



# MONITOR

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

DID YOU KNOW	OUR LEAD STORY: LAND ISSUES
<p>The South African Qualifications Authority (SAQA) has a new <b>National Careers Advice Portal</b> (NCAP), which is accessible from its website and which has a range of functions and options to help people decide what career might or might not suit them. The portal, which is very user-friendly, offers full details of tertiary and professional training required, and information on what properly-registered institutions offer the courses. SAQA works with the Sector Education and Training Authorities and offers information on their courses. SAQA recognises 48 professional bodies and also has the responsibility to evaluate foreign qualifications.</p> <p><b>Government departments are being encouraged to procure furniture from Sheltered Employment Factories for the disabled. MPs have suggested the need for a new marketing strategy to make the factories self-sustainable.</b></p> <p><b>The Department of Rural Development &amp; Land Reform</b> offers bursaries to prospective students in the geomatics and survey professions and has about 434 interns a year. It is working with universities to develop new courses and curricula in the surveying professions, which it wants to develop and transform, in line with the new Geomatics Profession Bill.</p> <p><b>The Department of Transport aims to offer driving training to matriculants at schools, to re-write the Driver Training Manuals, and to review the licencing authorities, in a campaign to create better, safer and more courteous drivers.</b></p>	<p>The Portfolio Committees overseeing the Departments of Rural Development and Land Reform (DRDLR) and Agriculture, Forestry and Fisheries (DAFF) have, over the last few months, criticised several aspects of the work of these departments. Both committees have cited lack of cooperation from officials and lack of reports, and both have questioned if the departments are capable of delivering on their targets, given lack of capacity and skills, and insufficient monitoring. MPs lambasted DRDLR for promising to attend to redistribution, yet not specifying where and when this was done. DAFF was questioned how it spent 99% of its funds, but achieved only 51% of targets, and MPs demanded full explanations on spending, support to emerging farmers, and seed and tractor distribution. There has been ongoing concern from many committees as to whether emerging farmers are being properly assisted to get access to markets. There is also a wider problem around lack of subsidies to local farmers (particularly when compared to heavy subsidies in other countries) and insufficiently protective import tariff arrangements, which make it cheaper for retailers and food manufacturers to import foodstuffs than to buy from local producers.</p> <p>Parliament has also complained that the Land Claims Commission has only reported once to Parliament since 1994, despite substantial budget allocations being shifted to this programme recently.</p> <p>Parliament is planning a major campaign in June - which marks one hundred years since the passing of the Native Land Act of 1913 – to highlight the initiatives of the democratic government to reverse the apartheid legacy. All political parties are unanimous on the need to return land to rightful owners. To date, only 8% of the land has been redistributed. South Africa is also under an international treaty obligation to ensure that 17% of its total land estate is put under conservation by 2020. It will not meet this target, nor the target to have 30% redistribution of white-owned agricultural land by 2014. Although the problems in land redistribution have often been ascribed to the willing-buyer, willing-seller principle, and lack of state money to purchase land, opposition parties have pointed out that substantial land owned by government has not been fully identified and redistributed, which points to state officials not getting to grips with the situation. Government intends to re-open the land claims process, particularly to allow claims from the Khoi and San people, whose land (and heritage artworks) have been incorporated into farms, and to others who missed the first deadline. However, there is concern whether government will be able to cope with a new influx of claims, particularly since past experiences showed a number of fraudulent claims. Provincial legislature meetings, workshops and public meetings on land issues will be held in the next month.</p>

