



PARLIAMENTARY  
MONITORING GROUP

# MONITOR

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

NEWS SNIPPETS	OUR LEAD STORY
<p>A global conference on Agriculture, Climate Change, Food and Nutrition Security, funded by the World Bank and Netherlands, will be held in South Africa from 3 to 5 December, and will be attended by Ministers of Agriculture from the G20 and all the BRICS countries.</p> <p>A new campaign called <a href="#">Masibambisane</a>, to be driven under the programme Fetsa Tlala, takes over from the Zero Hunger project, and will be launched shortly in the Northern Cape.</p> <p><b>Department of Transport</b> has funded 21 rural district municipalities to establish Road Asset Management Systems. It is also focusing on increasing rail rolling stock, and integrated passenger and freight public transport in this year.</p> <p>South Africa has been urged to adopt the <b>AU African Cultural Renaissance Charter</b>, which recognises the role of culture in political emancipation, economic and social development and promotes culture, arts, language, heritage and creative industries as central to sustainable development. Policy in South Africa will be aligned to the Charter through the Review of the White Paper on Arts and Culture. It has been suggested that financial incentives for support to culture may be needed.</p>	<p>The Portfolio Committee on Health has been disturbed by damning reports about the state of <b>health care in the Eastern Cape</b>, particularly in the OR Tambo district, where three hospitals and eight clinics will need to be demolished and rebuilt from scratch. Holy Cross Hospital was cited as lacking proper management of equipment, including oxygen supplies, and insufficient space to function properly, and MPs went so far as to suggest that senior staff should be suspended. Substantial problems in leadership by the MEC and Provincial Department were noted by the Department, and a whistle-blower had allegedly been suspended for reporting the issues at OR Tambo.</p> <p>Independently substantiating these reports, the Eastern Cape Health Crisis Action Coalition told MPs in the Select Committee on Appropriations that the Treatment Action Campaign and other organisations had formed the Coalition after several requests to the MEC for Health in Eastern Cape had met with no response. The Coalition has been monitoring the provision of health services in the provinces, with a particular focus on problems in Lusikisiki, where a list of matters needing attention was drawn up and presented to the Provincial Department of Health. Although the Department produced what the Coalition described as a “shopping list” of plans, there were no specific timeframes or action noted, and the MEC still had not met with the Coalition. The report drawn up by the provincial Department seemed to focus on “the improved reputation of the Eastern Cape Government” rather than on service delivery. Particular problems cited by the Coalition included intimidation of healthcare workers who spoke out against poor conditions, an exceptionally poor work culture, which led to loss of morale and resignations, coupled with the fact that salaries were often not paid, lack of essential equipment, infrastructure and management capacity, and long delays in filling posts. The Coalition asked for Parliament’s support in having a defined plan and budget drawn. It appreciated the efforts of the national Minister of Health, but felt that broader provincial commitment and focus was needed.</p> <p>However, the picture is not entirely bleak. Statistics SA recently reported that the 2011 General Household Survey revealed that 74.5% of respondents, of whom just under two-thirds are using public services, expressed satisfaction with the health care services. Satisfaction levels are highest in Western Cape and lowest in KwaZulu Natal. Of concern, however, is the fact that over 47% of respondents walked to clinics, whilst 29.1% used public and 22.1% used private transport. Only 16% of South Africans are covered by medical aid, and about 22.5% of the population, particularly those aged 15 to 24, prefer to self-medicate than seek out health workers. The most common diseases are TB and flu or acute respiratory disease. In 2010, 25% of deaths were caused by infectious and parasitic diseases, with TB the most prevalent. Life expectancy at birth, and mortality statistics have improved since 2006, and the Department of Health believes it will reach the Millennium Development Goals for reducing child mortality, through its Newborn Care Strategy, and testing of children for HIV, as well as reaching goals for combating HIV/AIDS, malaria and other diseases and is stressing use of condoms in high-risk cases. Maternal mortality targets will not be reached, but are dropping.</p>

