



PARLIAMENTARY
MONITORING GROUP

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

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| <p>The Minister of Public Works updated Parliament on corruption and financial misconduct cases in the Department of Public Works. Between 2009 and 2013 there were 200 cases involving financial misconduct, that totaled R96.9 billion. 15 cases were referred to the Special Investigating Unit and SAPS, and it was recommended that the Ministry pursue 11 criminal cases (involving charges of misrepresentation, bribery and fraud), 5 civil cases, and 67 disciplinary actions.</p> <p>There was not sufficient evidence to take 29 cases further, and many more were referred to provincial departments highlighting operational deficiencies. Irregular expenditure, mostly through failure to follow correct supply chain management processes, amounted to R3.6 billion. There was fruitless and wasteful expenditure of R378.6 million.</p> <p>Various fraud investigations are still ongoing, involving unoccupied leased properties, possible fraudulent construction contracts at Skilpadhek border post, seven house renovations where proper procedures were not followed, investigations into former Directors General, and 16 leases involving corruption and collusion. The Minister assured Parliament that everything possible would be done to address the current transgressions and prevent their recurrence. MPs agreed that the situation was dire, but recognised the attempts to address the problems.</p> | <p>The Department of Health and Department of Basic Education have adopted an Integrated School Health Programme (ISHP), as a successor to the school health policy launched in 2012. They have suggested that the Department of Social Development needs to become involved in relation to Early Childhood Development. ISHP aims to reach all learners with health promotion and education services, by doing individual learner assessments and treatment, providing services onsite at schools, with the opportunity for referrals and follow-ups. It also aims to undertake an environmental assessment of schools to ensure that they have sanitation, clean water and safety fencing.</p> <p>Services offered to learners under the health promotion and education initiative will include individual assessments. These may, for example, focus on any barriers to learning. Education services will include offering of sexual reproductive health services, with an emphasis on abstinence and delayed sexual debut, although the Department of Health has noted that in terms of the Children's Act, any child over 12 years old is allowed to purchase condoms or be offered other prophylactics without parental consent. However, consent to offer the reproductive health services at schools will have to be approved by School Governing Bodies. The Department of Health is aware that many such bodies hold conservative views and is doing its best to promote and persuade them of the need for the services, as rapidly as possible. The Department will also try to fast-track its outreach to learners.</p> <p>Onsite services will include TB screening at schools, and other areas covered will include immunisation, de-worming, dental and oral care and the treatment of minor ailments. At the higher levels, it is hoped also to offer services for mental health and psycho-social vulnerability. Physical activity of learners will be both encouraged and promoted. Counselling will be provided on tobacco, alcohol, obesity and drugs. HIV counselling and testing can be provided by the school nurse, who will keep confidential records and refer pupils on to a healthcare facility.</p> <p>The two departments have been busy setting up task teams at national, provincial and district levels, and school health teams, backed up with support teams, are already visiting schools. Specialist mobile units have already been deployed to the 10 National Health Insurance pilot districts. The Department of Health announced its intention to recruit retired nurses at provincial level, although MPs suggested that pupils may more readily relate to younger nurses. 80% of schools targeted had been visited already, and 30 vehicles have been purchased, with donor funding, whilst 60 more purchases are planned. Coverage of secondary school learners has been slow in taking off, because of shortages of personnel and equipment, but stakeholder partnerships will be promoted. MPs stressed the need to reach out also to rural communities and farm schools, and for good collaboration between school and local clinic nurses. They suggested that SAPS could usefully be included on issues of drug use and child abuse.</p> |

Recent Work in Parliamentary Committees

The Municipal Infrastructure Support Agency (MISA) has a Policy Framework and guidelines for municipalities to implement the Free Basic Services (FBS) envisaged in section 152 of the Constitution. FBS may include water supply, sanitation, Free Basic Energy, Free Basic Alternative Energy and waste removal. Although the guidelines cover selection criteria, the registration process, screening of indigents and monitoring of the provision and impact of services and its impact, and although every municipality is allocated an indigent subsidy from the equitable share, only 225 of the 278 municipalities have drawn their indigent registers, and many still have problems in understanding definitions and implementing the services. MISA can only provide technical advice and support and cannot actually give funds or grants. It has assisted 92 municipalities in drawing integrated plans and accessing funding from the Department of Energy.

