

MONITOR

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

NEWS SNIPPETS	OUR LEAD STORY
<p>For some months, several departments have been criticising the work of the State Information Technology Agency, vital for government IT issues, and there have also been concerns around the delay in establishing the Integrated Financial Management System. Former Accountant-General, Mr Freeman Nomvalo, has now been appointed to head SITA.</p> <p>The South Africa National Convention Bureau reports that South Africa is the top-ranked association congress destination in Africa and the Middle East. It hosted 106 international association conferences in 2012, with over 52 000 delegates. Over the next four years, South Africa has already secured 88 international association meetings, with an estimated economic impact of R2.6 billion.</p> <p>Although the Department of Trade and Industry is responsible for implementation of the Cooperatives Act, the Department of Labour is also involved in policy review and research on cooperatives, because they are not included under the Basic Conditions of Employment Act. The Department of Labour focuses on supporting individuals, rather than businesses. It is also liaising with the Department of Higher Education and Training to try to assess what type of education initiatives, formerly offered by Umsobomvu Youth Fund, might improve the success rate of cooperatives.</p>	<p>In 2002, the Department of Public Service and Administration (DPSA) established an anti-corruption Committee, but later decided that it must take a stronger lead in addressing government-wide corruption. Following the example of Tanzania, which is considered to have best-practice anti-corruption mechanisms, as well as offering substantial advice on practices that have not worked, a full mechanism will now be established by the DPSA to tackle corruption, and to review all tender processes. DPSA's small anti-corruption unit is to be extended to a full Anti-Corruption Bureau. A Presidential Proclamation, under the current Public Services Act, should allow it to become operational by end-June, initially in KwaZulu Natal. The Public Administration Management Bill has been published for public comment, and it will be processed through Cabinet and Parliament urgently, to formalise the Anti-Corruption Bureau as a statutory body, reporting as a special delivery component to the Minister. Other regulations will need to be amended, particularly relating to disciplining of Directors-General, who are appointed not by Ministers, but by the President. It has been a long-standing concern, particularly for the Standing Committee on Public Accounts, that despite the very specific duties and responsibilities of accounting officers set out in the Public Finance Management Act, defaulting officials are seldom held liable for non-compliance, and often move from post to post within the public service without ever facing consequences for their actions.</p> <p>The new Bureau, to be headed by an accounting officer, will investigate corruption in all three spheres of government. In order to address past inconsistencies and delays across other departments, all future disciplinary matters will be centralised and dealt with by the Bureau. DPSA has already trained 604 presiding officers for corruption related cases, and arrangements have been made with the Special Investigating Unit for secondment of officials. It will be assisted, in law enforcement, by the Hawks, but will grow capacity and structure incrementally. It will manage, coordinate and protect information, and facilitate protection of whistle blowers through an agreement with the National Prosecuting Authority. It will be able to refer relevant information uncovered in investigations, as well as cases, to other agencies with powers to prosecute. Structured and formalised arrangements will be made for information sharing and relationships, including service level agreements, MOUs, referrals, shared databases and links to financial intelligence networks. However, it will maintain strong independence. For the moment, DPSA will be using an existing budget of R17 million, which is minuscule compared to the R30 billion wasted through corruption or mismanagement, but will be asking for more National Treasury funding. .</p> <p>DPSA has also stressed that it will in future show zero tolerance to corruption in the public service. Recognising that the private sector too has frequently made use of opportunities to corrupt, DPSA will be looking to prosecute any individual attempting to corrupt the public service, and will blacklist their companies as well.</p>

