



PARLIAMENTARY
MONITORING GROUP

MONITOR

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

DID YOU KNOW...

Industries or individuals who are concerned about flooding of local markets by cheaper foreign imports can make submissions to the International Trade Administration Commission (ITAC). This has recently been done by the poultry industry, in response to imports from Brazil. Tel: 012 394 3688 www.itac.org.za

Servcon was formed some years ago to do right-sizing of land, and to ensure that title deeds were handed over to the right beneficiaries. Only a few of these matters are now outstanding, and the Department of Human Settlements is winding **Servcon** down, and has advertised its closure. Any queries on outstanding matters should be sent to the Department of Human Settlements.

Last year, it was agreed that Scholar Transport should in future be handled by the Department of Transport. However, the policy has not yet been finalised, and it has been realised that it is up to provinces to decide where this function will be located. The negotiations are ongoing, and it is still hoped that a uniform policy can be set to apply throughout the provinces.

The Minister of Social Development is considering establishing a Social Development Council to strengthen enforceability of measures for substance abuse and victim empowerment, and to ensure social services receive sufficient consideration against other needs.

OUR LEAD STORY

The Public Service Commission (PSC) has recently provided its **assessment of public service delivery** across government priority areas of creating decent work and sustainable livelihoods, improving education and health, enhancing rural development, and fighting crime and corruption. The assessment criteria look at expenditure and performance, vacancy rates, sourcing of critical skills, job creation, performance management and use of consultants. Government has employment creation schemes such as the Expanded Public Works Programme, Community Works Programme, National Rural Youth Service Corps and internships and learnerships. Government also impacts through procurement of goods and services, provision of infrastructure and security services, and legislation around costs of productivity, labour, logistics, investment and procurement policies.

The PSC reported a disjuncture between spending and performance. Departments described their outputs, but did not set quality and levels of performance. Although the Auditor-General may comment on performance, no performance audits are yet done. Several departments spend significantly, but do not achieve their targets. This concern has been echoed many times by Parliamentary Finance and Appropriation committees. Departments offer excuses such as lack of resources, turnaround plans or restructuring and capacity problems, but the PSC believes the main problem lies with flawed planning.

Staff turnover in some departments is very high, posts might take up to two years to fill, and internal promotions leads to “revolving” vacancies. Disciplinary matters remain problematic, with one official suspended on full pay for 759 days. Departments seem unwilling to review their organograms annually, as required, because they do not wish to tackle job evaluations and possible abolition of posts.

Often, bonus rewards and performance do not correlate. The Department of Health, for instance, paid rewards to over half its employees, despite achieving only 37% of its objectives in one year, whereas the Department of Police, which had performed well on numbers, paid no rewards, despite its staff morale needed boosting. There is an overwhelming tendency to use consultants, even for core functions, instead of developing skills internally, and there was too little insistence on transfer of skills for the future. Occupation Specific Dispensation had attempted to breach gaps, but in some instances had created more problems. There are also still major issues with financial management, supply chain management and human resources, and a number of inappropriate institutional arrangements.

The PSC expressed the view that government is too tolerant of non-performance, and felt that public servants spend too little time actually engaging with communities. Monitoring in future will be done through a new Public Service barometer, using a range of indicators.

