



MONITOR

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

DID YOU KNOW	OUR LEAD STORY
<p>The Department of Performance, Monitoring and Evaluation produced 23 research papers in 2012/13, and is busy with another 24 evaluations. Management performance assessments have been done in 156 national and provincial departments, and municipal performance assessments are being piloted also. 65% of the sites visited at least twice by DPME showed improvement in scores. Over 20% of departments will be conducting evaluations in 2013/14, and they are encouraged to “own” the concept and be very proactive. Priority is given to interventions of over R500 million in value, and key front-line services. The evaluations aim to improve accountability, policy or programme performance and evaluate spending.</p> <p>The report on Early Childhood Development is already available on the DPME website (www.thepresidency-dpme.gov.za). In April 2014, evaluations on the Departments of Trade and Industry, Basic Education and Rural Development will be uploaded. The National School Nutrition Programme will be evaluated in 2014/15.</p>	<p>The last committee to meet in the Fourth Parliament was an ad hoc Committee set up by the Speaker to consider the response of the President to the Public Protector’s report into the Nkandla security upgrades, chaired by National Assembly House Chairperson Cedric Frolick. Although the Committee was announced on 2 April, and the opposition parties nominated their representatives the following day, the ANC took a further eight days to nominate its representatives, defending this decision as the Parliamentary Rules allows ten days for nominations. The Committee met for the first time on 24 April.</p> <p>Most of the deliberations in this Committee were concerned with technicalities. On 24 April, almost an hour was devoted to clarifying what the Speaker meant by “consider the response of the President to the Public Protector’s report” and what documents needed to be considered. Given the volume of documentation, opposition parties suggested immediately that an extension of time for the Committee to complete its work was needed. The ANC cited the volume of documentation as a reason why the Committee could not begin its work immediately, and said that a further three days were needed to study the documents, in order to set the agenda and decide on time frames. The Chairperson was requested to clarify the terms of reference for the Committee, and consider a request that the position on the committee not filled by COPE could be filled by a member from the ACDP.</p> <p>The next meeting on 28 April again started with procedural issues. The Chairperson, in view of a previous ruling by the Speaker, decided that he would not permit the ACDP representative to be a full member of the Committee with a vote, although he could participate. The opposition parties recommended again that an extension of time be sought, and wanted to sit consistently to get through at least some of the work, although it was accepted that perhaps it would not be possible to interview all parties. The ANC countered that there was no point in starting work that could not be completed. When pressed, it eventually came up with a motion that the Fifth Parliament be requested “to complete the work”. Opposition parties then made a substantially different proposal, that, to the extent that the ad hoc Committee may not be able to fulfil all tasks, the outstanding matters should be referred to an ad hoc Committee in the Fifth Parliament, with specific recommendations that this should investigate any outstanding matters, and whether the President deliberately misled Parliament, had violated the Constitution, had benefited improperly from the work at his residence, look into any remedial steps taken and whether the President should be removed from office in terms of section 89 of the Constitution. That proposal was defeated by the ANC using its majority vote, which resulted effectively in the Committee closing without considering the response or the Public Protector’s report at all.</p> <p>A recent (unconfirmed) media report has meanwhile appeared, that the Speaker was called to task for calling the ad hoc Committee at all (which he was entitled to do in terms of the Rules). We await news of what the Fifth Parliament will do.</p>

RECENT BRIEFINGS AND COMMITTEE NOTES for further attention by THE FIFTH PARLIAMENT

The Department of Arts and Culture (DAC) reported that the **Charter for African Cultural Renaissance** is linked to four local strategies - the Mzansi Golden Economy Strategy, the Social Cohesion Strategy, the National Development Plan and the Industrial Growth Plan. The Charter covers economic, social, political and cultural obligations and will be aligned to existing policies, programmes and strategies of the DAC, with any gaps to be covered by the Department's White Paper for Arts and Culture, which is currently being reviewed and will be incorporated into a new Cultural Policy for this Department. Most of Charter's provisions are already covered by existing policies, strategies and programmes in government, and the National Development Plan. An inter-departmental committee will be set up to monitor its implementation. The Department of Trade and Industry will continue to deal with intellectual property rights and copyright for cultural issues. Illicit trafficking in African cultural goods remains a problem, although the Hague Convention requires repatriation of artefacts, and the new inter-departmental committee will also focus on this aspect.

The Portfolio Committee on Arts and Culture had occasion during the Fourth Parliament to investigate poor administration at PanSALB (whose board was dissolved on its recommendation), the Heritage Resources Agency and Robben Island Museum. At the time of its last meeting it had again addressed the Minister on the need to appoint a new board for PanSALB with urgency.