Strategies and policies recently presented to Parliament

<p>The Draft National Scholar Transport Policy has been produced by the Department of Transport, after broad consultation. This will apply to public schools, and is intended to manage all learner-transport operations. The policy sets service standards and procedures, route accessibility and design, safety specifications and vehicle design, and provides for close collaboration between schools, transport operators and law enforcement authorities. Not only should accidents be reduced, but adequate security presence should protect children against hijacking and violence, and promote viable and lawful transport operations. The National Departments of Transport and Basic Education must develop and review policy. Provincial departments must source and licence transport providers, and monitor accessibility of schools and route design. Both provincial and local government must ensure good law enforcement for safety of learners. Learner transport vehicles will have to be specially branded, and specially licensed for this service, will receive a standardised per-kilometre rate, and must meet set requirements. Drivers will have to comply with a code of conduct. A dedicated grant to pay providers is envisaged. National inter-departmental committees will report to the Ministers of Transport and Basic Education. MPs asked the Department to ensure that sufficient planning was done for rural areas, and for special-needs or disabled learners.</p> <p>The Commission on Gender Equality (CGE) wants to put more focus on monitoring and evaluation, improving its visibility, holding more policy dialogue on gender-responsiveness and promoting gender mainstreaming into all formal institutions and policies. It is encouraging legal clinics and hotlines to refer reports to it, and will encourage proper monitoring of legislation by other departments. MPs suggested that satellite offices might achieve better outreach at lower cost.</p>	<p>The Department of Social Development Adoption Policy Framework is covered by the Children's Act of 2005 and international conventions. Adoption, whether national or inter-country, is facilitated through the Children's Court by an accredited adoption social worker, and follows strict legal procedures that terminate the biological parent's responsibilities and vest them in the adoptive parent. There are distinct requirements for prospective adoptive parents and a full register is kept on adoptable children and prospective adoptive parents, as well as another register of accredited adoption social workers in the private sector and child protection organisations. Partly because DSD social workers are not presently accredited to provide adoption services, and partly because foster care attracts a grant, whilst adoption does not, adoption tends to be under-utilised as a placement option in South Africa. There are no dedicated and specialised DSD adoption units at provincial level. In addition, DSD does not have any policy for special-needs children. However, it is intended to amend the Children's Act to allow social workers in government employment to handle adoptions in future.</p> <p>The Department of Performance Monitoring and Evaluation (DPME) has invited departments to submit proposals, by end June, for independent evaluations of strategic or large projects, to be arranged and partially funded by DPME. Evaluations may be undertaken before, during or after projects, and departments are being encouraged, and their officials trained, to conduct in-house evaluations as well. The evaluation reports offer vital assistance to Parliament in its oversight of policies or programmes. At present, although 44% of departments comply with basic legal prescripts, only 13% are actually using the evaluations to inform improvements.</p>	<p>The South African Human Rights Commission (SAHRC) receives complaints from Correctional Centre inmates about human rights violations, arising out of violence between officials and inmates at several levels. It also reports to the United Nations on torture. MPs have asked it to be more proactive in visiting inmates and interacting with the Department. Government may be asked to take a policy decision whether to introduce 24 hour CCTV coverage of the cells, which requires a weighing-up of inmates' right to privacy after lock-down, and their right to protection against violence and abuse.</p> <p>The Department of Agriculture, Forestry & Fisheries current fishing rights will expire, in eight sectors, on 31 December 2013. All past, current and prospective rights holders must apply between July and September 2013 for new rights. Women and youth have been particularly encouraged to apply. Foreign fishers cannot be allocated rights, except under long-term joint-country ventures. The application fee is R240 but there is a possibility that Treasury may waive some fees. The new allocations programme has included a general policy, eight sector policy reviews, profiling of small fisheries, and public consultation. 137 communities, or 7 333 fishers, who had not previously had rights, but did have exemptions, will be targeted for allocation of new rights. About 36 000 recreational permits are allowed. Legal frameworks will be amended later to provide for allocation of rights to small-scale fisheries. There will be specific attempts to identify and avoid fronting. Hotline support numbers have been set up: 086 000fish or 086 003474.</p>
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Land issue update