The Department of Trade and Industry reported that although South Africa is recovering from the global recession more slowly than other developing countries, government's interventions have helped the motor and chemical industries to play a leading role, and government support is also being given to the textile industry. The growing importance of aquaculture and the film industry is also recognised. Resurgence in the motor industry is being led by new Chinese factories being established in South Africa. This Department recognises the need to diversify trading interests outside Europe, and to promote regional agreements, such as the establishment of a road and rail link between Dar es Salaam and Durban. Its focus remains on industrial development and broadening participation of black business.

The Department of Justice and Constitutional Development reported that little progress had been made in the national Task Team that was set up, with input from various government departments and civil society, to address gender-based violence against Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) people. This was largely due to lack of clarity on roles, tensions in the team, and budget constraints. A new Working Group has now been established, has reviewed the terms of reference and operations, and new plans have been developed for public education and communication, training materials, and monitoring of cases. A national intervention strategy will shortly be presented to Cabinet. Specific actions to protect LGBTI persons have been identified. The Department will present a Hate Crimes Bill to Parliament in 2014.

The Department of Labour reported that the main economic hubs of Gauteng, KwaZulu Natal and Western Cape showed, respectively, unemployment levels of 12.2%, 21.1% and 23.3%. Free State has the highest unemployment, at 31.1%. Employment levels have, however, increased between 2008 and 2013, mainly in the manufacturing and finance services sector, community services and trade, at the levels of clerks, managers, and lower-skilled employees. This Department is looking into the changing nature of work, inequity and discrimination in the workplace, and migration. Initiatives include the Public Employment Services programme (R240 million budget), Sheltered Employment Factories employing people with disabilities (R109.2 million budget), the Productivity SA and Unemployment Insurance Fund Joint Initiative (R75 million budget) for productivity promotion, turnaround solutions and social plan interventions. The Unemployment Insurance Fund and the Compensation Fund contribute 5% of their reserves to social responsibility investment, and the CCMA budgets R594 million to save jobs.

SA Police Service (SAPS) was questioned by the Portfolio Committee on its high spending on compensation of employees, particularly on Forensic Laboratory Service consultants, and decline in spending on integrated justice system and criminal justice system projects. MPs ascribed inefficient spending to poor planning, and warned that the new DNA legislation would put further strain on the budget. SAPS also presented its restructuring plan, which was drawn in response to its changing responsibilities and objectives. It proposed that there would be one National Commissioner, and three (instead of six) Deputy National Commissioners, who would deal with policing, physical resource management, and corporate services. Crime Intelligence and Protection Services would be separated into independent divisions. At provincial level, the new structure would be less top-heavy, roles and responsibilities of clusters and station commanders would be re-defined, and resources better deployed to cluster stations. MPs questioned whether the new structure would achieve significant change if the same staff were to remain, stressed the need to tighten background checks on all personnel, and the importance of integrated crime intelligence.

The Department of Science and Technology has, in North West Province, launched the Indigenous Knowledge Systems (IKS) Bioprospecting and Knowledge Development Consortium, comprising African traditional medicines, nutraceuticals, and cosmeceuticals. This marks a milestone towards the protection, promotion, development and management of indigenous knowledge systems. Companies can now get tax deductions for approved research and development, and 384 applications are presently being considered.

The State President has expressed the view that the **Protection of State Information Bill** does not pass constitutional muster as it stands, and has referred it back to the National Assembly for reconsideration "insofar as sections of the Bill, in particular sections 42 and 45, lack meaning and coherence...".

The Minister for Public Service and Administration noted the recent introduction of the Service Charter for the Public Service, which was linked to wage negotiations that commenced in 2012. The Charter aims to create stability, better service delivery, and a mechanism for complaints, promote a sense of belonging among public servants and restore the dignity of the public service. The code of conduct for public servants specifies not abusing positions of authority, abiding by transparency and accountability, and good human resources management. Trade unions have given a commitment that their members will abide by the pledge to improved service delivery. MPs suggested that community development workers be used to educate communities on the Charter, and stressed that the will and resources to implement were vital. South Africa has also acceded to the African Charter on Public Services, which still needs to be ratified by Parliament.