<p>The Department of Social Development (DSD) reported that the Prevention and Treatment of Substance Abuse Act was passed in 2009. Delays in finalising the regulations in turn delayed the full operation of the Act. Every province is supposed to have at least one treatment centre and halfway house. Five provinces have centres, and three others are building them, but the North West has, until now, been diverting the funds intended for the centres elsewhere. For this reason, the DSD is considering having a specific conditional grant, to force spending on the centres. Provinces have been encouraged to set up new units to manage treatment.</p> <p>Every municipality is required to have a local Drug Action Committee and Management Committee, in line with the DSD's stipulated models. Many existing centres are privately run, and all facilities – public and private – will be required to comply with the legislation. The DSD also encourages community-based interventions, but they may need to register as non-profit organisations.</p> <p>Models are being developed for the centres, and coaching programmes to ensure proper treatment of service users. Professionals such as nurses and social workers must be permanently on site, although psychologists can be shared by more than one centre. DSD is trying to recruit retired professionals.</p> <p>Every effort will be made to ensure school-learners who need to access treatment will not miss out on schooling. Halfway houses must concentrate on skills development and workshops.</p> <p>The legislation will correct the recent upsurge in non-registered out-patient services, and communities are urged to notify the DSD of any suspect centres. The DSD will try to assist them to register, rather than automatically closing them down. MPs urged that safety and security should be part of the minimum standards, and suggested that other facilities could be identified, to speed up implementation.</p>	<p>The Waste Management Strategy is reviewed every five years. Public hearings have recently been held on the new proposals, which aim to increase access to waste services delivery in rural areas to 75%, to ensure that at least 80% of waste disposal sites have the correct permits, and to make a contribution to green economy jobs. The Department of Environmental Affairs is drafting norms and standards for remedial action on contaminated land, and a Remediation Fund has been proposed, to deal with land whose polluters cannot be identified.</p> <p>The new strategy intends to raise awareness of the impact of waste on health and the environment. Municipalities would be required to adhere to an Integrated Waste Management Plan and Integrated Development Plan. Environmental Health Practitioners would be designated to assist inspectors.</p> <p>Several of the public submissions suggested that the new strategy was not written in a practical way that would assist municipalities to achieve the objectives, and said that insufficient time frames and goals were set out. They also commented on its limited vision, as it was not seen as providing for longer objectives. Most agreed that better definitions were needed for waste and by-products, since there was uncertainty whether certain substances used to produce other products, such as ash used in cement production, were waste.</p> <p>There was also criticism that the Strategy failed to deal properly with mining waste, which caused enormous environmental problems, and waste arising on a particular mine might be moved elsewhere for storage. Commentators highlighted an apparent discrepancy that sanitation did not fit into the strategy, despite the fact that the Department of Human Settlements was able to license waste water treatment plants. The Department was asked to re-examine the Strategy and provide a report-back on these comments.</p>	<p>The Department of Home Affairs (DHA) controls 72 ports of entry to South Africa, but is trying to create more. DHA has to enforce the Immigration and Refugee Acts and must trace, investigate and deport illegal migrants or people overstaying their permits, who may also be required to pay penalties. DHA has no statistics for illegal immigrants. A person seeking asylum firstly must apply for a section 23 permit, and then has 14 days to come before a Refugee Status Determination Officer. A section 22 permit is issued to those awaiting finalisation of claims. A section 24 permit is issued once refugee status is granted.</p> <p>Appeals go to the Refugee Appeal Board. Some Refugee Reception Offices are to be closed, as they are in unsuitable locations. Although there are fingerprinting, filing and tracking systems in place at the Refugee Reception Offices, the system cannot detect several applications made by one person. Even after an asylum claim is rejected, there is no automatic deportation and this process can take some months.</p> <p>Most applicants are not genuine asylum seekers, but economic migrants. Since this is an abuse of the system, the DHA has suggested the need to tighten up on refugee and asylum seeker management, and to have clarity on those with critical skills who may enter the country. Another problem is there is currently no legal requirement to register new businesses, despite the dire need for documentation. This also fuels perceptions that foreign businesses are worsening unemployment. A task force is trying to address case backlogs caused by shortage of Appeal Board staff, while DHA realizes that more effective security is needed for land and sea entry ports.</p>
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EDUCATION ISSUES

The Department of Basic Education (DBE) recently provided an update on its plans, noting its focus, in 2012/13, on promotion of maths and science, and the technical schools. An amount of R700 million was budgeted for the elimination of mud and other unsafe school structures, mostly in the Eastern Cape. Contractors are required to use local labour and materials as far as possible. The work has fallen behind, but DBE has called upon the contractors to submit recovery plans.

DBE reported that the Technical High Schools Programme grants are now in their third year. The purpose of the grants is to increase technical skills through new and expanded workshops, installation of new equipment and training of technology teachers, and perhaps introducing different subjects.