## ECONOMIC, TRADE AND FINANCE MATTERS

**The Employment Tax Incentive Bill** aims to address high levels of youth unemployment in South Africa by offering a 50% wage subsidy for young workers (including asylum-seekers) between the ages of 19 and 29, earning up to R6 000, or a subsidy for workers of all ages employed in Special Economic Zones, or in designated industries. There are about 2.4 million unemployed people under 30 in South Africa, mostly because they lack post-matric qualifications, or the necessary skills. The Bill will cover private sector employers, the public sector and designated public entities, but not the State-Owned Entities. Existing labour regulations and legislation will be enforced to protect workers, and any employer who unfairly dismisses current staff in order to access the incentives will be sanctioned and disqualified. The Bill was criticised by unions, who doubted that it could relieve unemployment, felt that it was based on the incorrect premise that wages are too high, and feared that tax concessions would lead to large drops in tax revenue, affecting training and work opportunities. National Treasury has assured Parliament of checks and balances to protect existing workers. The Bill has recently been passed.

**The Industrial Development Corporation (IDC)** provides funding to sectors including metals and mining, forestry, chemicals, clothing and textiles, healthcare, ICT, tourism and agricultural value chains. It calculates that the funding provided over the last five years has facilitated 114 000 job opportunities, created 8 000 formal jobs and saved 37 500 jobs. About half of its funding is directed outside the main industrial centres, and it is looking to invest more in the African continent, to boost South Africa's own economic growth and job-creation value chains, and develop small businesses who use South African products. IDC has an agreement with the National Youth Development Agency and Small Enterprise Finance Agency, to make R1.7 billion financing available specifically to the youth.

**The Special Economic Zones (SEZ) Bill** has recently been passed. 30 government officials have been sent to China for training, and feasibility studies are under way. Dedicated funding for the SEZs will come from Parliamentary votes. National, provincial and local government and private individuals will be able to apply for licences to set up an SEZ, in categories of a free port, a free trade zone, or a sector development zone, and specific conditions and guidelines may apply. Existing Industrial Development Zones will convert their operating licences to SEZ licences. The SEZs will be run by advisory boards that will include expert individuals and representatives from government, labour, public entities, civil society, and business. The Boards must report annually to the Minister, and must appoint a South-African registered company as operator for the SEZ. Several different tax incentives are being offered to investors, in areas including buildings, employees, and VAT and duty-exemptions. Assistance may be offered by the provinces, the Department of Trade and Industry or the private sector, to municipalities targeted for SEZs.

**Richards Bay Minerals (RBM)** has appointed a new black South African managing director and female executives. It is promoting local economic development, working with Ithala Development Finance Corporation to investigate building an industrial area to support the mines. Four projects have started to link with the Special Economic Zones. It has put R5 billion towards the development of the Mkhwanazi community and surrounding areas, and is trying to extend the life of the mine beyond 2040. RBM has focused on education in rural communities, but recognises that more empowerment is needed. It continues strong partnerships with traditional leaders, to try to counter threats of sabotage and theft from the local communities.

**The Financial Services Laws General Amendment Bill**, amends eleven financial sector laws, to address legislative gaps highlighted after the 2008 financial crisis, and to align these laws with the Companies Act and other sector legislation. Most amendments are technical, but also ensure that the powers of regulators apply where needed. The majority of MPs, with dissent from the DA, voted to adopt the Bill.

**The National Credit Act Amendment Bill** was introduced after section 89(5)(c) of the National Credit Act was declared unconstitutional for preventing non-registered credit providers from reclaiming money loaned. This Bill now gives greater powers to the National Credit Tribunal, sets tighter requirements for debt counsellors, establishes norms and standards for affordability assessments, and uses the current financial situation of applicants, not their credit history, as the prime consideration. Overall, it aims to curb reckless lending, to introduce alternative dispute resolution and to change the behaviour of the credit industry. MPs have urged that substantive communication and information campaigns must be run.

**The National Infrastructure Plan** and Strategic Integrated Projects (SIPs) were formulated to drive the vision of the National Development Plan, create jobs and unlock economic potential and local industrialisation. **The Infrastructure Development Bill** now aims to improve delivery and implementation of the SIPs and maximise their development impact. It will not change responsibilities of accounting officers or authorities, or the route for fiscal flows. About 180 000 jobs have been sustained by projects under the National infrastructure Plan up to June 2013, in construction-related activities.

