

Monthly magazine of the Parliament of the Republic of South Africa

in session



Vol. 15 ISSUE 9 2015



Leaders *meet*

Where traditional and legislative laws overlap





PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA



Mace of National Assembly

Vision

An activist and responsive people's Parliament that improves the quality of life of South Africans and ensures enduring equality in our society.

Mission

Parliament aims to provide a service to the people of South Africa by providing the following:

- A vibrant people's Assembly that intervenes and transforms society and addresses the development challenges of our people;
- Effective oversight over the Executive by strengthening its scrutiny of actions against the needs of South Africans;
- Participation of South Africans in the decision-making processes that affect their lives;
- A healthy relationship between the three arms of the State, that promotes efficient co-operative governance between the spheres of government, and ensures appropriate links with our region and the world; and
- An innovative, transformative, effective and efficient parliamentary service and administration that enables Members of Parliament to fulfil their constitutional responsibilities.

Strategic Objectives

1. Strengthening oversight and accountability
2. Enhancing public involvement
3. Deepening engagement in international fora
4. Strengthening co-operative government
5. Strengthening legislative capacity



Black Rod of National Council of Provinces

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Parliament pays tribute *to*

Oliver Reginald Kaizana 'OR' Tambo
27 October 1917 – 24 April 1993
on the anniversary of his birthday



President of the ANC
Commander-in-Chief of Umkhonto we Sizwe
Head of the ANC's Mission in Exile

Presiding Officers

Ms Baleka Mbete, Ms Thandi Modise,
Mr Lechesa Tsenoli and Mr Raseriti Tau

Secretary to Parliament

Mr Gengezi Mgidlana

Editor-in-Chief

Luzuko Jacobs

Editor

Moira Levy

Design and layout: Angelo Lamour

Copy editors: Jane Henshall and Vusumzi
Nobadula

Writers: Temba Gubula, Mava Lukani, Cedric
Mboyisa, Elijah Moholola, Sakhile Mokoena,
Abel Mputing

Guest writers: Daksha Kassan and Charmaine
van der Merwe

Photography: Mava Lukani, Cedric Mboyisa
and Mlandeli Puzi. Parliament thanks the Tambo
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EDITORIAL ENQUIRIES

Telephone 021 403 8738 **Fax** 021 403 8096

E-mail insession@parliament.gov.za

Subscriptions jjzils@parliament.gov.za

Post PO Box 15, Cape Town, 8000

OUR IDEALS

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STRATEGIC OBJECTIVES

Strengthening oversight and accountability;
enhancing public involvement; deepening
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cooperative government; strengthening legislative
capacity.

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The Chairperson of the National Council of Provinces, Ms Thandi Modise

MESSAGE FROM THE national council of provinces

Relations *between South Africa and the United Kingdom were cemented during the years of the anti-apartheid movement. South Africans are now building a country with opportunities for all. The road is long and tough, but we have a vision of a better place for current and future generations.*

The United Kingdom remains South Africa's most important export market, not only for fruit, vegetables and other agricultural products, but also for manufactured, value-added exports such as clothing, automotive equipment, wine, furniture and a host of other products.

South Africa is a key investment location, both for the market opportunities that lie within its borders and as a gateway to the rest of the continent. It is one of the promising emerging markets globally, with a favourable demographic profile. It is also endowed with natural resources.

South Africa is poised to continue to contribute in the field of science. Recently, the new species of hominin named *Homo naledi* was unveiled at Maropeng in the Cradle of Humankind near Johannesburg. Some scientists have described this as "one of the greatest fossil discoveries of the past century".

South Africa has enormous potential. Unleashing such potential depends on the cultivation of a progressive interface between the people and those who govern them. The people are the source of power and therefore, as the Congress of the People declared through the Freedom Charter drawn up in Kliptown 60 years ago, "the people shall govern".

We continue to place a high premium on the need to address the problems of the people. That is our approach to development. It is a recipe we feel could

drive development in the community, national, continental and global spheres. Towards this, we have since adopted a set of national goals. These are contained in the National Development Plan (NDP), otherwise known as Vision 2030, adopted by the fourth Parliament.

The NDP is a broad strategic framework that sets out a coherent and holistic approach to confronting poverty and inequality based on the following six focused and interlinked priorities.

These priorities are: uniting South Africans around a common programme to achieve prosperity and equity; promoting active citizenry to strengthen development, democracy and accountability; bringing about faster economic growth, higher investment and greater labour absorption; focusing on key capabilities of people and the state through, among other things, ensuring quality education, quality healthcare for all, and environmental sustainability and resilience; building a capable and developmental state (through working to achieve better governance and fighting corruption); and encouraging strong leadership throughout society to work together to solve problems.

This work requires joint effort across society, as well as support from leaders of business entities that have interests in our prosperity.

The NDP recognises the number

of challenges that we must face to achieve success, among them: the critical shortage of skills; a complex intergovernmental system; high levels of corruption; weak lines of accountability; and inadequate legislative oversight.