The May issue of *Monitor* introduced the Parliamentary campaign on land reform, and as part of this, further workshops were held on 8 and 9 June, giving the opportunity for various viewpoints on land issues to be aired. The re-opening of the land claims process followed complaints that many had been left out of the original process, specifically the Khoisan who had not been addressed at all in the 1913 legislation. 7.5 million people had been affected by forced removals, when one third of the population was forced on to 15% of the land, but only 80 000 had claimed under the first process. The Department of Rural Development and Land Reform says it is highly likely that claims may be made to land resettled through the original process. It is still dealing with a backlog of 8 672 claims, properly lodged but yet to be verified, and will not be able to make any assessments on future costs before receiving claims. The Department's 2011 Green Paper on Land Reform envisaged state ownership with leasehold tenure, privately owned land with freehold tenure, limits on the amount of land an individual could own and restrictions on ownership by foreign nationals, and communally- owned land with institutionalised use rights. The proposals in the Green Paper aimed to develop the rural economy on non-racial lines, ensure equitable land allocation, with recognition of culturally important sites, and achieve sustainable food security. The roles of municipalities, traditional structures, and the agricultural sector would be clearly defined and recognised.

Comments made at the public hearings highlighted insufficient support to emerging farmers, with most food production industries not located in rural areas due to higher cost and lack of infrastructure. It was suggested that land reform must not only protect property rights, but also create equal opportunities. Traditional leaders said that people should get capital grants, along with access to land, and favoured a dual system where families could have their own land to build their homes and grow crops for own-use, but other land should be communal. Whilst some people supported title deeds being given to all owners, the traditional leaders cautioned that they might be used as collateral and encourage people to get into debt. There were suggestions that mining companies should provide shares to communities where they were operating.

Another institution identified seven issues that must be considered in land reform, ranging from identification of beneficiaries, to type of farming, land value, security of tenure for farm workers and dwellers, residents on communal land and ways in which land transfers should be made, pointing out that no ideal solution had yet been found. The Human Sciences Research Council's pilot projects on programmes concluded that technology was not necessarily the answer, depending on skills levels, but that there was a need for better monitoring and evaluation of individual development needs, rather than strict adherence to national priorities, and that a balance was required between state support and entrepreneurship. The South African Local Government Association believed municipalities could put their Integrated Development Plans to better use, as well as assist with project management and building of capacity, but added that proper coordination and assistance was also needed from the national department. AgriSA fully supported the need to correct past injustice, but felt that farms had to be run as businesses, with backing from sufficient capital, technology and expertise. Models used in other countries were cited, where mixed arrangements between large and small farms were made, with supplies bought and produce sold at common prices, equipment pooled for common use, and assistance given by larger farmers. One presenter suggested that those benefiting from land reform should display their ability to be productive before being given full ownership, whereas others cited financial and technical difficulties as setting up emergent and small farmers for failure. Uncertainty over land restitution was seen as stalling the redistribution process.

It was pointed out that land dispossession dated back to well before 1913, with the earliest battle over territory recorded in 1510. There was discussion whether claims should be allowed for developed land. The major challenge of poor planning, including new developments, was highlighted by many. Some MPs thought that land reform should start with state-owned land, although they recognised that foreign-owned land was also causing problems. They suggested that public-private partnerships could be useful. They were concerned that although land reform should be combating poverty, this was not shown by experiences to date, and the Comprehensive Rural Development Programme and other individual projects were unlikely to achieve the fundamental changes required. Other major concerns included the sidelining of women, particularly in rural areas, allegations that traditional leaders were enjoying sole benefits of mineral exploitation, lack of title deeds, and possible confusions if individuals staked claims to communal land, or moved from one traditional authority to another, and it was suggested that legislation might be needed to promote customary law and small-scale farming. The Legal Resources Centre, however, cautioned that the concept of customary law had to be defined, and it must be recognised that not everyone wanted to be represented by chiefs. The benefits of freehold title and subdivision of farms were outlined. There were discussions around evictions of farm dwellers after they had ceased working, on use of agricultural land for other purposes, and the need to guarantee access also to water and other resources. It was suggested that agricultural education should be introduced as a school and university subject.