TRANSFORMATION EFFORTS	EDUCATION NEWS	
<p><b>Revised B-BBEE Codes of Good Practice</b> were advertised in 2012 for public comment. 555 public submissions were analysed before the Codes were finally gazetted on 11 October 2013. The new Generic Scorecard comprises five elements: ownership; management control; skills development; enterprise and supplier development and socio-economic development, to expand the economic base of black entrepreneurs. All companies, except Exempted Micro Enterprises (which threshold will increase from R5 to R10 million), must comply with all elements, or risk dropping a level if priority elements are not met. The Codes apply from October 2014, with the first assessment in October 2015.</p> <p>The Department of Agriculture, Forestry and Fisheries (DAFF) reported on the <b>Agri-BEE Sector Code</b> gazetted in December 2012. Stakeholders can still choose whether to comply with it, but it is not possible at the moment to access reports on BEE status from the Department of Trade and Industry's portal. According to a National Agricultural Marketing Council survey, 47% of respondents said they were not yet considering a BEE strategy, and only 13% said they had developed a strategy. Many agricultural businesses are family-run, there is limited scope for transformation in micro enterprises, and there are still very few black participants with whom to partner. However, publication of the Codes has been hailed as a step forward to growing and improving transformation. DAFF itself aims to assist in transformation by implementing the Comprehensive Agricultural Support Programme, to improve enterprise development. The Agri-BEE Fund aims to improve equity ownership and mentorship. DAFF is currently mentoring 50 smallholder women tomato farmers in Limpopo. It is attempting to make maximum impact through the small amount of funding available in MAFISA.</p>	<p><b>The Transformation Oversight Committee and academic researchers</b> assess that it will still take another 12 years to achieve transformation at South African universities in terms of student enrolment, 14 years for student graduation figures to match the national demographics, and 43 and 40 years before overall staff, and academic staff respectively, will be fully transformed. More interventions are needed to achieve parity in gender graduation. Most universities are showing better gender transformation amongst their academics, but are not doing so well on race. There are also concerns that many positions are filled by foreign academic staff. It was specifically noted that there was no loss of research or productivity in those universities showing good transformation. Four universities are regressing in numbers of students graduated. Further thought is needed on how transformation may be funded.</p> <p><b>The South African Institute for Drug Free Sports (SAIDS)</b> instituted anti-doping measures and drug testing in 2012, in schools that signed up to its protocol. It will test, with the consent of parents, where there is reasonable suspicion of performance enhancing drugs being used in school sport - a problem highlighted by several sporting codes, although SAIDS remains concerned about lack of response from the SA Football Association. SAIDS will undertake the testing and analysis but the schools are then responsible for taking action if the testing shows positive.</p> <p><b>The Department of Basic Education</b> has categorised Physical Education, as a long-term participant development model, under the Life Skills programme at schools. It aims to connect and integrate PE and elite sports programmes, teaching movement skills to all learners, and link this also to recreational sports in communities.</p>	<p><b>The Sol Plaatje University (SPU)</b> in Kimberley and <b>Mpumalanga University</b> have been established by Government Notices in August 2013, and will be taking a limited intake from 2014. The former National Institutes of Higher Education operating in these provinces will not be incorporated into the new universities, but a final decision has yet to be taken on their closure. They will continue to offer existing courses for two to three years, which will then be phased out. Decisions on staff and assets still need to be taken. They will not duplicate what is offered by the new universities.</p> <p>Both SPU and Mpumalanga University will be comprehensive residential universities with strong seats and potential for future multi-campus expansion. At SPU, academic programmes and institutional establishment will be supported by partnerships with the University of the Free State and Cape Peninsula University of Technology (CPUT). In 2014, SPU will offer the B.Ed, ICT and Retail Business Management courses, expanding later to Nursing Studies, Heritage Studies, Archaeology, restoration architecture; and indigenous languages (Koi-San).</p> <p>At Mpumalanga, in addition to the main campus, a special Siyabuswa Campus will be set up for Foundation and Intermediate Phase teachers. Its academic programmes and establishment will be supported by Universities of Johannesburg and of Pretoria. In 2014, it will have a limited intake of B.Ed and B.Agric students, and the Lowveld Agricultural College will be incorporated. Chemical and electrical engineering studies will be offered later, probably in collaboration with SASOL. The National Student Financial Aid Scheme offers R20 million for bursaries, with centralised application processes. There may be up to 7% foreign students. Potential research niche areas for both have been identified.</p>

