



# MONITOR

*A monthly briefing sheet to keep communities informed about what is happening in Parliament*

DID YOU KNOW...	OUR LEAD STORY
<p><b>The Department of Performance Monitoring and Evaluation</b> makes unannounced visits, to monitor frontline service delivery of other departments, in conjunction with the Offices of the Premiers. Quality of service delivery is assessed across a number of areas, such as location and accessibility, opening and closing times, visibility, signage, queue management and waiting, dignity of treatment, cleanliness and comfort, safety and complaints handling. Interviews are held with staff and customers. The results are used to help the departments improve, and are also reported annually to Cabinet. Case studies of good practice are also produced. Full reports and results for national departments can be accessed from <a href="http://www.thepresidency-dpme.gov.za">www.thepresidency-dpme.gov.za</a></p> <p><b>The Department of Women, Children and People with Disabilities</b> runs a Rural Women's Empowerment and Development Programme, which aims to promote networking opportunities, government programmes of education and training, strengthen women's access to markets, develop funding opportunities and tap also into resources from other departments, such as subsidies for women's businesses. Many women are still unaware of their rights, particularly in relation to succession and land, and have limited access to capital to boost their businesses. They also face challenges around unsustainable use of natural resources and finding proper and secure child care when they are working. The Department fully recognises the need for better monitoring and evaluation of programmes for women across all departments. The Department is aiming to train 10 000 women in cooperatives, with assistance from Pretoria University, and has a scholarship scheme for this.</p>	<p>The Medical Research Council (MRC) briefed the Select Committee on Women, Children and People with Disabilities on drugs and violence against women and children, based on data collected from over 8 000 patients from all nine provinces. There was a modest decline in rapes reported to the police, but a significant increase in rape homicides from 1999 to 2009, and in 2009, 25% of girl child homicides also involved rape. In 2000, 50% of those arrested for rape had tested positive for illicit drugs, and it was certain that these numbers would have increased. There was a definite link between alcohol and stimulant drug use and rape, due to inhibitions being reduced, delinquency and firearms. Rape was prevalent where groups of boys, particularly in gangs, or in rural areas, collaborated to trap vulnerable girls.</p> <p>This sub-culture should be addressed by providing boys with more extra-curricular activities. Comprehensive interventions were needed: to reduce drug use in the youth, for prevention and treatment programmes that were evidence-based, and to reduce the supply of drugs. Drug use was widespread, with a difference only in drugs used by wealthy and poor individuals. It was particularly prevalent where there were fewer recreational facilities, and where parents had been users themselves. The perception of township gangsters as successful and rich fuelled acceptance of drugs, and it was essential to attack this perception, rather than focussing on small users. Rape would never be addressed until the sub-cultures refused to tolerate it any longer.</p> <p>Research done in 2010 by the World Health Organisation noted that mass media programmes and drug testing were not effective in addressing drug abuse, but family parenting, classroom and skills building programmes were, provided they were sustained and interactive. MRC accepted that laws against drug use must be enforced, but questioned whether jail sentences for possession were appropriate. It suggested the funds presently needed to keep people in jail could be put to better use in prevention / treatment of addiction. Criminalisation of cannabis made it seem attractive, and MRC suggested instead of decriminalising it altogether, penalties should be changed so that administrative fines were payable for possession. However, it was important to inform people, especially children, of the long-term harmful effects of cannabis. Both local and overseas producers and distributors of drugs worked together. MRC also debated the possibility of producing hemp products in a controlled environment as a source of economic development for families. Sale of those products could fund alternative solutions, like treatment and prevention of addictions. More surveys were needed to get correct national statistics, as people were currently reluctant to answer honestly to questions on drug use.</p>

## BUDGETARY REVIEW AND RECOMMENDATION REPORTS : Selected recommendations

The Portfolio Committees did an annual assessment of the performance and spending of each national department. In all cases, Ministers were asked to ensure filling of vacancies and to fix audit findings. Full reports can be accessed at [www.pmg.org.za/node/33039](http://www.pmg.org.za/node/33039). Selected recommendations include:

**The Minister of Arts and Culture** must investigate and report on: spending that suggests corruption; problems in all its entities & the terms of international agreements and partnerships. A Task Team, including the Portfolio Committee Chair, must be formed to monitor all Department projects. A report must be given of those not repaying financial aid. Afrikaans must be recognised as an indigenous language in South Africa.