Grants totalling R99 million were awarded for enhancement of maths and science, but DBE reported enrolment of learners still had not improved substantially, and lack of capacity was slowing procurement. The Dinaledi schools, which focus on maths and science, are encouraged to share their equipment with others. Another 132 schools would be connected and would receive more services in this year.

[The Human Sciences Research Council \(HSRC\)](#) says increases in spending on education have raised the number of no-fee schools. Although South Africa is one of the highest-spending countries on education, major concerns remain about the lack of employment of graduates, and this indicates that teacher quality and quantity has to be increased. HSRC reported that 22 000 teachers left the profession annually, whilst 60% of the 9 000 recipients of bursaries moved as soon as possible from public to private schools. The National Skills Fund had failed to spend about R5.2 billion last year on Sector Education and Training Authorities were not effective.

Very few learnerships in the essential agriculture sector were taken up. HSRC also said that the quality of Early Childhood Development was of concern. Literacy levels at grade 3 were far too low. At the higher levels, there were low graduation rates of those entering higher education, and although 66% of the education budget went to higher education, the post-school sector lacked coordination. Further Education and Training (FET) Colleges needed changes in curriculum and funding.

[Parliamentarians](#), as well as the HSRC, expressed concerns that many students still preferred universities although FET colleges might be more appropriate, and not enough emphasis was given to in-service training, which is heavily supported overseas. MPs urged DBE to give more thought to learners who do not want to pursue tertiary education, and to structure the matric subject choices more appropriately to ensure proper skilling for post-school employment. [The South African Qualifications Authority](#) Careers Advice Service also encourages learners to consider options other than universities.

[National Treasury and HSRC](#) feel that the main emphasis in education must lie on quality of teaching. HSRC stressed that there is a great difference between receiving education and achieving skills. National Treasury urged an emphasis on high-quality teachers, and cautioned that unless budgets for teacher training were increased, the country would fall behind. The numbers of teachers lost far exceeded the numbers produced by the universities each year, and this made it easy for unqualified teachers to enter the system.

[HSRC said another major concern was a research study that showed that black graduate employment was still lower than white graduate counterparts from the same institutions and fields of study.](#)

HEALTH ISSUES

The Portfolio Committee on Health recently considered reports on the implementation of the Domestic Violence Act, and highlighted the need to upscale the provision of psycho-support services. MPs urged that a recruitment strategy had to be put in place for these scarce skills. (Dire shortages of health professionals, particularly psychologists and social workers, are also apparent at Correctional Services facilities). MPs suggested that the Thuthuzela Care Centres and services should be extended to all victims of domestic violence, not only to rape survivors. Concerns were voiced about the lack of effective and systematic information systems on victims, across several departments. The Department of Health was urged to work with civil society and develop a comprehensive sector policy to deal with domestic violence. This should encompass the roles, responsibilities and training of health care workers, monitoring strategies and budgets.

MPs felt that the Departments of Health and Police must also work together to ensure that all victims were taken to a medico-legal facility to report incidents. Training must be given to health professionals to document injuries in a way that would ensure credible testimony in court. Plus, a targeted strategy is required to deal with women in abusive relationships, in line with HIV prevention strategies.

This Committee, after visiting various health facilities, also recommended that more forensic nurses, psychologists and social workers must be employed at hospitals, to assist victims of domestic violence. Challenges in schools and communities to be addressed jointly by the Departments of Basic Education, Health and Social Development, included the need for better advocacy and policy implementation around sexual harassment, teenage pregnancies, and support after termination of pregnancies.

NEWS FROM DEPARTMENTS AND ENTITIES

The Department of Rural Development and Land Reform's Recapitalisation and Development Programme (RADP) aims to increase food production, guarantee food security, help emerging farmers graduate to commercial farmers, and establish rural development monitors. Five-year funding guarantees are offered, based on farms' potential, credible business plans and independent assessments. Stringent conditions will be attached, to avoid a culture of entitlement, and continual training and monitoring will be given. In the past, this Department faced challenges in some farmers being unwilling to switch to farming more appropriate or profitable crops. The Department has created the Social, Technical, Rural Livelihoods and Facilitation programme to deal directly with the farmers and mentors, since most are not allied to unions.

