



PARLIAMENTARY
MONITORING GROUP

MONITOR

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

Did you know?	Maintenance Defaulters & Credit Bureaus
<p>Government has launched an e-tender publication portal and a central supplier database. The initiative aims to simplify, standardise and automate the process of procurement. This portal provides a single point of access to information on all tenders made by all public sector organisations in all spheres of government. You can access it here: www.etenders.gov.za</p> <p>The Department of Home Affairs has introduced new office hours to improve services to the public. Opening and closing hours for serving clients will be from 8am to 4pm.</p> <p>Government is embarking on a three-year mass tuberculosis (TB) screening campaign that will help to reduce the number of new infections and related deaths. South Africa is the third most affected country in the world.</p> <p>The disease remains the number one killer in the country despite being both curable and preventable. It is responsible for 120 000 deaths annually. Government wants to reduce this number to less than 20 000.</p>	<p>Some statistics that have come to light in discussions on the new Maintenance Amendment Bill currently in Parliament are 48% of children in South Africa are raised with only one parent; and 90% of maintenance defaulters, are fathers.</p> <p>The new amendments to the Maintenance Act are aimed at making the process for claiming maintenance money easier. Changes include: (1) The introduction of interim maintenance orders so as to prevent delays. (2) Where the defaulting parent cannot be found, but the complainant parent has the cell phone number, this can be used to trace the defaulter's address from the cell phone company. (3) Maintenance orders can be made in the absence of a parent. (4) Clause 11 ensures blacklisting of maintenance defaulters with credit bureaus.</p> <p>In his briefing to Parliament, the Deputy Minister of Justice explained that there is a difference between an ordinary debtor and a maintenance defaulter; because the legal obligation for parents to maintain their children is much more serious than an ordinary debt. At first, MPs were pleased with these amendments, welcoming the effort to improve the plight of women who require maintenance from their children's fathers. At first there was agreement that parents who refuse to pay child maintenance must expect a bad credit rating.</p> <p>Ms Madipoane Mothapo (ANC MP) said this appeared to be a very progressive Bill, particularly as it protects the rights of children as required by the Constitution. It will do this through provisions such as interim maintenance orders and the blacklisting of defaulters. She warned that some men went so far as to enlist the help of <i>mashonisas</i> (loan sharks) to create artificial debt to avoid paying the rightful maintenance amount. Ms Makgathatso Pilane-Majake (ANC MP) said that this Bill was a step forward in the protection of rights of women and children in South Africa. She agreed that the blacklisting clause was not excessively harsh.</p> <p>However, in recent meetings, most MPs in the Justice Committee have changed their minds and want Clause 11 removed. Mr Bongani Bongo (ANC) said he did not feel credit bureaus were an option, because where children from different parents are to be maintained, the sanction is not effective once the defaulter is listed if he needs credit for paying maintenance.</p> <p>Ms Khanyisile Litchfield-Tshabalala (EFF) said while the intentions of the clause may be good, she worried about the racist implications. People listed by the credit bureaus are Africans above all other race groups. The African male who has been stigmatised so much already and as African men are the highest portion of maintenance defaulters, they will now have to deal with this as well.</p> <p>The Chairperson, Dr Mathole Motshekga, did not see the point of submitting details to credit bureaus. It defeats the purpose by restricting a parent's access to credit which may be the only means available to support their children. Parliament has the right to remove such an offensive provision.</p>

SNIPPETS

The Portfolio Committee on Police held a two-day National Firearms Summit in Parliament. The summit brought together stakeholders and experts to develop a common approach towards addressing the proliferation of firearms in the country. There were divergent views expressed, with the pro-gun lobby opposed to restrictions and the opposite side arguing for greater controls. The lack of reliable data on South African guns, gun-owners and their habits proved to be a major problem. Participants were asked to make submissions to the Civilian Secretariat for Police on the proposed Firearms Control Amendment Draft Bill and take part in further engagements with the Committee on this matter.