**The Minister of Agriculture, Forestry and Fisheries** must ensure more funding for fisheries and research institutes, and tighten penalties for poaching. The Agricultural Research Council must work with the livestock industry on registration of animals. The Monitoring and Evaluation Branch must be strengthened, and the Department must get regular reports from provinces on the spending of grants. A national policy to monitor tractor mechanisation in provinces was needed, plus a plan to address provincial spending of conditional grants. There was a need for a Turnaround Strategy to allow the Department to reach its targets and function well. A specific concern was the Department spent its full allocation, yet did not achieve the expected results.

**The Minister for Basic Education** must ensure accuracy of data that impacts on provision of textbooks, and the Department is to report on verification of learner numbers to Parliament. The steering role of the National Department, and support to the Provinces, including in financial management, must be strengthened and reported on by 31 January 2013. The Department must review the Dinaledi Schools, the Technical Schools' subject offerings, and consider if Inclusive Education has met its objectives. Targeted interventions must be done to improve quality and functionality of education. An update on supply and demand of teachers, and reports on skills development were required by 31 January. DBE must also improve its approach to Accelerated Schools Infrastructure Delivery. Entities were also required to submit written reports.

**The Minister of Communications** must ensure, via GCIS, that all departments advertise through community media. A viable financial model is needed to transform the print media and advertising industry. Thusong Service Centres must be upgraded. Persons with disabilities should have access to information. MPs criticised the failure to implement past recommendations from the Committee, as well as the "disregard" for corporate governance at SABC and ICASA. Leadership challenges and funding models for SABC, ICASA and the Universal Service and Access Agency must be reviewed. The Minister must establish a Ministerial Task Team to address issues raised by the Auditor-General, ensure that remedial actions were taken against all those failing to comply with the Public Finance Management Act, and furnish detailed reports on paying of bonuses. SABC must be given sufficient capacity and finance to implement Digital Terrestrial Television.

**The Minister for Cooperative Governance and Traditional Affairs** must see that databases of unemployed, competent people are kept, to allow swift appointments. The Traditional Affairs Bill has to be fast-tracked to ensure proper representation of Khoisan communities. Support systems and deployment of technical experts to municipalities must be extended, with clear plans on the assistance to be provided. National Treasury was asked to increase allocations for Disaster Management. Working relationships must be established with the Department Human Settlements. Full, regular reports must be given to Parliament on the Anti-Corruption Unit functioning, the finalisation of 241 outstanding cases, how the effectiveness of Municipal Public Accounts Committees will be measured and improved. SALGA must focus on training on legislation for municipalities. The Municipal Demarcation Board must increase public participation.

**The Minister for Correctional Services** was told once again the credibility of information in the Annual Report was dubious, targets and indicators were again not aligned in budgets and strategic plans, and failure to report monthly meant errors were not detected. Concerns raised included transformation, the Turnaround Strategy, security, rehabilitation and reintegration, poor leadership, financial mismanagement, insufficient budget for offender welfare and rehabilitation, high recidivism rates and the nutrition contract. The proposed inmate labour policy was welcomed. DCS must give quarterly reports on assaults & unnatural deaths and investigation outcomes. The Committee urged use of alternative sentencing, wanted a briefing on the draft White Paper on Remand Detention, and a full meeting, including the executive, to discuss all the challenges.

**The Minister of Defence and Military Veterans** must improve planning and management of the budget, to acquire appropriate skills at the Department. Comprehensive reports on borderline security are needed. Defence Works Capability must be empowered to execute more of its own repairs and maintenance.

**The Minister of Economic Development** must ensure coordination of activities in the Department and its entities, to address job creation and vacancy closure. The disjuncture in planning at national, provincial and local levels must be sorted out. The website must be updated and accessible.

