokuziphatha okuyikho kweningi.

It deliberately echoes some of the moral categories – shame, for example – that were once enforced informally. There was, at the same time, something both comforting and oppressive about our old, traditional communities. However, they were very effective at producing informal codes of conduct and order. They contained a sense of fairness and honour. They promoted decency.

Any debate about a more responsive criminal justice system inevitably raises questions about liberty in the modern world.

Because we care about people's civil liberties, we have traditionally set our face against summary powers, against changing the burden of proof in fighting crime, against curbing any of the procedures and rights used by defense lawyers, against any abrogation of the normal, full legal process.

We often forget that each time someone is the victim of a violent or drug-related crime, each time an illegal immigrant enters the country or a perpetrator of organised fraud or crime walks free, someone else's liberties are contravened, often directly, sometimes as part of a wider society.

Kungalezi zizathu thina ku-IFP sikholwa ukuthi sekuyisikhathi sokuhlela kabusha umthetho ukuze ugebele ngasohlangothini lweningi elinokuziphatha, elithobela umthetho nelicabanga ukuthi nabanye kumele benze njalo. Ngamanye amazwi, sidinga okujulileyo ukuhlelwa kabusha kohlelo lobulungiswa ukuze lugebele ngakulabo abayizisulu zobugebengu. Inqubo yomthetho nokuhleleka iyaqhubeka nokugxila emalungelweni abaphula umthetho, ekuvikeleni abamsulwa nasekuqondeni izimbangela zobugebengu. Kusukela ngo-1994; ingqikithi engukhiye yayo yonke imithetho yobugebengu bekuwukuvika ukwepulwa kobulungisa. Kepha ngaso lesi sikhathi, izigebengu ezingcole kunazo zonke sezibe ngezihleleke nezinodlame ngaphezu kokunye.

The petty criminals are no longer the wrong-headed villains of old, but cold-blooded dealers and substance abusers without any residual moral sense. To boost their ranks, a society of different lifestyles spawned a group of young people who were brought up without parental disciplines, led to revolt against anything and everything, without proper role models and without any sense of responsibility to others.

None of us want a return to old authoritarian prejudices. The danger is that we will end up with a kind of rough justice, a danger even now when we use summary powers to close drug dens or seize the assets of suspects. It is exactly to guard against such danger that the rebalancing has to be done with the utmost care and scrutiny. However, the harsh reality is that just as with rights, rough justice works both ways too. There is not rough justice, but rough injustice when townships are terrorised by gangs and the system is not capable of protecting them.

What we and our people, most of whom are socially conservative, do want are rules, order and proper behaviour. We want a society of respect. We want a society of mutual responsibility. We want a community where the decent, hard-working and law-abiding majority is in charge. We want a society where those who play by the rules are rewarded, and those who do not are duly punished. Adding to the existing police service personnel or making cosmetic alterations to the criminal justice system will not bring about a moral revival which I believe is the prerequisite to a society of mutual respect.

Ngaso lesi sikhathi sidinga ukuqinisa isandla ekulweni nobugebengu. Sidinga futhi ukuqinisa isandla ngokulinganayo mayelana nezimbangela zobugebengu. I- IFP ikholwa ngokungazenzisiyo ukuthi umuntu onokuthile anakho emphakathini anethuba lokufinyelela kukho, unethuba elikhulu lokuba ilungu lomphakathi eliziphethe ngokuyikho kunomuntu ongenalo ithuba elinjalo empilweni.

Kepha sidinga ukwethembeka nxa sicubungula izimbangela zobugebengu. Sekunesikhathi eminye yemibutho yakithi yenkululeko isola ukweswela kwesikhathi esedlule njengembangela yobugebengu banamuhla obunodlame. Le mibutho ikholwa ukuthi umzabalazo...[kuphela isikhathi.] Kuyilokho nje Mhlonishwa uSomlomo ukuba seseke i-DA kulokho okuyisiphakamiso sayo.

