



MONITOR

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

DID YOU KNOW...	OUR LEAD STORY
<p>A person who is, or becomes disabled, or who supports a disabled family member, may apply for a special subsidy for assistive devices in Housing Subsidy homes. The special alterations may include wheelchair friendly facilities, visible doorbells and non-slip flooring, but a wide range of improvements may be approved, on certification of the type of disability by a medical practitioner. Needs are determined against individual applications. The Department of Human Settlements recognises the limitations of current housing models for disabled people, and is working on new models.</p> <p>The 2012 Division of Revenue Act includes a budget of R162 million for funding for Ward Committees. Every Ward Committee with up to 10 members can apply for a monthly subsidy of R500 per person.</p> <p>A Multi-Agency Working Group has been established by the Minister of Finance to investigate fraud and corruption in public sector procurement, which is unfortunately rife, and takes place through various diverse methods. The whole Supply Chain Management regulatory framework is being reviewed.</p> <p>The Estate Agency Affairs Board has been transferred from the Department of Trade and Industry to the Department of Human Settlements, in line with a Cabinet decision. Although it is regarded as a Departmental entity, it is self-sustaining and receives no budget allocation from the Department.</p>	<p>The Minister of Human Settlements reported that his Ministerial Sanitation Task Team had found the bucket system of sanitation still prevalent in South Africa. In his view, it was no longer relevant to blame the apartheid system, as the task of rebuilding rested with the current administration, and instead it must be asked if there had been appropriate spending of budgets since 1994. He felt it was fundamentally wrong to spend on the Arms Deal rather than on sanitation and human settlements. Service delivery protests were early warnings of simmering chaos, and South Africa had to address sanitation in informal settlements which was "unacceptably pathetic". He urged collaboration with the private sector, and said new plans for sanitation were being drawn, involving five departments and all provinces. He cautioned against over-reliance on agencies such as the Independent Development Trust (IDT) and the Mvula Trust.</p> <p>The Department of Performance Monitoring and Evaluation (DPME) commented that sanitation efforts had to address not only backlogs, but refurbishments and maintenance. Insufficient attention was paid to health and environmental concerns. Poor governance, confusion of institutional roles, inappropriate technology choices, and inadequate financial and human resources at municipalities worsened matters. Although access to water was assessed at 94.5% of households, DPME pointed out that this figure related to infrastructure, but it must be remembered that 21% of households did not always get water from the tap, and 26% were faced with inadequate or broken facilities. 1.4 million people, or 11% of households, did not have access to "decent sanitation". DPME calculated that a fiscal allocation of R13.5 billion could address current backlogs, but another R31 billion would be needed to upgrade existing structures to full operational capacity. However, in reality, municipal budgets for sanitation were only R6.4 billion, and the grants were used mostly for maintenance.</p> <p>The Department of Human Settlements also conceded the challenges with sanitation and water provision, saying the Ventilated Improved Pit toilets in many areas had not been maintained, and waste water treatment plants were being overloaded which led to dysfunction. Increases in urban population necessitated bulk sewer upgrades. There was indeed insufficient technical capacity in municipalities, with inadequate environmental impact assessments, and poor communication on development plans with communities and cooperatives, despite their vital input. This was exacerbated by the scattered approaches to sanitation in the past. Lack of land meant that sanitation services could not be improved in some informal dwellings. MPs said the definition of the bucket system should be clarified, and grants must be ring fenced to address sanitation in schools. They await further reports from the Minister.</p>

IMPLEMENTATION OF UN CONVENTION ON THE RIGHTS OF PEOPLE WITH DISABILITIES

National departments have been reporting back to the Portfolio Committee on Women, Children and People with Disabilities on their efforts to implement the UN Convention on the Rights of People with Disabilities:

The Department of Communications mainstreams disability, using the ICT Accessibility and Access to Broadcasting programmes, in conjunction with SABC. Its national ICT Accessibility Forum, with representatives from state entities, the ICT industry and the disabled, advises on implementation strategies. MPs noted that its report on budget constraints should have been addressed much earlier, called for updates on some strategies first mooted in 2009, questioned the work in rural areas and called for a policy review.

