



## MONITOR

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

DID YOU KNOW...	OUR LEAD STORY
<p>The National Environmental Management Waste Amendment Bill has an unusual and innovative provision to restrict an Acting Chief Executive Officer appointment to six months, except where disciplinary issues cause delays.</p> <p><a href="#">The Department of Home Affairs has started to roll out the new Smart ID cards. Cell phone companies have been asked to try to assist in tracing people with duplicate IDs.</a></p> <p>The Portfolio Committee on Trade and Industry is evaluating all the legislation passed since 2009, with a view to assessing its impact on the lives of ordinary citizens.</p> <p><a href="#">The Portfolio Committee on Energy has taken the lead in arranging stakeholder meetings, on various topics, to allow sector players to express views more freely than at public hearings. The latest meeting, on 20 February, was on oil and gas and upstream industry potential. Prior to that was one on nuclear energy.</a></p>	<p>We are delighted to announce the launch of PMG's new People's Assembly website: <a href="http://www.pa.org.za">www.pa.org.za</a> which focuses on Member of Parliament accountability.</p> <p>At the moment, South Africa runs a system of proportional representation, which allows for more diverse opposition parties to exist. This is considered desirable because of the non-homogenous society and historical background in South Africa. However it also distances representatives from the people. Since voters vote for a party and not an individual, they cannot, as in other systems, easily hold their area representative accountable. MPs, after being elected, are assigned to constituency offices and are supposed to spend 25% of the parliamentary programme time at these offices. However, to date there has not been any active monitoring of those offices. It has been said that our representatives are accountable only to their party leaders, and it has also been suggested that this may lead to disillusionment with the process, and may be one of the reasons behind declining voter participation. Parliament, to its credit, did try to expand accountability in 2012, by introducing a legislative oversight model, which has been piloted in three Parliamentary Democracy Offices, in Limpopo, North West and Northern Cape, and it has been focusing on public participation in the passing of legislation, and through the "Taking Parliament to the People" campaigns.</p> <p>The People's Assembly website now puts a spotlight on the work of individual MPs, and Members of Provincial Legislatures (MPLs) and eventually it will also focus on local government councillors. It aims to bring the public closer to Parliament, and provide a platform for engagement on parliamentary issues, with a view to achieving improvements. The website provides MPs' plenary attendance records for the first time ever. It will allow the public to see how often a particular MP has contributed to discussions in Parliament, and what he/she has said. A Rep Locator allows members of the public to find out which MP and MPL have been assigned to their constituencies, by entering their address, and the site will then show where the constituency office is located. The public will be able to report back on the activities of that constituency office, via a website comment form. In addition to being able to see all comments made by a particular MP over the past five years in meetings and 2012/13 attendance record, the MPs' financial disclosures, written questions and their speeches in Hansard are brought together.</p> <p>Also on the website, advocacy organisations will be encouraged to share information, boost knowledge and hopefully instil better accountability. This interactive hub encourages organisations and individuals to post blogs and articles about campaigns and comment on draft laws. Alerts will be given about interesting meetings in Parliament, and our team will report on these meetings in <i>That Week in Parliament</i> and highlight exceptional comments and occurrences in Parliament. The website will make use of multimedia.</p> <p>It is hoped that by growing increasing awareness and feedback, MPs will feel obliged to improve their performance, particularly in their constituency work. This links perfectly with the overall aim of parliamentary monitoring, to keep the public aware and to hold politicians accountable to the voters.</p>

## GRANTS AND PLANNING ISSUES IN THE LATEST BUDGET

National Treasury briefed Parliament on the **2014 Appropriation Bill**, shortly after the Budget Speech given by the Minister of Finance. This Bill sets out how nationally-raised revenue is to be divided between the three spheres of government. National Departments receive about 47.5%, provinces show a slight reduction at 43.8%, and local government has grown to almost 9%, which National Treasury says is probably the right level, although there needs to be a focus on how to get better value for money. This is the first year in which National Treasury has come up with a way for municipalities and provinces to annually update their statistics on populations and households, which is important to support their equitable shares, although it is of concern that some municipalities, instead of accessing this data themselves, hire consultants to do so. There has been recognition of the shift in local populations between provinces, quite apart from foreign influxes, and the adjustments to provincial shares to take account of this are being phased in over a three-year period.

