

MONITOR

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

Did you know?	Our lead story
<p>SARS has established Small Business Support Desks at its branches to support SMMEs and to make it easier for them to comply with their tax obligations. Small business queries such as business registrations, requests for tax clearance certificates and general business tax issues are dealt with at these desks.</p> <p>South Africa's unemployment rate increased to 26.4% in the first quarter of 2015. This was up from the 24.3% in the last quarter of 2014.</p> <p>Statistics South Africa said the percentage of learners who attend no fee schools increased from 62.4% in 2013 to 65.4% in 2014, with Limpopo and the Eastern Cape having the highest number of learners exempt from paying school fees. Learners that were least likely to benefit from the no fee system were in Gauteng and the Western Cape.</p> <p>The Joint Committee on Ethics and Members' Interests has given Members of Parliament (MPs) additional time – until 31 July - to declare their financial and other private interests for this year. The deadline, according to the committee, will give MPs ample time to familiarise themselves with the requirements of the new Code of Ethical Conduct and Disclosure of Members' Interests, which was adopted late last year, as well as the new disclosure form for accurate disclosures.</p>	<p>The Select Committee on Security and Constitutional Development organised a workshop on the Child Justice Act and its implementation challenges.</p> <p>Prior to 1 April 2010, children who committed crime were dealt with, in terms of the Criminal Procedure Act. The Child Justice Act established a child justice system for children in conflict with the law. This means that children under the age of 18, who are suspected of committing crime, will not be dealt with according to the normal criminal procedure used for adults. This Act uses diversion to prevent children being exposed to the bad effects of the formal justice system. It assists children suspected of committing crime to turn their lives around and become productive members of society by engaging with the child in restorative justice measures, diversions and other alternative sentencing options.</p> <p>Various role players acknowledged the progress made with the implementation of the Act. This included the reduction in the number of children in custody awaiting trial. However, they identified many challenges experienced in the application of the Child Justice Act (CJA).</p> <p>Oversight had thus far been inconsistently applied. The Department of Justice and other departments involved had complied with their duty to table reports, but consistent oversight was not being provided and it was unclear which parliamentary committees were responsible for this. Parliament needed to strengthen its oversight role. The only way to get to the crux of oversight for this Act would be through a consistent Joint Committee held every year.</p> <p>The quality of information in the reports was of concern. There were often inaccurate and contradictory statistics, inconsistent reporting, a lack of systematic year-on-year reporting, an absence of detailed analysis of the statistics, and gaps in information and statistics. This meant that there was an inconclusive picture of implementation of the CJA and of children in conflict with the law. Progress as reported by the reports could therefore be in contrast to 'real progress' and it was unclear whether as much progress has been made as was implied.</p> <p>The number of children entering the system was decreasing. The view was that the police did not feel confident in their understanding of the Act, despite the training they had received, and therefore were hesitant to make arrests. This needed to be looked into. There had also been a slight decrease in preliminary assessments. These had to be conducted by probation officers who were also social workers. During the Bill process, the drafters had asked if there were enough social workers to do this and were assured by the Department that there were. Now some role players were questioning whether this was the case or not. There was concern that some preliminary assessments were not being done thoroughly enough. The Justice Committee learnt that there was a lack of capacity across the board and implementation had fallen behind because of this. The establishment of additional child justice centres had been halted because the Department was trying to work out the infrastructure, resources, and technical capacity needed. Integrating the criminal management system was proving a challenge as some departments had not connected to the universal hub. This affected reporting on the Child Justice System. MPs noted that the aim of the dialogue was to educate and inform participants about child justice, and this had been achieved. They urged the role players to address the challenges urgently.</p>