In respect of the need to improve accountability and to ensure that we strengthen legislative oversight, the fifth Parliament has identified key policy priorities for this term. The policy priorities derive from the Constitution, the public mandate and the long-term planning objectives (as contained in the NDP).

The policy priorities are: strengthening oversight and accountability; enhancing public involvement; deepening engagement in international forums; strengthening cooperative government; and strengthening legislative capacity.

We recognise that in any democracy it is critical that the executive is held to account, that policies are subject to rigorous debate and that questions are asked when things go wrong.

As a result, we want to see our Parliament re-engineered so that it has the necessary skills to operate in an ever-changing global environment. Our Parliament must become an institution that provides appropriate leadership; that contributes towards effective policy making, monitoring and evaluation; and that facilitates the implementation of the NDP by exercising effective oversight.

We want a capable and developmental state that provides effective basic services and with capabilities to take forward a far-reaching agenda of national economic development,

whilst at the same time placing people at the centre of this process.

As the institution that represents the interests of the people, Parliament must remain the legitimate expression of the will of the people. On some occasions we have found attempts to undermine the democratic will of the people on the part of some of the minority parties through disregarding the rules of engagement. It is important that while we promote vibrancy in the nature and conduct of our politics, Parliament is not turned into something it is not.

Our Constitution clearly makes provision for Parliament to determine and control its internal arrangements, proceedings and procedures, and to make rules and orders concerning its business. These are done in an open and democratic manner. As such, we continue to review our rules to ensure that the authority of this institution is protected.

We recognise that South Africa's national interest is inextricably linked to the unity, stability and prosperity of the continent. Recently in Durban, the Southern African Development Community Parliamentary Forum spent time examining the role of regional parliaments in, among other things, issues of industrialisation and regional integration.

The deadline for the ratification of the amended protocol by member states to give the Pan-African Parliament legislative powers is 31 December 2015. This will be an interesting development for the continent, especially with regard to strengthening legislative cooperation.

The Brazil, Russia, India, China and South Africa (Brics) grouping provides an opportunity for the creation of a

multipolar world order. It is for this reason that Parliament joined in the establishment of the Brics Parliamentary Forum in June 2015. This was an important development as it brought together the parliaments of Brics to form a body that will, among other things, propel the coordination, restructuring, transformation or improvements of the post-1945 institutions of global governance like the United Nations, the Security Council, the International Monetary Fund and the World Bank. These institutions need to be transformed in line with the changes in world politics and economy.

The parliaments of the Brics countries have also highlighted the need for parliamentary cooperation in the sphere of economics, culture, science, education, healthcare, youth contacts and sport; as well as the development of parliamentary diplomacy and coordination of legislative activities.

Our Parliament participated in discussions on the Sustainable Development Goals (SDGs) at the Fourth World Conference of Speakers of Parliament held at the United Nations' headquarters in New York.

The United Nations Summit at the headquarters in New York has since formally adopted a new sustainable development agenda for the world. The Inter-Parliamentary Union (IPU) views these as ground-breaking commitments to eradicate extreme hunger and poverty within 15 years, reduce inequalities and secure both prosperity and the planet for future generations.

Of particular note, according to the IPU, is that Goal 16 on peace, justice and the building of effective, accountable

and inclusive institutions at all levels will see parliaments working alongside governments, civil society, the private sector, the United Nations and other international entities to help ensure the targets for the 17 SDGs are met by 2030.

While we are aware that South Africa still faces many challenges as a result of the effects of colonialism and racial discrimination, we are confident that by focusing on doing the right things we can help create a better nation, continent and the world.

In 1994, South Africans helped to secure the transition from apartheid to democracy by legitimising the new government through the ballot box. They have continued to do so peacefully in five national and provincial elections, as well as in successive municipal elections since 1995.

In the 2030 Vision, South Africans acknowledge the sacrifices to bring about freedom, the achievements made since 1994 and the challenges they face. In 2030, they want to be able to say: We, the people of South Africa, have journeyed far since the long lines of our first democratic election on 27 April 1994, when we elected a government for us all. We began to tell a new story then. We have lived and renewed that story along the way. Now in 2030, we live in a country which we have remade. 🇿🇦

This is an edited extract of the address given by the Chairperson of the National Council of Provinces (NCOP), Ms Thandi Modise, to the South African Chamber of Commerce in London on the topic "Promoting people-centredness and accountability in South Africa, Africa and globally".



bill tracker

Bills tabled in Parliament in October

Bills before Parliament in October included the Protection of Critical Infrastructure Bill and the Traditional Khoi-San Leadership Bill, among others. Compiled by *Sakhile Mokoena*.

The Protection of Critical Infrastructure Bill

This Private Member's Bill was introduced by National Assembly Member, Mr Zakhele Mbhele, and it seeks to repeal the National Key Points Act in its entirety. The Bill says the National Key Points Act was drafted in 1980 by the apartheid government in response to sabotage and was now inappropriate in a constitutional democracy. The Act gives far-reaching powers to the Minister of Police without scrutiny. The Act is fundamentally at odds with the values of openness and participation, which underpin the Constitution.