**The Minister of Energy** must ensure finalisation of outstanding DoE policies and programmes by dates specified in the Report. Funding must be obtained for infrastructure backlogs. Strategies and plans were requested for a number of programmes, including the Nuclear Build, Clean Development Mechanisms financing and reduction of electricity maintenance backlogs. The DoE must ensure 92% household access to electricity by 2014, achieve 12% efficiency improvements by 2015, and speed up the solar water heater programme. Non-grid electrification policies & programmes must be rolled out in 2013. DoE must develop plans for better assessment and targeting of indigent households. The Household Energy Strategy must include efficiency of and access to household appliances. Skills development programmes are needed.

**The Minister of Health** must ensure traditional leaders and communities are educated about medical male circumcision, and ensure provision of sterile equipment. Proper focus and funding is needed for primary health care programmes, to reduce hospital overcrowding. Rural health must be prioritised and resourced. Additional funding must be allocated for hospital revitalisation, and spending must be monitored. The functioning of the private healthcare industry must be monitored, and data collected. The Eastern Cape and Limpopo Departments of Health must be assisted to strengthen services, and the Cancer Registry updated. The Medical Research Council will need more funding.

**The Minister of Higher Education and Training** must finalise all disciplinary hearings. Standard framework regulations for annual financial statements of universities are needed, and monitoring of their governance and financial management must be intensified. Reporting guidelines are needed for FET Colleges, with better monitoring. Sector Education and Training Authorities should report monthly to the Department, have certificates released on time, and steps should be taken if service providers failed to honour the contracts.

**The Minister of International Relations and Cooperation** was asked to ensure that the Department report back to Parliament, in three months, on the African Renaissance Fund activities, funding for the NEPAD Presidential Infrastructure Initiative, verification of assets, workshops, signature of performance contracts, and the campaign on involvement of South African citizens in disasters. More language skills were required in the Department, and better public diplomacy. Other priorities were identified by Parliament.

**The Ministers of Justice & Constitutional Development, and Social Development** were asked to address the problems causing backlogs and delays in finalisation of foster care orders. MPs also called for more funding for cross-departmental programmes under the Children's Act. The Minister of Justice recommendations were mostly linked to the need for additional funding, particularly for Legal Aid SA and the National Prosecuting Authority. Detailed reports were requested on several issues.

**The Minister of Human Settlements** must implement Parliament's resolution for a special audit of the Rural Housing Infrastructure Programme under-performance by the Auditor-General. All bid documents must fully comply with the Preferential Procurement Policy Framework Act. The DHS must review the Housing Code and extend the Southern Cape Coastal Condensation Allowance to all coastal provinces. Progress reports were requested, including on the profiling of informal settlements, targets for 80 000 rental units by 2014, a draft National Sanitation Policy and Master Plan on Sanitation, and alleged fraud at the National Home Builders Registration Council. The Rental Housing Bill must be re-submitted to Parliament. High interest rates by National Housing Finance Corporation and Rural Home Loan Fund must be investigated. Housing for abused women in shelters, who cannot return to their marital home, must be prioritised.

**The Department of Home Affairs** must address the shortage of vehicles and offices at borders, and implement their maintenance in the rural areas. The SmartCard must be rolled out urgently. More attention must be paid to the Enhanced Movement Control System at all ports of entry. The Refugee Amendment Bill, passed in 2011, but was not yet being implemented. The perception was DHA did not care about refugees.

**The Minister of Labour** had to ensure stronger oversight over entities such as the Compensation Fund and Sheltered Employment Factories. Updates were needed on quarterly indicators and the Siemens contract. The use of consultants and skills transfer programmes must be monitored. The Unemployment Insurance Fund must assess employee programmes, and the Compensation Fund must investigate reduction in claims.

**The Minister of Mineral Resources** must create recruitment and retention strategies, reverse staff turnover, and build capacity to enforce compliance with regulations. It must fast-track quantification of government liability for rehabilitation of derelict and ownerless mines, ensure inspection of projects impacting on vulnerable groups, and develop clearer scorecards for the Mining Charter.

**The Minister of Police** was given detailed and specific recommendations for each of the programmes of the Department of Police, after a thorough interrogation and analysis of all the programmes in this Department.