MR B H CELE (MEC for Transport and Community Safety and Liaison): Mr Speaker, I must really say I did not want to debate this motion, but I was forced by my Chief Whip because I do not know how much it helps to talk rather than do on these matters. I knew exactly that it has nothing to do with solutions, but about grandstanding. [Hear, hear!] We are trying to find solutions. I would urge a reduction on grandstanding regarding these matters.

I want to refer to the pooling of all non-criminal, political matters, as highlighted by Mr Krog. I would love him to explain the matter of the Mercedes Benz to us. I am talking about the matter of the Mercedes Benz that was bought by the very same gentleman the press calls a thug, the one who is close to the Commissioner, the same one who gave a Mercedes Benz to the Democratic Alliance, the same Mercedes Benz that is being driven by Tony Leon. The DA argues is that it belongs to the DA as a party. The question is: Why did he go away with it? Why did he not give it to the new leader of the party? It was bought by the same person who has been called a thug. If the member could explain that, it would help, rather than explaining one part of that. We will be very glad to hear the explanation on that one. [Interjections]

Having said that, I do not want to go back and deal with the matter of what happened before, Mphephethwa. I come from the school of the "struggle youth". I had to go into exile and to prison because I refused to live under apartheid and the grand bantustans. So we will argue those things and how much they have contributed, but having come here today and now, I do not think when my house was burgled - as members said, especially DA members - that I am a denialist when it comes to crime. I have never been a denialist. That is a statement issued by the DA. They and the IFP were both saying: *Ashula, uyalunga..*

I have never been a denialist when it comes to crime. You read all my statements. Let me repeat: The volumes of South African crime do not surpass the volumes of the world and even the world-class countries. The only problem with South African crime is its brutality. I have said that time and again, and I am repeating it. Nobody has ever denied that there is crime in South Africa, like all other countries, but yes, our brutality is bad. I can even give an example. What do you say when somebody stabs somebody 72 times? That is brutality. We all agree that we have very brutal crimes in South Africa. However, that statement has been confirmed by the Peer Review Report. According to that report South Africa does not have the worst volume of crime, but it certainly has brutality. Yes, and we all agree.

When my house is burgled and my things are messed up, you say, "Here you are, Cele. That is your choice." The IFP, through the hon Dr Mtshali, issued that statement. The DA, through Mr Krog, I think, issued the same statement. I don't know. I can't remember. They said, "Here you are, Cele." I have never been denialist on crime in South Africa. I hope when next time this issue is introduced, we will concentrate on solutions rather than grandstanding on the problems.

Professor Maphalala has gone. It is true that for some reason South African prisons are full. I repeat, it is the wrong call in South Africa to build more prisons. It is the wrong call. Politicians cannot come here and say, "Build more prisons". We should be calling for the building of more schools, more colleges and more hospitals. That is a call we must make. We cannot call for the building of more prisons.

By the way, let us take Westville. Westville is supposed to have about 5 000 or 6 000 people. It has 12 000 people! People are saying the police are not doing anything. I can assure you, I have never seen people marching to Westville to say, "Here we are. Please arrest us." They are all brought there by the police. Nobody marches to that prison. [Hear, hear!]

This means the police are doing their job of arresting criminals. However, it is a societal issue about which we cannot shout every day. We must shout on fundamentals. What makes all our prisons 100% full, more than what they are supposed to carry? Those are the fundamentals.

Some of these things are historical. We who are seated here all know that. Let us go and tour every *umjondolo* [slum] in South Africa. There are no white people in *imijondolo* [slums]. *Abekho*. [There are none.]

AN HON MEMBER: *Kunjalo*. [That is so.]

