

**BUDGET SPEECH FOR THE KWAZULU-NATAL LEGISLATURE DELIVERED  
ON 22 APRIL 2010 BY THE HONOURABLE SPEAKER, MS NELISWA  
NKONYENI [MPL]**

Honourable Premier,

Members of the Executive Council,

Deputy Speaker,

All Office Bearers of the Legislature

Honourable Members,

Secretary to the Legislature

Management and Staff

Distinguished guests,

Members of the Media,

Ladies and Gentlemen.

In 1987, in his January 8<sup>th</sup> statement, the late ANC President, Oliver Tambo said:

**“We must proceed from the position that our task is to win a revolution. Political revolutions are about the capture of state power and is used to advance the objectives of fundamental social transformation. This task must be carried out consciously and intentionally by the revolutionary forces to bring about profound change in favour of the social classes and strata that have gained power.**

**Without the victory of the revolution, revolutionary changes are not possible. The State is a vital feature in that effort to bring about those revolutionary changes because a new society cannot be built within the existing framework.”**

It is against this statement that any progressive budget must be measured, for budgets are, for all intents and purposes, the expression of change.

Honourable Members, in presenting our Budget Policy Statement before this House, we reaffirm our stated objective of making ours a truly Activist Legislature, an institution that proactively confronts and responds to issues affecting the daily lives of the people of our Province. In so doing, we will breathe life into our institution, giving a voice to the voiceless and effect to the words of the Honourable President of the ANC, OR Tambo.

Before we proceed further, allow us to record our deepest appreciation to our former Speaker and current MEC for Transport, Community Safety and Liaison, the Honourable Willies Mchunu for building on and laying a solid foundation for this institution. The public participation initiatives that you introduced during your tenure have made our institution a model for other Legislatures, including National Parliament. It is for this reason that we have taken a firm decision to build on this very solid foundation as we consolidate our Public Participation Programme during this electoral term.

We also take cognizance of the fact that the first Taking Legislature to the People programme was introduced by the former Speaker in Estcourt in October 2005 and it has grown from strength to strength. As a result of that programme an additional 2.3 billion rand was injected into this province. I noted Honourable Members quoting from the Taking Legislature to the People book in their recent debates. I call it a book, because it is exactly that – factually researched literature documenting the processes and associated benefits of the Taking Legislature to the People Programme and it was developed in house by our research unit. That documented process now adorns both national and international libraries and our programme is seen as a best practice bench-mark in the commonwealth. Irrespective of our politics on this issue, we must accept that as legislators we have an obligation to better the lives of the people of this province and we do this by experiencing the sufferings of our people. The Taking Legislature to the People Programme is one of many tools for effecting the principle of involving the public in the legislative processes.

Before I move on to the strategic plan for this term and the annual performance plan for this year, allow me Chairperson to address two issues that have been unduly politicized by Members of this House. This being the issue of catering in this Legislature as well as the 2009 election monitoring by an independent observer mission.

On the issue of catering, I emphasize that this Legislature is on record for having informed both Scopa and the Finance Committee that in 2008/2009, the Legislature was pressurized by Members of this House, across the party lines to ensure that there was proper catering to address specific dietary requirements of Members. Addressing this issue on an urgent basis resulted in the Legislature not advertising in the Government Gazette for a period of 21 days as per supply chain prescripts. We also explained that notwithstanding this fact, the tender was advertised widely in all newspapers and the process leading to the appointment of the service provider was fair and transparent. This issue was not discovered by any other person but the Legislature, when it disclosed this in its financial statements as a non-compliance issue.

In respect of the election monitoring issue, the matter was also explained to the Finance Committee in that the build up to the election of 2009 reflected hotspots of violence particularly in the Zululand and the Uthukela district. One Member of this House was even shot at in that period whilst campaigning. In addition, a family member of a Member of National Parliament was also shot at during this period resulting in the loss of the use of an eye. The former Speaker, Hon Willies Mchunu called a meeting of all political parties involved in the elections, as well as non-governmental associations and the Independent Electoral Commission. The meeting was held in this Chamber and issues were discussed in a manner that emphasized peaceful elections. At this session, the Non-Governmental Association indicated their experience in monitoring elections in the African

continent. All participants reflected their support for such observer mission. Accordingly, the Legislature took up the cudgels but its pro-active intervention is now being unnecessarily politicized. I believe that it is important, Chairperson to set the record straight.

