



PARLIAMENTARY  
MONITORING GROUP

## MONITOR

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

Did you know?	Our lead story
<p>Government has initiated the “<i>Tell your Story</i>” campaign, which forms part of the overall 20 Years of Freedom campaign. Through the “<i>Tell your Story</i>” campaign all South Africans, young and old, are provided with an opportunity to reflect on what it was like to live in apartheid South Africa, to consider the changes that have taken place, the challenges that remain, and a way forward for the country. Visit <a href="http://www.gov.za">www.gov.za</a> for more information.</p> <p><a href="#">STEP UP 2 A START-UP is a nationwide programme to teach high-school learners in grade 10, 11 and 12 how to become successful entrepreneurs. Launched in July, this initiative is part of the NYDA’s Entrepreneurship Development Programme.</a></p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>A campaign to promote medical male circumcision, which is one way to reduce the risk of HIV infection, has been stepped up in the Western Cape, with the launch of two mobile surgical theatres.</p> </div> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>The mobile surgical theatres, about the size of an average bread truck, will travel through the Winelands, Overberg and Eden areas in the Western Cape, stopping off at towns, villages and communities along the way.</p> </div>	<p>The Commission on Restitution of Land Right’s (CRLR) briefed the Portfolio Committee on Rural Development and Land Reform on the implementation of the Restitution of Land Rights Amendment Act. This Act allows those who had missed the previous cut-off date now to lodge land claims in the period between 1 July 2014 and 30 June 2019. As a control measure, the Act creates two new offences – which will apply, firstly, to anyone who prevents, obstructs or unduly influences a claimant or another person from pursuing a land claim, and secondly, to anyone who lodges a claim with the intention of defrauding the state.</p> <p>The revised Act provides that claims lodged before the 1998 cut-off date will be prioritised. It also sets up a National Land Restitution Register. New claims are to be lodged through an electronic system in 14 lodgement sites and in mobile lodgement offices. Information provided by a claimant will be captured, and supporting documentation will be immediately scanned and filed in the system. A print-out of the completed electronic form will be signed by the claimant and filed in a hard copy file, and a text message will be sent to the claimant acknowledging receipt of the claim. An automated acknowledgement of receipt of the claim will be generated by the system, with a unique reference number. The lodgement system automatically creates the National Land Restitution Register required by the Act, and generates reports.</p> <p>The 14 operational lodgement sites are located in Pretoria, Nelspruit, Witbank, Polokwane, Bloemfontein, Kimberley, East London, Queenstown, Cape Town, George, Pietermaritzburg, Vryheid, Mmabatho, and Vryburg. The CRLR intends to increase the number of lodgement sites, to 23 by 2015, and to 52 by 2019. Four mobile lodgement offices have been acquired and these will be deployed to all parts of the country, especially rural areas, and will also be supported by mobile communication units. The existing experienced staff are currently supporting the lodgement process and will train about 116 new staff across the 14 offices.</p> <p>The outstanding claims are to be settled simultaneously with the new claims, but the old claims will be prioritised for payment. As of end March 2014, 8 471 land claims were still outstanding. So far, under the new Act, 9 343 claims have been lodged, mostly in Western Cape and Gauteng, although Free State and Limpopo are experiencing daily increases in volume. The lodgement system is coping with the high volumes. About 3.5% of the claims lodged so far have been incomplete, with not all the information required. The CRLR has become aware of many schemes designed to defraud claimants, which have been reported to the police. MPs are keeping a close watch on the process. They have already questioned the quality of research done by the CRLR to determine the authenticity of land claims, and have questioned the difference between information given to the previous Parliamentary committee, and the current committee. They are not convinced that concurrent settlement of claims lodged before the cut-off date of 1998, and those lodged from 2014 onwards, could work. The EFF representative on the Committee pointed out that land restitution was the first action of the democratic government in 1994, and the fact that the country was still dealing with land restitution twenty years later was seen as demonstrating a certain failing on the part of the ruling party. However, all MPs are fully supportive of the need for land restitution and reform in principle.</p>

## Education Matters

Parliament has recently been told that general access to **Early Childhood Development (ECD)** had been prioritised by the government some years back, and as a result a national Early Childhood Development Policy and Programme was developed to assist South African children, in recognition of the fact that without enough stimulation and learning in the early years, they tend to fall behind their counterparts who did have access to these opportunities. Since 2002, the number of children up to age 4 attending ECD programmes has risen, in addition to over 800 000 Grade R learners being registered in 2014. While the data shows growth, there are still significant gaps in the quality of services provided. Some institutions are well resourced, but other areas have limited or no access to such services. This uneven situation results in many children still not being 'school-ready' when entering grade R and this can cause difficulties in later years. The lack of a common curriculum, poor coordination, malnutrition and the number of unqualified or under-qualified teachers were identified as other challenges hampering the provision of universal access to education. According to the Department of Basic Education, the target is for all learners in Grade 1 to have access to a formal Grade R programme by 2019. Meanwhile, the Department of Social Development says there should be approval of a pre-Grade R year and an additional two years before introduction to Grade 1. Improvements to the programme have been included in the Annual Performance Plans of the Departments of Social Development and Basic Education.