SNIPPETS

MPs discussed National Treasury's decision to withhold the transfer of equitable share (i.e. funding) to 60 municipalities because they did not honour their financial commitments in general nor pay Eskom and other service delivery creditors in line with the Municipal Finance Management Act. The equitable share is an unconditional grant that enables municipalities to provide basic services to poor households, and to enable municipalities with limited resources to afford basic administrative and governance capacity and perform core municipal functions. Municipalities currently provide water, sanitation, waste, electricity and other services to approximately 50 million people. The Financial Fiscal Commission was opposed to this decision and said that the consequences were dire for municipalities because of the poor performance of the economy and the non payment for services by households. The South African Local Government Association described the decision as antagonistic. The Association also sought legal opinion and sent a notice to Treasury to declare a dispute. Members expressed concern and said a meeting had to be convened with the relevant Ministers to reverse the decision. The Minister of Finance reported that in 20 municipalities, agreements have been reached to enable the equitable share funds to be released. Discussions are in progress with the remaining municipal councils, with a view of resolving outstanding matters before the end of the municipal financial year on 30 June.

The Department of Basic Education reported on the Draft Learner Transport Policy that it had developed in collaboration with the Department of Transport. A key objective of the policy is to improve access to quality education by providing safe, decent, effective, and sustainable learner transport. The policy is aimed at Grade R to Grade 12 learners, including those with disabilities and attempts to integrate learner transport into the mainstream public transport services in both rural and urban areas. Members criticised the Department for presenting this as a new policy when it had been rejected previously. They pointed out that not enough attention was paid to the special needs of the learners and safety considerations. They also highlighted that the document did not address the funding for municipalities and provinces and what criteria would be used to identify which learners to subsidise. Members were informed that some of the operational matters would be compiled in a separate document and made available to the Committee before the policy is finalised.

The Civilian Secretariat for Police presented its report on the implementation of the Domestic Violence Act to Parliament. The Secretariat said that gender-based violence was recognised both within SA and internationally as a profound violation of human rights and a major barrier to social and economic development. The Domestic Violence Act of 1998 was introduced to provide victims of domestic violence with an accessible legal instrument with which to prevent further abuses taking place within their domestic relationships. The Secretariat, including the Provincial Secretariats, had conducted a total of 160 police station audits between 01 April and 30 September 2014 to assess police stations and see how compliant they were with the Act. The audits were conducted utilising a DVA monitoring tool implemented through interviewing various officials within a police station. Provinces were expected to audit a minimum of eight police stations during a six monthly period and there was no prescription in terms of maximum number of audits to be conducted as that was dependent on the capacity and resources of each province. This had led to the number of audits conducted per province to vary considerably. The Committee did not accept the report and asked that the sampling methods be reviewed. They emphasised that the fight against domestic violence was an apex priority of government and challenges needed to be resolved speedily.

MPs were briefed on the Black Business Suppliers Development Programme. The Programme had been created to address the constraints experienced by black-owned small business enterprises in participating in the mainstream economy. The Programme provided an incentive of up to R1 million and qualifying businesses should be predominantly black-owned (51%), have a predominantly black management team (50%), have a R250 000 to R35 million annual turnover and should be operating or trading for at least one year. The Co-operative Incentive Programme provided grants from R10 000 up to R350 000, on condition that the grant was matched 100%. Some MPs questioned the Department's strategy to use grants rather than loans, as well as the job creation opportunities that existed within these incentives.

MPs asked SAPS to address concerns about Operation Fiela (launched in April to restore law and order after the xenophobic attacks). They sought clarity on the human rights approach of the operation and if there were sufficient safety measures when conducting these operations and that people were dealt with in line with the Constitution and the Criminal Procedure Act. SAPS confirmed that the Operation ran from a national instruction by the National Joint Operations and Intelligence Structure (NATJOINTS) which outlined exactly how it should conduct this particular operation. Furthermore, there was legal scrutiny to ensure human rights were observed and that the instruction was implemented to the letter without any violation. All operations were inspected by senior officers, including senior government officials across the criminal justice cluster. MPs were informed that there has been no decision around the re-establishment of specialised anti-gang and anti-drug units, however the Minister has given an instruction concerning the development of a gang combatting and prevention strategy.