Department of Agriculture, Forestry & Fisheries reported on its turnaround strategy for Ncera Farms, which had been in disarray. New staff have now been appointed, a framework approved for a Stakeholder Council, and it has applied to be an accredited training provider. Ncera Farms is taking active steps to improve the socio-economic life of the communities, and create 400 jobs with the introduction of new crops and herds.

The Department of Arts and Culture offers bursaries to heritage and cultural tourism students. Its Mzansi Golden Economy Strategy targets job-building in partnership with Tourism, who had shifted away from safari or natural environment tourism, to cultural / heritage tourism, focusing on the 8 World Heritage Sites & rural areas.

The Department of Cooperative Government (COGTA) has been trying to have debts owed to municipalities by government departments are paid. Most relate to rental housing stock. The Department of Public Works has been unable to compile an asset register and cannot yet identify which sphere of government is the owner of over 35 000 properties. COGTA is also insisting that Expanded Public Works Programmes are incorporated into all plans, including maintenance, whilst local government is expected to set aside specific funding to attend to maintenance. EPWP local government projects focus on maintenance of roads and buildings, low traffic and rural roads, basic services infrastructure, including water and sewerage reticulation, sanitation, pipelines and dams, tourism and cultural industries, waste management, parks and land-based livelihoods.

The Department of Economic Development is working with the Department of Rural Development and Land Reform on the "23 District Plan" to improve infrastructure in 23 municipalities. EDD has also participated in rollout of 265 476 solar water heaters (SWH), and more low-pressure heaters for low-income households will be installed, up to 2013. It is working on strengthening local procurement and manufacturing, through the Green Industries Fund, aiming for 9 000 jobs, mostly in SWH programmes. Other green initiatives include the potential for wind farms in the Eastern Cape, funding to 19 Independent Power Producer bidders, and preliminary work on a major bio-fuels plant near Cradock, which will be dealt with by the Department of Energy.

The Department of Health reported that by 31 March 2012, over 20 million South Africans had been tested for HIV/AIDS, and it was hoped that this would contribute to behavioural change. It is still promoting male circumcision and use of condoms. It warned that South Africa will have to increase the number of local ARV drug manufacturers to sustain its levels of ARV treatment. DoH is also concentrating on immunisation of children, and integrated health programmes for Grade 1 pupils. It also has initiatives for Grade 8 pupils as this age group shows high levels of alcohol abuse and teenage pregnancy.

The Department of Mineral Resources intends, during 2012, to carry out 8 000 inspections and 396 audits, and reduce the number of derelict and ownerless mines. It lacks sufficient staff for mine inspections, since the exam failure rate for skills training is high, but is supporting courses in mine inspection through Wits University, and learnerships at Goldfields. It intends to promote job creation through applications for new mining rights, and compliance inspections should increase the number of social and labour plans being drawn at the mines.

The Department of Transport reported taxi-scrapping proposals were originally intended as a seven-year contract, running from 2006 to 2014. The Department had calculated 120 000 taxis needed scrapping, costing + R7.5 billion. However, National Treasury allocations to date had only allowed for scrapping of 39 000 taxis. Owners struggled to source funding in addition to R63 000 offered for each taxi, so there was slow progress. Although DoT took a conscious decision no longer to use buses purchased for the Soccer World Cup in Port Elizabeth, in an attempt to empower the taxi industry, this industry has not yet formed the necessary legal entity to take over the buses.

South African Qualifications Authority (SAQA) held a conference on Recognition of Prior Learning last year, and has now developed a working document to assist the Ministerial Task Team in its recommendations to implement the proposals. SAQA furnishes advice, aims to educate communities, particularly on careers, runs a helpline and participates in radio programmes in ten languages. It also takes complaints about, and sees to the closure of institutions offering non-registered qualifications.