Prompted by the Act's contradiction with the values found in the Constitution, there is a need for the repeal of the entire Act as it has no place in a constitutional and democratic South Africa. The Bill seeks to protect infrastructure critical to the national security of the republic, in a manner consistent with the Constitution in an open and transparent manner.

This Bill will provide for the establishment, composition, functions and duties, meetings, financing and reporting of the Critical Infrastructure Board; to provide for the suspension and removal of members of the board; to provide for the determination and declaration of critical infrastructure; to ensure that security measures are implemented at critical infrastructure; to provide for a

register containing the areas declared as critical infrastructure; to set out the rights and duties of owners of critical infrastructure; to provide for the limitation of the liability of the state; to provide for parliamentary oversight over the board; to create offences and penalties and; to provide for transitional provisions.

The Traditional Khoi-San Leadership Bill

This Bill seeks to provide for the recognition of traditional and Khoi-San communities, leadership positions and for the withdrawal of such recognition; to provide for the functions and roles of traditional and Khoi-San leaders; to provide for the recognition, establishment, functions, roles and administration of kingship or queenship councils, principal traditional councils, traditional councils, Khoi-San councils and traditional sub-councils, as well as the support to such councils; and to provide for the establishment, composition and functioning of the National House of Traditional and Khoi-San Leaders.

It also seeks to provide for the establishment of provincial houses of traditional and Khoi-San leaders; to provide for the establishment of local houses of traditional and Khoi-San leaders; to provide for the establishment and operation of the Commission on Traditional Leadership Disputes and Claims, and the Advisory Committee on Khoi-San Matters; to provide for a code of conduct for

members of the National House, provincial houses, local houses and traditional and Khoi-San councils; to provide for regulatory powers of the Minister and Premiers; to provide for transitional arrangements; and to amend certain Acts.

The Extension of Security of Tenure Amendment Bill

The aim of this Bill is to amend the Extension of Security of Tenure Act, 1997, and insert certain definitions; to substitute the provision of subsidies with tenure grants; to further regulate the rights of occupiers; to provide for legal representation for occupiers; to further regulate the eviction of occupiers by enforcing alternative resolution mechanisms provided for in the Act; to provide for the establishment and operation of a Land Rights Management Board; to provide for the establishment and operation of Land Rights Management Committees to identify, monitor and settle land rights disputes and to provide for matters connected therewith.

The Bill says that the Extension of Security of Tenure Act in its current form has a number of limitations that make it easier for farm dwellers to be evicted by landowners. Firstly, the concept of "occupier" used in law is too broadly defined and interpreted. For instance, by categorising some farm dwellers as the main or primary occupiers while others (for example, wives and children) as secondary occupiers, the law wrongly exposes large populations of vulnerable occupiers' families to undue eviction processes. This vulnerability arises especially upon the death of "primary occupiers". 🗣️

i put the question

Questions asked in Parliament in October concerned the eradication of the bucket toilet system in Botshabelo and Mangaung, and the provision of sports facilities in townships, among other issues.
Compiled by Elijah Moholola.



Ms Sibongile Khawula (EFF)

Ms Sibongile Khawula (EFF) asked the Minister of Water and Sanitation, Ms Nomvula Mokonyane, whether any parts of Botshabelo's Section K and Mangaung still use the bucket system. If so, she wanted to know how many and when the department is planning to completely eradicate the use of the bucket system in these areas.

The Minister replied: Botshabelo has a total of 757 buckets, of which 155 are located in Section K. Buckets are scattered throughout the settlement and mostly on informal stands. Mangaung Metropolitan Municipality has a total of 1 347 bucket toilets to be eradicated.

My department does not fund metropolitan municipalities for sanitation programmes since such municipalities receive the Urban Settlement Development Grant from the Department of Human Settlements to attend to issues related to the built environment, which include the provision of municipal services, roads, human settlements, and so on.

My department will monitor the programme by the metro to eradicate all ventilated improved pit and bucket toilets over the next four years.

Mr Dikgang Stock (ANC) asked the Minister of Sport and Recreation, Mr Fikile Mbalula whether his department

has any plans to ensure that communities in informal settlements also have sport and recreation facilities; and whether these plans include areas such as Barcelona or Philippi in Cape Town.

The Minister responded: The provision of facilities for communities is not the mandate of Sport and Recreation South Africa (SRSA). This is the responsibility of local government, thus SRSA does not have any plans to provide informal settlements with sport and recreation facilities.

However, we have established that the City of Cape Town uses sophisticated spatial analyses to identify optimum locations for new sport and recreation facilities. This methodology does not involve studies of particular wards, or suburbs, or settlements, but identifies and prioritises accurately where residents are "unserved", that is, where there is a legitimate case for a new facility. As funding becomes available, such unserved populations are progressively provided with a new facility, be it a community centre, park or sports ground.