The Department of Human Settlements reported that it has a range of assistive devices for houses, and that disabled people can apply for top-ups on Housing Subsidy houses. To date, it has fitted out 1 413 houses. MPs were disappointed at such a low number, questioned if the disabled were aware of this, cited the unsuitability of RDP houses for the disabled, and criticised the application forms that did not require disclosure of disability. They felt that DHS was not trying to gather enough data from available sources, or monitor contractors' progress on building the houses.

The Department of Justice and Constitutional Development stressed the need for good inter-sectoral management, as reflected in several pieces of legislation giving protection to children and those with mental disabilities. This Department had budgeted R10 million to increase physical accessibility at courts, R3 million for producing information brochures in Braille, and was trying to address the shortage of sign-language interpreters for the deaf. Internally, it was trying to increase its 1.09% representation of disabled employees.

The Department of Labour administers the Employment Equity Act which promotes equal opportunities and fair treatment, and allow for affirmative action measures to achieve equity. Few departments, other than the Department of Labour (with 2.7% disabled representation) have achieved public service targets for employment of 2% disabled people by 2015. Twelve Sheltered Employment Factories and Workshops operate in seven provinces, and 241 people with disabilities have been placed in employment, with others receiving subsidies. The Sector Education and Training Authorities (SETAs) have been asked to create jobs for the disabled, and government is procuring office furniture from these factories.

The Department of Police has a Vulnerable Groups Unit that tries to ensure equitable treatment of disabled persons. Police stations are working with disabled groups to ensure that these stations are accessible, and are looking into providing sign language interpreters. The Disability Management budget is used not only to provide assistive devices for SAPS staff, but also to hold disability awareness and sensitisation workshops for senior management. SAPS policies stipulate how disabled complainants must be treated. Special support rooms are provided for disabled complainants, with referral lists of those who can assist.

The Department of Social Development offers grants, community-based rehabilitation, 149 residential facilities (mostly in urban areas) for the disabled, and integrated services for children with disability. 293 protective workshops are run and managed by NGOs funded by the Department. The Social Rehabilitation Services Unit promotes independence and full participation of the disabled, including recreation, assistive devices, specialised clinics and vocational rehabilitation. Deaf access is targeted through sign language interpreters at the imbizos, and awareness-raising. Mental disabilities are covered also by the Departments of Health and Basic Education. Although a child under 18 cannot receive a disability grant, the child's care giver could qualify for a care dependency grant. This Department complained that no coordinated model had been offered by the Department of Women, Children and People with Disabilities, to guide development of costing models, and integrate disability faster into developmental programmes.

The **Department of Transport** conceded that it would take "at least until 2025" to ensure that all public transport systems were universally accessible, because of historical neglect of systems and a previous lack of focus on the consumer. MPs were dissatisfied with lack of implementation and specific targets for most of the initiatives, and the fact that there was no call centre. They commented that transport challenges were preventing many disabled people from accessing work.

MPs took note of employment difficulties facing the disabled, but suggested that it was impractical to insist that the open labour market employ a fixed percentage of disabled people, if the necessary skills were not available from this sector. Instead, a higher proportion of learnerships should go to persons with disabilities, concentrating on critical skills such as finance and sciences, to address the problem in the longer term.

The Department of Women, Children and People with Disabilities commented that few departments had consciously analysed their commitment to the UN Convention and urged that officials had to be educated.

REPORTS FROM DEPARTMENTS

The Department of Performance Monitoring and Evaluation has **presented a mid-term review** on the achievement of government priorities, based on annual assessments of management performance in national and provincial departments (see *detailed report of 21 August at www.pmg.org.za/minutes/588*) DPME did not examine South Africa's position in relation to the Millennium Development Goals and the African Peer Review Mechanism, or initiatives started after 2009. DPME had focused on priority outcomes because it felt that previous attempts to cover all issues had actually lowered the impact of work in certain areas.