The Department of Basic Education has outlined the policy for **Incremental Introduction of African Languages** in South African schools. This policy aims to have previously marginalised African languages implemented from Grade 1 level, as a third language. A pilot project was started in February in Grade 1, in 228 schools spread across all the provinces, except the Free State which was not ready for implementation at the time. Although the pilot phase will only be completed at the end of October this year, the Department plans to implement the policy at all schools as early as the start of the 2015 school year. Currently, there are 3 738 schools in South Africa that do not offer any African languages as a subject. However, the Department hopes to have all Foundation Phase teachers trained to teach an African language, and to have all schools offer at least one African language, so it will have to roll out teacher training and provide resources during this year, if it is to keep to the time scales.

**The National Student Financial Aid Scheme (NSFAS)** has disbursed more than R41,5 billion in loans and bursaries to 1,4 million students since inception. Even though funding has increased significantly over the years, it still falls short of meeting the demand, and transformation is needed. The institution-centric funding system, which was based on the full cost of study and a number of questions to determine financial need, had several shortcomings. Firstly, the NSFAS did not have a direct relationship with students until they had exited university or college, making it difficult to recover loans and replenish the pool of funds. Secondly, the system was outdated and it was found that many fraudulent affidavits on parents' income or false addresses were supplied by the applicants. Thirdly, inefficiencies in the system resulted in over, under and late claiming. A new **student-centred funding system** is currently being piloted in 11 universities and colleges. The new model employs an automated method of determining financial means, and the grant is planned for the full duration of the studies, as opposed to only one year, so students do not have to reapply each year, provided they pass. For students who pass all preliminary years, the loans may be converted to a full bursary in the final year. So far, under the new model, R1.2 billion in loans has been distributed, to 65 550 students, and is found to be more efficient. NSFAS is able to pick up if students are not spending on the right items (such as books and accommodation) and this will help it to address the problem at an earlier stage. The automated system also encourages students to apply for funding before they get to the university or college and thereby avoid inconveniences such as late registration, and duplications if they apply late. MPs said that it was more important to assess the real impact of the funding rather than concentrate on numbers alone, and asked NSFAS to have better tracking systems. They also stressed that it is important to link training to the job market so that students, after completing their studies, can be absorbed into the job market immediately after graduating, and be able to start reimbursing NSFAS and using their qualifications.

**The Portfolio Committee on Higher Education**, in the meantime, has been told by the Students Representative Councils and the university administration that the student protests at the Mangosuthu University of Technology and the University of Limpopo, which led to quite significant damage to property, were linked to unhappiness about the amount of funding made available, and difficulties in getting access to that funding from the university systems. The Committee agreed that a task team should be set up to consider the specific reasons for the protests at the universities, and formulate proposed solutions for political intervention. The Committee requested further report-backs from the NSFAS on its tracking systems, and asked that the problem of the discrepancy between the date on which funding could be approved and the date on which the universities finalised their registrations must be addressed, as well as the fact that some universities are apparently calling for deposits at registration although they know that students are funded.

The Department of Basic Education explained the **Integrated Quality Management System (IQMS)** to Parliament. This system prepares the environment for teacher development, monitors the overall effectiveness of institutions, evaluates the performance and accountability of educators, and identifies any specific needs for their support and development. Positive spin-offs are that schools are progressively implementing recommendations from the moderators' reports and there is an increase in the confidence of principals in the implementation of the IQMS.