## CHILDREN'S ISSUES

**The Department of Women Children and People with Disabilities (DWCPD)** has drawn South Africa's combined 2nd, 3rd and 4th periodic State Party Report (1998 to June 2012) on implementation of the UN Convention on the Rights of the Child, and the African Charter on the Rights and Welfare of the Child. Several departments did not make submissions, despite consultation with them, and the Department of Defence failed to respond on the Optional Protocol on Children Involved in Armed Conflict. South Africa has a good legislative framework and policy, but needs to improve on its state reporting, coordination, data collection and reporting, as well as monitoring and evaluation systems and capacity. The pro-poor policies result in preferential support to children living in poverty, but although statistical improvements are noted, there is still substantial inequality on the ground. There is wide discrepancy in allocation of resources to implement national policies and programmes, and poor quality of services at provincial level frustrates access for the most marginalised children. In practice, access to information is limited, particularly in rural areas. DWCPD has stressed the need to research the links between poverty alleviation strategies, child care and protection systems, and social security benefits, to find more sustainable interventions, and to prevent the same families circulating in different schemes. There are still far too few social service practitioners. There are also significant health and disability constraints, with differing mortality rates according to income and demographics. Similar inequalities are apparent in education. There has been concern at reports of escalating corporal punishment at schools, and too little psycho-social support at schools. There are many challenges around the rights and needs of people with disabilities. Abuse and neglect of older people and the disabled remained of concern. The DWCPD suggested that Performance Agreements of Ministers should include child- focused performance indicators, that child issues must be mainstreamed and that coordination must improve. MPs suggested that non-compliant departments should perhaps be fined. DWCPD also recommended that South Africa should ratify the Convention on Social and Economic Rights. Following concerns by the UN around child marriages, the DWCPD has recommended amendments to the Marriages Act, to disallow any marriages under 18, and has also recommended amending the Child Justice Act to raise the age of criminal capacity to twelve years. The process of engagement with the public would continue after submission of the report.

Separate, but supplementary reports, have also been compiled by non-government entities. UCT Children's Institute noted that infanticide was not addressed in the government report, although it is prevalent. It commented on insufficient policies on termination of pregnancy and abortion services, and suggested that post-natal depression assessments should be part of maternal health services. The government report was silent on child victims of violence, although one in three girls under 18 are sexually abused, three children a day are murdered and a child is raped and killed every third day. Specialist counselling is needed for abused children, but most counselling services were available only in cities. The Children's Institute criticised the lack of commitment to setting up specialist courts. The country report also failed to mention and make suggestions on the budget for social welfare services, which is currently insufficient even to implement the critical pieces of legislation, including the Children's Act, and to cover full service costs of NGOs' Early Childhood Development centres, prevention, protection and places of safety. It strongly recommended an expansion of the Child Support Grant, noted that although Foster Care Grants had increased, the system could not cope with the demand, although the High Court required the State to implement a comprehensive solution by December 2014. Finally, the Children's Institute felt that the DSD proposals for reform should have been mentioned in the government report.

The Centre for Child Law commented that more should have been said about the rebuilding of mud schools, and noted that no norms and standards for class sizes existed. It believed that clear policies were also needed for learner pregnancies, and it was concerned that no plans were set out to address the shocking reports on corporal punishment in schools. The government report failed to deal adequately with the position of child victims and witnesses. It agreed that dedicated sexual offences courts were needed, yet were not mentioned, and pointed out that the Intersectoral Child Justice Steering Committee had failed to submit a report for 2012, whilst its 2011 report was inadequate. It also felt that not enough was said about unaccompanied foreign children, nor children with disability. DSD proposals for reform should be mentioned

**Other reports on child issues have also recently been given in Parliament.** The Department of Health has reported that South Africa's under-5 mortality rates have dropped, from 74 per thousand live births, to 47 per thousand live births, largely because better services are being delivered to expectant mothers. In 2012, only 2.7% of HIV positive mothers transmitted the virus to their babies. However, the Department said that child deaths, many of which were preventable, remained too high, and this was being studied across the African Union. This Department intends to continue with its campaigns for early and exclusive breastfeeding, with emphasis on Prevention of Mother to Child Transmission, specialist care of small or ill babies, post-natal visits to all new mothers within six days of birth, and vaccinations and health services at schools.

## RECENT COMMITTEE ACTIVITIES

**The Portfolio Committee on Trade and Industry** held a colloquium on the impact of electricity, fuel and port charges, in particular, on the manufacturing sector. MPs suggested the formation of an interdepartmental committee, comprising senior executives from all departments and state owned entities involved in administered pricing, including water. They urged NEDLAC to become more effective in dealing with skills shortages, productivity levels and the labour environment. They called for discussions between National Treasury and the Department of Cooperative Governance and Traditional Affairs on the funding of local government, particularly given the huge electricity surcharges that some municipalities levy. They called for faster and better investigation into alternative technologies, and urged government to look into speedy solutions rather than massive and lengthy projects.