DPME generally found that implementation of policies and weak management functions often led to poor service delivery, and recommended, overall, that national departments responsible for concurrent functions had to set more comprehensive minimum norms and standards for delivery of services at provincial or local level. Better monitoring was needed, and supportive or corrective action must be taken. The Monitoring, Support and Intervention Bill needed to be finalised urgently. DPME also commented on the need, particularly in municipalities, to appoint competent staff and hold them to account.

These findings had been taken to Cabinet, all departments had been told to address the challenges, and some had already reconfigured their work to address indicators that were behind target. DPME emphasised, particularly for rural development, the need for greater integration of government interventions, and increased monitoring. DPME itself carries out unannounced monitoring visits to monitor quality of service delivery at selected service sites. The information collected is then used to work out improvements with the sector departments, with findings being put on score-cards, and corrective actions outlined. Case studies of good practices are used. Some of the criteria for assessment include the location and accessibility of the entity, times of operation, signage, queue management and waiting time, dignified treatment, cleanliness and safety of facilities, and complaints management.

A joint meeting of the Portfolio Committees on Cooperative Governance & Traditional Affairs, and Public Service and Administration was held to follow up on a Public Service Commission Report, issued in March 2011. This Report had recommended that regulations be established on recruitment and selection of people to municipalities, said that competency assessments must be carried out, that all candidates must be security-vetted prior to appointment, any conflicts of interest must be declared, and that only vacant funded posts should be advertised. The Department of Cooperative Governance assured the Committees that regulations to answer these concerns would be released shortly.

Refugees in South Africa may be eligible to apply for an aged persons grant, disability grant, foster care grant, care dependency grant or child support grant. DHA does have problems in assisting with applications if refugees cannot produce birth certificates (due to sudden flight or disruption of public order in country of origin), or parents who were not in possession of an ID document at the time of child's birth would not have an ID number on the birth certificate, or the child's surname may differ from the parents'. The "expiry date" on a Refugee Status document did not indicate when a person ceased to be a refugee. Many of the country's databases still do not align effectively. Although refugees are encouraged to get involved in sustainable activity whilst in South Africa, they are often not registered on the Department of Labour database, which makes it impossible for SA Social Security Agency to verify income and employment history.

The Department of Home Affairs and SA Social Security Agency (SASSA) are trying to harmonise their procedures. Online verification of refugees will be done through a biometric system at SASSA. Front-line staff at SASSA will be fully informed of the rights of refugees. Regulations for the Refugees Act are being fast-tracked, and there are efforts to improve the effectiveness of the status determination system. When the Refugee Act was passed in 1998, there were 11 135 refugees, but in 2009 alone over 207 000 entered South Africa, with more in the following year. South Africa is the main destination for people who are not genuine asylum seekers, and many of those illegally in the country are managing to claim benefits. South Africa has been described as a "fertile ground" for corruption, and DHA is working hard to maintain credibility and stop abuses of the system. It also recognises that provision of social assistance encourages more refugees to enter the country, putting more pressure on limited resources and capacity to deal with South African citizens' needs. However, it has pointed out that many refugees have skills that can be used to train locals. It is working with the Cape Town and Johannesburg Metros to compile numbers of refugees and their skills. Everyone must accept the implications of South Africa becoming part of the global community.

MPs were worried about the perception that some DHA officials act aggressively to refugees. There are continuing concerns about the decision to close various Refugee Reception Offices (RROs), including Cape Town and Port Elizabeth, and the intention to open offices at the borders. Round-table meetings will be held for all NGOs to provide DHA with more information. Distinction was drawn between refugees & 'undocumented persons'.