VULNERABLE GROUPS

<p>SALGA reported that 1.25 million households (8.7% of households), now lived in backyard units, according to the 2011 Census. Backyarding met the needs of households who were unable or unwilling to access formal accommodation.</p> <p>Local government had challenges in that many structures were illegal and contravened municipal by-laws or did not comply with norms and standards, including health and access to services. Municipalities address this situation in various ways, including doing nothing or taking a zero tolerance approach to any unapproved structures. Some allow the development of approved backyard structures with access to minimum standards of services. Problems faced by municipalities when designing interventions into backyard rental include lack of a specific policy or funding frameworks, double subsidies to select beneficiaries, unintended negative results of displacement, and lack of municipal capacity and resources for enforcement.</p> <p>A draft policy, which was still in consultation, had been developed. Municipalities are not advised to significantly de-densify backyard rental units by building, or to upgrade top structures. The best approach would be to increase services to existing backyard tenants and indirect interventions that created incentives to landlords to improve conditions of living. Interventions for backyarders on state-owned land should be limited to improving access to services. Overall the new policy intended to slow the growth of backyard units and improve the quality of accommodation without formalising or over-regulating the sector.</p> <p>MPs were encouraged that this matter was being addressed by policy. Some advised SALGA to study lessons from other countries and suggested Community Residential Units and social housing were better settlements models than backyarding.</p>	<p>SAPS briefed MPs on its efforts to assist vulnerable groups.</p> <p>As part of tackling crimes against women, children and the elderly, the police force established 906 Victim Friendly Rooms to assist crime victims with counseling, taking statements and enable investigations which would result in the successful convictions of perpetrators.</p> <p>SAPS has ongoing campaigns aimed at raising the awareness of the public about the consequences of child abuse, child prostitution, child pornography and child trafficking. There are school-based visits by police officials that are aimed at raising children's awareness of child abuse matters and the need to report these to a trusted adult and the police. These engagements are also aimed at promoting awareness of positive behaviour that counter issues such as bullying, use of drugs, use of weapons, age-inappropriate sexual engagement and the need to report inappropriate behaviour towards children.</p> <p>SAPS participates in various structures and collaborates with other role-players in order to ensure improved protection services to the elderly and reduce incidents of crimes against the LGBTI community. There is also a dedicated unit dealing with harmful or cult-related crimes.</p> <p>-----</p> <p>The Department of Social Development said that the UN Convention on the Rights of Persons with Disabilities required government to establish a body to facilitate disability mainstreaming. Disability mainstreaming was the process by which government and other stakeholders ensure that persons with disabilities participate equally with others in activities and services intended for the public, such as education, health, employment and social services. The Presidency is to establish a working group on disability within the Presidency. Mainstreaming required a commitment at all levels and needed to be considered across all sectors and built into new and existing legislation, standards, strategies and plans.</p>	<p>Three entities briefed Parliament on regional integration and regional migration trends.</p> <p>The International Organisation on Migration (IOM) said the push factors for migration were income inequality, poverty, population growth rate, political and social instability, and poor healthcare and education systems.</p> <p>The African Centre for Migration and Society pointed out that the South African policy on regional integration was contradictory, with competing messages carried by displacements, arrests, detentions, and deportations, and the result was that a large number of people chose to be "invisible", which had impacts on health and economy. According to statistics, deportation was not working. In 1994, the total numbers of people deported was 90 692 compared with 209 988 in 2005. Government social cohesion policies had not adequately dealt with anti-foreigner sentiment and overtly promoted national identity.</p> <p>The Department of Home Affairs said after 1994, the increased flow of foreign nationals had helped with growth in South Africa, through trade, skills, investment and tourism, but globalisation also brought risks such as trafficking in people, drugs and contraband. Migration trends were largely motivated by South Africa's level of development, as well as wars and conflict elsewhere, and it received migrants from all over the world, but around 90% from SADC, some of whom used South Africa as a transit point.</p> <p>MPs had divergent views on this topic with some arguing for more restrictive measures, including the erection of walls or electric fences at the borders in combination with positioning the army at the border, while others favoured a more liberal migration management policy. There was broad agreement that there needed to be wider consultation, research and public participation.</p>
--	---	--

Legislation under consideration....