**A National Roundtable on Gender-based Violence** heard views from several NGOs and departments. Recurrent themes were an insufficient focus on prevention, shortage of resources, failure of departments to cooperate, poor data collection, under-reporting and the need to review legislation. The need for men's proactive involvement in addressing the issues, and for broader community education, was also highlighted. PMG has a detailed report at [www.pmg.org.za/report/20130422-national-roundtable-multi-sectoral-interventions-actions-gender-based-violence](http://www.pmg.org.za/report/20130422-national-roundtable-multi-sectoral-interventions-actions-gender-based-violence)

**All Departments** are now to be assessed under the Department of Performance Monitoring and Evaluation's assessment tool, MPAT. Some departments complained that the Public Finance Management Act and Public Service Act hindered service delivery, yet others were operating well within the same frameworks. The MPAT is intended to give an early warning of possible problems. 78% of departments do not yet comply with minimum management structures, 50% do not have proper fraud prevention plans in place, and 80% do not have minimum service delivery improvement plans in place.

**The Joint Committee on HIV and AIDS** has been revived, and met with the Department of Health and the South African National Aids Council, which is chaired by the Deputy President, and has now been reconstituted as an independent body with a fully operative Board. The cross-cutting nature and extent of HIV/AIDS requires far more integrated and innovative strategies.

It has been emphasised by the Medical Bureau for Occupational Diseases, that there are high rates of TB and HIV co-infection, and so TB is now also being treated as a priority. These infections cross borders, and co-infection is particularly prevalent in miners from Lesotho, Swaziland and South Africa. In South Africa, TB rates on the mines are seven times higher than in the general population. Between 10% and 20% of mine workers have HIV. MPs noted that unions have an important role in outreach and awareness-raising. They urged the Department of Health to increase its work with ward-based committees, and suggested that the Global Fund and other UN agencies be asked for assistance in funding, to enforce the SADC Protocol on TB in mines.

**The Portfolio Committee on Human Settlements** was most critical of the repeated failure of the Department to prepare a full set of regulations for the Housing Development Agency, and its request to use a consultant because its officials did not have time to do the work. The Committee took a firm line and ordered the Department to produce the regulations by 15 May, insisting that its own officials must, if necessary, work overtime and without extra compensation. The Committee also criticised the Department's failure to ensure that its hotline was functioning, and its failure to update the whistleblower policy.

**The Portfolio Committee on Justice & Constitutional Development** recently heard that the Special Investigating Unit is currently working on 25 cases, with the majority of its investigations involving irregularities in procurement and supply chain management. 10 of the investigations involve national government, 7 relate to provincial and 6 to local government and 2 are looking at state-owned companies. The estimated yearly value of corruption is R30 billion. In addition to this, prohibitive annual amounts are spent wastefully by departments.

Given this background, the Committee expressed strong displeasure at the under-funding in the justice sector, particularly of such vital institutions as the National Prosecuting Authority (NPA), the SA Human Rights Commission, the Public Protector and Legal Aid, all of whom are forced to seek donor funding.

The NPA has received the lowest increase of all departments, at only 2.1%. It cannot fulfil its mandate to establish nor sustain the Thusong Service Centres, [www.thusong.gov.za](http://www.thusong.gov.za), without donor funding. It has dropped its targets for successful prosecutions, although MPs do not agree that this is an appropriate response to the financial constraints.

The Committee said it is disgraceful that insufficient funding is provided to the Chapter 9 institutions, who work to support democracy, whilst such wastage goes on unchecked across the public sector. They urged Parliament to use the Money Bills Amendment Procedure Act, to guarantee additional funding for these vital institutions.

## REPORTS FROM DEPARTMENTS

**The Department of Agriculture, Forestry and Fisheries (DAFF)** is calling for interventions to cushion farmers and ensure that farm workers and communities will not be left destitute after the recent farm wage increases. The Minister of Agriculture said the disputes resulted from structural shortcomings that included the decline in the number of commercial farmers, farmers consolidating enterprises to maximise profit, an ageing farm population, struggling small-holder farmers, limited support, and diminishing agricultural skills. All of this was exacerbated by the global financial crisis and high internal costs of fuel and energy, as well as government's minimal support to the agricultural sector. DAFF is considering new plans to assist smallholder farmers to become commercial farmers, negotiating better rates with LandBank, and working on youth employment. It is discussing with the Department of Labour, whether sectoral negotiations or collective bargaining may be more suitable for farm workers.