The South African Human Rights Commission's focus in 2012 will be on restoring dignity as a human right, and concentrating on programmes for asylum seekers, migrants, housing, xenophobia and equality. It hopes its new complaints handling mechanism will improve the time taken to investigate matters. It receives a very small budget in comparison with other Chapter 9 institutions, despite its increased performance and consistently unqualified audits. Its outreach to rural areas has had to be scaled down, but it is trying to do more work on children's rights & needs. It will shortly publish a report on the work and impact of the Equality Courts. Many of complaints received relate to arrests and detentions, police brutality, and equality issues. SAHRC also intends to follow up on sanitation issues, as 16 million people still have sanitation needs to be properly addressed, and it will be holding provincial hearings. It has also urged the need for national dialogue on the right to access to food, in conjunction with the Southern African Food Laboratory.

The Department of Sport and Recreation launched its School Sports Programme on 5 November 2011, with a SA Schools Shootout Tournament in Johannesburg. The Schools League Programme started in March 2012, and "Magnificent Wednesday" is held weekly at schools. The National Sports Volunteer Corp Programmes were launched on 14 February. The three pillars of school sport are physical education, top school leagues and Youth Olympics. Half of the Sports Conditional Grant of R470 million is ring-fenced for school sport. By May 2012, 10 345 schools were registered for the school league. MPs' asked the Department to focus on ensuring that all children, not only top achievers, participated, and urged a focus on teachers of sports.

The Department of Social Development must report on progress towards the Millennium Development Goals by September 2013. It reported to Parliament on the current status. Of interest was comments that the Social Assistance Programme benefit children and teenagers by helping to keep them in school, and the extension of the Child Support grant up to age 18 has demonstrably reduced school dropouts and child labour in the 15 to 18 age category. Other noteworthy programmes were Community Development and Sustainable Livelihoods programmes, the Food for All campaign, and the Social Policy and Integrated Service Delivery programme.

PARLIAMENTARY COMMITTEES WERE SEVERELY CRITICAL OF THESE REPORTS...

The Portfolio Committee on Agriculture, Forestry and Fisheries dismissed Departmental officials from a meeting, saying that the reports on its programmes and the Micro-Agricultural Financial Institutional Scheme did not meet expectations. MPs felt that insufficient work was being done on the ground, were dissatisfied at the low level of critical analysis and thought MAFISA was failing to serve its beneficiaries or provide job creation. They criticised lack of detail about provincial activities, which prevented MPs from reporting properly to their constituencies. They also commented on an apparent lack of direction in the Department, the failure of the Minister to attend meetings regularly and thought that the status of the whole sector had to be debated. The Committee will be holding unannounced visits to various projects to check the situation.

The Department of Women, Children and People with Disabilities expenditure report for 2011 showed that the bulk of its spending was on travel, which the Department claimed was necessary so that staff could consult at international conferences, adding that special arrangements for children and the disabled were more costly. However, that Department had also reported that staff were ill-equipped and inefficient, and there are ongoing investigations into nepotism, fraud and financial mismanagement. The Department claimed to have insufficient funding to implement a Women's Empowerment and Gender Equality programme, and to campaign for the rights of people with disabilities. MPs asked if the special travel arrangements had been factored into the budget, wondered if this Department was duplicating the work of the Commission on Gender Equality, questioned rumours that staff were paid in excess of their post specifications, and noted 561% spending on advertising and 204% spending on catering, neither core functions. The Minister promised to investigate.

The Department of Rural Development and Land Reform presented the findings of a study into the stumbling blocks for land reform, but the Portfolio Committee questioned why no figures for current achievements were available, although anecdotal evidence suggested only 25% of its targets were reached. MPs questioned why Ncera Farms received large sums for the benefit of relatively few individuals. They were critical of farms that fell into disuse through poor management or inordinate delays, noted that the concept of "one farmer, one farm" was impossible to define in legislation, interrogated why the Property Rates legislation applied to some areas, but not to land held by Ingonyama Trust, and felt that government was not using the Expropriation Act or first-refusal principles properly. MPs also disputed that the main problem was, as alleged, the willing buyer/willing seller approach, questioned the research methodology, and commented that far too little funding was allocated to redistribution.