MR B H CELE (MEC): They are not there. There are Africans who are living in *imijondolo*. When it rains, they stand up

because they cannot sleep. There is water all over. There is hunger all over. There is death all over. Take me to any area and show me where white men sleep in *imijondolo! Awekho*. [Interjection]

Those conditions did not come in 1994. They did not come yesterday. These conditions have a long history where Africans, in particular, were prepared for *ukuhlupheka* [poverty, suffering]. Africans were prepared for *ukuhlupheka*. That's what the system did. It condemned us to perpetual death alive! When you see a black man walking, you must know that is a dead man walking. That was our preparation. We were not prepared to be absorbed by the economy. Even during the booming times, the unemployment rate for Africans in South Africa was at its highest, even in the 1960s, during the booming times, there was. So it is nothing.

I do not know why people have a problem with where this comes from. It comes from our history. You are not going to tell me that you were planning Bantu education so that our lives could be better. Bantu education was planned for one thing: to throw us in a permanent abyss of poverty. That is why we cannot find jobs, for the fact that there are more than 2 000 people in this province alone who cannot read and write. Where do you expect them to get a job? Those people were not born in '94. They were not born in '94. They were born far beyond '94, but some party prepared them ...

ukuthi nina njengoba nizalwa nifile niyophila nifile ...

You live that. So can we go back to fundamentals on these things, all of us, because you know the reason why we are here. You know that's why prisons are full of Africans, because Africans were prepared to be there. It's their home through the preparations. It has been like that always, and we all know that. So do not come here and ask what is the problem and all that.

The justice system, by the way, has always served very few in South Africa. I have told the story before, but in Lamontville we sometimes marched to demand a police station to come to Lamontville. There was the highest ...

kugwazwana laphayana kunamaCommodores kwakubhujwa eLamonti namaKarango, kwakubhujwa.

The police refused to bring a police station until we began to burn ...

amabhasi namabhasi. Bawaletha amaphoyisa.

They were not there to protect us. Some of us were stabbed every day. They were there to protect the bus ...

zamasipala ezazikhona laphaya.

You remember those times, don't you? [Interjections] All of a sudden, in the current situation in South Africa, we have forgotten where we come from.

Mrs Downs, I would like to get that report, *Sisi*. We have to deal with the matter of Amanzimtoti. Unfortunately it is one of the stations that I myself take pride in. If they can behave like that ... However, there will always be these rotten potatoes. It does not matter which grade the apples are. We need to deal with that matter. The members must understand that there are structures to deal with those matters – ICD, Community Safety, the police themselves, the internal police. There are all those kinds of things. We must utilise them when we deal with the police.

Overall, we will always put in an effort to make sure that South Africa does become safe. Somebody must help us when we say South Africans must learn to be human beings. South Africans live like animals! I was speaking to some people from the tourism industry this morning, and about the new trend to attack restaurants in Durban. We are trying to arrest

and reverse that situation. You go there, you tell everybody to slip down, indeed everybody slips down, you take the rings, you take everything and as people are slipping down, you still shoot! I do not care how many times you put that person in prison! You need to go far beyond the prison. South Africans must speak to the conscience of South Africans. We will do the work, arrest them and all that, but beyond that somebody must shout to our conscience, and we must find out how we have become so brutalised that we behave far worse than the worst animals that are injured in the bush.

That is the situation in South Africa, but if I will have time, I will bring the report of all the mechanisms that we are putting in place. By the way, I will argue on that one and I will show you, we are having crime stats that are going down. Unfortunately we cannot match the figure because the crime is so high profile that happens, but the figures go down but the high profile of the crime does not tally with the general everybody on the ground, but we will be sharing what we are doing in terms of dealing with that.

THE SPEAKER: Thank you, hon MEC Cele. Let us now proceed to the last speaker, the mover of the motion, to close the debate.

MR R E KEYS (DA): Thank you, Mr Speaker. I would like to thank every member in this House for their support given to the motion. We are not on opposite sides of the fence when it comes to fighting crime. However, the situation is not bad. It is not serious. It is a crisis, and it is not only the police ... [interjections.]