**The Department of Energy (DoE)** will not reach its target to have 2% biofuels penetration by 2013 (about 400 million litres per annum) into the national liquid fuels pool. However, the country is set to produce biofuels in excess of the original target, when the regulations and pricing framework can take effect. The Department and industry are aiming to reduce greenhouse gas emissions, and says there is great potential for business and job creation in the alternative energy sectors. Although there are existing incentives in the form of tax rebates and exemptions, there is still not enough investment, although there is potential. MPs have urged DoE to work with others, to ensure its efforts will be commercially viable, noting that the industry will need sufficient transport and infrastructure. All MPs agreed that the role of small scale farmers and crop growers should be protected, and agricultural land should not be used for growing bio-fuel crops. It is in support of moves to grow these crops in the poorer areas, to enhance development.

**The Department of Environmental Affairs (DEA)** has reported that, already in 2013, there have been 158 cases of rhino poaching. It claims conviction rates are increasing, although there have been contradicting concerns that the bail conditions and sentences may not be stringent enough. MPs felt that South Africa was too slow in formalising cooperation agreements with other states, and noted that South Africa had been criticised for its apparent unwillingness to take strong action. They have called for information on the stockpile of rhino horn in private and government hands, and more details of plans to create rhino sanctuaries. There have been suggestions that some of the border fences between South Africa and Mozambique, which were removed to create the trans-frontier park, should be re-erected.

**The Department of Home Affairs** has admitted that there are still problems with the standards of service at many of its 72 ports of entry, which suffer from congestion at peak times, illegal entries, insufficient roads leading to sea ports, and lack of capacity and training to implement the Immigration Act properly. It also has problems with detection of fraudulent documents used to facilitate trafficking of women and children, or to smuggle drugs or weapons. However, DHA has noticed a drop in the numbers of refugees and asylum speakers, partially due to faster turnaround times, which identify and send back those who are not genuine refugees, and partially due to negotiations with neighbouring states that they must also share the burden of taking in refugees. There were 85 000 asylum applications in 2012, compared to 300 000 in 2010.

**The Department of Human Settlements** has outlined its plans on the Green Paper for Development of Human Settlements, stressing that a holistic approach is needed and that a comprehensive plan has to be adopted. It conceded that it had not yet succeeded in reshaping apartheid settlement patterns, but still had to determine the reasons for this and take the appropriate corrective action. The project plan and timelines would commence now, and run through to 2015.

**The National Student Financial Aid Scheme** managed to allocate all R7.7 billion of its budget, by way of loans and bursaries during the last year, and aims to increase the loans, in 2013, by about another R4 billion. The Central Applications Process (linking tertiary institutions and funding applications) should be operative by September. It is considering what it might be able to do to help the "missing middle" of students, whose parents earn above the threshold for funding but still cannot afford to pay full university fees. It also hopes to extend funding to BTech and other currently unfunded courses of study and hopes to continue with its programme of converting loans to bursaries for successful graduates

**South African Police Service was criticised by the Justice and Constitutional Development Portfolio Committee**, when the Protection from Harassment Regulations were tabled setting out the processes to be followed to implement the relevant Act. MPs questioned why it had taken two years to submit the regulations for comment, noted that they contained no provision for proof of receipt of documents, wondered if service providers were resisting the Act's implementation, and insisted the matter be expedited. They also criticised the delay in the drafting and distribution of the National Instruction by SAPS, and said this was indicative of insufficient concern by SAPS about crimes against women and children. MPs said the



forms must be translated into all official languages and training on the regulations must be offered to both police and court clerks. Training should also cover the changes made to the Domestic Violence Act.