The National Assembly Rules Committee intends to hold a workshop on the Review of Chapter 9 and Associated Institutions Report. The Deputy Speaker, who heads the Office of Institutions Supporting Democracy, suggested that preparatory workshops were needed at party level first, to remind everyone of the issues which were presented to the Third Parliament, and to isolate the areas needing attention. The Rules Committee hopes to finalise the matter before Parliament rises in 2014.

The Technology Innovation Agency (TIA) was originally set up to address the low level of commercialisation of promising ideas, particularly those emerging from universities and publicly-funded research organisations. It has recently undergone a Ministerial review, after weaknesses in financial, governance and operational matters were highlighted. The Department of Science and Technology and TIA Board have been asked to assess these weaknesses in detail, and the Board is required to report on what it will do to enhance its core function of supporting small enterprises in accessing specialist technological services. It has been asked to develop a strategy to expand into regions. A new Shareholder Compact between the TIA and Minister will define the mandate more precisely. In future, TIA will act as a hub for interface between publicly and privately funded higher education institutions, science councils, national laboratories, large and small commercial and industrial businesses, private individuals with innovative ideas, and non-government and community based organisations. TIA's funding is intended to facilitate an efficient and effective people-based national innovation system, so it must promote an entrepreneurial culture, with support, education and role models. The TIA Board would ideally include representation from other research, academic and funding institutions, and individuals with a track record of innovation in the private sector.

A Second Tourism Summit was held in Parliament on 17 and 18 September, to foster increased coordination and cooperation between various stakeholders in the tourism industry, and to identify and remove barriers to tourism growth, so that the role of tourism, as set out in the National Development Plan, would be fully realised. Currently, tourism contributes around 9% to gross domestic product, and around 9% also to direct and indirect employment. Various speakers, including the Minister of Tourism, stressed the need for strong public/private partnerships and involvement of communities, the need to examine tourism spend rather than arrivals, and the need for constant innovation and matching of skills. Fragmentation of marketing posed a challenge, and several speakers highlighted the need for more inter-departmental collaboration and planning. Issues of spatial planning, land redistribution, corruption, regional positioning and transport and infrastructure, including cleanliness of cities, all impacted on tourism. Local governments were urged to recognise their important role and incorporate tourism in their Integrated Development Plans.

Some commonly-identified challenges included aviation reach and cost, skewed spread of tourism benefits, the need to focus on domestic tourism, and the requirements for transformation. Most people living close by the tourism "routes" were not consulted when the tourism routes were established, and some were not even aware of their existence. Successful route development would require strong political will, at both local and national level, and support of communities with more infrastructure and capacity to sustain the routes. The position was slightly different for heritage sites, for in this instance the communities had to be consulted and involved. Heritage sites were seen as ideal opportunities for niche tourism, although they were costly to maintain, and were currently facing problems because of insufficient coordination. The Department of Arts and Culture stressed that it would be unable to sustain maintenance of all heritage sites in the future, and proposed the introduction of a heritage levy, alternatively different charges for locals and tourists, and consideration of other alternatives to museums.

The Department of Environmental Affairs focused on environment interactions, impact management, greening of tourism and involvement of the local communities, and also mentioned that niche tourism – such as thermal springs and traditional healing - would offer great opportunities that were more sustainable and less damaging to the environment. It was also stressed that any investment in tourism must be properly researched if it was to be successful, to ensure that it was linked to demand in the areas of accommodation, food and beverages, attractions, event packages and tours and special interest offerings.