**The Minister of Public Works** must put in place effective systems for management of leases & proper financial controls. Policy is needed for state funerals, plus regulations for maximum cost of office and home furniture for Ministers and Deputy Ministers, and minimum requirements for houses accommodating MPs. To avoid outsourcing of maintenance, the Minister must resuscitate government workshops, which must provide artisan skills. Public Works building maintenance must be done by EPWP and National Youth Service participants, and be linked to other departments' youth training programmes. The delays in introducing Bills must be addressed. A system for implementation of the Government Immovable Asset Management Act was needed. Concerns were noted about ongoing management challenges, lack of stable leadership, worsening audit outcomes over the last three years, poor financial & lease management, and lack of technical skills.

**The Minister of Rural Development and Land Reform** must ensure mechanisms are put in place to achieve coordination between departments and spheres, and report back within two months. Deficiencies in project implementation must be identified and progress tracked. Reports, within specific time frames, are required on risk management strategy, recruitment, a database for land reform projects, financial implications of restitution claims, how land reform and redistribution could be integrated with agricultural or farmer support, and how the National Rural Youth Service Corps Programme is performing. All legislation must be reviewed that impacts on rural development. The Ingonyama Trust Board must submit reports on fund disbursement, on decentralisation, and review its bursary policy. Budget allocations should reflect the high priority of this portfolio, so National Treasury should consider increases, to finalise outstanding and backlog claims by 2014, and make submissions how this could be achieved.

**The Minister of Science and Technology** was asked to finalise the Bio-economy strategy urgently, to strengthen governance relationships with other departments to ensure success of the National System of Innovation, and address a number of internal management issues.

**The Minister of Social Development** must address challenges in implementation of the Children's Act, and qualifications of social workers processing inter-country adoptions. The interpretation of the Child Protection Register has to be agreed upon, with other relevant Ministers, and convictions reported systematically. Adoption must be de-stigmatised and people incentivised to adopt. Initiatives against substance abuse must be strengthened, including implementation of the legislation, and rehabilitation centres must be expanded and fees made more affordable. The public must be educated about drug trafficking.

**The Minister for Sport and Recreation** must ensure additional funding is allocated to sport support services, for better funding of federations / agencies with good track records. Boxing SA must be given funding for key posts. SA Boxing Act & SA Institute for Drug Free Sport Act must be amended.

**The Minister for Tourism** must improve advertising, to ensure greater generation of jobs, ensure that tourism offices are opened in African markets, enhance development of domestic tourism, and create more Full-Time Equivalent jobs from the Expanded Public Works Programme, especially in rural areas. The Department must assist Small, Medium and Micro Enterprises with funding & staff training. Municipalities should be urged to charge differential rates / taxes taking into account the volatility & seasonal nature of tourism, to help emerging tourism businesses. Investigate alternative energy sources to lower cost of doing business in the sector. Mutual support across all government spheres is needed. The Minister must look into granting cheap concessions for rural communities around national parks, SMMEs and local residents. Niche markets need to be developed in tourism, and partnerships formed with development finance institutions. Municipalities should be helped to budget for tourism activities. The cost of air-travel must be lowered.

**The Minister of Trade and Industry** was asked to ensure a review of the National Credit Act to ensure compliance by lending institutions and protection of vulnerable consumers.

**The Minister of Water Affairs** was reminded that the Departments of Water Affairs, Human Settlements, Cooperative Governance and National Treasury would meet in January 2013 to discuss cross-cutting issues in water and environmental governance and service delivery. Debates on, and plans for the functionality of water infrastructure at all levels would be made. The National Water Services Strategy must be formulated. Reports must be made on vandalism and destruction of water infrastructure, and the losses suffered. The Water Research Commission must provide detailed reports on its research, and water boards and water user associations must be covered in future reports.

**The Minister of Women, Children and People with Disabilities** must report fully on the outcomes of all investigations into past irregularities. The Department must work collaboratively with others, but avoid duplications. It must expedite its turnaround strategy, and clearly outline short, medium and long term goals. Monthly reports on the turnaround strategy, and quarterly financial reports must be given, as well as reports on the implementation of resolutions from conferences and workshops.