**The Department of Social Development (DSD)** will continue with implementation of the social assistance programmes in 2013. Presently, over 16 million people benefit from social grants, and about 1.2 million take up new grants every year, whilst about 500 000 exit the system because of deaths, reviews and voluntary cancellation. DSD will be offering workshops on Social Relief of Distress to ensure beneficiaries are not disadvantaged. Priority is given to children suffering from malnutrition, families where the breadwinner has died, disaster situations, and individuals awaiting grants. Re-registration is continuing, with the objective of establishing a credible national payment database with better record management, and eliminating duplications. The backlog of grant reviews will be addressed by setting up dedicated review venues, and conducting home visits, to manage overcrowding in local offices. South African Social Security Agency is trying to strengthen partnerships with other departments, such as education and health. It is also trying to improve the systems for foster care, and address the ongoing problem of social grant fraud. It has managed to find, and to recover about half, of R300 million defrauded, with help from the Special Investigating Unit.

**The Department of Sport and Recreation** briefed Parliament on the legacy of the 2010 FIFA World Cup. A profit of US\$100 million was made, of which R10 million had gone to the SA Football Association House, Bafana Bafana preparation, 26 Mercedes Benz cars for regional presidents, and buses to provide for safe transport for players, whilst R5 million was paid into the SAFA development programme, and the remainder was invested. The audit of the FIFA funding showed full compliance with spending and financial standards. SAFA had faced a loss of R500 million in September 2010, but FIFA had agreed, after negotiation, to cover all operational expenses and not to take its full anticipated profit, on condition that the money went to sport development in South Africa. SAFA had been told by government to hand over the FNB Stadium, which cost R580 million, without compensation, and this stadium was now owned by City of Johannesburg. It says South Africa lags far behind other countries on sporting development, but the Department is hoping to introduce new coaching and to do talent identification, from the under-13 level, to develop clubs. It aims to train 15 000 coaches per year for three years. High performance monitoring through academies is needed.

**The Office of the Surveyor-General** is still trying to survey all state land to try to compile a comprehensive land register, in addition to the work that the Department of Public Works is doing to complete its own immovable asset register of the fixed properties that the state owns. There are still large tracts of unregistered vacant land, communal settlement areas and non-vested immovable State assets, particularly in Eastern Cape, Limpopo and Mpumalanga. The Surveyor-General is trying to align the property records of the Surveyor-General and the Deeds Offices. Since 2004, it has managed to survey and submit almost 6 million hectares of land for registration. 2.7 million hectares occupied by the Ingonyama Trust in KwaZulu Natal is classified as State-owned land. There are still disputes on ownership of property in tribal areas.

**The Department of Traditional Affairs** says many traditional councils and houses still need to fall in line with the Traditional Leadership and Governance Framework Act. Khoi and San leaders are now more involved in the decision making processes, and late applications for land restitution will be allowed specifically for these groups. It has been decided to hold one roundtable to discuss Khoi and San matters, because there are fears that the National Khoi-San Council is not necessarily representative of all interests. DTA is calling for help from historians, anthropologists, and experts on traditions, to get a more accurate picture of the people, count them accurately, and become more culturally sensitive.

**The Department of Transport (DoT)** has been urged by the Portfolio Committee to re-consider its subsidy programme. Instead of subsidising only some modes of transport, and continuing with the current Taxi Recapitalisation Programme, it has now announced that it will be investigating more alternatives, in line with its plans to deliver integrated systems. It now intends to mainstream taxis into integrated public transport systems over the next few years. Ten times fewer South Africans use buses and trains than in other similarly-developed countries, with most using taxis to get to work. Public transport subsidies in South Africa are far lower than in other countries, despite the importance of transport to the economy. Poorer provinces have been receiving less subsidies because they pay the bulk of subsidies from their own provincial budgets. Although 67% of DoT's budget has been going to interim contractors, they have not been properly monitored. The Department's initial requests for far larger allocations from National Treasury were not supported by MPs, who urged it to adapt its plans realistically and manage the funding better.