This Committee commented that overall funding to the arts sector needs to improve and that the Department of Public Works must address the poor infrastructure posing a risk to the business continuity of several institutions. It wants the Fifth Parliament to look into a better framework for management of legacy projects, and a framework for the Moral Regeneration Movement. It also has recommended that the SABC needs to address its music policy and coverage of local artists. Pointing out that it had not managed to undertake any study tours during the Fourth Parliament, this Committee felt that tours would be essential for the Fifth Parliament, to enable artistic service delivery in South Africa to be bench-marked against other institutions.

The Department of International Relations and Cooperation presented the White Paper on South Africa's Foreign Policy. It emphasises the quest for unity, the economic, political and social renewal of Africa. The principles of *ubuntu* are stressed, to reflect that South Africa does not have a narrow view on foreign policy. The White Paper focuses on South Africa's leadership in the international community, and on development of South Africa's economic diplomacy and leadership. This will include providing guidance to government and business on economic development and markets, seeking broader market access for South African products and enhancing their competitiveness, as well as supporting development of larger markets in Africa that will attract investments and tourism, removing trade barriers and pursuing fair international trade regimes. The South Africa Development Partnership Agency will be a way to engage internationally on aid effectiveness, and to promote more effective development cooperation. It is recognised that challenges to foreign policy include increased competition among states, gaps between emerging powers and the rest of the world, divergences in the world agenda and shifts in the global economics. **MPs wanted more emphasis** to be placed on international trade, particularly for the agricultural sector, and said that some events in the country were not conducive to investment and foreign trade, including various export bans.

The Portfolio Committee on Correctional Services, when considering a recent report by the Judicial Inspectorate of Correctional Services (JISC), said it would like to see a more transparent process followed for the appointment of the Inspecting Judge, and suggested that the Fifth Parliament would need to explore exactly how this should be done. However, the point was made in the Portfolio Committee on Justice and Constitutional Development (when considering recent legislation) that all judicial appointments, whether of retired or active judges, are done by the President, and questions have been raised whether Parliament should play a role in this process. Some parties would like to see the Judicial Inspectorate become more independent, similar to a Chapter 9 institution, as it has been seen as problematic that whilst it is supposed to be independent of the executive authority, it still has to rely on the Department of Correctional Services for its budget. (Similar concerns have also been expressed in relation to the Defence and Police Secretariats).

The **Department of Higher Education and Training** took over responsibility for the Sector Education and Training Authorities (SETAs) in 2009, and has been trying to get them to improve their financial management and output. A Ministerial Task Team has finally come up with a report:

www.pmg.org.za/policy-documents/2013/08/16/ministerial-task-team-report-seta-performance

and the Human Resource Development Council has established a Technical Task team to review the entire skills system among SETAs. The Minister said that reports should be presented to the Fifth Parliament. It is felt that there are too many SETAs, although no decision has been taken on which should be closed, and it is suggested that shared services could be offered, so that matters such as research can be more centralised. The current SETA licences are due to expire in 2016.

The Portfolio Committee on Home Affairs wanted to schedule a meeting in March to hear concerns from the Democratic Alliance on the regulations to the immigration legislation, but there was not sufficient time, and this may be taken up in the Fifth Parliament.

The Property Management Trading Entity (PMTE) was formerly a separate trading entity but, after deteriorating every year, is now to be developed into a government component in the Department of Public Works (DPW), to try to give it more stability. DPW itself is not without problems, but it has ascribed the challenges facing the PMTE to the fact that it had inherited a poorly maintained lease portfolio, with properties misused, not maintained, or left vacant. Many buildings on which PMTE was paying leases were not being used by government departments, and in others, leases had expired and were not renewed, or charges were excessive, or lock-outs resulted from breach of health and safety regulations. National Treasury has now capped lease escalations at 5.5%. The Special Investigating Unit is busy pursuing court cases where fraud has been discovered. The National Youth Service will be assisting in some provinces with maintenance projects. The PMTE will have a new operating framework and governance, will have to develop new models for its funding model, an asset investment strategy and transfer of skills.

The Portfolio Committee on Public Administration has asked the Government Employees Pension Fund and the Government Pensions Administration Authority to present a three-year report on how they had paid out pensions and the challenges they had met and how they had addressed these challenges over this period, in view of concerns about delays in paying out pensions to retired public servants.