The Department of Labour has indicated that the [Employment Services Act](#) will be enacted in July. It will develop regulations that will control the operations of private employment agencies and labour brokers in the labour market.

The Minister of Finance tabled the [Eskom Special Appropriation Bill](#) and the [Eskom Subordinated Loan Special Appropriation Amendment Bill](#) in Parliament. The former will enable the appropriation of the R23 billion allocated to the power utility, while the latter will allow for the conversion of the R60 billion existing subordinated loan to the company into equity.

The Minister also tabled the [Rates and Monetary Amounts and Amendment of Revenue Laws Bill](#). The bill contains some of the tax amendments announced in the Budget Speech in February 2015.

The Department of Social Development has proposed amendments to the [Children's Act \(Act 38 of 2005\)](#) in order to allow social workers employed by government to process child adoption applications as opposed to it being done only by adoption agencies.

The Department of Rural Development and Land Reform indicated that the [Regulation of Landholdings Bill](#), which will introduce land ceilings and prohibit land ownership by foreign nationals, will be submitted to Parliament this year.

The Minister of Justice and Correctional Services intends to review the Criminal Procedure Act with the aim to expunge the criminal records of certain offenders. The Minister aims to hold a consultative conference this year to talk about amending the Act with the aim of giving offenders who committed minor crimes a second chance in life.

The Portfolio Committee on Home Affairs is introducing a [Refugees Amendment Bill, 2015](#), and comments are requested. The Bill amends the Refugees Act – as ordered by the Constitutional Court – so as to confer a discretion upon the Refugee Appeals Authority to allow the public and media access to its proceedings in appropriate cases.

The Portfolio Committee on Public Works has extended the deadline for comments on the [Expropriation Bill](#). The decision to re-advertise was to give sufficient time to those persons/organisations that had concerns about the limited time to compile their inputs. Public hearings will be conducted at Parliament on Tuesday, 28 and Wednesday, 29 July 2015.

The Portfolio Committee on Justice and Correctional Services invites the public to submit written submissions on the [Judicial Matters Amendment Bill \[B2 – 2015\]](#). The Bill addresses practical challenges which have been identified in the application of the various Acts being amended.

The Minister of Energy announced that her department has finalised all processes to introduce legislative amendments dealing with the Electricity Regulation Second Amendment Bill and the National Energy Regulator Amendment Bill. These will be tabled in Parliament after Cabinet approval. The public consultation process in this regard has taken over two years and the public comments have been incorporated. Other Bills that are in process and will be released during this financial year for comments include the Gas Amendment Bill, the Electricity Industry Structure Bill and the Strategic Fuel Fund Bill.

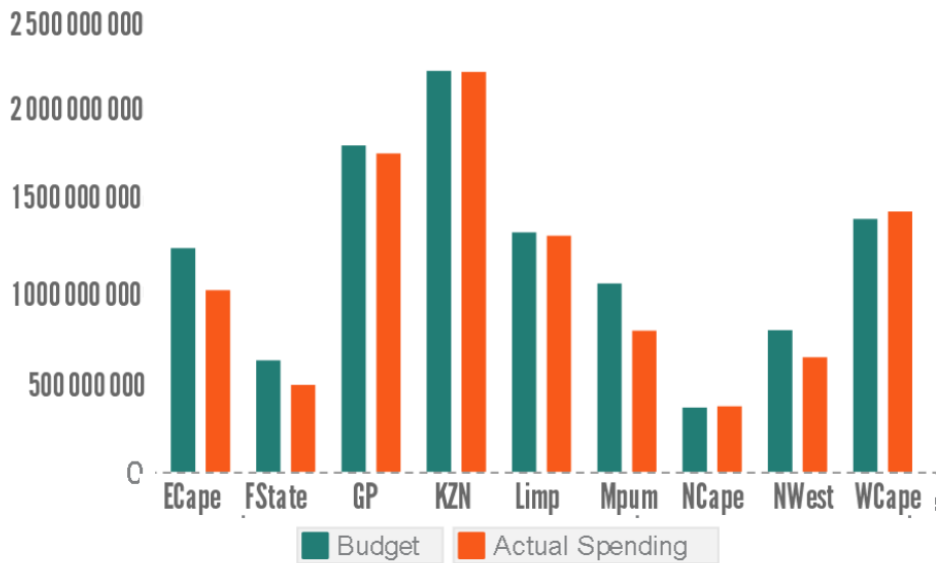
During her Budget Speech, the Minister of Communications stated that her department planned to table five Bills in Parliament - the Broadcasting Amendment Bill, Films and Publications Amendment Bill, ICASA Amendment Bill, Media Development and Diversity Amendment Bill and Brand SA Bill, to Parliament