**The Universal Service and Access Agency**, under the Department of Communications, intends to set up 30 universal-access cyberlabs, with connectivity, in schools in under-served areas. It will be actively supporting the Department of Basic Education in delivering higher standards of education to the poor. It aims to connect 260 schools and centres in rural areas, with school cyberlabs and access centres, in each quarter of the current financial year. The Department of Communications is hoping to create 3 500 jobs

building set-top boxes, for the move to Digital Terrestrial Television, in smaller centres,. People will also be trained and sent out to measure the uptake and usage of smart technology in rural communities, and to measure the impact this may have on livelihoods.

## NEW and PLANNED LEGISLATION

**The Transport Laws and Related Matters Amendment "e-Toll" Bill** has now been adopted by both Houses of Parliament, despite the opposition parties' concerns that there was insufficient public understanding about the Bill, and particularly its implications on the costs of public transport. The majority of MPs, and the Department of Transport were insistent that enough public consultation was done. Many MPs criticised what they saw as unseemly haste to pass the Bill. However, DoT insisted that it was necessary to get the tolls operative as soon as possible. The Roads Agency had already issued bonds to fund the R24 billion capital spent on the roads, and National Government had issued a guarantee. Failure to repay the bonds would damage the government's credit ratings. The income from tolls is needed to service the interest on the debt, and pay ongoing maintenance and operational costs. Although the concept of tolls is not new, the Bill was needed to allow for e-tolling, which identifies tags on vehicles. The tolls can be paid in advance. Debt for tolls is excluded from the National Credit Act. The Cross-Border Road Transport Agency is empowered to collect the tolls, although several MPs were dubious about its ability to do this.

**The Special Economic Zones Bill** has been introduced, to cater for ten already-identified projects, which include the current Industrial Development Zones in the Eastern Cape and the planned Zone in the Western Cape. The purpose of declaring a Special Economic Zone is to attract investment and to promote rural development. Any sphere of government can propose a SEZ. They are likely to be governed by public-private partnerships, and be located close to major ports and airports.

**The Judicial Matters Amendment Bill**, a composite piece of legislation that makes amendments to the Magistrate's Court Act, the Criminal Procedure Act, the Child Justice Act, the Sexual Offences and Minimum Sentencing legislation, the Attorneys Act, the Small Claims Court Act, the Judicial Service Commission Act, Promotion of Access to Information Act, the Children's Act, and the Reform of Customary Law of Succession and Regulation of Related Matters Act, has been tabled. A call for public submissions has been advertised, but the Committee also intends to alert interest groups, to comment on specific changes.

### Projects in the pipeline...

**The Compensation Commission for Occupational Diseases (CCOD) and Medical Bureau for Occupational Diseases** are to be incorporated into a unified management structure: the Medical Bureau Compensation Commissioner. Many changes are planned to the Miners' Phthisis Act, which dates back to 1912, and the Occupational Diseases in Mines and Works Act, but no new legislation has yet been tabled.

**A possible credit information amnesty project** is still being considered by the Department of Trade and Industry (DTI) and the National Credit Regulator (NCR), and proposals are to be presented to Parliament. This was to give relief to consumers whose poor credit records prevent them from conducting commercial transactions, even after settling their debt. It was stressed that this would not relieve debtors of the responsibility to pay, but would remove information from the system relating to bad debt under R10 000. It was estimated that it would allow 86% of credit-impaired consumers then to apply for home and micro-loans. The previous amnesty, although not successful, had provided some useful pointers for a future, changed project. DTI and NCR had done some impact studies, and had found support for affordability assessment guidelines, credit literacy training, and assistance to consumers. They are reviewing market practice and credit providers' internal controls. NCR has noted almost 350 000 debt counselling applications. A task team has been set up to investigate the abuse of credit life insurance, including the costs.

Banks and some credit providers were not very enthusiastic about this suggestion, because they fear that the amnesty proposals can create more risk, but agree that the industry has to be part of the solution, and would support more investigations. The Banking Association says that the growth of loans is slowing down, and the ratio of household debt to income has decreased, but that often people are borrowing to put food on the table. Banks would support guidelines, and agree that responsible lending and consumer education, including to rural communities, are key to addressing the problems. They have asked that unregistered lenders be controlled, and that misuse of information around bad debt must be sanctioned.

For Bills, go to: [www.pmg.org.za/bill](http://www.pmg.org.za/bill) or email [info@pmg.org.za](mailto:info@pmg.org.za)

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