Social Development	Electricity
<p>The Department of Social Development (DSD) noted to Parliament that its services are delivered to an environment marked by high levels of poverty, unemployment and inequality. The DSD works with other institutions within and outside government in the execution of its mandate, with a particularly important interface with the Departments of Basic Education, Labour, Justice and Constitutional Development, Health and Rural Development and Land Reform. Areas of collaboration include important projects on issues affecting children, HIV &amp; AIDS, older persons, victim empowerment, youth and social security. Given the collaborative and interdependent nature of some of the Department's work, it is able to meet some targets only if other departments deliver fully on their commitments.</p> <p>The DSD has a target to develop a business case for an Inspectorate for Social Security, and this framework has been completed and submitted to the Minister for consideration. DSD managed to exceed its targets for auditing Early Childhood Development Centres, and also was able to register 400 adoptions - 369 nationally and 31 inter-country. Eight of the nine provinces were monitored in respect of foster care. The one major area where the DSD underperformed was on youth – as although it targeted reaching 500 000 youth through social and behaviour change programmes, it only managed to reach 56 141 youths. MPs were particularly concerned because DSD was now in charge of child programmes particularly if there is not sufficient budget moved over with those programmes. [Note: Since the 2014 elections, the President had moved Children and People with Disabilities away from the Department of Women to DSD]</p> <p>Overall, the DSD was able to achieve 69% of its targets, with 22% still in progress. The DSD had spent 98.8% of its total allocation. Over R100 billion was allocated to social grants, which included the Old Age Grant, War Veterans Grant, Disability Grant, Foster Care Grant, Care Dependency Grant, Child Support Grant, Grant-in-Aid and the Social Relief Grant.</p> <p>Challenges experienced by the DSD include insufficient budget allocations to cover the wide scope of responsibilities, the increasing demand for services seen against declining resources, and the shortage of social workers, which resulted in the inability of the DSD to provide services as required by specific legislation.</p> <p>MPs pointed out that DSD had told Parliament that it was offering bursaries to social workers and attempting to increase the numbers trained. They questioned why it had been reported that although social workers had been trained, they were not able to find jobs. DSD explained that money is allocated to each province to hire and pay for social workers and to boost the provincial social services. However, because this money is not specifically ring-fenced, it is not always spent on social worker services as it should be.</p>	<p>A joint meeting took place between the Portfolio Committee on Energy and the Portfolio Committee on Public Enterprises, attended by the Ministers of Public Enterprises and Energy. Eskom was invited to brief the Committees on the current state of the national grid, challenges of supply and its short and long term mitigation plans.</p> <p>Eskom reported it supplies approximately 95% of the country's electricity needs, through an energy mix of coal fired stations, gas/liquid fuel turbines, hydroelectric stations, pumped storage, nuclear stations and wind energy sources. 60% of its stations are older than the recommended design life of 30 years, which creates challenges that put additional pressure on the grid. Current operating reserves are not adequate to meet peak demands, and the power system is already operating at maximum to allow for maintenance, with an increased possibility of load-shedding.</p> <p>There has been progress over the last three years in using Independent Power Producers, although there are also challenges around timelines, location, integration with existing plans and funding. Exports have declined, but imports have improved, and work is ongoing to create new regional capacity. Gas is being explored as possibly the best option to replace end-of-life stations, primarily from Maputo in the short term, and shale gas in the longer term.</p> <p>In addition to exploring new funding solutions, Eskom is looking to improve its internal business productivity. Many municipalities owe significant amounts to Eskom, and themselves face a number of problems, although the Department of Public Enterprises is working with National Treasury and the Department of Cooperative Governance to find solutions.</p> <p>In a separate meeting, the South African Local Government Association (SALGA) reported that electricity reticulation (transmission) remains a competency of local government, in terms of the Constitution. Municipalities have a duty to provide basic services to all households, under the Municipal Systems Act. Municipalities have been able to electrify over 12.1 million households, but there are still backlogs: 3.3 million households still need to be electrified.</p> <p>Some of the key challenges from a municipal perspective are unclear roles and responsibilities between Eskom and municipalities, lack of integrated planning between Eskom and municipalities, inadequate backbone infrastructure, the state of municipal finances that results in them imposing higher electricity tariffs, Division of Revenue Act funding allocations, shortage of skilled staff and inadequate National Electrification funding policy. In response to these challenges, SALGA had initiated a "Business-Adopt-a-Municipality" programme. SALGA was looking at Metros and secondary cities to partner with and support smaller municipalities. Efforts are also being made to combat cable theft.</p>