Education issues	Agriculture issues
<p>The right to basic education is set out in section 29(1)(a) of the Constitution, but monitoring of this right has traditionally been hindered by lack of understanding and no consolidated national statement on the right. The Charter on Children's Basic Education Rights has now identified the main difficulties in achieving quality education, and Department of Basic Education (DBE) has made commitments to address them. The Charter summarises all the obligations made by the state under international legal and developmental frameworks. Even though DBE does not bear primary responsibility for child development from ages 0 to 4, it has recognised the need for, and offers training for professionals in this field. The Charter can be used to educate caregivers, serves as a planning and educational tool for schools, governing bodies, principals and teachers, as well as a planning and monitoring tool for the DBE, and for Parliament and civil society. The SA Human Rights Commission based its work in the education field on the Charter. The approach is that education must be available, accessible, adaptable and acceptable (non-discriminatory), and if not, then government has to take steps to ensure this basic right is made fully available to children.</p> <p>The Department of Basic Education has plans to introduce incremental introduction of African languages (which includes Afrikaans) into all public schools, to promote social cohesion and recognise the role of language development in the preservation of culture and heritage. Some provinces have plans in place, and Mpumalanga public schools offer an African language as an additional subject, but other provincial schools lack language proficiency. The policy will be implemented in Grades R and 1, from 2014, reaching through to all grades by 2025.</p> <p>The Departments of Basic and Higher Education and Training have plans to improve teacher training in South Africa, as part of the move to improve learner performance in schools. There is still a shortage of teachers, and they are largely in the over-40 age group, so that mass retirements could pose risks over the next few years. Younger teachers are to be brought in, the Funza Lushaka Bursary Scheme is being evaluated for effectiveness, and new university /teacher campuses, with better practical training liaison, are to be developed. From 2014, continuing professional development of teachers will be compulsory. More funding and support will be given for teacher training, including far more classroom practice time, and the skills of teaching lecturers are also to be upgraded. The subject knowledge, ability to teach, and English skills (for this is the examination language) will be boosted. Teaching Diagnostic Assessments are being developed, starting with maths, but being extended to all subjects over the next few years.</p>	<p>The Department of Agriculture, Forestry and Fisheries (DAFF) has completed the forensic report on its entity Ncera Farms. It is to take disciplinary action against some officials, and is to arrange redeployment of the rest, and close Ncera. Parliament has demanded a full report on disposal of land and assets, and the R33 million transferred to Ncera to date.</p> <p>Last year, the World Organisation for Animal Health investigated South Africa's provincial veterinary services, and concluded that although they were operating adequately at the moment, several weaknesses had to be addressed to prevent decline. DAFF isolated the problems as relating to centralisation of functions, inadequate human and capital resources and infrastructure. National Treasury did make money available to upgrade Onderstepoort Biological Products, which produces vaccines, to ensure that it could meet market demand, and the Agricultural Research Council received funding to revitalise the Foot and Mouth Disease vaccine.</p> <p>DAFF has changed its disaster risk management strategy to place more emphasis on risk reduction rather than post-disaster response. Provinces affected by dry conditions must submit reports now to centres, and a veld fire management plan has been drawn. Adaptation and mitigation plans for climate change, which is likely to have a substantial effect on small scale farmers, have been drawn, since around 8% of total greenhouse gas emissions emanate from the agricultural sector, through agricultural burning, soil, manure management, livestock feedlots and inorganic fertilizers.</p> <p>DAFF's Integrated Food Security Production Intervention aims to achieve better food security. For maize and beans, 446 500 hectares of communal land and 553 500 of commercial land should be planted, with maize allocated 80% of land and a budget of R6.4 billion, and beans allocated 20% of land, with a budget of R2 billion. Other targets have also been set for vegetables, cattle, goats, poultry and fish. The Comprehensive Agriculture Support Programme spent 82% of the budget last year. Ilima Letsema, which aims to fight poverty by increasing food production, spent 90.9% of its budget, with crops accounting for 43% and livestock at 21%, households at 16%, irrigation at 11%, and schools and other projects accounting for the rest. Support was offered to subsistence, smallholder and black commercial farmers, and job creation was highest in KwaZulu Natal. DAFF is still concerned that the sectoral determination wage of R105 per day has resulted in more than 2 000 farmers applying for exemptions, and a number were still likely to mechanise to shed jobs.</p>