The provincial department does ensure that facilities are made available in informal settlements depending on the municipality being able to undertake and maintain such developments within their legal

parameters. The department does encourage and assist municipalities with their Sport and Recreation Development Master Framework until 2030 in line with the National White Paper, the National Development Plan and the Provincial Infrastructure Development Framework Plan.

The Barcelona settlement is on an old dump site that was never rehabilitated and therefore no facilities can be developed on the piece of land without having dire environmental consequences. Philippi does have facilities developed in the area by the City of Cape Town as the responsible local authority for the area.

Ms Deidre Carter (Cope) asked the Minister of Finance, Mr Nhlanhla Nene, whether he launched any investigation to find out why only R218bn of the R256bn allocated by the state for use on fixed capital spending had been taken up and whether, as a result thereof, any money budgeted for infrastructure development had failed to materialise. If so, what was the outcome of the investigation, was action taken, what are the implications for the state and what remedial actions are planned.

The Minister answered: The budget and outcomes cited in the question relate to the 2012/13 financial year

as published in the *Budget Review 2013*. Public sector infrastructure budgets have increased significantly over the past 10 years, from R89.8bn in 2005/06 to R262.4bn in 2014/15. In some instances, capital budgets have grown faster than the capacity to spend.

In addition, some projects experience implementation difficulties resulting in underspending. Despite this, inflation-adjusted infrastructure spend has more than doubled over the past five years.

Underspending of funds implies that projects may not be delivered on time and on budget, and the expected outcomes may be delayed. In some cases, additional financial resources may be needed to complete the project. National Treasury has not undertaken any specific investigation in this regard. However, it closely monitors these matters on an ongoing basis.

When there is underspending at any level of government, the accounting officer for the relevant institution is responsible for taking appropriate action to address the situation. Every accounting officer ultimately has to account to Parliament. National Treasury plays an active role in building capacity and ensuring that resources are deployed appropriately to drive capital spending across all three spheres of government.

In addition to this, the government has put in place many programmes to improve infrastructure spending. For instance:

- * The Presidential Infrastructure Coordinating Commission is coordinating the implementation of strategic infrastructure projects;
- * A performance-based approach to the allocation of infrastructure grants

to provinces has been introduced. Provinces that adhere to best practice in planning and procurement are eligible for additional allocations;

* The provincial Infrastructure Skills Development Grant has placed 240 graduates in municipal jobs in areas such as civil and electrical engineering; and

* The Municipal Infrastructure Support Agency is working with water services authorities to eradicate backlogs and conduct maintenance in water and sanitation infrastructure.

Prof Themba Msimang (IFP) asked the Minister of Basic Education, Ms Angie Motshhega, about the capacity of schools in rural areas to accommodate children who are slow learners and mentally challenged, and whether her department has any programmes in place to provide support to the specified learners in rural areas.

The Minister replied: The capacity of schools to accommodate children who are slow learners and mentally challenged is progressively developed across the spectrum of schools in the system without considering geographical location. However, there are 169 special schools for learners with intellectual disability in the country, to which learners in rural areas also have access.

The Department of Basic Education is progressively implementing the following programmes to support learners who are experiencing barriers to learning of whatever form in schools:

- * Implementation of the Screening, Identification, Assessment and Support Policy starting from 2015 through to 2018;
- * Progressive Institutionalisation of Curriculum Differentiation; and

* The implementation of the Multi-Grade Toolkit, which started with the training of subject advisers in February 2015 and is being rolled out by provincial education departments going forward.

Mr Toby Chance (DA) asked the Minister of Small Business Development, Ms Lindiwe Zulu, whether she has had any

engagement with the Minister of Labour about amendments to the Labour Relations Act, Act 66 of 1995, to alleviate burdens on small businesses in respect of exemptions from existing provisions on dismissing employees and the extension of collective bargaining agreements to small businesses that were not party to the agreement in terms of Section 32 of the specified Act.

The Minister responded: The Minister of Small Business Development has not had any engagement with the Minister of Labour about amendments to the Labour Relations Act, Act 66 of 1995, to alleviate burdens on small businesses in respect of exemptions from existing provisions on dismissing employees.

Nor has the Minister had any engagement with the Minister of Labour about amendments to the Act, to alleviate burdens on small businesses in respect of exemptions of the extension of collective bargaining agreements to small businesses that were not party to the agreement in terms of Section 32 of the specified Act.

The department, however, has established a task team at the National Economic Development and Labour Council level to engage on small business policy issues. These however, are not related to the issues raised by the Honourable Member. 🗣️



HISTORIC MEETING: The Speaker of the National Assembly, Ms Baleka Mbete (right), meets with AmaXhosa King Zwelonke Sigcawu (middle), the Speaker of the Eastern Cape Legislature, Ms Noxolo Kiviet (far left) and Member of Parliament Ms Zoleka Capa (second from left).