About 81.5% of the provincial equitable share is for grant transfers. This year, there is a stronger focus on grants that have both a direct and indirect component; under the direct component, responsibility for spending remains with the province or municipality, whereas under an indirect component, if the province or municipality struggles to spend, the national sphere can step in and assist. A conversion between direct and indirect portions thus allows for the best mix between the national sphere helping to give service delivery, whilst also allowing provinces or municipalities to build own capacity.

New grant allocations in this year include R150 million for shelters for victims of gender-based violence. This is in addition to a trend, shown in most provinces, to increase provincial budgets for social development, to compensate for NGOs' declining funding. The Provincial Conditional Grants also include new substance abuse treatment grants targeted at the four provinces that currently do not have public substance abuse centres. R200 million has been allocated for the rollout of the HPV vaccine for cervical cancer, to be done through indirect health grants for 2014/15, but later to become part of the provincial equitable share. The previous three health grants are now to be collapsed into one grant with three components, comprising both direct and indirect aspects, to allow for easier, effective and faster shifting of funds (without a requirement to gazette in advance). A new conditional Occupation Specific Dispensation (OSD) grant for therapists in the education sector has been introduced. FET Colleges grants deal with wage increases. Two grants supporting Public Transport Infrastructure and Operations are in place. The Human Settlements Development Grant for informal settlements upgrades in mining towns, amounts to R180 million. A new grant of R300 million per year has been introduced to build capacity in the metros for devolvement of the human settlements function. Conditional and transitional grants can assist municipalities affected by the demarcation process. There is ongoing discussion on where the Rural Household Infrastructure Grant (RHIG) should be placed, because of concerns about its past delivery and spending, and in this year it will comprise both a direct and indirect portion. In 2013, funding was moved out of the Municipal Infrastructure Grant to accelerate delivery of water infrastructure. In this year, an indirect grant is being created to try to completely eliminate the bucket system, although National Treasury must still determine exactly how many bucket systems are still being used, and exactly where. Municipal grant funding recognises unique geographical or spatial problems. Provision of Free Basic Services will be stringently monitored, with municipalities having to report on how many people they are reaching, with what services, and how this compares to benchmarks.

National Treasury directly monitors 17 municipalities, with Provincial Treasuries monitoring the rest. It asks that 8% of total operational expenditure should be budgeted by municipalities for maintenance. The health and education sectors have been asked to put 50% of their infrastructure budgets to maintenance. There will be more focus in this year on instilling integrated planning in provincial infrastructure programmes, and aligning the grants to grow local government economies. Although the spheres are already supposed to finalise their planning two years before the start of a project, this has not been done in practice, so now incentives are introduced, and the spheres will have to compete for re-allocations of amounts to whoever can spend. Metros are encouraged to integrate all planning across a "suite" of grants. Transparency on grants is to be improved, by national departments having to explain, in reports and Annual Financial Statements, why grant transfers have been stopped or withheld.

Several recommendations of the Financial and Fiscal Commission have been included in the latest Bill. Its call for the growth in public sector wages to be moderated was reflected in the latest budget, although National Treasury cautions that several departments, like SAPS and Justice, are personnel-intensive and there is a need to balance numbers carefully to achieve maximum efficiency. All departments have been asked to "clean up" their staff and headcounts, balance categories of spending, and ensure they have capacity to administer grants that they transfer. The Commission and Treasury both encourage continued capacity building in municipalities, particularly through the Municipal Infrastructure Support Agency.