All persons who have a domestic worker working for them for 24 or more hours a month, must register for UIF. The Unemployment Insurance Fund told MPs that it remains a challenge to register domestic workers for UIF despite the various efforts made by the Minister of Labour and the Fund to educate the public. MPs expressed concern about this state of affairs and suggested that something must be done about this as domestic workers were the most downtrodden workers in the country. The Fund emphasised that employers had a responsibility to pay UIF, and that penalties would be incurred if they failed to do so. The Fund added that amendments to legislation had now made it possible for foreigners, who were previously excluded from accessing UIF benefits, to do so. However, this was only limited to those employees who had documents recognised by the Departments of Home Affairs and Labour.

The Portfolio Committee on Rural Development and Land Reform welcomed the launch of mobile lodgement offices which were unveiled by the Department of Rural Development and Land Reform at Parliament. The Restitution of Land Rights Amendment Act which was signed by the President into law on 30 June 2014 led to the re-opening of the lodgement process for the period of five years until 30 June 2019. The committee saw the mobile lodgement offices as instrumental in helping to redress the legacy of the notorious Native Land Act of 1913 and to reaffirm the Restitution of Land Rights Act, which aimed at compensating those who were forcefully removed and dispossessed of their land after 1913. The Committee commended the Department for embarking on an educational awareness programme across the country and encouraged rural communities to take part in the process.

Government announced new measures to support SMMEs earlier this year. This included setting aside 30% of all government contracts to support small businesses and co-operatives in a bid to boost township and rural economies. Three departments - Basic Education, Higher Education and Training and Social Development - briefed MPs on their plans to implement this policy, each highlighting their various initiatives that contributed towards job creation. Members were not impressed by these plans. No mention was made of the size of markets, and the presentations were too general. The projects were not synchronised. They asked for an identification of legislative hurdles. Several commented that there was not enough evidence of cooperative working between the Department and SMMEs.

The Minister of Arts and Culture informed MPs that the debates around statues was about the broader issue of transformation, and it was not unique to South Africa nor happening for the first time. Government, since 1994, had embarked on a process to transform the heritage landscape. South African heritage landscape was still viewed through the prism of erstwhile colonisers, and that had to change, over time, within the legislative process. Change needed to happen in a particular context, respecting the dignity of all people. South Africa belonged to all who lived in it, united in diversity towards a united nation. This was not a matter of black people dominating white people in South Africa. The Minister urged that there should be recognition of the sensitivity around this, and those in power could not simply do away with everything. Every symbol and sign needed to be looked at in terms of its merits. This statue debate came at the right time, where there was ongoing change, for it did not occur in a vacuum. But the discussion should be broadened, because it was not only about statues, which were really a metaphor for a bigger debate about transformation in our society. The Committee was united in condemning the acts of vandalism against statues, and encouraged people to use the legal processes to solve any problems.