| Safety and health matters | Food and agriculture issues | Labour update |
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| <p>MPs were disturbed by reports that in June 2013 there had been 12 169 legal initiations, but also 2 314 illegal initiations, which resulted in 359 boys being hospitalised, of whom 40 died and 24 had amputations. Only 19 arrests were made, because the boys were too scared to report or identify their assailants, or admit to the injuries. The districts of OR Tambo and Alfred Nzo had the highest instance of injuries and deaths, which resulted from botched procedures, including some “surgeons” operating whilst drunk, infections and beatings and dehydration. The provincial Departments of Health are trying to enforce proper clinical management at all district hospitals, as well as educate schools, boys and parents. They admit to severe challenges in mobilising sufficient doctors and nurses, finding sufficient equipment, transport, beds and food in hospitals at short notice. In future, doctors would be trained and sent out prior to initiation month, and SAPS would also be deployed to initiation areas. MPs urged a more proactive preventative approach.</p> <p>The Commission for Gender Equality also runs educational programmes on safer initiation practices, for Provincial Houses of Traditional Leaders and the religious sector.</p> <p>The Mine Health and Safety Council aims to achieve zero fatalities and injuries, and to eliminate silicosis and noise-induced hearing loss. It is benchmarking itself against Australia and the USA. Its recent achievements include research on analogue versus digital X-rays, protective personal equipment and security specifically for women in mining, and research into elimination of rock-fall risk, control of mud rushes and airborne pollutants, including diesel. It is promoting a Culture Transformation Framework, and its reports aim to provide best advice to the State, industry employers, and labour.</p> | <p>Parliament heard that the recent meat-labelling scandal revealed by university researchers was ascribed, by the companies involved, to cross-contamination, rather than deliberate mislabelling. The Departments of Agriculture, Health and Trade & Industry are trying to improve regulations around labelling of food products. Their proposals (still to be presented to Cabinet) envisage the creation of a Ministerial Cluster on Food Security and Food Safety, an inter-departmental committee to review existing legislation and policies, and a Food Safety Agency. Meantime, these departments are trying to coordinate their inspections, involve municipal inspectors and drive private sector compliance. The Agricultural Research Council is working on species identification and quantification of acceptable levels of contamination. Credible laboratory systems are needed, and a recent summit resolved to request Treasury to establish a conditional and ring-fenced grant to address municipal health service backlogs.</p> <p>Parliament was also separately briefed on the roles of various departments in administration, use and management of genetically modified (GM) foods in South Africa. An advisory committee provides scientific advice. The application process is divided into categories for general release, commodity clearance and contained use. Most projects relate to development of insect-resistant and herbicide-tolerant crops. Imports of GM organisms are only considered where approved procedures are followed. The Department of Science and Technology assured MPs that biotechnology is no more dangerous than conventional cultivation methods. Nutrition for children is monitored by the Department of Health, using international guidelines, and the National Consumer Commission focuses on safety of consumers in general. MPs felt that labelling needed improvement, and more consumer education was needed. Public hearings will be held on GM foods.</p> | <p>The Employment Equity Bill changes were outlined at the Portfolio Committee on Labour meeting on 17 September. The Bill will now also apply to local government. The scope of definition of 'disability' has been broadened. “Designated” groups are confined to those who acquired citizenship before 2004, or who were refused citizenship by the Apartheid government prior to 1994. The Department is aware of criticisms that this Bill might make it more difficult for employers to import foreign labour, but stresses that there is a requirement for more comprehensive reporting on all foreign nationals, and that “foreign nationals”, as defined in the Employment Services Bill, are excluded from “designated groups”. MPs debated extensively whether it is appropriate to include white women in designated and previously discriminated groups. The Department emphasised that in future, proper workforce profiles will be required for every level of employment, benchmarked against economically active populations.</p> <p>The inclusion of “<u>any other arbitrary ground</u>” in clause 6 was intended to broaden the areas of challenge, but those alleging this kind of discrimination would bear the onus of proof. Reporting will, in future, be done online and in a streamlined format. The power to adjudicate on sexual harassment complaints is being extended to the CCMA, and section 53 will finally be put into operation, with amendments allowing the Minister to set out factors to be taken into account when assessing compliance. Fines could be linked to one's turnover. All parties agreed on fundamental issues around black economic empowerment and alignment with other pieces of legislation. The Committee votes on the Bill on 15 October.</p> |

NEW LEGISLATION AND PUBLIC HEARINGS

Nuclear Energy is one of the components of the Integrated Resource Plan (IRP) 2010. The Energy Portfolio Committee held an open stakeholder meeting on nuclear energy where after inputs by four proponents for nuclear energy, the public was allowed to comment. This flexible type of public hearing was the first of its kind in Parliament and allowed for diverse input. However, those opposed to nuclear use voiced concern that opponents to nuclear use were only given one minute to alert MPs to the dangers and pitfalls of nuclear energy. Concerns were raised about an evacuation plan in case of disaster, radioactive waste disposal and the need for an IRP review which should be done once every two years.

