



KWAZULU-NATAL LEGISLATURE

AN ACTIVIST PEOPLE CENTRED LEGISLATURE

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PIETERMARITZBURG
3200

239 LANGALIBALELE STREET
PIETERMARITZBURG
3201
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The Hon Speaker

Hon N. Boyce

KwaZulu-Natal Legislature

Private Bag X3112

Pietermaritzburg

3201

12 February 2020

Dear Hon Speaker

**RE: PARLIAMENTARY QUESTION 190/2019 TO THE HON MEC FOR
COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS IN
KWAZULU-NATAL**

In 2019 I submitted the above question to the question's office for attention of the Hon MEC for Cooperative Governance and Traditional Affairs in the Province of KwaZulu-Natal.

I have just received communication from the Hon MEC through the office of the Speaker whereby the Hon MEC is refusing to respond to the question. The Hon MEC refers me to Standing rule 102.1 (a), (b) and (c) as grounds for his refusal to respond to the question.

Hon Speaker, I am very disappointed. Standing rule 102 of the Legislature talks about matters of public importance and does not have sub-items (a), (b) and (c). In his communication the Hon MEC further refers me to rule 102.7. Our rules do not have rule 102.7.

Be that as it may, I respectfully refer the Hon Speaker to rule 107.1 (b) of the Standing Rules of KwaZulu-Natal Legislature which allows me to seek information from the Hon MEC for COGTA in an area which is his responsibility of Administration.

Sadly, the Hon MEC in the letter encourages or advises me to seek these responses through the "elected public representatives" of "my political party" in these municipalities. By implication, what the Hon MEC is saying is that if a member

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of the Provincial Legislature does not have his/her political party's elected public representatives in a municipality, that member is denied the opportunity to get administrative information on a public matter through the provincial administration responsible for municipalities in the province. Surely this cannot be the case, Hon Speaker.

The Constitution of the Republic of South Africa, Act 108 of 1996, as amended, in Section 155 (7) mandates both the National and Provincial Governments to oversee the administrations of municipalities. It is under these administration and constitutional prescripts that municipalities submit their compliance reports to Cooperative Departments in the Provinces as their immediate Constitutional principals.

The MEC's for COGTA themselves occasionally issue directives to municipalities in line with the responsibilities bestowed upon them by the Constitution. The Hon MEC is therefore bound by the rules and by law to respond to my question.

I hereby request the office of the Hon Speaker to ask the office of the Hon MEC for COGTA to comply and furnish me with the information requested.

I have enclosed a copy of my question and a copy of the MEC's response for your ease of reference.

Thanking you in advance.

Sincerely


Mntomuhle B. Khawula, MPL
Email: khawula@kznleg.gov.za
Cellphone: 071 207 9445

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Ministry:
Cooperative Governance and Traditional Affairs
PROVINCE OF KWAZULU-NATAL

Tel. +27 33 395 2638 Fax. +27 33 394 5669
Postal. Private Bag X 9078, Pietermaritzburg, 3200
Office. Natala Building, 330 Langalibalele Street,
Pietermaritzburg 3201

MINISTRY

Enquiries:
Imbuzo: Mr R Liptak
Navrae:

My Reference:
Inkomba Yam: My Verwysing:

Parliamentary
Question: PQ 190/2019

E-mail:

Roman.liptak@kzncogta.gov.za

THE SECRETARY
KWAZULU-NATAL LEGISLATURE
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3200

PARLIAMENTARY QUESTION 190 OF 2019: MR M KHAWULA (IFP) TO ASK THE MEC FOR COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS, RE: MUNICIPAL VEHICLES, PERSONNEL AND SECURITY

Honourable Speaker

RE: PARLIAMENTARY QUESTION 190/2019: MR M KHAWULA (IFP) – THE MEC FOR COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

The above Parliamentary Question 190/2019 from the Hon. M Khawula (IFP) refers.

1. It is my belief that the substance of this question violates Standing Rule 102.1(a), (b), and (c), of the Standing Rules of the KwaZulu-Natal Provincial Legislature, which regulates the ambit of questions that may be directed to Members of the Executive Council by Members of the Provincial Legislature in terms of relevance to the various portfolios of the Members of the Executive Council.
2. The questions contained within Parliamentary Question 190/2019 fall within the purview of KwaZulu-Natal municipalities which constitute a separate sphere of government.
3. In order to establish satisfactory answers to these questions, the political party which Hon. Khawula represents is encouraged to refer its inquiries to all respective Municipal Councils in the province through its elected public representatives in these Municipal Councils.
4. I therefore seek remedy in terms of the Standing Rule 102.7 of the KwaZulu-Natal Provincial Legislature and request the Speaker's Office to rule that these questions be withdrawn by the Member concerned.



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Ministry:
Cooperative Governance and Traditional Affairs
PROVINCE OF KWAZULU-NATAL

PARLIAMENTARY QUESTION 190 OF 2019: MR M KHAWULA (IFP) TO ASK THE MEC FOR COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS, RE: MUNICIPAL VEHICLES, PERSONNEL AND SECURITY

Yours sincerely,

MR S. HLOMUKA, MPL

MEC FOR COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

Date:

27/1/20

WRITTEN REPLY

190/2019

Mr M Khawula (IFP) to ask the MEC for Cooperative Governance and Traditional Affairs:

Can the honourable MEC provide the breakdown of the following: -

1. How many official vehicles are allocated for each Mayor, Deputy Mayors and Speaker in each Local, District and Metropolitan Municipalities of our Province, including the type and purchase value of each vehicle used;
2. How many personnel are allocated to each mayor, deputy mayor and speaker of each Local, District and Metropolitan Municipalities of our Province and what is the monthly cost to council for each one of such personnel; and
3. How many other Councilors are provided with security personnel in each one of the Local, District and Metropolitan Municipalities in the Province and what is the total monthly cost to council for such personnel allocations?