LGBTI & Gender Issues

<p>The Departments of Health (DoH) and Justice (DoJ) briefed Parliament on the access to health services and the protection against violence provided for lesbian, gay, bisexual, transgender and intersex (LGBTI) persons.</p> <p>The DoH mentioned that there had been an increase in the distribution of lubricants and condoms to this community. In addition, a training manual was developed in 2013 to sensitise and train health care workers on how to support this vulnerable group. With the support of funding from the US President's Emergency Fund for HIV /Aids Relief (PEPFAR), three gay men clinics have been established in Cape Town, Johannesburg and Durban. These clinics provide specific support and health care services to men who have sex with men. There are no similar clinics for other members of the LGBTI community.</p> <p>The Department reported that gay and transgender persons are at a higher risk of acquiring HIV. To counter this, it has adopted 3 specific interventions: biomedical, socio-behavioural and structural. Aspects of this plan include improving education, awareness, collaboration and access. It emphasised its commitment to ensuring that the health care needs of the LGBTI community are met.</p> <p>Notwithstanding these efforts, the LGBTI community has made additional demands to the Department. These include a need for closer collaboration in defining the primary health care package of services; inclusion in the larger government campaigns around issues like STIs; consideration to pilot dedicated clinics for sex workers and gay persons; need for a key</p>	<p>population country dialogue (including a dialogue between civil society and government) and need for a greater voice in the SA National Aids Council.</p> <p>MPs voiced concern that having separate clinics for the LGBTI community would further discrimination and advised that there should be a greater focus on education instead. The Department supported the idea of mainstreaming services to the LGBTI community in order to normalise thinking about people's sexual orientation so that it does not attract additional stigma. However, there are people from the LGBTI community who want a dedicated clinic.</p> <p>In its presentation, the Department of Justice said that South Africa had progressive laws and was the first country in the world to prohibit discrimination based on sexual orientation. However, the country did not have legislation to address hate crimes and the Minister of Justice had announced plans to remedy this.</p> <p>One of the key motivations for the proposed changes to the law, included in a draft policy framework, is the violent targeting of LGBTI persons based on their sexual orientation and gender identity, the so-called 'corrective rapes' and murder of lesbian women and transgender men, especially in townships. Other motivators included racist attacks, violence against non-nationals as well as vandalism targeting religious institutions.</p> <p>The draft policy framework has largely been finalised and the next step is to open it for public debate. The Department acknowledges that the debate will be contentious because of the balance that needs to be achieved between freedom of speech and prohibiting hate speech.</p>	<p>The DoJ noted that a National Task Team was established in 2011 to develop a National Intervention Strategy on LGBTI issues. This was later strengthened by the creation of a Rapid Response Team to urgently track the pending cases committed against LGBTI persons which are in the criminal justice system, as well as to respond as soon as possible, to cases of violence being reported.</p> <p>MPs were curious about the role of the religious leaders and their reactions to the DoJ's LGBTI initiatives. Some MPs voiced concern about the need for training of the police and emphasised that regional and continental initiatives need to be resuscitated.</p> <hr style="width: 20%; margin: 10px auto;"/> <p>The Commission on Gender Equality is concerned that access to and control of land, as an economic resource and asset, was still skewed in terms of gender and race, further entrenched by patriarchy and traditional leadership structures in rural areas. Since women constituted the majority of the "unemployed, under-employed and unemployable" it would have been useful if job-creation initiatives specifically for them were identified.</p> <p>The Commission highlighted that pregnant women continued to face violations of their rights, and were denied employment benefits, and traditional harmful practices such as ukuthwala and female genital mutilation also required urgent policy interventions. Although there was mention of successful prosecutions of perpetrators of violence against women, it was important that government identified this in particular for effective law enforcement.</p> <p>The Commission suggested that the State of the Nation Address should have a far stronger gender-focus, and should have included bold policy and programme initiatives to signal the continued prioritisation of gender mainstreaming by the government, It was important that the National Council on Gender Based Violence be revived.</p>
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Legislative Developments....

The Department of Public Works briefed Parliament on the [Expropriation Bill](#). According to the Deputy Minister, expropriation is an essential mechanism for the state to acquire property in certain instances. The Constitution states that expropriation may occur only for a public purpose or in the public interest and subject to payment of compensation. Public interest includes the nation's commitment to land reform, reforms to bring about equitable access to all South Africa's natural resources and other reforms to redress the results of past racial discriminatory laws and practices. The Expropriation Act of 1975 was reviewed to ensure its consistency with Section 9, 25 and 33 of the Constitution as well as the extension of the purpose of expropriation to include public interest. Compensation in terms of the Expropriation Act 1975 was determined primarily on the market value of the expropriated property, but Section 25(3) of the Constitution requires "just and equitable" compensation be determined by having regard of all circumstances without placing undue weight on any single or particular factor. National, provincial and local government were empowered to expropriate property to varying degrees through several pieces of legislation and the Expropriation Bill seeks to ensure consistency with the Constitution and uniformity of procedure of all expropriation without interfering with the powers of expropriating authorities. Critics have been vocal and said the proposed legislation undermines property rights, will deter investment, and choke off growth and jobs. The Minister re-iterated that expropriation without compensation was unconstitutional and that government would follow the Constitution.

The Minister of Justice and Correctional Services confirmed that the [Traditional Courts Bill](#) will return to Parliament this year after having been substantially revised. The Bill has been subject to overwhelming criticism since it was introduced. A 2008 version was withdrawn and a 2012 version was allowed to lapse. Critics, which included women's rights groups, described the proposed laws as unconstitutional and discriminatory against women. Recently, the Justice Department presented to the Justice Committee a time frame for the reintroduction of the Bill. The Department is working on a discussion document which should be ready by May. Their plan is to take it to cabinet for approval in June /July, consult with stakeholders in August/ October and bring the Bill to Parliament by Nov/Dec 2015 to kick off the parliamentary process in early January 2016. However, ANC MPs led by the Justice Committee Chair were not happy that it will take the department until Nov/Dec 2015 to table something before Parliament. They want DoJ to work on this matter faster. Chairperson Motshekga mentioned that rural people had no problem with the Bill but it is city people who are against the Bill.