Chapter 9 Institutions	Human Settlements	Immigration
<p>The Commission for Gender Equality, the South African Human Rights Commission, the Public Protector and the Public Service Commission – four of the Chapter 9 institutions supporting democracy – have recently been asked to brief MPs on the possible overlap of their mandates. All bodies are part of the Forum for Institutions Supporting Democracy (FISD) and have concluded Memorandums of Understanding with each other to try to coordinate, but not duplicate, their efforts. All have a case referral system in place to channel any complaints that they cannot handle to the appropriate authority. However, this system is not perfect, particularly given the tendency by the public to “forum-shop” by lodging one complaint with several institutions. The FISD aims to solve this by creating a single entry point for complaints, which can then be fed through to the relevant institution. However, the Public Protector suggested that it would be impossible to eliminate overlaps without amending the Constitution, and even this may not eliminate all, but she believed that it was far more important to address duplication of effort and time, whilst recognising that some overlaps could occur.</p> <p>The Chapter 9 bodies have been asked for comment on the report prepared by Kader Asmal after an ad hoc committee considered their position some years ago. This report suggested the merger of the various institutions under one umbrella organisation. Two arguments emerged – one pointing to the indivisibility of human rights, and the general trend towards having a single human rights institution, that saved costs. The counter-argument was that a merger may not be good for the specialisation that has grown within the various institutions, and which offers perhaps better solutions where certain rights require more attention in a specific context.</p> <p>The institutions and MPs remain concerned about the continuing low level of responsiveness of state institutions to requests for information from these bodies, and speedy implementation of their recommendations.</p>	<p>The Minister of Human Settlements recently unveiled her Department’s programme for the next 100 days.</p> <p>The President has created an Inter-Ministerial Committee on the revitalisation of mining towns. The Department of Human Settlements (DHS) will soon be meeting with the Chamber of Mines, the banking sector and the relevant provinces with prioritised mining towns, to put together a plan to best tackle the challenges.</p> <p>The DHS will also now embark on mega projects, in collaboration with provincial and local government. Local government will ultimately “inherit” the projects, after completion, so municipalities must bear the responsibility for the allocation of units, the provision of infrastructure and the ongoing maintenance of the projects.</p> <p>In recognition of the past difficulties around credible waiting lists for housing, the DHS now intends to sign a Service Level Agreement with the State Information Technology Agency, and the new Housing Database will be up and running soon.</p> <p>The DHS also plans to resolve the thorny contestation between the local and provincial sphere on accreditation of municipalities to deliver national housing programmes. The aim is to reach a common understanding on how to proceed.</p> <p>The Department also plans to restructure its entities. The Housing Development Agency is to become a fully-fledged development agency, whose job will not only be to acquire and prepare land, but also to be developer and project manager, and to offer support, in particular, to municipalities.</p> <p>The DHS will be establishing a Women and Youth in Construction Support Programme, headed by a Deputy Director-General, to ensure support to these groups to participate fully in the anticipated construction boom.</p> <p>DHS will prioritise issuing of title deeds for housing delivered prior to 1994, as without the title deeds, the owners are unable to revitalise old and decaying townships. The Estate Agency Affairs Board has been asked to deal with this and report by end September 2014.</p>	<p>The Department of Home Affairs (DHA) explained the key changes brought about by the immigration legislation and regulations that had come into operation on 26 May 2014.</p> <p>DHA reported that while it was committed to facilitating the entry and exit of legitimate travellers, in an efficient and humane way, it must be remembered that it also has a constitutional mandate to defend the country’s sovereignty, security and public safety. All immigration decisions have to be based on an assessment of risk. South Africa faces a range of risks and threats from transnational criminal syndicates, who smuggle or traffick people, drugs, protected species and laundered money. The old legislation was based on tick-box compliance and not on effective screening of applicants. Abuse of the Refugees Act was also rife, with over 90% of applicants seeking only economic opportunities.</p> <p>Often, those who overstayed or were ‘bogus asylum seekers’ sought to acquire legal status through marriages of convenience or fraudulent identity documents. Criminal syndicates worked with corrupt officials and other South Africans to facilitate such illegal transactions. There had serious consequences for South Africa and for foreign migrants, including risks to national security, social stability and pressure on social services. The undermining of immigration laws also prevents orderly migration. Migrants with fraudulent documents, or no documents, can also be more easily extorted or abused and forced into crime or be trafficked.</p> <p>The ANC supports the regulations and has urged early implementation, but the DA believes that the regulations need to be looked at again because they have unintended consequences, as presently worded.</p>

### Legislation under consideration....

The Basic Conditions of Employment Amendment Act is to come into force on 1 September. This Act, amongst others, strengthens the Minister's powers in respect of sectoral determinations of a minimum wage. Section 55(8) of the new Basic Conditions of Employment Act Amendment Act allows the Minister to publish a sectoral determination for employees who were not previously covered by other sectoral determinations.

The Portfolio Committee on Justice and Correctional Services held public hearings on the **Legal Aid Bill** and the **Attorneys Amendment Bill**. Most of the submissions made on this Bill focused on the need to ensure that more comprehensive legal aid is provided, particularly advice and representation on civil matters to vulnerable people.