The Rules Committee has been busy with a revision of the Parliament rules. Specific focus areas have been rules on motions of no confidence, declaration of interests, public participation and the voting system.

South African Airways (SAA) has reported on its Long Term Turnaround Strategy, which seeks to give it financial stability, improve customer service and operations to support South Africa's national developmental agenda. In the long term, the strategy looks at the group structure and business units, whilst also considering the network, alliance and fleet in the short term. It is looking at savings, including closure of or adjustment to some routes. The cancellation of the Durban – Cape Town route is being reconsidered. Most of its financial challenges arise out of the cost of fuel and exchange rates but it was also pointed out that when SAA split from Transnet, it was not properly capitalised and it still needs to pay off capital loans that carry heavy interest. Although it is still making a loss, its financial position has improved. SAA emphasised that it has one of the best safety units in the world and has been voted Africa's best airline for 11 years.

SA Express reported that it had experienced a turbulent operating environment over the last few years, but maintains that it will be able to operate independently when the government guarantee ends in February 2015. It faces similar external challenges to other airlines, such as fuel and tariff costs, the need to use more fuel-efficient aircraft, and the exchange rate. In 2012, it reported a R313 million loss, and an audit disclaimer, but in 2013 it had improved to a profit of R650 000, and had achieved savings of R129 million through stringent cost controls. It is hoping to get credit for funding maintenance, and says careful management of the fleet is needed for new routes, with a view to sustainability and turnover.

eBook on 20 years of SA's democratic parliament



In *Working Democracy – Perspectives on South Africa's Parliament at 20 years*, political columnist Christi van der Westhuizen takes an analytical look at a vital institution. Were the makers of the Constitution, who were also the first parliamentarians of democratic South Africa, too ambitious? Does the Democratic Alliance have a problem with race? The drawbacks of an overbearing executive are clear, but are there benefits? Was the post-Polokwane parliament merely an example of a Prague Spring? Crucial moments in the first two decades of South Africa's democratic parliament are examined, particularly the arms deal, AIDS denialism, the dismissal of Vusi Pikoli, the destruction of the Scorpions, the adoption of the Protection of State Information Bill and the tabling of the Traditional Courts Bill.

Download at : www.pmg.org.za/files/working-democracy-final.pdf

SELECTED LEGACY REPORTS RECOMMENDATIONS BY FOURTH PARLIAMENT

Parliamentary Committees have compiled Legacy Reports that summarise the work they have done over the last four years, and make recommendations on what matters will need to be pursued in the Fifth Parliament. Some of the recommendations from reports tabled so far, are summarised here:

The Portfolio Committee on Agriculture, Forestry and Fisheries asked the Fifth Parliament to review the Public Protector's Report into the fisheries unit, to hear more detail about the settlement offered to the former accounting officer, to follow up on disease outbreaks and export bans. It suggested that the Fifth Parliament should develop a long term (20 year) integrated sector plan. It called upon the Department to review and re-evaluate its policies and draw proper implementation plans, including strategic plans for Smallholder Producers, agro-processing, spatial development, Strategic Infrastructure Project 11, and a strategy on urban and peri-urban agriculture and inland fisheries. It must develop a single policy to replace the fragmented support to developing farmers, including training and extension support and mechanisation, and ensure that departments cooperate on food security and on forestry and water licence challenges. It suggest that the Fifth Parliament should get briefings on genetically modified organisms, game farming, and do oversight also over Land Bank.

The Portfolio Committee on Basic Education asked that national and provincial departments must continue to focus on teacher development, inclusive education and Early Childhood Development, all of which can improve learning outcomes. Positive aspects of programmes that have proven successful in improving language literacy should be taken further. Provincial departments were asked to submit a report, within three months, on incentives to attract educators to deep rural areas, and engage on rural teachers' remuneration and working conditions. Recommendations from the 2013 Budget Review and Recommendation Report relating to teacher supply and demand, payment of Funza Lushaka bursaries on time, accelerated school infrastructure delivery and special school and e-education initiatives were repeated. This Committee suggested that additional funding was needed for incremental introduction of African languages, increased library access, inclusive education and ECD practitioner training material.