Speaker meets with AmaXhosa King

National *Assembly Speaker Ms Baleka Mbete has assured AmaXhosa King Zwelonke Sigcawu and the House of Traditional Leaders that Parliament and the government have no intention of doing away with South Africa's traditional leadership, writes Sakhile Mokoena.*

Addressing King Zwelonke and chiefs from the Congress of Traditional Leaders of South Africa (Contralesa) as well as representatives from the National Khoisan Council at the King's palace, Nqadu Great Place in Duthwa in the Eastern Cape, the Speaker said good relations between the elected government and traditional leaders were important for service delivery in rural areas.

Responding to concerns from the traditional leaders that they were not given the necessary recognition and treatment they deserved, and that their responsibilities were taken by councillors and mayors, the Speaker said: "There is no intention to wish traditional leadership away. If traditional leaders are left out there won't be peace. We cannot govern if there is no peace and it would mean

there won't be any development in our communities.

"We have always fought for a chamber for traditional leaders in Parliament. I can assure you that a priority is to accommodate the National House of Traditional Leaders in Parliament," she said.

Ms Mbete also acknowledged a proposal for traditional leaders to be represented in the National Council of Provinces (NCOP), which she said needed to be debated further.

"If there is a need to change the Constitution to involve traditional leaders in legislation processes, it will be looked at," the Speaker said in response to Inkosi Themba Mavundla of the KwaZulu-Natal House of Traditional Leaders, who called

for representation in the NCOP and full participation in the business of Parliament.

“We are not given the recognition we deserve. We are in the 21st year of democracy and we are still saying the same thing – recognition and better treatment,” said Inkosi Mavundla.

At present, traditional leaders’ involvement in Parliament is limited to being consulted and allowed to make submissions on Bills and an annual conference held in Parliament where the President addresses them. They don’t participate in debates or any voting in Parliament.

Speaker Mbete was invited by King Zwelonke to discuss service delivery challenges facing rural communities and traditional leaders, such as slow delivery of services, bad roads, inadequate clinics and schools.

Inkosi Bhovulengwe Mtirara of the AbaThembu Royal House and Inkosi Xhanti Sigcawu of AmaXhosa also complained about the slow delivery of services in rural communities and the high rate of corruption in the country.

“There is no development in our rural areas and the people get tired of complaining. We are only recognised when it is election time,” said Inkosi Bhovulengwe.

Inkosi Sigcawu said it is worrying that corruption was becoming “normal” in South Africa and called for “something to be done” to address the situation. The traditional leaders also lashed out at Parliament for passing laws that allowed same-sex marriages and termination of pregnancies. “Same-sex marriage is

a foreign culture. How did it become law?” asked Inkosi Xhanti Sigcawu, adding that some legislation might need to be reviewed.

The leaders also complained about the lack of uniformity in the treatment of traditional leaders in different provinces, citing the example of Zulu King Goodwill Zwelithini, who gets a budget to run his palaces from the provincial government and an opportunity to address the legislature opening every year.

They also criticised the Spatial Planning Land Use Management Bill, saying they don’t support it and it will not work in traditional leadership areas.

The National Khoisan Council used the opportunity to continue advocating for the recognition of the Khoisan people in the South African Constitution. Mr Anthony Petersen from the National Khoisan Council said it was “criminal” that after 20 years of democracy, the Khoisan still experienced exclusion.

“There is no legislation to recognise us and the pace is very slow. We are constitutionally excluded from all traditional structures in South Africa, yet we pay tax and share the same space with everyone,” he said, appealing to the Speaker to ensure that legislation to recognise the Khoisan was passed.

The Speaker also met with Imbumba Yamakhosikazi Akomkhulu (IYA), an organisation of royal women advocating for social development in rural areas, with its main focus on youth and women. Their programmes include campaigns against *ukuthwala* (forced marriages), the death of

initiates during circumcision, and HIV/Aids.

Queen Sive Sigcawu, the Chairperson of IYA, said rural women also want to take part in politics and economic development but were not given the opportunity. “We do not want to be left behind. We are also interested in politics and would like to participate in all areas of the economy,” she said.

Ms Mbete said it was everybody’s responsibility to ensure that “we bring an end to the marginalisation of women in our society. Liberation cannot be complete if a huge fraction of the society is still disempowered, the high illiteracy levels in rural women and poverty as well as gender inequality mean that a big percentage of our society is not yet fully free,” the Speaker said.

She also warned against cultural practices and beliefs that oppress women and girls. “Despite the existence of laws, many women – especially in customary marriages – are still subjected to various forms of abuse. There are more rights today than ever before to protect women. We must claim those rights and own them. The struggle for gender equality is a struggle for human rights,” she said.