## EDUCATION ISSUES

**The National Students' Financial Aid Scheme (NSFAS)** budget has tripled to just over R9 billion over the last 5 years, with about R2.1 billion allocated to technical colleges. More students are enrolling in Further Education and Training (FET) Colleges than at universities, and NSFAS is hoping to fund more than 435 000 students at 25 public universities and 50 FET colleges. There is still a need to encourage sufficient students to register for scarce skills. BTech funding is still limited to courses which require registration with a professional council, and some institutions are still requiring students to pay a registration fee, which is not covered by NSFAS. NSFAS still faces problems with fraud and corruption, such as students claiming to be supported by their pensioner grandparents, when both of their parents are working, or giving false rural addresses, and failing to repay loans.

**The Transformation Oversight Committee and academic researchers** 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, although universities are showing better transformation across gender than race for academics. There have been no negative effects on research and productivity in those universities showing better transformation patterns. Four universities are regressing in the numbers of class graduations, and three are moving in the wrong direction for overall staff enrolments. There are concerns that many positions are filled by foreign academic staff. MPs have asked for specific recommendations on how transformation might be funded.

**The Accelerated Schools Infrastructure Delivery Initiative** (ASIDI) had originally identified 522 inappropriate school structures, including mud schools, but the decision was taken to focus firstly on 49 in the Eastern Cape. 48 have now been completed and occupied. Classrooms, internet connectivity, laboratories and sporting facilities have been provided, along with water to 1 120 schools, sanitation to 741, and electricity to 528. The Department of Basic Education (DBE) is now implementing ASIDI in 289 other schools across all the provinces. Although less was spent than budgeted, and there were considerable delays in the first projects, DBE aims to spend R2.93 billion in this year. Decisions still need to be taken whether some schools will merge, and there is a need for more work with municipalities to ensure that working services actually reach the schools.

**Education for disabled children** has been assisted by the conversion of 553 ordinary public schools into inclusive full service schools suitable for children with disabilities. Although there are still variances across the provinces, more children with disabilities are attending schools. Early identification of disability is crucial. Developments to accommodate those with disabilities include a sign language curriculum and teacher manuals, and workbook adaptations. There are still shortages of specialist teacher skills, and there are challenges with disabled children being able to access specialist early childhood development programmes, continuing problems with suitable transport, insufficient Braille printing and sign language texts. Where ramps have been built, they are not always user-friendly. The Department of Women, Children and People with Disabilities is working also on mainstreaming and coordination, and strengthening of disability responsive budgeting and monitoring.

**A Ministerial Review Committee** has done a comprehensive review of the funding framework for higher education institutions (HEIs). They currently receive transfers from the Department of Higher Education and Training (DHET) as well as other funding sources, and DHET is investigating consolidation of funding to make a more meaningful impact. Currently, a performance based framework is used, which is skewed towards the historically advantaged institutions. Although enrolment decisions are linked to funding, the funding is not based on a simple head-count, but on the cost of offering the qualifications. Various grants for Teaching Development help universities improve their graduation rate, with Research and Research Development Grants offered to, respectively, maintain and increase research output. The Institutional Factor Grant is added to the teaching input grant, depending on the ratios of black to white students. The Infrastructure Grant promotes collaboration and exchanges between universities. 15 000 students are assisted with Foundation Studies grants. South Africa has a lower proportion of its GDP put to universities than many other African and OECD countries. Government funding for FET Colleges fell by 1% annually between 2000 and 2010, although student tuition fees increased by 3% per year. The Review Committee has recommended that government needs to increase funding for higher education, and the dispensation for the historically-disadvantaged institutions has to be improved until backlogs are eradicated and support units set up. Institutional accountability is vital, and HEIs must manage student enrolments prudently to best manage all resources.