Honourable Members, the Legislature has just adopted a five-year Strategic Plan which will guide this institution up to 2014. In developing this plan, we embarked on an inclusive consultative process involving the Administration wing of our institution, the Political Management team as well as all political parties represented in this House. Therefore, the finalization of this Strategic Plan is a very important milestone for us as this document is a blue-print of how we intend to take this institution to even greater heights during this period.

It is only by striving to achieve excellence that we will ultimately serve the aspirations of all our people, a people who depend on our commitment to achieve the goal of a better life for all. For ours is a noble task of building a developmental state, a task we dare not fail.

Without getting into details, we have identified four strategic objectives for this institution for the next coming years. These are Law-making, Public Participation, Oversight; and Leadership and Governance.

It is our collective responsibility as the state and citizens as partners in the Constitution - a Constitution that binds both state and citizen - to work together in an effort to achieve democratic accountability. As in any contract responsibility is mutual – however a democratic state is non negotiable.

I make this point by relying on the words of our State President J .G. Zuma during the debate on the State of the Nation Address on the 09<sup>th</sup> June 2009 when he said (AND I QUOTE):

“The success of the democratic system as a whole depends on good relations of mutual respect and a spirit of partnership among the Executive, the Legislature and the Judiciary. This is very important for our constitutional democracy”.

Honorable Members, the core mandate of the Legislature is emphasized in our young democracy but I repeat it for emphasis :

- The Legislature makes laws;
- The Legislature maintains oversight over the executive; and
- The Legislature involves the public in its legislative processes.

Another two critical constitutional principles that are emphasized in our young democracy is that of co-operative governance and the principle of ‘separation of powers’.

Accordingly, we remain steadfast in our conviction that the Legislature will facilitate robust oversight but will do so fully understanding the role of the executive and the parameters of our engagement.

Honourable Members, law-making is a constitutional mandate of the Legislature. This Legislature has not been particularly proactive in initiating its own legislation. Instead, there has been an over-reliance on the Executive arm of Government to initiate legislation for adoption by this House. We are of the view that we have amassed a lot of information, having interacted directly with the people of our Province through our Sectoral Legislatures as well as the *Taking Legislature to the People* Programme, for us to respond positively to issues emanating from the people of KwaZulu-Natal and in turn translating their political will into legislation that serves our people's needs.

### THE PEOPLE SHALL GOVERN

Honourable Members, back in 1955, the freedom charter proclaimed that 'the 'people shall govern' – today in the KZN Legislature specifically and in our province, through the 'Taking Legislature to the People' programme, the people are governing, the voiceless are being heard as we provide opportunities for effecting section 118 of the Constitution and in such giving a voice to those that have been historically marginalized.

We remain steadfast in our commitment to involve the public in our legislative processes as we ensure that our Legislature representatives carry out functions informed by and on behalf of the citizen as they persevere in a continuous effort to systematically and incrementally facilitate the will of the people while discharging their duties.

Our Public Participation Programmes will also be given an added impetus during this term. In the main, we will do this through the expansion of Sectoral Legislatures, the proactive implementation of our petitions strategy, the involvement of constituency offices in enhancing public participation as well as feedback visits and oversight visits.

Specifically with regard to Oversight, we will proactively and reactively monitor the performance of our government in the implementation of national and provincial priorities, the adherence to Chapter 2 of our Constitution and ensure the prudent use of financial resources by government and all institutions accountable to this Legislature. Our Oversight will be extended to include Chapter 9 and 10 constitutional bodies.

As you will recall, during the State of the Province Address, our Honourable Premier Dr Z.L. Mkhize reiterated the provincial government's commitments towards the attainment of priorities as outlined in the new government's Programme of Action. These are:-

- Education
- Health
- Rural development, food security and land reform
- Creation of decent work and sustainable livelihoods
- The fight against crime and corruption.