The Criminal Law (Sexual Offences and Related Matters) Amendment Bill deals with the setting up of specialist Sexual Offences (SO) courts. Many amendments suggested in the public hearings were agreed to by the Department of Justice and Constitutional Development and National Prosecuting Authority (NPA). Even if a SO court is designated in a province, other courts may still also hear SO matters, but SO courts will not, as was suggested in one submission, deal with any matters involving child victims, but only those where at least one charge relates to a SO complaint. The Minister may now designate courts "after consultation". NPA and the Department of Social Development will probably be required to table directives on the implementation of the courts to Parliament.

The Electoral Amendment Bill is under debate. An "international segment" has been introduced into the Voters' Roll, in answer to the Constitutional Court's ruling in 2009, to allow voters abroad to register and to vote. The Independent Electoral Commission (IEC) proposes that voters living abroad may only vote in the national ballot, although the DA has proposed an amendment to allow a provincial vote also for voters living abroad, as well as another amendment to allow local residents to vote in any province. IEC believed both DA proposals would pose enormous practical challenges and risk the integrity of the election process.

The Judicial Matters Amendment Bill will effect the most urgently-needed amendments to various pieces of legislation, including shortcomings in the Child Justice Act that have emerged during its implementation.

The Legal Metrology Bill has been introduced, to expand current trade metrology to legal metrology. Legal metrology covers appropriate quality and credibility of regulatory measurement results, in the health, safety, environmental and trade domains, by monitoring and enforcing measurements. It protects consumers and ensures consistency in the industry. It thus aims to strengthen enforcement and consumer protection. The National Regulator for Compulsory Specifications will be required to undertake impact assessments, market surveillance and impose increased penalties. SA National Standards will remain as the basis for regulations.

The Lotteries Amendment Bill has been the subject of robust input by the Portfolio Committee, which agreed that there should be no political interference if an organ of state was appointed to run the lottery, in the absence of a suitable candidate. MPs are still divided whether it is appropriate for an organ of state to run the lottery in certain instances and some were alarmed when its permitted tenure was increased from two to eight years. Stronger conditions of appointment were thus required, with parliamentary oversight. MPs wanted an explicit organogram on the functions of the various bodies. The Minister will be responsible for appointment of the board of the renamed National Lottery Commission, the Distributing Agencies (whose function has been more clearly spelled out, including their accountability to the board) and a lottery operator, after consultation with the board. The board, which is to be trustee of the National Lottery Distribution Trust Fund, will appoint a Commissioner, in consultation with the Minister, and must oversee the Commissioner, and conduct reviews. The lottery operator will be appointed for five years, subject to continual inspections by the Commission. The Commission will be able to do research for proactive funding.

The Marine Living Resources Amendment Bill deals with recognition of small-scale fishing, extends the power of the Minister to grant fishing rights and fishing allocations and establishes small-scale fishing zones and a regulatory framework in the small-scale fisheries sector. MPs want more details on the Department's progress in development of the Small-scale Fisheries Policy Implementation Plan, its capacity to manage the 37 000 fishers in the small-scale category, and how existing rights holders will be dealt with.

Stakeholders agreed to rewording clauses of the **Merchant Shipping: Civil Liability Convention Bill** and the **International Oil Pollution Compensation Fund Bill**, to resolve concerns about their application to the Prince Edward Islands and jurisdiction issues. They agreed to remove wording about detention of ships. National Treasury preferred money not to be paid directly from oil importers to the International Oil Pollution Compensation Fund, but to be channelled through SARS, for better tracking.

The Deeds Registries Amendment Bill and **Sectional Titles Amendment Bill** has been approved by the Portfolio Committee. Note that all sectional title management functions are contained in the *Sectional Title Schemes Management Act*, under the custodianship of the Department of Human Settlements.