## PARLIAMENTARY SNIPPETS

### **Motion of No Confidence in President of SA**

On 8 November 2012, eight opposition parties in the National Assembly, who represent approximately one-third of the South African electorate, requested a Motion of No Confidence in the President of South Africa be debated urgently. The Speaker refused to do this before Parliament closed in late November, stating that the programme was too full.

The Leader of the Opposition, Ms Lindiwe Mazibuko, took the Speaker to the High Court for not allowing the Motion of No Confidence urgently. The judge ruled that the applicant had a right to request this with urgency. However the National Assembly Rules did not have a deadlock breaking mechanism to ensure that a vote of no confidence is debated urgently – even where the majority party blocks the debate. Parliament was ordered to adjust the Rules to solve this gap. The Rules Committee has met twice so far in February 2013 to fix this gap.

**Broadband Infraco** was set up to expand availability and affordability of electronic communication services, particularly in under-developed and under-serviced areas. It addresses IT needs in areas of education, security, health and rural development. Broadband Infraco has assisted with connectivity for science projects in the Northern Cape, has invested R444.7 million to connect government, has succeeded in regional integration of telecommunications services, and has linked to the rest of the world through under-sea cables from three provinces. 52% of its technical staff are under the age of 35, but only 19% are currently female, a position it knows it must correct. Broadband Infraco has 17 points of presence in the country. Since 2009 it has more than doubled the fibre networks to cover 12 675 km, concentrating on providing services, at lower charges than other providers, in Eastern Cape, Mpumalanga and Limpopo. It also fills gaps not covered by private providers in other provinces. The Minister of Communications has been asked to give a directive to assist Broadband Infraco to address the problems it had with getting a licence to develop further services.

**The Competition Commission (CC)** has been investigating bid-rigging in the construction industry, linked to government infrastructure projects. It has discovered that numerous firms, including the “big five”, colluded during the tenders for various products, deciding who should tender the “lowest” bid, whilst others put in higher tenders without actually intending to secure the business. This generally inflated prices by up to 30%. The Competition Commission offers leniency, by way of reduced, though still substantial fines, to those who disclose. This persuaded 21 firms to come forward to report on 301 rigged projects, estimated at R29 billion. 24 other firms, who did not apply for settlement, were also implicated. The penalties against them are now being fast-tracked.

**Occupational health** currently falls under a number of institutions in South Africa, but the Department of Health has proposed that they should be brought under one system. Presently, the Compensation Commission for Occupational Diseases (CCOD), administered by the Department of Labour, covers all injuries at work, except lung and heart diseases of miners. The Compensation Commission for Occupational Diseases and Injuries (COIDA), administered by the Department of Health, deals with heart and lung diseases of miners. The Department of Health is worried that although a system of compensation is in place for injuries and diseases, there has been no proper attempt to measure those injuries and diseases in order to draw conclusions as to how they could be better managed and prevented. Three people die from occupational accidents every day, and approximately 500 000 workers are undiagnosed and uncompensated. There are worsening rates of silicosis, TB and HIV amongst miners, and South African fatality rates are much higher than in the rest of the world.

A review of the institutions under the Occupational Diseases in Mines and Works Act is now being done, as well as research and work to try to improve the efficiency of the system and clear backlogs. Nurses who are specially trained to identify mining-related problems will be placed at all clinics, with an onward-referral system to specialists at hospitals. Links are to be established with the SA Social Security Agency and private providers. It has been recognised that appropriate funding for the occupational health system, for prevention, treatment and care, rehabilitation and compensation will be needed.

**The Minister of Public Works** recently reported that investigations were being carried out by the Special Investigating Unit, who will report to that Minister, as part of the turnaround strategy to root out corruption in the Department of Public Works. Strong senior management is needed to address these problems. The Minister noted the need to fast-track the disciplinary hearings against employees accused of fraud or corruption, since the costs of suspension on full pay are huge. The Minister stressed that even if former staff had resigned to avoid disciplinary hearings, criminal charges could be laid against them. MPs reminded the Minister that in 2007 the DPW had participated in a “Zero Tolerance Summit” on fraud and corruption, and asked pointed questions on why corruption in DPW was still so rife. The Minister said that continual changes in leadership at administrative and political levels of public works were to blame, but assured MPs that there were now determined efforts to instil a new culture against fraud and corruption. In the last year, 79 cases were reported, resulting in 46 individuals being disciplined, 6 prosecuted, civil recovery steps taken against 5, and 3 companies being blacklisted. 52 investigations are still ongoing.