REPORTS TO PARLIAMENT		
<p>SAFCOL reported that the Forestry Sector Charter, which extended economic opportunities and benefits to previously disadvantaged black groups, is overseen by a Charter Council. To date, although there has been good socio-economic and enterprise development, as well as preferential procurement and ownership, there has not been much change in management control or employment equity, and more skills development is needed. The major challenges are land availability, other departments' protracted processes for land claims in forestry areas, zero import tariffs and insufficient funding. SAFCOL is trying to ensure sustainability and good management of forests, has introduced some privatisation transformation packages, and is working with the DRDLR around share dealings and transfers.</p> <p>The Presidential Infrastructure Coordinating Commission (PICC) was established to fast-track and coordinate infrastructure projects, with the intention that specific projects could be used as a springboard for economic development. Other purposes were best use of resources and increasing the tax base. PICC does not fund projects itself, but departments are asked to identify projects, and application will be made for their funding by National Treasury.</p> <p>18 Strategic Infrastructure Projects (SIPS), covering social and economic infrastructure are currently running across nine provinces. Rural tourism infrastructure is covered in SIP11 directly, but other projects, including unlocking of mineral resources in Waterberg, industrial corridor, dam building and transport upgrades, also can present opportunities for tourism development. MPs expressed the view that more had to be done to establish more enterprises in rural areas and try to halt migration to the urban areas.</p>	<p>The Presidential Review Commission (PRC) presented 31 recommendations on strengthening state owned entities (SOEs). Parliament must take the final policy decisions on the issue. The PRC looked into topics such as development and transformation, ownership and governance, the viability and funding of businesses, and strategic and operational effectiveness, in the context of typical development indicators. It concluded that full buy-in, and a willingness for management change, would be needed to promote the concept of a developmental state, and a set framework, performance monitoring, and full competence and capacity had to be in place to avoid failure. PRC recommended that overarching legislation for all SOEs was needed, and that a Council of relevant Ministers and other stakeholders should be established to ensure collaboration at all levels and to oversee implementation. There could be a division of workstreams between commercial entities on one hand, and non-commercial or development finance institutions on the other.</p> <p>PRC also recommended a strongly independent Central Remuneration Authority to provide guidelines and parameters to boards of SOEs, as well as a uniform performance management system, and critical review of all SOE mandates at least every five years. It did not support MPs being appointed to boards. Performance contracts should specifically spell out the obligation for all entities to draw transformation plans, with implementation deadlines. PRC recommended that government must now only focus on SOEs that provided public goods, or that were "strategic" in nature, and that it withdraw its SOEs where the private sector was operating adequately, or where government operations were no longer justifiable; alternatively that it divest fully or partially from existing SOEs that are under-performing, moving the functions to departments.</p>	<p>National Treasury presented its carbon tax proposals to Parliament. These aim to reduce greenhouse gas emissions, which, together with local air pollutants, inappropriate land use, loss of biodiversity, deteriorating water quality and increasing solid waste generation, pose immense challenges to South Africa. Climate change has enormous negative potential for developing countries who are dependent on agriculture. Treasury suggested that this was a way for government to take the social costs of carbon emissions into account, and to level the playing field between carbon-intensive sectors and renewable or energy-efficient technologies, including pricing. The tax proposed would be R120 per tonne of CO2 emissions above the suggested thresholds, with annual increases of 10% until 2019/20. A basic tax-free threshold of 60%, a 10% tax-free allowance for process emission, and additional relief of up to 10% for trade-exposed sectors were also proposed, but the overall tax-free allowance would be capped at 90% of verified emissions. Tax-free thresholds would be adjusted after 2020. A total interventions package was planned to minimise negative impact on industry competitiveness and low-income households – and this could include reductions in electricity levy and different tax exemptions and incentives. Public comment has been invited, by 2 August.</p> <p>MPs expressed strong opposition to the proposals, believing that the country needs rather to focus at the moment on declining economic growth and on the Integrated Resource Plan. MPs suggested that meetings were needed with the Minister of Energy and asked that a joint report must be submitted by Department of Energy and National Treasury.</p>