These priorities have been grouped into twelve outcomes that are the basis of the Programme of Action for Government. These outcomes are:-

- Quality basic education
- A long and healthy lifestyle for all South Africans
- All people in South Africa are and feel safe
- Decent employment through inclusive economic growth
- Skilled and capable workforce to support inclusive growth path
- An efficient, competitive and responsive economic infrastructure network
- Vibrant and equitable, sustainable rural communities contributing towards food security for all
- Sustainable human settlements and improved quality of household life
- Responsive, accountable, effective and efficient local government system
- Protection of our natural assets and natural resources
- Creation of a better South Africa, a better Africa and a better world
- An efficient, effective and development-oriented public service and an empowered, fair and inclusive citizenship

Honourable Members, we therefore have a constitutional responsibility as the oversight body to ensure that all organs of our provincial government contribute towards the realization of these outcomes as announced by the Premier during the State of the Province Address.

In this regard, we have listened with keen interest to the Budget Policy statements as presented by various MEC's since last week. We have done this because this gives us further guidance on how we need to position ourselves to conduct our oversight processes more effectively.

By way of example, and without elevating any particular programme of government over another, we have noted *Operation Hlasela* to deal with the scourge of crime within our communities. Our role therefore is not only to assist this Department of Community Safety and Liaison in addressing this matter, but also to be vigilant in ensuring that this campaign indeed bears fruit. In doing so we would also have played our part in assisting our government to meet one of its key priority areas, to fight crime in our society.

We will also be very vigilant in monitoring all the public entities that fall under various Departments and which are meant to promote the creation of decent jobs and economic opportunities for our people. We will be constantly probing our MEC's to ascertain whether the public entities are indeed delivering in terms of the twelve outcomes that are the basis of the Programme of Action for

Government. To this end, we will be investigating implementing a cluster oversight system within the Legislature drawing under one umbrella the relevant departments tasked with achieving these outcomes.

Equally, we will monitor the Department of Human Settlement in its quest to provide housing and thus create sustainable living communities, with the required infrastructure and economic and social amenities.

Honourable Members, the point we are emphasizing is that we intend to use our budget allocation to further improve on our constitutional mandate of exercising oversight over the executive arm of government. We will do this informed by the overall objectives that our government seeks to achieve during this electoral term. We do all this, Chairperson, without fear, favour or apology and with the clear understanding that the people of KwaZulu-Natal are paramount to our agenda for transformation. We embark on this journey with the full confidence that the Executive support the role of the Legislature as we are partners in ensuring delivery on the priority areas that the people of this country have identified.

Having said the above, we wish to state that one of the challenges that we face in implementing our proactive and reactive oversight more effectively is that our budget does not allow us to do our own investigation on service delivery problems facing the people of our Province. For example, when issues relating to

land or water provision are brought before us, we are not in a position to conduct our own investigation to verify where the challenges lie. Instead, we rely on Departments to assist with the investigation and when the outcomes of these investigations point to a rot within the department themselves, the process then gets frustrated. We hope that as we go forward, more funding will be set aside to enable us to perform our oversight more optimally.

### *1. THE LEGISLATIVE SECTOR APPROACH*

Honourable Members, the National Speakers' Forum of which we are a part of has identified a need to strengthen the South African Legislative Sector and to develop a Sector policy which will apply to all Legislatures including Parliament of the Republic. We have done this because we wanted to create a shared platform for the setting up of norms and standards that will govern the Legislative sector. In this regard, our Legislature has signed a Memorandum of Understanding which binds us to participate in the sector as well as to reap all the benefits flowing from this.

As the Legislature, we are very excited about this positive development as it comes with a number of opportunities that we can tap into. Chief amongst these is access to international donor funding, capacity-building Programmes for our Members, technological innovations as well as access to a pool of experience that currently resides within various Legislatures. As we move forward, other

benefits arising from being a party to the South African Legislative Sector will flow.