## VULNERABLE GROUPS

**16 Female Correctional Centres** in South Africa have Mother and Baby Units to cater for babies who, until they reach the age of two, may be kept with their mothers serving sentences. There are currently 87 babies with their mothers in correctional centres. Other bodies work with the Department of Correctional Services (DCS) to provide ante- and post-natal care, prevention of communicable and non-communicable disease, prevention of mother-to-child-HIV transmission, provision of special diets for nursing mothers and children, vaccinations and health education. Social Services try to assist with early childhood development (although there is difficulty in correctional centres complying with strict conditions to be registered), and they and NGOs assist with alternative placement of the children and try to ensure family visits. Women face difficulties in registering births and accessing social grants, particularly if they are not South African citizens or have no access to documentation, and the complex procedures and separation trauma are particular challenges when children are fostered.

DCS also houses 140 offenders with disabilities, 1 000 inmates older than 60 years, and 394 children under 18, whose offences are so serious that they cannot be placed elsewhere. There are also 48 000 offenders, mostly male, between the ages of 18 to 25 years, many of whom are serving long sentences for serious crimes.

**The Department of Cooperative Governance's *Community Works Programme***, which runs in 140 municipalities, is intended to lessen the impact of high unemployment in the areas of greatest socio-economic need. It offers 58% of its work opportunities to women. This differs from the Expanded Public Works Programme, because it is sector- and not area-based.

The Minister of Women, Children and People with Disabilities, introducing the **Women Empowerment and Gender Equality Bill** (WEGE) to Parliament, said that South Africa had been ranked 8th out of 188 national parliaments, by the inter-Parliamentary Union, on its level of representation of women in Parliament. More girls have recently been accessing primary, secondary and tertiary education. Women make up 28% of senior positions in publicly and privately traded companies in South Africa, although this is above the world average of 24%. Business Women's Association of South Africa, in 2012, said that 17% of directorships were held by women, and although the numbers of female directors in JSE-listed companies had doubled since 2004, only 1 in 6 board members are female. 21% of companies surveyed had no women in senior management and only 3% of chief executive officers are women. Far more needs to be done generally to advance gender equality. A disproportionate number of women still live in households that actually impede their development, where they are challenged by poverty, try to fulfil multiple roles, face gender based violence, HIV and AIDS and chronic diseases. The WEGE Bill tries to establish a legislative framework for the empowerment of women, to align all frameworks and implementation of laws relating to women's empowerment more effectively, and ensure that sufficient women are appointed to decision making structures.

Public hearings on the Bill noted general support for the principles behind the Bill but many criticisms of the way it sought to deal with the issues. Many submissions expressed concern that the Bill was imprecise, duplicated existing legislation on Employment Equity and Broad Based Black Economic Empowerment (which face their own difficulties in implementation) and it was suggested by some that instead of introducing this Bill it would be preferable to review implementation gaps across other areas. There were complaints that not enough attention had been paid to getting the views of rural women, and to including specific protection for the LGBTI group. Others were worried that since women have differing experiences of marginalisation, only those moving from a higher social or economic baseline would benefit. It was suggested that more attention was needed to modify social and cultural norms and conduct that perpetuated discrimination and inequality in South African society. The Bill was eventually passed in the National Assembly, after some amendments were made, particularly in regard to women's representation in political parties.

**The Medical Research Council** (MRC) has presented its second study on gender-based violence, describing the current trends and comparing the results with its first study ten years ago. There has been an overall reduction in female homicide, but the proportion of violence towards intimate female partners has risen, with an estimate that, in 2009, three women were killed by a intimate partner every day in South Africa, although this was likely to be an under-estimate, since the perpetrators of one fifth of all murders were never identified. It appears that work to try to prevent Intimate Partner Violence and Gender Based Violence has not been effective, for there should have been a much larger reduction in intimate female murders. In addition, the number of rape homicides (of non-intimate women) has increased, and there is no evidence that either police investigations, or conviction rates have improved. The significant reduction in gun murders suggests that the Gun Control legislation is effective, but this is countered by an increase in stabbings.