The Minister of Trade and Industry revealed that a revised draft **Licensing of Businesses Bill** will be gazetted for 'final comments' during the 2014/15 financial year. Once in force, the proposed new legislation will provide national norms and standards on the registration of businesses by municipalities, as well as a framework to guide them in regulating the nature and type of businesses licensed to operate in that municipality.

The **Private Member's Defence Amendment Bill** was presented by DA parliamentarian, David Maynier, to the Portfolio Committee on Defence and Military Veterans. This Bill was originally introduced in August 2013, but was deferred to the Fifth Parliament. The Bill seeks to ensure that armaments acquisition will be subject to enhanced scrutiny and oversight by Parliament. The Committee rejected the Bill and argued that it was unnecessary as other legislation seemed to cover the same points. MPs said that Parliament should be wary of over-legislating and were not convinced that this Bill would not compromise national security, and that attempts to "micro-manage" the Department of Defence were unwise and outside Parliament's functions.

The Standing Committee on Finance is considering the **Development Bank of Southern Africa Amendment Bill**. Making submissions to the Committee, the South African Local Government Association asked that it be given representation on the board, to ensure that the needs of municipalities are addressed. The Committee wondered if making an amendment to cater for one particular interest group was a wise precedent to set, and has asked that National Treasury and SALGA meet to discuss this further.

The **Rental Housing Amendment Bill** has been revived by means of a motion tabled in the National Assembly. This Bill was passed by the Fourth Parliament's National Assembly, but the National Council of Provinces then proposed several amendments that could not be considered in time before the elections, and so the Bill lapsed automatically. The revived Bill has now been referred to the new Portfolio Committee on Human Settlements for it to consider the amendments proposed by the NCOP prior to the May general elections. The Bill seeks to **clearly demarcate the rights and obligations of tenants and landlords** and ensure full understanding by all parties to lease agreements and to insist on a written lease. The Minister must also consult the relevant parliamentary committee and each provincial MEC responsible for housing before making regulations.

Public hearings have been held by the Standing Committee on Finance on the **Draft Taxation Laws Amendment Bill**, the **Draft Tax Administration Laws Amendment Bill** and the **Draft Rates and Monetary Amounts and Amendment of Revenue Laws**.

The Department of Public Enterprises has been urged by the Portfolio Committee to speed up the processing of the **Government Shareholder Management Bill**. This Bill will enhance the functioning of the Department of Public Enterprises (DPE) by enabling it to make strategic interventions in State-Owned Companies (SOCs). The Bill was developed several years ago, but other legislation took precedence, particularly since rationalisation of the State Owned Enterprises had been taking place. DPE noted that the bill would be tabled before the end of the financial year, but more clarity on policy was first needed, and the intentions in regard to the State Owned Companies must be clear, and the recommendations of the Presidential Review Commission fully understood.

The Deputy Minister of Justice and Correctional Services stated that amendments to the **Criminal Procedure Act** are being drawn, and that these amendments may give the prosecution the right to appeal on questions of fact.

SALGA informed Parliament that municipalities are not yet ready to implement the **Spatial Planning and Land Use Management Act**, because no regulations have yet been promulgated. SALGA believes that it would be hugely problematic if the Act was to be implemented without these regulations being in place.

# Violence against children



In 2009, 1018 children under the age of 18 were murdered in South Africa.



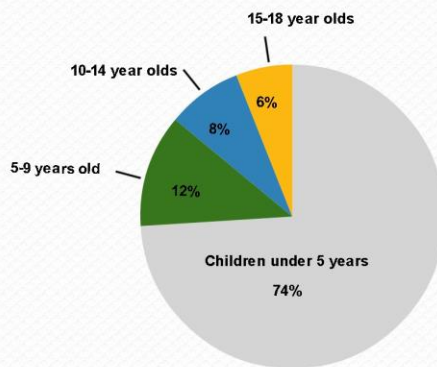
## GLOBAL RATES:

- Approx 1.5 children murdered per day
- Child homicide rate of 2.4 per 100 000 children

## SOUTH AFRICA:

- 3 children murdered per day in South Africa
- Child homicide rate of 5.5 per 100 000 children

## Fatal Child Abuse Statistics:



According to the South African Medical Research Council...

45% of all child homicides were abuse or neglect related



## Fatal Child Abuse by Age and Gender:

\*More girl deaths are linked to child abuse and neglect

\*Rape homicide is suspected in 10% of child homicide cases

\*40-50% of rapes reported to police are to children under 18 years



Section 28 of the Constitution says...

"Every child has the right... to be protected from maltreatment, neglect, abuse and degradation."