INITIATIVES FOR VULNERABLE GROUPS		ELDERLY CONCERNS
<p><b>The Civilian Secretariat of Police</b> (the Secretariat) has recently taken over the function of <b>monitoring the compliance by SAPS with the Domestic Violence Act (DVA)</b>, and has visited over 300 police stations and 11 000 SAPS members, to try to identify gaps and make improvements. Specific recommendations have been made for re-design of forms, which should now be included in the standard pack in all police vehicles. Agreements should be drawn to clarify roles of SAPS, community policing forums and volunteers. The Secretariat says that, in order to address the continuing challenges around improper recording of complaints and record-keeping, non-compliance by SAPS must be a stand-alone offence. It recommends that specific systems must be set up, and regulations drawn, for cases where SAPS members themselves are perpetrators, even if those cases are not pursued by the victims. Standard procedures must be compiled for referring cases to the Provincial Inspectorate and the Secretariat.</p> <p>SAPS continually assures Parliament that it does train all its members, but the Secretariat found that under 50% of those interviewed had been trained, and those who had been, described the training as too academic and inadequate. Nobody seemed sure how to deal with perpetrators violating protection orders. The Secretariat wants to monitor the training, and make DVA updates compulsory at all station meetings and parades. Because of uncertainty in interpreting the DVA, victims themselves often end up serving the protection orders, and many still withdraw cases as they are dependent on the perpetrators for shelter. Because the Department of Social Development is not specifically required by the legislation to provide shelter, and its counselling services are sorely lacking, women victims end up with no real assistance.</p>	<p>The <b>Departments of Women, Children and People with Disabilities &amp; Public Service and Administration (DPSA)</b> are running a joint initiative for <b>mainstreaming gender equality and disability programmes</b> in the national and provincial public services. At the four Senior Management Service levels in the public service, there is 39.1% women's representation, but there are still few female Directors-General and no province has yet met the 50% gender balance. At political decision making levels, there is 40% to 45% female representation. In the private sector, there are only 5.1% women chairpersons, 3% women Chief Executive Officers and 17% women directors. There has been improvement of women judges, to 30% representation.</p> <p>More women are entering tertiary institutions, graduating in postgraduate and doctoral studies, and entering research areas.</p> <p>A number of reasons have been cited for the fact that disability representation in the public sector still remains below 2%. These include disabled people not applying for jobs, not having the right skills for the jobs, and the fact that many struggle to find suitable transport to work daily, or find it too expensive compared to their salaries. Some people also do not declare their disabilities, as there is still some social stigma. In the last 20 years there has been a good increase in access to education for those with disabilities, and many disabled adults who were not formerly given these opportunities have also enrolled in adult literacy programmes also. Up to 1000 young persons with disabilities graduate from universities annually, with assistance from the national Student Financial Aid Scheme, which provides reasonable accommodation support, assistive devices, technology and personal assistance.</p>	<p>The organisation <b>Concerned Pensioners</b> presented a petition on behalf of over 2 800 older persons, to call for improvement of services presently being offered for the elderly by the Department of Social Development. Their concerns included the currently insufficient amount of the Old Age Pension, the need for greater access to residential facilities for older persons, concerns about corruption and abuse of the means test and system used for the old age pension, the social phenomenon of family disintegration, and poor access to health services, with long waiting times to collect medication at clinics. Many older persons found that SA Social Services Agency (SASSA) card system resulted in them spending longer in queues, where they were targeted by fraudsters, and many could not remember their PIN numbers. Older persons are requesting an increase of R2 000 in the old age pension, and consideration of reduced rates for electricity and water, and food vouchers. The Deputy Minister of Social Development assured them that healthcare issues would be addressed by the National Health Insurance, and the means test should be removed by 2015. She also encouraged them to join the Older Persons Forum, to be able to have a voice.</p> <p><b>Military Veterans</b> have been used successfully for several years in the Working for Fisheries programme, to assist with anti-poaching activities, and although this particular project has ended, the Department of Agriculture, Forestry and Fisheries hopes to accommodate them in future efforts.</p> <p>The Joint Committee on Defence has supported changes to the <b>Special Pensions Act</b>, which will give equal treatment to all partners and children of military veterans. There are no fiscal implications, and this Committee is urging the Minister of Finance to give consent for the Bill to be passed urgently.</p>