## COMMUNICATIONS UPDATES

South Africa has a poor international ranking in relation to the high costs of communication and low government use of ICT, which are both also identified in the National Development Plan as a major block to economic growth, innovation and job creation. South Africa also has a very high rate of cybercrime. Broadband coverage is still far too limited, reaching only about 75% of the population and 30% of geographic areas. National roaming is unregulated, and excessively high out-of-bundle rates, without due notice, are being charged to consumers by some providers. Costs should be related to spectrum demand, universal service and access, and guidelines and licensing fees, including incentives where companies commit to constructing electronic communications networks. However, in practice, the operators have been controlling the retail prices, and current rates are not closely linked to cost recovery. The highest tariffs for off-net services are charged by Vodacom and MTN, who together hold around 85% of market share. The operators complain that they suffer from regulatory fatigue through frequent changes and blame high regulatory transaction costs for their reluctance to provide information.

The Department of Communications (DOC) is now doing a full ICT legislative and policy review, to come up with new frameworks that will give access to quality communications services, technologies, infrastructure and content, at competitive and affordable prices. It has a new portal for information. It sees increased competition as the major spur to drive down prices. Public comment has been requested, and its new Policy Directive on transparent pricing will be issued, hopefully by July, after the Mobile Termination Rate is determined by the Regulator (ICASA), with regulations expected in May.

The DOC recognises that more participation is needed by small business, who are restricted at the moment by high on-net and off-net tariffs. National roaming costs must be addressed, and international models on inter-connection costs will be investigated.

Since prices for broadband also vary hugely, a Broadband Value Study is being done which, by April, should be able to inform people about prices and targets. All government departments will need to assist in reduction of prices through infrastructure sharing. Other policy directives in the offing include premium content for broadcasting subscriptions. All the parties have agreed to accept the regulations.

DOC has recognised that smart device costs are a critical component for ICT access, and is interacting also with the Department of Trade and Industry, to address this issue.

The Minister of Communications, Yunus Carim, updated Parliament on commitments he had made to it six months ago in August 2013. The Department of Communications has been strengthened by filling key posts, and is working with all stakeholders to try to lessen the fragmentation and disagreement in the ICT sector. A new Broadband Policy published in December 2013 seeks to create a robust and cost-effective market structure, with mechanisms for coordination between State Owned Companies and other parties. By 2020, all South Africans should have access to broadband services, at a cost of 2.5% or less of the population's average monthly income. A Broadband Council is to be established. The new Spectrum Policy tries to align the broadband policy and open access. Sentech has covered 83.7% of the country with network for the rollout of Digital Terrestrial Television, and 16% of the rest of the country will be covered by the satellite platform, which is a priority. The Ministry was unable to broker agreements between service providers on the Set Top Boxes (STBs), and has taken a firm decision that the STBs will include control systems, and broadcasters will pay if they choose to use them. Parliament called for strong information campaigns to communities on which STBs are guaranteed to work, to avoid inferior products being dumped in the country. The Minister conceded that the South African Post Office (SAPO) is under-performing and more work is needed to clarify its role and integration into e-government. Processes to licence Postbank and establish new points are under way. A new Community Broadcasting Support Policy is being developed. The new Kiamva National e-Skills Institute was launched in February.

The Public Protector Report into the SABC had only just been released at the time of this meeting, but the Minister undertook to hold a series of meetings and provide a full report by end March. The Special Investigating Unit's report into the Universal Service and Access Agency would also be discussed. The roles of the State Owned Companies, and their relationship with the Ministry, will be fully aired during the ICT Policy Review.

A recent study showed that 89% of households have at least one mobile phone, 15% have a landline, 75% have access to TV, but a surprisingly low 68% have access to a radio. 35% have access to the internet. Although about 86% of the population are within a 50km radius of fibre network, only 30% of geographic areas have broadband access. 6 785 schools, 793 health facilities and 192 police stations do not have connectivity. Since December, however, 566 schools have received ICT connectivity, with subsidy of costs, and by March all schools should have end-to-end solutions. Mobile solutions are proposed for the schools as well. Integration of efforts with other departments has been prioritised.