The Speaker of Amathole District Municipality, Mr Samkelo Janda, said there was no need for conflict between local government and traditional leaders as they all had one mandate, to better the lives of the people. “Good relations between traditional leaders and local government are important for service delivery in the rural areas under the control of chiefs and kings. There is no need for conflicts between elected and born leaders,” Mr Janda said. 🌍

Speaker pays tribute to Oliver Tambo

Addressing *the youth from various sporting codes during her memorial lecture on the life and times of Oliver Reginald (OR) Tambo in Welkom in the Free State, the Speaker of the National Assembly, Ms Baleka Mbete, remembered him for his resolve in the fight against apartheid and for his personal integrity, writes Abel Mputing.*

“OR ran his race in life, a very long and hard one, over many years. He believed in winning – his trophy was our freedom. It is appropriate that today we are paying tribute to Tambo in a province where his great movement, the African National Congress, was founded 103 years ago.

“The relevance of addressing the youth on this occasion is that OR, who celebrated his 98th birthday on 27 October, had a strong connection with the youth. It is, therefore, befitting to pass on to the youth of this country his values of leadership and service that have defined the character of our liberation struggle,” the Speaker said.

“President Tambo represents a generation that emerged in the 1940s. That gave us a vision through the Freedom Charter that is 60 years old this year. We owe what we have today to his generation. This serves to illustrate that we don’t own this freedom, it is lent to us. We hold it in trust for our children and generations to come.”

In the same breath, she commended the university students for their show of courage in the #FeesMustFall campaign. She said the character of their resolve and leadership in pursuing this cause has shown that

the future of the country is in good hands.

She said what should also be noted, though, is that the higher education sector was not exempt from apartheid’s racial engineering. The Speaker reminded her audience that fees and colonial-era statues are not the only challenges facing the higher education sector.

“Knowledge production at these institutions and in society in general remains the preserve of the racially defined few who control ideas and determine our thinking. Our nation cannot hope to realise its full potential and be competitive while the task of research and development is in the hands of a handful of our compatriots who are white, male and ageing.

“We need a national response to this question of whose ideas and knowledge dominate our society. As it is now, our struggle for mental emancipation is far from over. And if this is not addressed, our critical thinking will be stunted. Our creativity will be blunted,” she added.

Many of the difficulties we encounter in our country today are due to our failure to emulate leaders such as OR Tambo. “We have to inculcate in

all of us a culture of accountability – accountability to those we represent and a sense of accountability for one’s actions.”

“What made OR’s legacy so enduring was his wisdom and modesty. Tambo was an ANC leader, yet he is loved by all for what he represented and the values he cherished. He is not remembered for the size of the car he drove, but his wisdom. We do not remember him for his powerfulness, but his modesty. We do not remember him for his wealth, but for his humility, civility and generosity.

“He clearly understood the interconnectedness between national oppression and class exploitation, that our freedom would be meaningless and incomplete if it did not address the plight of the working class.

“Tambo criss-crossed the planet mobilising against apartheid. He was a Pan-Africanist working with the likes of Kenneth Kaunda and Julius Nyerere in the Organisation of African Unity and the Frontline States that today are members of the Southern African Development Community. His struggle was not only about fighting apartheid, it was also about the total decolonisation of Africa and our unity as African people.”

Ms Mbete reminded her audience that the Freedom Charter declares that South Africa belongs to all who live in it, black and white. Yet this national imperative remains a big challenge in our country. Every generation has its own historic task, Ms Mbete said. OR’s generation fulfilled its task with distinction.

The task of this generation, Ms Mbete said, is to build a national democratic society, a mission that began in 1994.



SPECIAL QUALITIES: Mr Oliver Tambo met many important politicians in his lifetime.

She added that although much has been achieved, more still needs to be done to undo the racially defined poverty stemming from the economic inequalities inherited from apartheid.

“About a quarter of employable South Africans are without jobs, our youth being the most affected. We must treat these challenges as a national emergency because every night that passes without solving the problem of poverty or jobs, more anger and frustration builds on the streets.”

Ms Mbete is of the view that the current phase of our democracy is the most difficult part of our transition. “Our success as a generation will be measured by how we succeed in resolving these fundamental challenges ... What will be our report to the next generation?” she asked.

Faced with all these challenges, she recalled OR Tambo’s courage in the fight against apartheid. “We did not tear ourselves apart because of lack of progress. We were always ready

to accept our mistakes and to correct them. Even in bleak moments, we were never in doubt regarding the winning of freedom. We have never been in doubt that the people’s cause shall triumph.

“I am not in doubt that our generation will triumph. I am not in doubt that we are on course to build a better South Africa and a better life for our people. Oliver Tambo has finished his race. We are in the middle of ours and we are about to hand over the baton to the next generation,” she said. 🇿🇦



CONSTITUENCY WORK: Ms Dudley visited a soup kitchen in Delft in the Western Cape.

MPs visit their constituencies

Providing quality healthcare to the poor

The capacity of day hospitals in the townships and in informal settlements should be improved, as the majority of South Africans have nowhere else to go. Furthermore, the management of these institutions that, by their nature, support the most vulnerable of South Africans should be beyond reproach, the African Christian Democratic Party's (ACDP's) Ms Cheryllyn Dudley told the management of Retreat Day Hospital in Cape Town recently, reports Mava Lukani.