MR R M BURROWS (DA): Mr Speaker, whilst I am perfectly happy that my colleague, Mr Krog, gets criticised when he interjects, could I just draw your attention to the hon Whip Mrs Blose who is carrying out a perpetual interruption of our speakers. [Interjections]

THE SPEAKER: Hon members ... [Interjections] I expect order in the House. However, at the same time, let us please differentiate between interjections and direct engagements, because those are two different things. [Interjections] Let us then proceed with that understanding that order is required in the House. Hon Whip, if you please, allow this House to proceed peacefully and orderly. That will assist this House to conclude its business.

MR R M KEYS (DA): Thank you, Mr Speaker. As I was saying, it is not just a matter of the police. It is the whole criminal justice system. We do not have enough police. Their resources are insufficient and their training is insufficient. As far as the judiciary is concerned, we do not have enough magistrates and prosecutors to ensure that things are moving. The Correctional Services is filled to capacity. We have overcrowding in our jails and the majority are awaiting trial. Mrs Tambo, if you would like to hear, the awaiting trial prisoners are the ones who are choking the jails in this province.

Now, what is worse, the judiciary is sending prisoners back to await trial. Correctional Services refuse to take them. The police stations become mini-jails where policemen now have to look after awaiting trial prisoners. I visited a police station where there was an awaiting trial prisoner who had been there for three years, awaiting trial in a police cell. Now this is not a police problem. It is a problem of the judiciary and Correctional Services. That is why we welcome the CJS, that is, the Criminal Justice System. We have the CPFs. It is going to be CSFs, and that ... [Interjections.] Yes, the Community Safety Forums, where all those disciplines are going to be brought together. We support that. We encourage it and we would like to see it implemented as soon as possible.

We also support the crime prevention volunteers. The proposal has been made. We have indicated our support. We would like to see that thing brought into effect as soon as possible.

Mr Speaker, our prisons are severely overcrowded. The ANC's response sometimes is: "There are too many prisoners, and how do we deal with it? Let us declare an amnesty!" Too often too many hardened criminals are let loose on society to ply their trade on innocent victims again. That we cannot do.

Our courts have a backlog and this denies people justice. Justice delayed is justice denied. We cannot have a justice system that imprisons people for petty theft for a year. We need our whole system to be revamped. The transformation, as I said, of CPFs into CSFs, is supported. We would like to see that happen.

Crime is a concern to all of us. We want to see South Africa's success. We are passionate about South Africa, and that is why we stand up and warn, "There is a pothole. There is a cliff. Do not let us go that way". It is because we love this country that we want to see it become a success. We want to see it safe. We do not want to see criminals taking over. If that is interpreted as negativity, there is no understanding of what loyalty is between friends. Friends will walk down a path and warn each other and say, "Careful, do not knock your foot against the rock", "Do not fall down there", "Beware of this". They will protect each other and look after each other. That is what a loyal opposition is in South Africa.

This resolution, Mr Speaker, calls on the Department of Correctional Services, the Department of Justice and the Department of Safety and Security to ensure that the resources required by each department are supplied so that we can win the war. At the moment the criminals have greater fire power than our police. They have faster cars than our police. They have an intelligence system. They know where the police are. They have paid people in Correctional Services. They have paid people in the judiciary. There are collaborators in each department who help the criminals.

We have to get rid of that element. Part of our success is to get rid of that and to make South Africa work. That system can only work if we get the rot out. The hon MEC has indicated that there are rotten potatoes in the South African Police Service. There are rotten potatoes in the judiciary and in Correctional Services. We have private taxi companies operating with criminals in transporting stolen goods from one place to another. They are transported from this country into Mozambique and into Swaziland. The police have that information. We have been working with them to eradicate it.

We need to clean up this society. You have our support, Mr MEC. We will contribute to build this society and we will show you the potholes because we love our country. Thank you, Mr Speaker.

THE SPEAKER: Hon members, that closes that debate on that motion. I have a number of announcements that I need to make and some matters that I need to deal with which have not been dealt with in the process.