## REPORTS TO PARLIAMENT

**The Departments of Agriculture, Health, and Trade and Industry** have been working to strengthen food control services and labeling in South Africa. Oversight is done through a Ministerial Cluster and establishment of Inter-Departmental Food Safety Coordinating Committee (IDFSCC), which will in time be transformed into a Food Safety Agency. Laboratories are geared up to identify mixed meat products and there are increased inspections at abattoirs. Revised brine treatment levels for poultry have been set, at 10% for whole birds and 15% for portions, which will be monitored. The incorporation of Port Health Services into the National Health Amendment Act, from 1 April 2014, will allow for better monitoring and enforcement of imported products. The Department of Trade and Industry has published regulations under the Consumer Protection Act to specify categories of goods that will require a trade description. There has been a call for public comment on proposed regulations on labelling of meat products, and departments have committed themselves to improving the enforcement of food control in municipalities.

**The Agri-BEE Fund**, operated by Land Bank between 2006 and 2008, was suspended between 2008 and 2012, due to mismanagement at Land Bank, but continued to receive annual allocations from the National Revenue Fund, which it later had to return in 2012. [MPs were very critical of a report](#) that although 67 business proposals were assessed in 2012/13, and six were recommended for funding, only one actually received any money. They were dismayed to hear that the Agri-BEE Fund and Sector Code had failed to achieve any transformation. Compliance with the Code is presently voluntary, with no consequences for non-compliance and although a portal has been developed to indicate BEE status, it is not properly operative. According to a survey by the National Agricultural Marketing Council, only 13% of participants have developed BEE strategies, and many farming operations are run as family businesses, with few black farmers with whom partnerships may be considered, and the scope for transformation is further limited by the numbers of Exempt Micro-Enterprise (single owner) businesses. The Department of Agriculture is trying to assist transformation by involving more women, and by its Comprehensive Agricultural Support Programme, to improve enterprise development in the sector.

**The National Drug Master Plan**, to run from 2013 to 2017, has three pillars: demand reduction, supply reduction (through stronger law enforcement) and harm reduction (through better prevention and treatment). The Departments of Social Development, Health and civil society bodies are trying to raise more awareness and set up more treatment centres, especially in the rural areas. At the moment, there are 47 private treatment centres, of which government funds 25, but community-based centres are being encouraged. An inter-Ministerial Committee has been formed to try to combat substance and alcohol abuse, which both contribute to and result from poverty and violence. Each department deals with different levels of treatment for substance abuse.

**The Department of Home Affairs and South African Revenue Service** have presented a legal framework to set up and support the creation of One-Stop border posts between South Africa and Mozambique, so that travellers will only have to go through one border post, where migration, customs, police, agricultural and other formalities will be dealt with simultaneously. A Border Management Agency will be established. Information on people and vehicles travelling to the border can be obtained and sent through in advance, to avoid long queues. It is possible that this may also soon be extended to other border posts, including Musina.

**The National Lotteries Board (NLB)** allocates 22% of its grant funding to sport. Although some schools still have problems completing the documents correctly, to get grants, others had received between R50 and R100 000 last year. In 2013, the NLB constructed 27 artificial turf pitches, at a cost of R171 million. R17 million was allocated to the Orange Africa Cup of Nations (CHAN) football tournament and R100 million was being put aside to start legacy projects in every province. The South African College Principals Organisation has made a proposal that will allow sport achievers to graduate with NQF certificates. Only after the Lotteries Act was amended, allowing for more proactive funding for projects involving national priorities, was sports development really assisted to grow. The NLB will be visiting entities who had their funding requests declined, to explain the reasons and help them comply with the processes.

**National and provincial Departments of Cooperative Governance** have told Parliament about interventions made to support 70 municipalities to deliver on their mandates. Direct personnel support has been given to Madibeng, Mahikeng, Msunduzi, Naledi and Bushbuckridge. The main challenges in municipalities include conflicts and political in-fighting at top management and councillor level, poor management, and insufficient organisational structures, uneven service delivery that failed to match demand, and high municipal debt, which contributes to lack of ongoing maintenance. MPs are insistent that proper reporting is needed, and say that any officials misusing the budget must be required to repay, and that incompetent officials must be removed.