The Portfolio Committee on Water and Environmental Affairs took several innovative steps in the Fourth Parliament, including holding a video-conference with the UK Parliament on climate change legislation, and joint hearings. Similar to the Portfolio Committee on Energy, it stresses the need for far more integrated approaches to planning and monitoring of progress, and says that departments should concentrate on assessing the actual impact of their work. This Committee was the first to set aside time, during the committee meetings, to hear

The Portfolio Committee on Labour suggests that the incoming committee should look into vulnerable industries such as taxi drivers, waitrons, petrol attendants, franchise industry, freight service workers and community care givers. It wants the new Parliament to follow up on implementation of the Convention on Domestic Workers, the Maritime Labour Convention and Work in the Fishing Sector Convention. The Compensation Fund must report back on its audit challenges and turnaround. The Unemployment Insurance Fund Amendment Bill will need to be re-introduced into the Fifth Parliament, after a briefing on social security reforms. The Department of Labour should brief the new Parliament on its plans for labour inspectors, and for involvement of military veterans in the Supported Employment Enterprises.

The Portfolio Committee on Public Service and Administration Legacy Report called on the Presidential Remuneration Review Commission to investigate the salaries and conditions of public servants, prioritising teachers and nurses. Improvement in employment of disabled people and senior female managers is needed. A proper study on Productivity Management is requested, and the new School of Governance must make a number of reports and ensure proper tracking of those participating in the Breaking Barriers to Entry project. The Public Service Commission has been asked to finalise its perspective on the concept and features of the developmental state.

The Portfolio Committee on Trade and Industry, repeated previous requests that the Minister must ensure that adequate budget is given to the Broad-Based Black Economic Empowerment Commission, the Cooperatives Development Agency, the Co-operatives Tribunal, the National Trust Fund on Indigenous Knowledge and the National Council on Indigenous Language, to ensure that they can fulfil their mandate and broaden black participation in the economy. It highlighted the need for the recapitalisation of the Export Credit and Insurance Corporation and the National Empowerment Fund, as well as increased allocations to the National Consumer Commission (NCC) and the National Credit Regulator (NCR), and for regulation of horse racing and gambling industries.

The Select Committee on Social Services recommended the incoming Committee address progress towards realising the implementation of the National Health Insurance; anti-fraud campaigns within SASSA; food programme implementation through the Department of Social Development; status of ports of entry; implementation of programmes re-engineering the health care system; implementation of

about and call for responses from its reporting departments on constituency issues. It suggests that Parliament should select “themes” to ensure more cooperative work, and ensure better performance in its representative, lawmaking and oversight functions.

The Portfolio Committee on Home Affairs

suggests the possible consideration of a procedure used in Russia, where temporary accommodation centres are used for asylum seekers, preventing undocumented foreigners from entering the country, and allowing them to apply for refugee status whilst outside the country or at ports of entry. This would entail amendments to the current legislation. This Committee expressed concern that the continued closure of Refugee Reception Offices in urban centres, despite not having opened new centres at the borders, might be in contravention of the UN and AU conventions. The SADC Protocol on Facilitation of Movement of Persons’ implementation was also long overdue.

The Standing Committee on Public Accounts

wants to see greater emphasis on the role of audit committees in accountability. It called upon Ministers and Deputy Ministers to attend hearings involving their departments and ensure implementation of its resolutions. More assistance, support and capacity-building is needed for municipal and provincial public accounts committees. Key recommendations for future Parliaments include the monitoring of action against officials who do not comply with the Public Finance Management Act, tracking of compliance with SCOPA recommendations, and continuing focus on unauthorised, irregular, fruitless and wasteful expenditure. Added to this, the Committee recognised that it needed to increase its capacity to maintain complete records of issues handled and track compliance with its recommendations.

The Portfolio Committee on Sports and Recreation

wants the Fifth Parliament to focus on monitoring and oversight of implementation of the National Sport and Recreation Plan and the alignment of sporting programmes with the national plan. The incoming Committee should continue to lobby for more funding for sport development, intensify transformation efforts and strengthen coordination with the Portfolio Committee of Basic Education on school sport and Physical Education.

The Select Committee on Security and Constitutional Development

was yet another that wanted joint briefings with portfolio committees on processing bills, preparing for annual report and budget oversight. The incoming committee should working building closer relationships with Chapter 9 institutions, to ensure their involvement in oversight over departments reporting to this committee.

social development programmes geared towards poverty alleviation and engaging with civil society, role-players and others in developing social services.

The Portfolio Committee on Energy has been very active and innovative in encouraging its own and other key departments to fulfil National Development Plan imperatives. It has commented that more attention must be paid to budget accountability and oversight, and ratification of international agreements. It pointed out that sufficient funding was needed for the Department of Energy to deliver on all areas of the mandate, and pointed to the dangers of ageing equipment and the need for new energy infrastructure to ensure economic growth, as well as new skills. It recommended investigations into the possibility of restructuring the distribution sector, pointed to slow transformation in the liquid fuels sector, and recommended strict oversight over data collection and management by the Department and faster roll-out of the critical Integrated Energy Centres.