NEW LEGISLATION

The Africa Institute of South Africa Act has been repealed, because this entity is to be incorporated into the Human Sciences Research Council. Administrative reallocations of funding and functions will be made by the Department of Science and Technology.

The Broad Based Black Empowerment Bill has been adopted by the NA Committee, with broad support but objections to particular clauses from the opposition parties. Substantial debates were held on the definition of “black” before deciding to use the definition as originally tabled. Amendments were made on the appointment of the Commission by the Minister.

A critical examination of **The Special Economic Zones Bill** was given to Parliament on 11 June: www.pmg.org.za/special-economic-zones-bill-deliberations. The Portfolio Committee on Trade and Industry wants to ensure that cooperatives should be able to operate in the new SEZs, and is concerned how to protect companies operating in the former zones, particularly if the designation has been withdrawn, how to reduce red tape, the position of the advisory board, and the need to balance the targeting of the export market with the domestic market.

The Criminal Law (Forensic Procedures) Amendment Bill, which legislates for a new DNA database and policy, is presently under intense discussion by the Portfolio Committee on Police. Numerous changes have already been made to the original draft, including tighter timeframes and requirements around keeping and destruction of profiles, an extended role for the Board, separation of the indices for profiles, and requirements around taking of samples. It is hoped to finalise the Bill by early August.

The Labour Relations Amendment Bill has been passed by the NA. The Portfolio Committee on Labour eventually reached consensus on many clauses, but the DA and COPE maintained their opposition to the removal of a clause providing for a ballot by the union on strike action, and the DA strongly opposed the amendment to a clause that limited the involvement of employment service providers to a time-frame of three months, which it felt would hinder access to employment opportunities.

The Geomatics Profession Bill has been approved by the NA. This Bill is intended to accelerate transformation in the surveying profession, to serve the interests of the broader geomatics professions and the public. It deals with the composition and funding of the professional council, requirements for the different branches of the profession, registration, rationalisation of the categories of surveyors, work reservation and disciplinary procedures.

The Legal Practice Bill is still under discussion by the Portfolio Committee on Justice and Constitutional Development, which is presently considering the Department’s response to public submissions.

The National Environmental Management Laws Amendment Bill, with quite extensive changes, has been passed by the National Assembly.

Two **Private Members’ Bills** have recently been introduced to the relevant Portfolio Committees. The first is a proposal for amendment of the Electoral Act, to change to a mixed system combining elements of proportional and constituency-based representation. The second seeks to amend the Children’s Act to provide that a person convicted of attempted rape should be declared unsuitable to work with children, since this crime was inadvertently omitted from section 120 of the main Act. Both will continue in the next term.

The NCOP has passed, without any further amendments, the Criminal Procedure Amendment Bill [B26B-2012], Protection of Personal Information Bill [B9B-2012], the Dangerous Weapons Bill [B37B-2012], and Prevention and Combating of Torture Bill [B21-2012]. The Commission for Gender Equality Amendment Bill was also approved, save for the proposed deletion of section 3(3) of the Act, making provision for involvement of civil society in nomination of members to the Commission.

The South African Human Rights Commission Bill is under discussion by the Portfolio Committee on Justice and Constitutional Development. MPs have held quite substantial discussion on the principle whether the Chapter 9 institutions should be able to impose penalties on defaulters. MPs asked the SAHRC to comment on how all the Committee’s proposals for change of the Bill may impact on its operations. Discussions will continue in the next term which commences on 22 July .

For Bills, go to: www.pmg.org.za/bill

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