## *2. PROMOTING FINANCIAL AUTONOMY OF THE LEGISLATURE*

Honourable Members, we are all aware that for many years, Legislatures have been operating in a manner that is far from ideal in view of the fact that much of the Public Finance Management Act (the PFMA) is not applicable to Legislatures and Parliament. The KwaZulu-Natal Legislature has in the past chosen to comply with the requirements of the PFMA and Treasury Regulations in the interest of transparency and good financial governance. There has always been a lacuna due to the absence of a formal legal basis which regulated how the Legislature may conduct its financial affairs.

The Legislature is constitutionally enjoined to exercise oversight on all government departments, including Treasury. However, an over-dependence on Treasury can lead to the Legislature's oversight role being compromised.

As the legislative sector, we have been called upon to ensure that we finalise uniform legislation that will regulate, amongst other things, the financial management of our Legislatures and to entrench the autonomy of our institution as a distinct arm of government.

To this end, Parliament passed the Financial Management of Parliament Act in April 2009 which sets out principles on how Parliament must conduct its financial affairs. In terms of the National Act, and the norms and standards contained therein, all Legislatures must promulgate legislation which specifically addresses the financial management of Legislatures. This will take us as the KZN Legislature one step closer towards giving effect to the letter and spirit of the Constitution. To date, seven Legislatures have passed their legislation and KwaZulu-Natal is one of the two Legislatures that have not finalized their legislation. We have already drafted a bill in the form of the KwaZulu-Natal Legislature Financial Management Bill which will soon be channeled through the formal legislative processes of our institution.

Honourable Members, we have decided to apprise you of developments on this draft Bill as it will revolutionize the manner in which we conduct our business. Most importantly, if this Bill is finally adopted, there will be some financial implications for the Province in that there will be a need to put the necessary systems and personnel in place to ensure proper implementation thereof when enacted.

I need to assure Members that the thrust of this legislation is to ensure transparency, accountability and sound management of the Legislature's revenue, expenditure, assets and liabilities whilst at the same time promoting the

constitutional status of the Legislature. It is our view that Members will support this legislation once it is formally introduced in the House.

Chairperson, at present, the oversight committee of the Legislature is the Rules Committee, which is also responsible for passing policy and maintaining oversight over the Legislature. The Rules Committee is chaired by the Speaker. This creates an anomalous and untenable scenario in that the members of that committee pass policy and stand in judgment of their own policies and the Speaker chairs a committee that is maintaining oversight over the Speaker as Executive Authority. You have noticed today, Honourable Chairperson that it would have been impossible for the Speaker to table the Strategic Plan, Annual Performance Plan, Budget Speech as well as the oversight report by the Rules Committee. As a result of this urgency, the Strategic Leadership Team has recognized that there may be a need to amend the Standing Rules of the Legislature to address this matter, prior to the legislation being promulgated.

### *3. CAPACITY-BUILDING FOR MEMBERS*

Honourable Members, you will recall that sometime in 2009, we embarked on a Training Needs Analysis, whose main objective was to assess the training needs for our Members. We did so out of the realization that, as elected public representatives, we need to constantly sharpen our skills so that we are in a much better position to deliver on our constitutional mandate.

By being signatories to the Legislative Sector's Memorandum of Understanding, we were able to realize this objective through donor-funding to the legislative sector from the European Union. Last month we were able to launch a capacity-building programme for our Members. We are particularly excited that our Members will be exposed to an internationally-accredited training programme by the University of KwaZulu-Natal and will, at the end of this training, obtain a Postgraduate Certificate in Governance and Leadership and will progress up to a Masters Programme.

This is just one of the many interventions that we have introduced to make our institution a truly modern Legislature.

#### *4. VISIBILITY OF OUR LEGISLATORS*

Chairperson, during our maiden Budget Speech last year we shared with this House that we wanted our Legislators to be more visible to the people we serve. We wish to reaffirm our position before this House.

During our short stint in Office, we have observed that not all political parties have the same understanding of the functioning of constituency offices and the role that they play in communities as an extension of the Legislature. This was clearly evident in the 'Taking Legislature to the People' session held in

KwaMaphumullo recently. Although funding to operate constituency offices is directed to parties (and accounted for by the parties), constituency offices service all sectors of society in an effort to strengthen the Legislature's oversight role and encourage public participation.