## Recent reports from departments and entities to Parliament

Departments have been presenting their Annual Reports to Parliament in the last term, but these largely deal with historic issues. It is interesting that more Portfolio Committees are questioning the relationship between amounts spent and targets achieved, as well as the relevance of targets, and have been asking questions about staff bonuses, and payments to consultants. Some highlights are summarised here. The Committees' Budgetary Review and Recommendation Reports, encompassing specific recommendations to Ministers, will be summarised in our January newsletter.

**The Department of Agriculture, Forestry and Fisheries** has opened offices in China, India and Russia and will soon open one in Brazil to attract alternative markets. Trade agreements have been concluded with other emerging economies and trade into Africa has increased. It has launched an Integrated Food Production programme in seven provinces, covering 139 000 hectares cultivation. A stimulus support package of R1.3 billion is being offered for commercial farmers linking to emerging farmers, to help them retain and create jobs and to help in developing agro-processing.

**The Department of Basic Education** is to announce minimum norms and standards for schools at the end of November, which will include a safe environment, peripheral fencing, laboratories, learner resource centres and ICT connectivity. Each child at school must have a chair. School furniture is being made at Correctional Services and FET College workshops, and the Department of Environmental Affairs has identified and supplied wood from non-indigenous trees that are being removed.

**The Commission for Gender Equality** reports that there is still gender discrimination in the education sector. In the private sector, gender equality is a low priority and there might be a need to introduce an incentive scheme. In the last year, the CGE investigated 985 complaints of gender discrimination. It has a fraud hotline number and Gender Complaints Toll Free number: **0800 007709**. It has held a consultative dialogue on sex work, assessed women's participation in political parties, and wants more dialogue on maternity benefits for self-employed women. It cites the main challenges as continuing patriarchy, particularly in rural areas, and shortage of budget.

**The Minister of Communications** has announced a revised structure for this Department, and has engaged with National Treasury and 180 organisations and individuals to try to get more homogeneity in the ICT sector. A new Broadband Policy Strategy will be processed through Cabinet by 4 December 2013. A consultative workshop in October concluded that Ministerial policy directives are needed on licensing for broadband applications, and transparent pricing, and it has now been decided that the Set Top Box policy is also to be set by Cabinet. Digital Terrestrial Television rollout now covers 81.7% of the population. Although only 61 of targeted 778 schools have been connected, due to delays in getting the equipment, the equipment has now been sourced and the remainder of schools will be connected in 2013. The SA Post Office is committed to building 50 new post offices to expand its focus on the rural and under-served areas, where PostBank services will also be available. A National Integrated ICT Policy Green paper is being finalised.

**The Department of Correctional Services (DCS)** Annual Report was critiqued by stakeholders. One NGO said the suggestion by MPs to introduce closed-circuit television in correctional centres was not enough to deter inmate assaults, but must be coupled with better assessment of inmates, sentencing reform and improving integrity of officials. Most commentators supported full independence from the DCS for the Judicial Inspectorate of Correctional Services, with powers of subpoena, search and seizure and greater recourse to reporting to Parliament if the DCS fails to comply with requests. They felt that the Inspectorate needs to boost public awareness of its role and findings, and carry out more unannounced visits to correctional centres. Concerns included the number of inmates defaulting in taking ARV medication, because of systemic failures, lack of screening, and conditions in women's correctional centres, including over-crowding, poor food and too few work opportunities to allow women to earn money to support their children outside.

**The Further Education and Training (FET) Colleges** managed to increase their intake by 90% between 2010 and 2012, compared to 14% increase in universities. The Colleges have received major assistance to strengthen HR and financial management. The National Research Foundation (NRF) has invested in research equipment at all higher education institutions and national research facilities, mostly in high end research platforms, including the Square Kilometer Array, and has supported 9 309 students, mostly in Masters studies. NRF's science advancement programme in schools does not seem to result in more students pursuing science studies later.