The Portfolio Committee on Women, Children and People with Disabilities

was not able to hold public hearings on the country reports to be tabled at the UN, but the relevant government departments were asked to respond to issues raised. Domestic violence, and violence against LGBTI persons remain of huge concern. This Committee said that further investigations are needed into the costs of promoting sign language as an official language. Funding challenges faced by NGOs rendering child protection services still have to be raised with the Fifth Parliament. This Committee expressed concern that although it attended initial briefings on the trafficking legislation it was not involved in debating that Bill, and it suggested that more conferral was required. It recommends that the Fifth Parliament must engage on the Muslim Marriages Bill, the existing framework around sex workers. Oversight over the National Council for Gender Based Violence, tracking of previous recommendations around special needs education, teenage pregnancy, drug abuse and the need for more state treatment facilities, and actual use of the Child Support Grant are needed.

The Select Committee on Women, Children and People with Disabilities

agrees with the need to strengthen relationships with other committees, supports more regular reporting by the departments, and suggests a pilot project in a selected municipality to combat domestic violence, with more focused training for officers. It would like to see the establishment of a national entity under the Department of WCPD, to protect the rights of those with disabilities.

AFRICAN PEER REVIEW MECHANISM FINDINGS

The Third African Peer Review Mechanism (APRM) report, covering the period from 2010 to January 2013, has repeated many of the same issues highlighted in past reports. It was reported that marginalised groups still have difficulties accessing justice, and in general, marginalisation, lack of awareness and poor access to information impair human rights development. Racism and sexism add to the problem, preventing enjoyment of rights and mirroring social inequalities. Corruption was cited as a major problem undermining national integrity.

South Africa dropped in its rating on the Open Budget Index, which measures budget transparency and accountability, both of which are important to drive management of public expenditure. South Africa does not have sufficient capacity and skills when it comes to actual management and monitoring of public expenditure. On the policy side, it was said that there is inadequate public consultation, education and feedback in policy making.

Although civil society has sought more opportunity to contribute to and participate in delivery and monitoring of public services, its own weaknesses, under-development and lack of governance hinders it from contributing more to the national development imperatives. Other key institutions and certain social groups were underdeveloped and needed to become more effective.

Suggestions were made for review of the companies legislation and better shareholder information and activism, to boost economic development. On the social side, unemployment was still listed as the major challenge and it was suggested that far more effective land use, which could help to combat poverty and promote sustainability, was needed. In respect of health, integrated and holistic approaches will be needed to combat TB, malaria and other communicable diseases, with better resource allocations and joint approaches for TB and HIV and Aids. Better strategies are needed to ensure children's nutrition, health and development. Overall, it was stressed that without universal access to basic rights and services, citizens cannot participate in and benefit from socio-economic development. Finally, the report emphasised the problem of xenophobia, a main focus area for 2013.

Responding to the report, the Department of International Relations and Cooperation noted that public participation and access to information would need to be improved, through more outreach programmes and Green and White Papers.

In order to counter xenophobia and racism, and promote better democracy and political governance, it was noted that government is already working with universities, research councils and research NGOs, has strengthened law enforcement and supported community building initiatives – such as the South African Human Rights Commission's campaign "Rolling Back Xenophobia". 49 community dialogues, aimed at encouraging nation building and social cohesion, have been hosted by the Department of Arts and Culture. Mechanisms used in South Africa to combat racism included the Equality Court, policy documents and the Social Cohesion programme. It is recognised that xenophobia and migration patterns were often linked.

Government's attempts to create jobs were summarised, including the New Growth Path in 2010, and the Presidential Job Summit of 2011, and the role of public private partnerships is being stressed. It was reported that the Companies Act aimed to pursue transformation and enhance monitoring of compliance and contraventions of financial reporting standards. Institutions such as the Public Protector, Auditor-General and other Chapter 9 institutions were recognised as vital. Other programmes cited included the investigations into State-Owned entities, the attempts to increase the number of women in executive positions, attempts to increase the pace of land reform, the land acquisition and redistribution programmes, and agricultural initiatives. The health initiatives were also described.

It was specifically reported, in answer to questions from MPs on environmental concerns, that rhino poaching would form the focus of Tanzania's next report. MPs were worried that the format of the APRM report may not be user-friendly, and encouraged the Department of International Relations and Cooperation to ensure that other provincial and national departments worked on implementing the APRM recommendations.