Ms Dudley said not even an inch of inaccessibility to these centres by the poorest of the poor should be tolerated. "There should be free and smooth access to these centres all the time. Unlike the privileged few

South Africans who have access to the well-resourced private health centres, the majority of South Africans, the poorest of the poor, have no other hope for their lives except these day hospitals," Ms Dudley explained.

In her October constituency programme, Ms Dudley visited health centres with a particular focus on day hospitals in the old townships and in the new Reconstruction and Development Programme (RDP) housing settlements. On her last day, Ms Dudley visited the busy Retreat Day Hospital. According to the hospital Manager, Mr Henry Lemmetjies, the hospital is open seven days a week and 24 hours a day, and attends to more than 700 patients a day.

"Although we attend to that volume of patients a day, we ensure that we

offer the best service to our clients," said Mr Lemmetjies.

Mr Lemmetjies said because of the quality of service the hospital offers, it attracts a lot of people from the nearby townships and informal settlements. He said the hospital has a specific area to serve but its doors are open to people who are outside its target area. "We cannot deny service on the grounds of being beyond our target area. That would be unethical," said Mr Lemmetjies.

He said over and above the 700 patients a day, the hospital also has an outreach programme for old age homes. "We have a strong, sustainable relationship with the Retreat-based old age homes," Mr Lemmetjies explained.

He said the hospital ensures that there is a doctor who visits old age homes at least once a week. Mr Lemmetjies attributed the hospital's success to attending to their clients' complaints, which he says always include waiting times, staff attitudes and the general state of the hospital.

He said the hospital offers a comprehensive health package to its clients, including maternity services, an intensive care unit and dentistry.

Among the challenges the hospital faces, according to Mr Lemmetjies, is the township gangsterism that affects the hospital. He said when gangsters fight in the township sometimes the fight affects the hospital directly. "When a fight victim is taken to us, sometimes the enemy would come and kill that victim right here at the hospital in broad daylight," Mr Lemmetjies said.

"To deal with that very difficult and painful situation, we are helped by our concrete relationship with the local South African Police Service (SAPS)," Mr Lemmetjies told Ms Dudley.

Ms Dudley praised the hospital management and staff for the work. "Keep up this good work. You are not going to be crowned later. You are crowned every day for saving the lives of the poorest of the poor who have nowhere else to go," Ms Dudley said.

She told Mr Lemmetjies that the quality health services that Retreat Day Hospital renders are far better than services rendered by certain first-world countries. "I was shocked to note that public hospitals in Thailand close at 5pm. If a dying patient comes after that, the hospital door still closes at 5," Ms Dudley said.

Ms Dudley also visited soup kitchens in Delft, including one managed by the New Hope Ministries church. Ms Dudley explained that to make a more meaningful impact on the lives of the people in her constituency, she has forged partnerships with other community organisations, such as the New Hope Ministries.

"We cannot achieve the objective of making a better life for all South Africans if we work in silos. I was driven by that understanding in forging a partnership with the New Hope Ministries," said Ms Dudley.

According to Apostle Peters, who is one of the leaders of the New Hope Ministries, the Delft community soup kitchen, which was established a few months ago, provides food to many children in Delft. "We don't exist for certain children. We exist for all the children who go to bed without food. God has created us for a purpose that includes ensuring that we fight poverty," Apostle Peters explained.

He said he is optimistic that the partnership between their church and

Ms Dudley will be a fruitful one. "I am optimistic that our relationship will have a positive impact on poverty and crime here in Delft."

Old people have rights too, says MP

Old people are an asset to any nation and are a reservoir of its history, its evolution and its traditions. Like all the other people in the Republic of South Africa, they have rights that are enshrined in the Constitution. This is what Freedom Front Plus MP, Adv Anton Alberts, told Mava Lukani during the October constituency week in Mokopane, Limpopo.

Adv Alberts' constituency includes Limpopo province and his October constituency programme prioritised visiting homes for the elderly in Gauteng's Eldorado Park and in Limpopo's Mokopane. Part of Adv Alberts' visiting programme included reporting on the problems and concerns raised by the elderly in previous visits and listening to new ones.

Adv Alberts said that old people

PRIORITIES: Adv Alberts made it a priority to visit old age homes in Limpopo province during his constituency week.



assume that if they do not receive recognition from government they are being marginalised because they no longer add value to the country. "I always ensure that my constituency programme for the year includes visits to the old age homes to ensure that the elderly don't feel that they are being marginalised," Adv Alberts explained. He said once old people feel marginalised or abandoned, they become sick.

In the previous October constituency programme, residents of the communities that Adv Alberts visited complained about housing problems. He said the people complained to him that although they submitted their names to the relevant authorities including councillors a long time ago, they didn't get houses. "Old people feel that because they are old, their names are ignored on the housing waiting lists and that frustrates them," said Adv Alberts.