**The National Development Agency** contributes to the eradication of poverty and its causes by granting funds to civil society organisations (CSOs), and aims to leverage strategic partnerships, as it gets only about 50% of its funding from government. It has been concentrating on Early Childhood Development, Food Security and Income Generation programmes to assist in development of poor communities. Last year, it

assisted 223 CSOs in governance, financial project management and conflict resolution and planning skills, disbursing R4.4 million to capacity building for lobbying and advocacy to CSO networks. However, around 22% of those assisted had not yet shown improvements, in financial management in particular.

**The National Empowerment Fund (NEF)** has approved over R5 billion in BBBEE transactions, with 55% to women-owned projects. Its Asonge Share Scheme helped R87 000 black South Africans to become owners of MTN. It automatically sets up mentoring for all those whom it supports financially, and is currently supporting 135 black-owned businesses, largely in construction, materials, services and manufacturing. It has cautioned that it will need more funding, and it is requesting re-capitalisation by government of R5.5 billion, as it believes that it has the potential to add 1% to South Africa's GDP and create 100 000 decent jobs through the black-owned companies it supports.

**The Special Investigating Unit** finally has a new permanent Head, and a revised mandate. In the past, it has merely investigated and reported on serious malpractice and administration, with a focus on high-number but low individual value beneficiary-type matters. It is now shifting its attention to larger and more systemic issues, particularly around supply chain management and procurement. It will be playing a more active role in seeking redress, probably through Special Tribunals, to halt wrongdoing speedily, cancel contracts, recover money and prosecute perpetrators. At the moment it is handling 25 matters, of which 7 relate to provincial departments and 6 to municipalities, focusing on procurement. The Department of Public Works investigations remain in the forefront, involving procurement, mismanagement, and financial misconduct.

**The SA Social Security Agency (SASSA)** made 16.1 million grant payments in the 2012/13 financial year. It has concentrated on re-registering every type of beneficiary, and this resulted in voluntary cancellation of over 150 000 social grants, with a saving of R150 million. The re-registration project created 8 000 jobs, of which 3 000 were permanent. The Old Age Grants grew by 4.45%, but Disability Grants decreased, due to improved management and more stringent screening. SASSA has a zero tolerance approach to fraud and corruption, registered 7 734 fraud and corruption cases, and finalised 2 747, with a value of R59 million.

**The Department of Water Affairs** Municipal Water Infrastructure Grant was set up in 2012 as a short-term solution, to get water to areas where full service cannot be made available by 2015. This grant focuses on the 23 municipalities with the highest service backlogs, and tries to ensure, through rapid response units, that water is actually made available from "source to tap". Although the Department initially hoped to provide "some water for all" by 2015, through its regular programmes, it realised this would be impossible because of the huge costs for rural areas, and lack of water. There are concerns that some district municipalities have not reached agreement with water boards or authorities, still have problems in billing, and many communities are still dissatisfied with solutions proposed, such as water tanks, where boreholes are ineffective.

**The National Youth Development Agency** met 85% of its key performance areas, which are essentially aimed at enhancing the participation of the youth in the economy, through targeted and integrated programmes. It managed to support 80% more young entrepreneurs than planned, as it managed to access more funding mid-year. Irregular expenditure, although it has fallen, remains of concern.

#### **Parliament expressed its concerns about the following reports:**

**The Human Settlements Development Grant (HSDG)** was set up to facilitate sustainable human settlements that enabled an improved quality of household life. It covers residential units, serviced sites, upgrading of informal settlements and work opportunities under different housing programmes, and also is supposed to focus on rural housing and rectification of poorly-constructed houses. In this year, R16.98 billion was allocated, with R1 billion earmarked for eight priority projects in five provinces, and R4.9 billion earmarked for repair of flood damage dating back to 2011. There had been 86% spending, but an analysis of that spending showed that very little of the provincial allocation was used for acquisition of land, and projects were stalled because of poor planning, poor management of beneficiaries, slow procurement processes, poor cashflow management, and inadequate supervision of contractors. Very little attention had been paid to the priority projects and specific programmes. Funding was withheld from Limpopo and Mpumalanga, due to procurement irregularities and poor business plans, although Limpopo had used part of the provincial equitable share to fund some projects. Two provinces did not submit reports, and others were inaccurate.