## NEW LEGISLATION AND PUBLIC HEARINGS

(Please note that some of the legislation presently with the NCOP will be detailed in the next issue)

**Revised B-BBEE Codes of Good Practice** were gazetted, on 11 October 2013, and they will apply with effect from October 2014, with the first assessments in October 2015. The Generic Scorecard now comprises five elements of ownership; management control; skills development; enterprise and supplier development; and socio-economic development, to expand the economic base of black entrepreneurs. All companies, except for Exempted Micro Enterprises (those owned at least 50% by black people) will have to comply with all elements, failing which they will drop a level.

**The Customs Duty Bill, Customs and Excise Amendment Bill and Customs Control Bill** have been passed, with objections to all three noted by the Democratic Alliance.

A raft of **Environmental legislation** has been passed, although it is possible that the Integrated Coastal Management Amendment Bill may not be passed in this Parliament, because the NCOP suggested some amendments that may require to be taken through a mediation process. The Air Quality Bill, Waste Amendment Bill, National Environmental Management Laws Amendment Bill 3, and National Water Amendment Bills have all been adopted by the NA. Levies will be addressed in a later money bill.

**The Minerals and Petroleum Resource Development Amendment Bill** has been approved by the majority of the Portfolio Committee on Mining, with objections raised by the DA to clauses that it felt were contrary to Constitutional Court judgments, dealt with regulatory authority by the Petroleum Agency SA, or were seen as giving overly-wide discretion to the Minister. It also voted against some definitions, and was opposed to the principle that the State will be entitled to 20% free carried interest in explorations funded by investors. It was particularly critical of the amendments suggested at the last minute that would no longer limit (to 30%) the State's right to request further interest, against a payment of an "agreed price" instead of "fair market value". The Minister has the power to set a percentage in respect of raw materials and mineral products which may not be sold overseas, and may declare minerals as strategic.

**The National Credit Amendment Bill**, which aims to stop reckless lending and have adverse information removed from credit bureaus after settlement of debt, has been passed by the NA, with inclusion of some other clauses arising from submissions made during public hearings. Credit providers must no longer have 100 credit agreements as a requirement for regulation, the Minister may decide on the threshold, and it was suggested that it would be useful to have regulations around registration requirements for credit providers who offer both goods on credit and cash. The Minister of Trade and Industry, in consultation with the Minister of Finance, may prescribe a limit on the cost of credit insurance through regulations, but this may depend on the results of an ongoing review by the Consumer Credit Insurance Task Team. The structure of the National Credit Regulator has been altered. Although adverse credit information will be removed once the debt is paid, without the debtor having to apply for a formal rescission of judgment, the payment profile, showing how the debtor kept to payment obligations, will remain. Credit providers will have to do proper affordability assessments. MPs suggested that the Ministers of Justice and Trade and Industry will need to discuss debt collection legislation and charges in general.

**The Property Valuation Bill**, presently with the NCOP, will set up a new Office of the Valuer-General (OVG), specifically to settle the value for land claims. The Bill recognises that land and property are vital resources through which government pursues its socio-economic objectives, but the land redistribution process has been hampered by the slow pace of land reform and escalating prices, because "market value" was used as the only determinant in the willing-buyer/willing-seller transactions. Government is not exactly in the same position as other "willing buyers" because it has constitutional obligations. Instead of ordinary valuers continuing to assess a fair value for land claims, based only on market value, the new OVG will, for transactions linked to land reform, look at other factors also, including current use, history of acquisition and use, the extent of any subsidy and purpose of acquisition, which then must be taken into account when fixing a "fair value" for these transactions. The Bill will not apply to valuations under the Municipal Property Rates Act. There were some concerns that this Bill, moving away from "market value" concepts, may result in more expropriations but it was stressed that owners may still approach the court in disputed cases.