The Standing Committee on Public Accounts (SCOPA) has expressed frustration that since January 2012, only one Accounting Officer was able to account for the full financial period. Constant changes in leadership are posing a severe hindrance to proper interrogation of the issues before SCOPA.

NEW LEGISLATION

The **Sexual Offences Amendment Bill**, a piece of legislating emanating from the NA Portfolio Committee on Justice and Constitutional Development, has been passed, as a matter of urgency, by the NA and NCOP. This Bill was needed to address the anomalies created when the Western Cape High Court, in the *S v Prins* matter, ruled - contrary to decisions in other divisions - that the failure to specify penalties for certain sections of the Sexual Offences Act implied that no offences were in fact created. The National Prosecuting Authority has also in the meantime appealed the judgment. However, no matter which way the appeal goes, the effect of the amendment will mean that prosecutions will be possible under all sections of the Act in the future, although that amendment cannot affect matters in the past few weeks. The Minister of Justice must report back to Parliament and link the offences with prescribed sentences, within six months.

The **Prevention and Combating of Trafficking in Persons Bill** has been passed by the NA and referred to the NCOP. The Independent Communications Authority of South Africa (ICASA) has been asked to report back to Parliament, within six months, on what it has done to prescribe how Electronic Communication Service Providers must act to try to prevent or limit internet and mobile trafficking. The Ministers of Home Affairs and Social Development have roles to play in regard to repatriation of adults, as well as in regard to children who have been trafficked.

The **Traditional Courts Bill** has been moved to the NCOP, as previously reported. The provincial legislatures held public hearings on the Bill and several of the provinces indicated that they were not in favour of the Bill. However, the NCOP has now decided to hold its own public hearings in provinces, but at different venues from the other hearings, and possibly also at Parliament. These public hearings will in no way detract from the provincial hearings, but are intended to complement them, and gather additional views.

The **Rental Housing Bill** had received substantial debate and work and was eventually in a form where the Parliamentary Committee had adopted it. However, the Minister of Human Settlements then made a decision to withdraw the Bill, on the grounds that it made a number of propositions that may prove impossible for the Department to enforce. The Minister also felt that the dispute resolution and appeal mechanism would be too complex, and would not encourage investors to contribute to the rental housing market, contrary to the intended purpose of the legislation. MPs were very concerned that none of these objections had been raised in earlier meetings with the Minister, despite the fact that the Department's advisors had been involved throughout the process, and that a similar appeal process was set out and accepted in other bills. The Portfolio Committee is considering bringing its own Committee Bill, to cover similar grounds.

The **South African Police Service Act** amendments, which are intended to address the Constitutional Court's concerns in the *Glenister* judgment, have been approved by the Portfolio Committee on Police. There was extensive re-working of the sections around appointments and dismissals, security of tenure, and accountability and oversight by the Ministerial Committee.

Draft regulations under the Municipal Systems Amendment Act were reported recently as being ready for promulgation. These regulations deal with appointment of municipal managers and section 56 managers, as part of the framework for the Local Government Turnaround Strategy, and aim to set standards for municipal managers that should result in more professional local government. However, the South African Local Government Association raised various objections, claiming that uncertainties about employment could not be dealt with in regulations, that there was duplication, that it was not competent for the Minister to deal with local government managers, and that there were attempts to regulate collective bargaining processes. The Minister reported to Parliament that the original deadlines could not now be met, but said that there are ongoing attempts to settle the issues and it is hoped that the matter may be resolved by July.

The **Department of Health** is considering a merger of The Compensation Commission for Occupational Diseases, currently managed by the Department of Health, and The Compensation Fund, currently managed by Department of Labour. There is difficulty in determining which workers, especially miners, are entitled to compensation under the legislation, and the Department of Labour carries out inspections for both. At the moment, the Compensation Commission is beset by lack of clarity on procedures, backlogs, difficulties in tracing claimants, and incorrectly lodging of claims. Parliamentarians have suggested that in the meantime Community Health Workers may be able to help with tracing those entitled to payments. Further proposals will be presented shortly.

For Bills, go to: www.pmg.org.za/bill or email info@pmg.org.za

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