In addition, it provides an avenue for dissemination of information on government programmes that are relevant to constituents. Constituency funds are appropriated in this House; therefore we have a responsibility of ensuring that these constituency funds are used strictly for the purpose that they are intended for, i.e. as centres where people of our Province can access their elected public representatives. During this financial year, we will conduct an audit of all constituency offices so that we satisfy ourselves that they are indeed fully functional.

I therefore urge all Honourable Members to make sure that these Constituency Offices are operational. As these offices develop, it is our intention that they also serve as centres where citizens can effectively communicate with us; including matters related to inputs on proposed legislation and other processes of the Legislature. I look forward to your assistance in improving on this area in the near future.

Notwithstanding the above, we have drawn up and will be implementing a new Programme to make our legislators more visible to the people. Amongst other things, our Legislators will be involved in the following:-

- ***Legislators going back to School*** - This will entail us visiting schools to promote civic education amongst learners. Our Legislators will teach learners on issues such as Our Constitution, Bill of Rights and responsibilities as well as National Symbols, to name but a few.
- ***Paint Fest*** – We have partnered with the Private Sector to identify needy schools, clinics as well as day-care centres in our Province. Our intention is to get these facilities repainted/renovated by our legislators in partnership with the private sector. A rollout of this Programme will be announced sometime this month.
- ***Legislators promoting Healthy Lifestyles*** – Amongst other things, we will introduce a Wellness Programme for our Members so that remain emotionally and physically fit to tackle challenges facing our people. We will also encourage Walks for Wellness, One Home-One Garden, One Village-One Product campaigns in our communities.
- ***Project Citizen*** –As Legislators, we will adopt Project Citizen as a tool to help educate our learners on how to monitor and influence public policy in their communities, policy making processes, to develop marketable skills and the foundation needed to become responsible participating citizens, develop effective and creative communication skills, develop more positive self-concepts and confidence in exercising the rights and responsibilities

of citizenship and develop an understanding of the importance of citizen participation in government.

Our intention is to further popularize our institution as an activist people-centred Legislature, to make our people realize that ‘together we can do more’ and in so doing, we will endeavour to balance representative and participatory democracy

#### *5. STRENGTHENING OVERSIGHT*

I have stated above that oversight will be strengthened. One of the tools we will continue to use in strengthening oversight is to intensify our interaction with members of the public. This we will continue to do through the ‘Taking Legislature to People’ sittings as well as sectoral Legislatures. Some Members of this House have indicated positive suggestions on how we can improve ‘Taking Legislature to the People’ sittings by, among other things, expanding public interaction sessions and ensuring that they do not compete with the normal sittings of the House and placing on the order paper mostly those matters that directly affect these communities.

The other criticisms of the programmes are nothing but unhelpful politicking which we will continue to ignore especially because they have been made and responded to at many forums of the Legislature. We have had testimony in this House recently of the usefulness of sectoral Parliaments from a Member of the official opposition, Hon Mncwango who said she is proud to be a product of the

sectoral Legislature (Women's Parliament). Such comments, coming from the Opposition will only strengthen our resolve on the conviction that sectoral Legislatures are indeed necessary!

The picture on strengthening oversight will not be complete without well-resourced and effective committees. Committees cannot begin to function well when they do not have annual plans which guide their oversight patterns. For the first time in the current financial year, all committees have adopted annual oversight plans which clearly document how oversight will be conducted. These plans also serve as tools for the Legislature to evaluate how effective each committee was in conducting its business and that principle talks to accountability of committees to the House.

Whilst it is recognized that planning will assist in strengthening committees, the additional challenge that the Legislature faces relates to capacity in relation to staff supporting oversight committees. At a glance, it has been ascertained that the support staff available to an oversight committee at National Parliament is the following :

- committee secretary;
- content advisor;
- committee researcher;
- committee assistant;
- sound and vision staff;

- language practitioner;
- media liaison officer; and
- budget analyst.