**The Traditional Courts Bill** has been rejected by the NCOP, following objections by the majority of the provinces.

**The Public Administration Management Bill** has been passed by the NA. It will cover all spheres of government, the organs of state, and public enterprises. The Bill provides for greater mobility of public service staff, including deployments, and transfer of functions from one sphere to another, to allow delivery

to take place where it will be most efficient. Forced transfers are eliminated. Public servants may not be involved in the management and decision making of private companies that do business with the State, although they may still own shares in those companies. A National School of Government will be set up that will focus on job training and practical aspects of the public service, and will also train Parliamentarians. The Minister must consult with organised local government on compulsory educational requirements for employment, linking also to the National Treasury Minimum Competency Regulations. The Office of Standards and Compliance will ensure that the reports of the Public Service Commission are implemented.

**The Private Security Industry Regulation Amendment Bill**, which effects improvements to management, accountability and reporting of the Private Security Industry Regulatory Authority, addresses areas not covered in the original legislation and generally tightens management of the industry, has been passed by both Houses, despite objections being raised to a clause that will limit foreign ownership in private security companies to 49%.

**The Restitution of Land Rights Amendment Bill** went through a rigorous public hearings process, when tensions between traditional leaders and communal property association, concerns about the position of women, and anger and frustration at the long restitution process were expressed and taken into consideration by the Portfolio Committee. The Bill, recently passed by the NA, will allow those dispossessed of their land after 1913, who missed the first cut-off date, to lodge their claims. Since inception of the first programme, 77 334 claims have been settled, at a cost of R16 billion. The re-opening for lodgement, and settlement of further claims may cost up to R170 billion, over the next 15 years. The Department of Rural Development and Land Reform will be following a different, electronic process for the lodgement of these claims, with more efficient ways to detect corruption and duplication. It has also hired more staff, and hopes to settle about 1 300 claims per year for the next three years. There will be more focus on productive use of land settled. The Department will be dealing with old and new claims simultaneously.

**The Science and Technology Laws Amendment Bill** aims to harmonise provisions and establish standardised procedures for appointments of Chief Executive Officers of entities and their board members. The Committee will no longer be making recommendations, but its oversight will remain.

**The Determination of Remuneration of Office Bearers of Independent Constitutional Institutions Laws Amendment Bill** (title amended) has been adopted. It aims to eliminate disparities in the founding legislation of constitutional institutions, particularly around determination of remuneration, allowances and conditions of service, which will, in future, be determined by the Independent Remuneration Commission, in a standardised way, but without necessarily awarding uniform compensation. The Bill covers the Commission for Gender Equality, Electoral Commission, Independent Communications Authority of South Africa, SA Human Rights Commission, Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities, the Public Protector and Deputy Public Protector and the Auditor-General. It is intended, at a later stage, to also include the Financial and Fiscal Commission and Public Service Commission, although this was not done for technical reasons in this Bill.

**The Rental Housing Amendment Bill**, which seeks to implement better protection for tenants and landlords, particularly by ensuring that rental agreements are in writing, was exhaustively debated and corrected in the Portfolio Committee and has been passed by the NA.

**The State Attorney Amendment Bill**, passed by the NA and referred to the NCOP, aims to update some provisions of the outdated State Attorney Act, although a more detailed review and upgrading will be done in the next Parliament. The Bill converts the original one Office of State Attorney and its branches into several Offices, each to be headed by a State Attorney and staffed by attorneys. It establishes a new post of Solicitor-General, who will be the State's Chief Legal Advisor in respect of all civil litigation, and who will supervise the State Attorneys, but not necessarily attend to the legal work of the offices. Transformation will be promoted by policies being drawn around briefing practices of private firms of attorneys and advocates by the State.

**Three Private Members Bills**, described in our Nov/Dec 2013 newsletter, have been rejected by the Portfolio Committee on Justice and Constitutional Development

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