MORE REPORTS FROM DEPARTMENTS and ORGANISATIONS

The Department of Communications said it would not be able to comply with the SADC deadline of 31 December for Digital Broadcasting Migration, but could comply with the International Telecommunications Union switch-over from analogue to digital signal by June 2015. The Department is currently upgrading transmitters and infrastructure in all nine provinces, plans to do a Digital Migration Launch in Northern Cape, in late September, and will then roll out services to provinces over the next three years. Cabinet has now decided not to import Set Top Boxes from China, but to manufacture them locally, in order to boost jobs in manufacturing, installation and maintenance, in call centres and in content production on the new channels. The Department asked for a further R7 billion to complete the switch off in September 2015.

The Department of Home Affairs says it needs to actively pursue attracting skilled foreign workers, similar to other developing countries, and to streamline intake policies for spouses. Its backlog in formal migrations has been cleared, and it is trying to add skills fields to all databases.

The Department of Mineral Resources gave an update on the Grootvlei / Aurora Mines. Orkney Mine was sold to China Africa Precious Metals, who would resume operations. Some assets at East Rand mine were sold, but flooding of mine shafts meant operations would not recommence. Attempts were made to recover losses from directors of Aurora Mines and Pamodzi Group. One major creditor had waived its claim, to ensure enough was available to pay the miners' outstanding wages. 1 200 miners were being re-skilled, 1 237 claims had been settled, 468 were being processed, and 936 UIF claims were processed. Only 36 of the 1 933 foreign workers' UIF claims could be paid, as the others did not have valid work permits. The Unions suggested amending the Act to prevent a repeat of the asset stripping and theft by Aurora bosses.

National Disaster Management Centres exist at national, provincial and local government, but their functionality varies. They are supposed to communicate with role players outside government, set up disaster management information systems, prevent and mitigate disasters and monitor performance of disaster relief. Extreme weather patterns are likely to strain public resources. R1.85 billion is budgeted for the Provincial and Municipal Disaster Grant, which is available within three months after a disaster. Medium to long-term support can be accessed from National Treasury's Reconstruction and Rehabilitation funding. In addition, all departments must budget for Disaster Prevention and Mitigation, so that they can contribute financially to response efforts. They also bear responsibility for repairing or replacing disaster-damaged public infrastructure that falls generally within their responsibility. Eskom, Transnet and airports all have good plans that are regularly tested. The National Centre faces challenges of substantial under-staffing, affecting its ability to verify damage, and the failure of Eastern Cape and KwaZulu Natal to declare disasters.

The Department of Social Development (DSD) spent 98.9% of its budget in the last year. Although the percentage of under-spending seemed small, it in fact amounted to R1 billion. Under-spending across all departments amounted to R11 billion in the last financial year. Particular challenges are posed by fraud, legal actions and policy changes that adversely affect its budget, such as extended access to grants.

The Department of Trade and Industry called for Portfolio Committee support to increase the budgets of the South African Women Entrepreneurs' Network (SAWEN) and the Isivande Fund. 58% of small businesses are owned by women, but only 43% have access to financial services. A further R5 million has been requested for SAWEN, which targets women owning and operating businesses. SAWEN will be managed by the Small Enterprise Development Agency until 2015. The Isivande Women's Fund, which has R45 million for loans, is intended to assist women who cannot get loans elsewhere. It is run by the IDC.

The Department of Women, Children and People with Disabilities overspent in 2011/12, by R22.7 million, against its budget of R141.1 million, most notably in areas of compensation, with R8 million on consultants. Its strategic plan and budget were not aligned. It lacked financial capacity to implement the Public Finance Management Act and regulations, with further problems with its internal controls and proper governance structures. Although this department was only established in 2010, it said that a Turnaround Plan was needed. MPs said discussion was needed on whether this Department was properly constituted, and whether its functions could reside elsewhere.