**The Broad Based Black Economic Empowerment Amendment Bill** has been introduced, to address concerns that the current legislation is being circumvented, and to correct the lack of alignment to codes of good practice and other policies. The amendments hope to achieve more effective monitoring, evaluation and reporting, strengthen access to procurement opportunities and funding, create economic opportunities for black enterprises, thereby addressing the country's economic challenges, and introduce the concept of Broad Based Black Economic Empowerment Verification Professionals. A Broad-Based Black Economic Empowerment Commission will be established. It is not intended that legal penalties will apply to companies who choose not to make use of this legislation, but they would apply in instances of misrepresentation. Comment is invited on the Bill until 1 March. Public hearings are scheduled between 8 and 20 March

**The Intellectual Property Laws Amendment Bill** has been referred back to the Portfolio Committee on Trade and Industry. Objections were made to the President about the tagging of it as a section 75 Bill, the suggestion was made that it had to be referred to the National House of Traditional Leaders, and there was also another query whether it was in fact a Money Bill that should have followed a section 77 procedure. The Parliamentary Legal Office has presented a legal opinion on these points, and has considered whether there was sufficient public involvement in the process, given the extensive changes that were made to the Bill. The Portfolio Committee on Trade and Industry will now debate that opinion and take further advice.

**The General Intelligence Laws Amendment Bill** was first considered by an ad hoc committee in 2012, which held public hearings during March 2012. By the time the committee's term ended, it was still awaiting a response from the Minister of State Security on issues raised in the public hearings. A new ad hoc committee was then constituted on 7 November 2012, and it must report to Parliament by 28 March 2013. The Bill intends to give legal effect to changes made to the organisation of the security services. The Minister of State Security has now agreed to some changes in the clauses relating to the National Intelligence Coordinating Committee and Electronic Communications Security (Pty) Ltd, but says that other matters raised in the public hearings will be addressed in a planned new State Security Bill. A new White Paper on Intelligence is also in the pipeline.

**The Spatial Planning and Land Use Management Bill** has been adopted, with some extensive revisions, by the Portfolio Committee on Rural Development and Land Reform. The amendments made by the Committee were intended to address criticisms that the Bill was overly broad, and to clarify the position of provinces and municipalities in relation to planning.

**The National Credit Amendment Bill**, proposed by MP Dr M Oriani-Ambrosini, is the first Private Member's Bill to be tabled directly to the relevant Portfolio Committee, after the Constitutional Court ruled last year that the previous procedure, where all private members' bills had to be referred to a separate committee, was incorrect. This Bill proposes that the levying of interest may be stopped by an order of court, for a maximum of five years. This is intended to address the situation where people were unable to pay make use of intermediaries with the result that payment periods are lengthened, adding to their burden of interest. The Bill also proposes that section 6 of the National Credit Act be made applicable to individuals only, not businesses (including small business). The Department of Trade and Industry is also currently busy monitoring and reviewing the implementation of the National Credit Act, but has to present a policy review before amendments can be made by that Department. The Portfolio Committee wants to consider all likely amendments together, rather than separately, and will be discussing the proposals in more detail soon.

**The Mental Health Care Amendment Bill** has been introduced to the Health Portfolio Committee. It aims to improve service delivery to mentally-ill state patients and prisoners. Chapter 8 of the Mental Health Act, dealing with Hospital Boards, is to be repealed. At the moment, the Director General of the National Department of Health is supposed to deal with all reports relating to transfer of state patients from correctional centres to health establishments, as well as review reports on all patients, currently numbering about 3 000. This is very cumbersome, so the Bill now provides for delegation of these powers, as well as the reviewing of reports, to another suitably-qualified person, to make the process faster and more efficient.

The **Commission for Gender Equality Amendment Bill** has been introduced. It contains mainly technical amendments aimed at confirming the name of the Commission, and bringing the existing Act in line with the Constitution and Public Finance Management Act.