Let me start with the matter of the debate on the Finance and Economic Committee report by the MEC and by the Chairperson of the Committee. There has been an official request that those two reports be put to the vote and the debate was concluded peacefully, very positively. Therefore it should not be a difficult matter.

I now want to crave your indulgence by putting those two reports to the vote. I will begin with the report of the Portfolio Committee. Hon members, it will only be one report that we will vote on. We need to vote on the Portfolio Committee report which has the resolutions. We do not need to vote on the MEC's report.

The Speaker put the report of the End of the Year Provincial Budget and Performance Report, with resolutions, by the Portfolio Committee on Finance and Economic Development.

Agreed to.

The report is now the report of the House, together with its resolutions. That was the first matter that I needed to correct which I needed to deal with.

The second matter that I need to deal with is the matter of the motion moved by the Chief Whip this morning. The Chief Whip had indicated that at least one of the parties was not in agreement at that stage. In order for the Chief Whip to have time and for the party to see its way through persuasion, I said that I would rule on how this motion is then moved. I have

since received a report that indicates that there is no concurrence on this motion, and this comes from the Chief Whip. In that case, therefore, the motion is moved as a motion with notice which shall be put to the Order Paper for debate. That is the second matter I needed to dispense with.

Whilst on that matter, I wish to announce that members of the Whips Forum are informed that there will be a special Whips Forum meeting that will take place immediately after the meeting of the Disciplinary Committee. I will announce that as well.

Another reminder is about the Disciplinary Committee meeting. Hon members of the Discipline Standing Committee are reminded to remain in the Chamber to convene a special meeting as soon as the House adjourns. Members of the Discipline Committee have been informed of this and presumably they are all ready for that meeting.

Another report which came in quite late and was not dealt with during the obituaries and other ceremonial matters, but which I have condoned, is a report to the hon Speaker from the MEC for Social Welfare. It is dated today's date and the subject is, "*The funeral service for the HOD's mother*". It reads, "*The MEC for Social Welfare and Population Development, Honourable Dr Meshack Hadebe, would like to make the following announcement: That the funeral service for the late Mrs Zulu, Mr Tembani Zulu's mother, who passed on on Sunday, 3rd of June 2007, will take place as follows: Date: Saturday, 9 June 2007. Time: 10am. Venue: Lay Centre, Edendale*". Thanks.

I also was reminded that I did not report to this House that the hon ... No. I have made a mistake. I withdraw that, hon members. The Sergeant-at-Arms is not at work. He has requested time off because his sister-in-law passed away. I think it was just an omission on my part not to announce that in the morning. I hope hon members will bear with me. That is the Sergeant-at-Arms of this House. He has had a tragedy of that nature, and I needed to at least have informed the House of that.

Beyond that, I have received an official notification from the Office of the IFP Caucus which informs me - and presumably also informs the House - that Mrs LG Ngcobo has directed that I be informed that under the circumstances she is progressing well. She has been transferred from the high-care unit to the general ward on the second floor, E8, at Westville Hospital. Those members who are likely to find time, it is the second floor, E8 at the Westville Hospital. That is the hon member, Mrs LG Ngcobo.

I was subsequently also informed, though verbally, by the same office, that the hon member Mr Ntombela was also discharged from hospital yesterday. I will therefore ask the IFP Chief Whip and the IFP members to please convey our gratitude to hon member Mr Ntombela and his family that he has been discharged. We hope that he will rejoin us quite soon.

Similarly, those who go to Mrs Ngcobo, please convey our gratitude that she has recovered. I may also try and go, as well, depending on time.

Hon members, that concludes the announcements. Before I adjourn, I need to ascertain whether there is a report by the Premier. The only MEC that is in the House is still busy with the hon member Mr Keys. Is there any announcement by the Premier that you are aware of, Magaye? Thank you, hon members. That concludes the business of the day. We shall meet again on the 21st of June in this Chamber.

The House was adjourned at 16:32.