After public submissions on the **South African Post Office SOC Limited Amendment Bill**, MPs requested the Department not to proceed with its proposed amendments to the 1958 legislation about the government guarantee given at that time. The Bill is now limited to ensuring that the "clean break" principle for payment of pension shares on divorce is legislated for, and to clarify interest calculations.

The Minerals and Petroleum Resources Development (MPRD) Amendment Bill has been the subject of extensive public hearings from 12 to 18 September: www.pmg.org.za/committees/Mining. In addition, the Portfolio Committees on Environmental Affairs and Mining met jointly, and expressed the view that the correct approach to environmental management was not so much to assign responsibility to one department, but to recognise that inter-departmental cooperation and coordination of work was needed to find the right balance between environmental management and sustainable development. This Bill differs from the agreement reached in 2008 between the then-Ministers responsible for environmental affairs and mining. It was then envisaged that the Department of Mineral Resources (DMR) would adopt an integrated mine environmental management system, and would align the MPRD Act with the National Environmental Management Act (NEMA), repealing all mine environmental management provisions from the MPRDA, and transferring environmental provisions to NEMA. DMR would have powers to implement the 2008 agreements, but the Department of Environmental Affairs (DEA) would be the appeal authority for mining-related environmental authorisations. The current Bill, by contrast, does not transfer all mining-related environmental functions to DEA, and it has been questioned whether DMR has the expertise and capacity to undertake environmental work. DEA will remain the appeal authority for mining activities. The current Bill also provides for mining restrictions in ecologically sensitive areas.

The National Environmental Management Act Second Amendment Bill was debated during public hearings on 18 September. Concerns were expressed about the ability and capacity of the DMR around licensing, as well as authority given to provinces, since mining is a national competence. Other comments addressed the cumbersome procedure for the atmospheric emission licensing process under the Air Quality Act, overly-wide provisions in the Bill, and the need to list mining-related activities.

The National Environmental (Coastal Management) Amendment Bill is under consideration. Proposals to limit validity of coastal permits to 20 years, and to increase dumping permits to five years, found favour. MPs have suggested that the most serious cases of dumping of toxic substances should be tried in the High Court, with no limitation on penalties. Pollution and cleansing matters were discussed, but will not be incorporated into the Bill. They will, instead, be addressed in the Committee resolution and report.

Proposals to amend the **Special Pensions Act** have been made by the State Law Advisers, to address the concerns of the Joint Standing Committee on Defence around entitlement of dependants to benefits. The suggested changes will not impose any extra burden on the fiscus, but will ensure that pensions and lump sums are distributed in a more equitable way. There will not be any discrimination in respect of any of the children or partners of a pensioner, as the amendments will recognise statutory, customary, religious, common law and polygamous partnership arrangements. There will be no further distinction between children who have one or no surviving parents, and there will be full alignment with the principles of intestate succession. A separate offence, sanctioned with the same penalty as fraud, is to be introduced for persons who intentionally submit false claims for benefits. Other proposals raised by MPs for changes to the whole system will be incorporated into a separate discussion document.

The South African Weather Service Amendment Bill is under discussion, but MPs were concerned that amendments they had suggested for a previous version of the Bill no longer appeared in this version and asked that these be incorporated in a new draft. A definition of a 'severe weather warning' has been inserted, and it has been clarified that emissions and greenhouse gas issues fall under the Air Quality Act. MPs repeated their desire that government must play a more substantial role in issuing severe weather warnings, to avoid hoaxes, although they were satisfied that the decision to prosecute offenders remained at high level. They agreed with a new clause around operational independence, but thought government must draw policy frameworks, to be tabled in Parliament and published.

The Water Research Amendment Bill aims to update the 1971 legislation around the water research landscape and the Water Research Commission, to convert the Commission to a Board and take it to a higher level where it can play a more distinct role in poverty alleviation. Its functions will be aligned with current good governance practices and the Water Act, especially around pricing. Allocations of funding should address development needs. MPs felt that operational independence rather than institutional autonomy was needed, and asked that Government "get this right" in the current Bill.

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