This is clearly in stark contrast to the position in the KwaZulu-Natal Legislature where the shared service model has been utilized for certain services such as committee co-ordinating, research and assistant. Critical positions of budget analysts and content advisors for committees do not exist. These are areas that have been addressed in the 2010-2014 strategic plan and we will require members of the Legislature to support the capacity building and resource initiatives.

#### 6. *STUDY TOURS*

This programme still remains an important tool for learning and sharing of information between our Committees and their counterparts in the Country, Region, the Continent and the World. We will therefore continue with this Programme during this financial year because we see the value of these study tours. I want to state that we heeded the call made by this House to review the programme with a view to rationalizing it; in view of the less than ideal financial position of our Province. After extensive discussions and careful consideration of all facts, we decided to continue with the programme in its current form. We did this because we see the value of continuous learning which can be gleaned from

these interaction sessions. The Office of the Speaker will be more rigorous in ensuring that whatever lessons are learnt during these study tours are utilized so that we can constantly improve as the KZN Legislature.

## *7. STAFF MATTERS*

As you will recall, the Legislature embarked on a restructuring process sometime in 2006; specifically to address a deadlock in negotiations between the then leadership and the representative union, (Nehawu) around the implementation of job evaluation and grading results done in 2004. This process was eventually finalized in December 2008 for implementation at the beginning of 2009.

May I advise members that organizational structures are dynamic by their very nature, so a provision was made to address all the anomalies of the new structure within three months after the adoption of the new structure.

It is common course that we went through the General Elections in May 2009 which resulted in government adopting new priorities for the next five years. It is therefore on these grounds as well as the capacity constraints experienced in relation to committee oversight, that we will need to review our organogram so that it is aligned both with the new priorities of government as well as our recently adopted Strategic Plan.

In embarking on this exercise, we will strive to ensure that the morale of our staff complement is not adversely affected and that organized labour is involved in the process. It is our desire to preside over an institution whose administration wing is competent, efficient and forward looking.

#### *8. DONOR FUNDING*

Chairperson, previously the Legislature received donor funding directly from the European Union. However, with the adoption of the Legislative Sector Framework this is no longer the case. All donor funding now resides within Parliament and is only released to Province based on the results areas as identified within the sector. This will ensure that we use donor funding more efficiently and for entrenching norms and standards that will apply to Legislatures throughout the country.

#### *9. 2010/11 LEGISLATURE BUDGET*

The allocation of the Provincial Legislature increased over the 2009/10 MTEF, in line with Resolution 12/2008 of the Finance Portfolio Committee. This Resolution required that the Provincial Legislature, together with the Provincial Treasury, conduct a comprehensive zero-based budget, to correct the baseline going forward, and to bring the Provincial Legislature's budget in line with the budgets of the other provincial Legislatures. However in the first financial year of implementation of this resolution a cabinet resolution to cut-back 7.5% on all goods & services items was taken, which has had an impact in the 2009/10

financial year as R7.511 million (R7,774 million: 10/11) was sent back to the provincial revenue funds, which has been factored into the 2010/11 MTEF.

In presenting the 2010/11 Budget for Vote 2, we have heeded a call by our Finance MEC Honourable Ina Cronje to spend our scarce resources effectively, efficiently and economically. We commit ourselves to spend wisely in furtherance of our constitutional mandate as the legislative arm of government.

Chairperson, I now present the budget for 2010/2011 financial year as follows:-

<b>Budget per Programme</b>	<b>2010/11</b>
	<b>R'000</b>
Programmes	
Programme 1 : Administration	95,278.00
Programme 2 : Parliamentary Services	44,883.00
Programme 3 : Facilities for Members and Political parties	120,541.00
Statutory Amount : Members Remuneration	61,491.00
<b>Total</b>	<b>322,193.00</b>
Responsible Executive	Speaker : Provincial Legislature
Accounting officer	Secretary: Provincial Legislature

As I close, Honourable Chairperson, I paraphrase the words of the then President of the ANC, OR Tambo in reminding us that the '**State is a vital feature in bringing about revolutionary changes**'. Let us become the revolutionary change that transforms the lives of the citizens of KwaZulu-Natal so that they may have a better quality of life as a result of our efforts. I thank you