**The Department of Public Works** claims to have improved in the last financial year, although it still has challenges with an inadequate and incomplete State Immovable Asset register. There was irregular expenditure of R1.04 billion, and fruitless and wasteful expenditure of R124 million. Problems with leases continue to hold it back, and it still needs the right skills, and needs to improve its ICT programme, although it is getting some assistance in training and developing artisans and technicians.

**The Institute for Global Dialogue** commented that the Department of International Relations and Cooperation needed to address a number of issues differently, because of changing geo-political dynamics, and suggested that it needed a better understanding of the challenges that Pan-Africanism and the African Renaissance pose to the region. The Institute thought that this Department belonged to too many international organisations, which led to loss of momentum on the IBSA side, and suggested the need for more attention on getting the partnerships right between south and north countries. It was concerned that the provinces failed to use the right training and hiring criteria, commented on the lack of coordination on diplomacy, and the fact that the South African Development Partnership Agency was not yet in operation. It raised questions, similar to those asked of the Department of Women, Children and People with Disabilities, whether money spent on conferences and seminars was actually translating into local benefits for citizens.

**The Department of Labour** was challenged by the Portfolio Committee on its assertion that it had good achievements, because MPs pointed out that lowering of targets and objectives actually amounted to lowering standards, and felt that 63% attainment of targets was not good enough. Some suggested that the large number of unprotected strikes in this year, indicative of people choosing to operate outside the law, was testimony to the fact that the Department had failed, although others thought that it was more important to assess whether the strikes arose from any action or lack of action by the Department. Huge discrepancies in levels of compliance between provinces was seen as a serious problem, and MPs were concerned that key sectors such as mining and agriculture were still facing the same issues as they did forty years ago.

**The Portfolio Committee on Police**, during interrogation of the SAPS Annual Report, questioned whether the current structures of SAPS are serving the country well. Unions have long complained of top-heavy structures, and it has been suggested that having cluster commanders is a costly way of bloating the top structures without providing added real impetus. In addition, the right people for the right job were often not in place. The Committee, when discussing crime statistics, urged SAPS to embark on partnerships as it could not possibly deal with everything alone, and to tackle, in conjunction with municipalities, such simple issues as the fact that high mast lighting did not shine on streets where people walked at night, and the need to patrol visibly at the times when shebeens closed, to try to deter outbreaks of fights.

**The Select Committee on Appropriations** was critical of the follow-up reports by the Department of Basic Education on its Accelerated Schools Infrastructure Delivery Initiative (ASIDI), which aims to replace mud schools and other inappropriate education structures. The first schools were targeted for completion in 2011, but were only completed in this year. Earlier in the year, the Department assured the Committee that it would be able to “deliver” one school per week, but the meaning of “deliver” was not clear. The schools are supposed to be built to certain standards, fully furnished and with ICT connectivity, a resource centre and a laboratory. More mud schools were found in Eastern Cape than previously known, and 51 of the 201 schools there are still under construction. The Select Committee was not pleased with the fact that the Department was unable to identify precisely what schools were outstanding, and what stage of construction they had reached, and recommended that it must draw specific schedules with exact timelines to track every project.

**The Select Committee on Security and Constitutional Affairs** was very disappointed at the briefing by three entities on the implementation of the Child Justice Act. This Act intends to divert as many criminal matters involving children away from the criminal justice system as possible, to adopt a restorative justice approach, and bring cases where the child needs care and protection before the Children’s Court. MPs were told that proper implementation is hindered by few facilities available for conversion to One-Stop Child Justice Centres. They immediately countered that there are plenty of disused schools that would be easy to convert. The system also suffers from serious shortages of psychologists and psychiatrists to determine the child’s criminal capacity, insufficient mainstreaming of social protection for poor children, and special measures for those with disabilities, in all government programmes. There is a need to strengthen the courts. Only 225 SAPS members have apparently been trained, despite the requirements for substantial training of police, prosecutors, probation officers, magistrates and Correctional Services professionals. Members were horrified to hear of physical punishment at the Bosasa Correctional Centres, and wondered if proper education was provided for children on diversion programmes. Poor information systems management meant that data was not necessary correct, updated, nor correlated across departments, and MPs were critical that the Department of Social Development did not seem to be complying fully with its responsibilities and mandate. They expressed their disappointment that the relevant Ministers were not present when political intervention and answers were needed.