The Minister of Social Development intends to introduce two Bills – the Children's Amendment Bill, 2015 and the Children's Second Amendment Bill – in Parliament shortly. The explanatory summary for both bills have been published (see [here](#) and [here](#)) for public comment.

The Deputy Minister of Justice and Correctional Services announced that the [Prevention and Combating of Trafficking in Persons Act \(No 7 of 2013\)](#) will be implemented "towards the end of July 2015". The Act deals comprehensively with human trafficking in all its various forms and provides for the protection of and assistance to victims of trafficking. Persons engaged with trafficking will be liable on conviction to a severe fine and/or imprisonment, including imprisonment for life.

The Firearms Control Amendment Bill is expected to be introduced in Parliament by mid-June. A draft [version](#) was published for comment. Amongst other things, the Bill seeks to improve licensing, accountability and the Central Firearm Registry.

Comment is sought on the [Draft Insurance Bill](#). The proposed law aims to provide a legal framework for the supervision of the insurance business in the country and to amend certain parts of the Long-term Insurance Act, 1998, and Short-term Insurance Act, 1998.

A review of the [Preferential Public Procurement Act](#) has been identified as a key measure to support the Black Industrialists Development Programme. The programme, which is backed by the Department of Trade and Industry, will receive R1 billion funding and is intended to create black industrialists.

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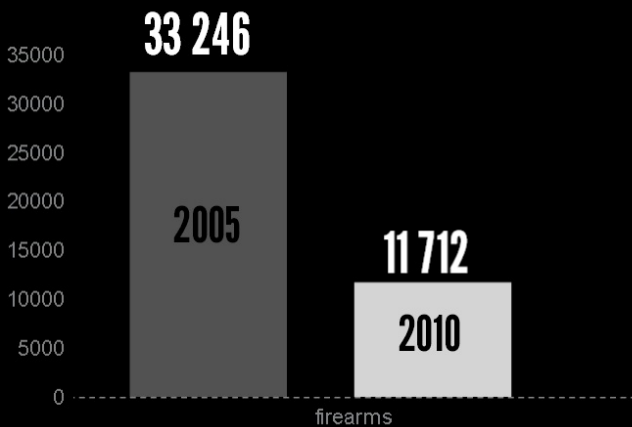


Gun control in South Africa

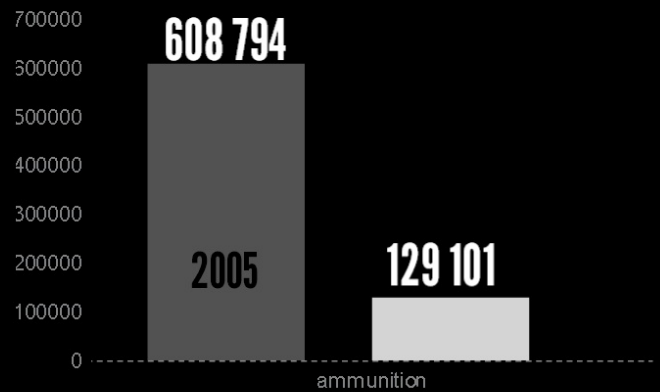
The South African Police Service reports...

In efforts to reduce illicit firearms and ammunition, AMNESTY was declared by the Minister of Safety and Security in 2005, and again in 2010 by the Minister of Police.

Firearms Declarations



Ammunition Declarations



Active Legal Firearms:



1 749 034
Registered individual owners of firearms

3 081 173
Registered firearms for individual owners

1.76
Almost two guns per individual

**South africa is ranked 17th out of 178 countries according to the number of privately owned guns - 2007 Small Arms Survey, Cambridge University

HOWEVER,

Gun Free South Africa estimates the number of **ILLICIT** firearms to be as high as **FOUR MILLION**.