CONTACT PMG: Phone 021 465 8885, e-mail info@pmg.org.za

SA: Education Infrastructure Spending



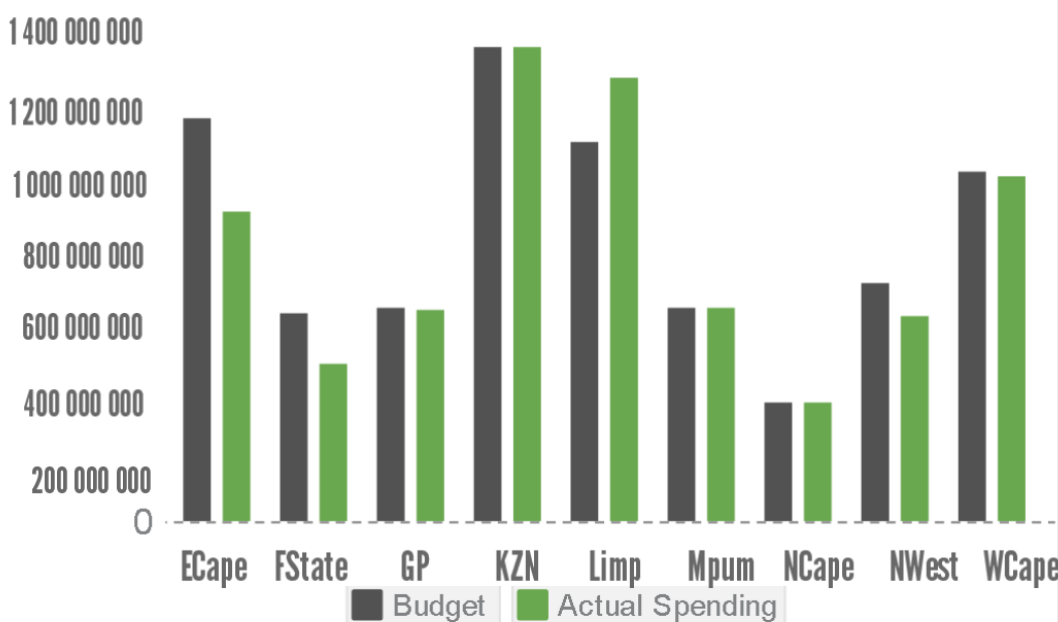
Total Infrastructure Spending as at 31 March 2015 (per province)



Provinces that have under-spent on their infrastructure budgets include:

Eastern Cape: 76.8%
 Free State: 75.7%
 North West: 86.1%

Education Infrastructure Grant (EIG) Expenditure: 2014/15



Spending as at end of 2014/15 = R7 041,826 million or 93% of the adjusted allocation. 6% less than the 99% spending reported at end of 2013/14.

The highest spending provinces: KZN, Mpum and NCape, all at 100%. While Mpumalanga has spent the entire budget, it under-spent the Equitable Share portion of the infrastructure allocation.

Free State and Eastern Cape were the lowest spending provinces on the grant at 76% and 77% respectively.

Challenges leading to underspent grant



Delays with procurement of contractors



Labour unrest, strikes/protests



Replacing terminated contracts



Re-advertisement of appointments



Cash flow management problems



Land disputes between tribal authorities and local municipality