**The Department of Women, Children and People with Disabilities (DWCPD)** has not yet provided the the Portfolio Committee with the Fluxman Report, despite several requests. The Fluxman Report deals with the investigation last year of transgressions in the running of the Department.

## NEW AND PENDING LEGISLATION

**The Employment Equity Bill and Employment Services Bill** have been adopted by both Houses, after objections were noted from opposition parties.

**The Private Member's Bill on Protection of Traditional Knowledge** proposed a stand-alone and completely different process to protect traditional knowledge, outside the formal intellectual property principles. This Bill proposed that the community should be the owner of knowledge, provided for a trust fund where the author of work could not be identified, allowed a simpler and less formal registration process, and obliged royalties to go back to communities. Several intellectual property academics supported it, but the Department of Trade and Industry, who had tabled the Intellectual Property Laws Amendment Bill (recently passed by the NCOP, with Western Cape dissenting), disagreed with it. The majority of the Portfolio Committee rejected the Bill, despite all opposition parties maintaining that a *sui generis* bill would have been more desirable and easier to implement.

**Three Private Members' Bills** have been submitted to the Portfolio Committee on Justice and Constitutional Development. One seeks to amend the Special Investigating Unit Act, particularly the appointment and dismissal of its head, and two are Constitutional Amendment Bills, aiming, respectively, to amend the appointment and dismissal procedures for the National Director of Public Prosecutions, and the composition of the Judicial Service Commission. They will be debated in January.

**The National Environmental Management Laws Third Amendment Bill** will create the office of environmental inspector. The consultation period on the Bill has been reduced to thirty days. There is a separate regime for the issuing of environmental and atmospheric licences, which are to be introduced within 60 days, but the national department may need to intervene to assist municipalities to do this. MPs have asked for tightening of provisions on mining and adjacent areas, offshore mining and exploration.

**The National Environmental Management: Air Quality Amendment Bill** is under discussion by the Portfolio Committee, who insisted that the National Air Quality Advisory Committee should be formalised. MPs were strongly opposed to the Department of Environmental Affairs' suggestion that environmental plans could be presented up to 24 months after commissioning, feeling that six months was appropriate. They asked that the concerns of the Centre for Environmental Rights must be addressed in the revisions. Greenhouse gases may be declared as a pollutant. MPs agreed that provinces should be playing a greater role, that municipalities should be the competent authorities for atmospheric emission licences, and that reports on atmospheric emissions must be aligned to Department of Energy requirements.

**The Private Security Industry Regulation Amendment Bill** was approved by the Portfolio Committee on Police, and was approved by ANC Members, with the DA and FF+ abstaining, and COPE and IFP opposing. There were vehement objections from opposition parties, who felt that it would discourage investment, as a clause regulating the foreign ownership of security companies was abruptly re-included prior to voting, at the insistence of the SAPS, Civilian Secretariat of Police and PSIRA, who cautioned that there was a risk that security companies could be used as a front for espionage - although the strict time periods for implementation were relaxed. Complaints to the Speaker by opposition parties about how this Bill was finalised led to the National Assembly sending the Bill back to the Portfolio Committee for re-consideration.

**The Science and Technology Laws Amendment Bill** aims to address past inefficiencies in the operations and governance of science councils. It will streamline processes for the appointment of members, and chairpersons of the boards or councils, streamline their operations and reconstitution of boards.

**The Tax Laws Amendment Bill** has been passed, and will be granting substantial tax incentives to ensure that local research and development is globally competitive, whilst the Bill also now follows the international trend of reduced taxation for shipping, in order to make South Africa more internationally competitive. Foreign suppliers of e-commerce services to South Africans will now be compelled to register for VAT.

**The Women Empowerment and Gender Equality Bill** was recently presented to Parliament, but a more detailed budgetary breakdown has been requested by the Committee. The Department will be visiting the provinces to talk to women and NGOs about the implications of this Bill, which essentially focuses on the economic empowerment of women.

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