The **Department of Water Affairs** has called for comment on its new National Water Resources Strategy, which intends to investigate de-salination. More than just the building of dams is required, and it stresses that water conservation and demand management is vital. Ground water is currently under-valued and under used. There is huge potential to re-use both coastal and inland systems, and inter-basin and dam transfers, although expensive, may be inevitable in some areas. Other solutions include purchasing crops from other SADC water-rich countries, catchment rehabilitation, rain-water harvesting, and clearing alien plants.

PARLIAMENTARY COMMITTEES' ADVERSE COMMENTS

On hearing a report that the **Rural Households Infrastructure Grant** was to be transferred from the Department of Human Settlements to the Department of Cooperative Governance (DCOG), to become part of the Municipal Infrastructure Grant (MIG), MPs objected that they were not convinced that it was necessary, or wise, to do so, in view of poor capacity at local government and current under-spending on the MIG. They insisted that a new plan be formulated and presented by DCOG, SA Local Government Association and National Treasury.

The Portfolio Committee on Human Settlements refused to pass draft regulations framed under the Housing Development Agency Act. MPs asked why the Regulations addressed only the corporate governance issues, and why they were presented four years after the Act came into operation. They demanded that the Department conduct a complete review of the performance of the Housing Development Agency, and report back within two months.

Several Select Committees have strongly criticised, and in some cases refused to take briefings from departments who failed to send senior officials to meetings, or whose presentations appeared inconsistent or incomplete.

The Standing Committee on Finance is increasingly interrogating the quality of spending, commenting on the anomaly that some departments spend in full, yet fail to meet their targets.

The Department of Public Works has come under the spotlight of various parliamentary committees for its poor performance, especially in refurbishing buildings, underspending on the Expanded Public Works Programme, high number of contract workers, and incorrect and inconsistent leases. They are also concerned at DPW's continuing inability to provide an immovable asset register.

The Portfolio Committee on Transport noted in 2006, SADC had asked South Africa to lead the region's upgrading of rural roads to low-volume sealed roads. The Minister of Transport later announced a focus on road infrastructure for schools and clinics. MPs are concerned that the Department of Transport may not be following its own policies, failed to properly consider alternative technologies and has insufficient plans for road maintenance and development. They criticised uneven implementation of the S'hamba Sonke programme, the failure of Provincial Road Maintenance Grants to address road development, inefficiency of the Road Traffic Management System, as well as the many consultants.

The Portfolio Committee on Tourism also commented on the dire state of roads leading to many tourist destinations, and urged the Department of Transport to upgrade rail transport, examine the impact of e-tolling and the high airport charges.

The Department of Transport agreed that lack of skills and funding were hindering implementation of programmes, and added that standards imposed on unskilled labour in first projects were not always followed in later projects. It also could not penalise provincial authorities who flouted its directives.

The Portfolio Committee on Police has repeatedly, without a proper response, called for a detailed list from SAPS on the progress of 30 police station building projects. It has now also demanded a detailed report of police officers who are moonlighting by building police stations.....This Committee was also angered that the Independent Police Investigative Directorate planned to resile from a very expensive lease, reminding IPID that it had urged IPID not to enter this lease in the first place.

The Portfolio Committee on Police's full day debate on detective services highlighted challenges of attracting recruits, training, retention of skills, and over-burdening of the current workforce, with a compromise on quality. The Committee insisted on corrected statistics, and a comparison against the ideal, and said that SAPS needed to attend to interpretation facilities, clear and specialised training, including training on crime scene management, partnerships, a legislated promotions policy, and proper resource allocation.

Provincial Departments of Health have been reporting to the Health Committee on their hospital revitalisation grants, and the compliance of health facilities with national norms and standards. All Committees expressed concern with the numerous and consistent problems cited with contractors, poorly constructed buildings, incorrectly-managed contracts, lack of proper implementation by government agencies and unclear lines of responsibility. The expressed need for experienced project managers is unlikely to be met, given the shortage of funding even for health professionals, medication and ambulance services at provincial level.

The Select Committee on Finance has been monitoring performance of provincial treasuries, to try to avoid the kind of reckless expenditure and lack of monitoring that led to problems in Limpopo. MPs emphasised the need for quality, proper vetting, and expressed their concerns over lack of properly trained financial officers in many departments. They urged each Provincial Treasury to monitor all grants, as the repeated underspending must be sternly addressed.

NEW LEGISLATION AND LEGISLATION UNDER DISCUSSION

The Credit Rating Services Bill [B8-2012] is under consideration by the Standing Committee on Finance. The drafters have tried to ensure that the Bill is also endorsed by international agencies. If credit rating agencies act in a way that causes damage, they may be held liable in delict.

The Cooperatives Amendment Bill is still under consideration by the Portfolio Committee on Trade and Industry, which has taken a decision to merge the original two Bills into one.

Guideline tariffs for Medical Practitioners were produced by the Health Professions Council of South Africa (HSPCA), but the gazetting was postponed after concerns were expressed by a number of health stakeholders and medical insurance companies, which were repeated to the Portfolio Committee on Health. The Reference Price list originally drawn by the Department of Health had been successfully challenged and set aside, so that at the moment there is no tariff against which to measure and adjudicate complaints about charges. HPSCA claimed to have consulted widely, and was trying to avoid collusion in pricing. Some stakeholders disputed its mandate, denied that proper consultation had taken place, and said that even if it was entitled to draw the guideline, the wrong baseline point was used. Most supported the Minister's proposal to set up a Pricing Commission, with multi-disciplinary membership and input, to settle the tariffs. It was agreed by the Portfolio Committee that further debate was needed.

The Code of Judicial Conduct, the Financial Markets Bill [B12-2012], the Road Accident Fund Amendment Bill, and The Veterinary and Para-Veterinary Professions Amendment Bill [B25-2012] were all referred to the National Assembly for approval, after being passed by the NA Committees.

The Spatial Planning and Land Use Management Bill seeks to provide a national framework for spatial planning and land use management in South Africa. It was clarified that although traditional leaders would, in practice be consulted, this Bill does not pertain to customary law or customs or traditional communities. Traditional leaders' concerns have already been incorporated into clause 23(2). The Department of Rural Development and Land Reform was advised strongly to meet with municipalities where legal vacuums might have been created both by the Constitutional Court's declaration that part of the Development Facilitation Act was unconstitutional, by the absence of provincial ordinances to cover the situation. The Bill is being examined in detail by the Portfolio Committee on Rural Development and Land Reform.

The Protection of Personal Information Bill was agreed to, after an exhaustive process, by the Portfolio Committee on Justice and Constitutional Development. This is a very complex bill that aims to restrict "spam", insists that consumers be given proper opportunities to opt out of advertising offers and messages, protects the release of personal information by service providers (such as state departments, internet and cellphone providers) and sets up a Regulator with extensive powers to make regulations. There will be substantial fines, of up to R10 million, for those contravening the legislation. South Africa, in order to do business with other countries, particularly in the European Union, needs to have legislation that is compliant with EU requirements on the publication and exchange of personal information. Several other countries in Africa already have similar legislation.

A Private Member's legislative proposal to amend the Labour Relations Act has been passed on, by the Portfolio Committee dealing with Private Members' proposals, to the Portfolio Committee on Labour, who must now determine the merits of the proposal. A Democratic Alliance MP, Mr Ian Ollis, proposed that the Labour Relations Act be amended to allow unions to be held responsible for the violent or damaging actions of their members during strikes or marches, which is similar to a principle recently established by the Constitutional Court in relation to other legislation.

Regulations to the Prevention and Treatment of Substance Abuse Act have been drafted, with a view to implementing the Act from 1 October 2012. MPs stressed the need to develop an inspectorate to ensure that care at all treatment facilities complied with the Act. They expressed concern at the poor state of some centres in KwaZulu Natal, and stressed the need to streamline admission facilities for state institutions, as well as to ensure that children in facilities did not fall behind on school work.

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

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