Adv Alberts said some of the residents of the homes do have family members who could look after them, but they live in the homes because they do not have houses. Some, Adv Alberts said, submitted their names for housing more than 10 years ago and are still waiting. "Perhaps it is because we don't have the toyi-toyi ability that those who are in the housing authorities ignore us. Those who are young don't have the kind of patience we have as old people. They take their anger to the streets and burn everything," said one resident, Ms Noxolile Soqawukile.

Ms Soqawukile said she put her name on the list for a house more than seven years ago, but she is still living in a shack. She said the most worrying part of the housing problem is that there are people who come from outside Eldorado Park who have

already received houses. "That is ridiculous and provocative, but as an old person there is nothing I can do about it," Ms Soqawukile said.

Adv Alberts said old people have lost confidence in local government. "As an MP responsible for their community, they have appealed to me to ensure that I do something for their housing problems," he said.

He told the old people that he has taken their problems to the Minister of Human Settlements and is hoping that when he visits them in the next constituency visit, there will be progress. "I told the old people in Eldorado Park that they have the right to shelter above their heads. I told them that they won't lose that right because they are old," he said.

Adv Alberts also visited Mokopane in Limpopo where he met Transnet pensioners who asked him to intervene to sort out their pension problems. They say they have worked for Transnet for years, but do not get their pensions due to poor pension fund management.

"These old people claim that Transnet has squandered their pension funds and they have taken the matter to court. They have asked the Freedom Front Plus to intervene. I am coming to report to them," said Adv Alberts. He told the people that the matter is still before the courts. However, he did say that a forensic investigation indicates that Transnet may not have repaid loans to the pension fund, stripping assets unlawfully.

The pensioners also complained about high bank charges on their monthly South African Social Services Agency (Sassa) grants. They asked Adv Alberts to assist them in finding out the reasons for the high bank charges.

Mr Jannie Coetzee said a few months ago he was unable to withdraw the R150 left in his Absa account. When he asked a bank consultant why he could not withdraw his money, he did not receive a satisfactory explanation.

Adv Alberts assured the elderly in Mokopane that he would not abandon them. He said they must not feel marginalised by the government. "The government is responsible for you as well. I am going to use all the platforms and channels that are available to raise your concerns and problems and ensure that they are resolved. The platforms I am going to use include questions to the relevant government ministers," Adv Alberts explained.

MP works to give inmates a chance to learn new skills

All correctional facilities in the country must be turned into skills development centres so that inmates are employable and able to earn an honest living, the ANC's Ms Ruth Bhengu said during a visit to Westville prison, reports Cedric Mboya.

This is according to Member of Parliament and Chairperson of the Portfolio Committee on Small Business Development, Ms Ruth Bhengu. Ms Bhengu was speaking during the launch of a Skills Development Training Centre at Westville Prison, KwaZulu-Natal. The launch formed part of Ms Bhengu's constituency work as an MP.

"Instead of building more correctional centres, we should turn them into skills development centres. It is critical that skills development should go hand-in-hand with reconciliation (between offenders and victims)," Ms Bhengu said.

Another MP, Mr Shakes Cele, who is a



PRODUCTIVE: Ms Ruth Bhengu visited the Skills Development Training Centre at Westville Prison in KwaZulu-Natal.

member of the Portfolio Committee on Justice and Correctional Services, was also present during the launch. So were high-ranking officials from the provincial Department of Correctional Services. It is envisaged that prisoners will become agents of change once they are released back into society. Ms Bhengu pointed out that it was difficult for reformed inmates to find jobs because of their criminal records. "We want to get rid of the 'criminal' label associated with convicted offenders released from prison," said Ms Bhengu.

The skills development project has seen the Midlands Taxi Association donate sewing machines to be used by inmates. The prisoners have sewn school uniforms, which the taxi association donated to Mpumelelo Primary School. "Children must focus on education. They must not be like us. We are prepared to help them in whatever way we can," said Mr Lucky Mpungose, an inmate who has been at the forefront of efforts to reform fellow prisoners.

It was a day of joy for many prisoners who were being recognised for their positive contribution to society. They also entertained those in attendance through song and dance, which captivated the audience. The sewing project has been overseen by Ms Fikile Magudu, a fashion designer who taught prisoners the art of sewing and designing clothes. "My ultimate wish is that when they are released from prison, people will help them start afresh and use the skills they acquired here to better their lives outside," said Ms Magudu. She added: "They are really good. Their behaviour has also changed for the better."

Mr Mpungose is also spearheading the Sesikhulile (we have grown up) programme aimed at making inmates



CRITICAL ISSUE: Residents of Mzimhlophe in Soweto tell MP Mr Tshepo Mhlongo (second from left) about their troubles.

better people. “We need to take full responsibility for our actions. Remorse is our fundamental principle,” he said. Correctional Services’ Acting Deputy Regional Commissioner Mr Bonginkosi Mchunu agreed, saying offenders ought to be better people when they are released from prison. “It must be emphasised that rehabilitation of offenders is a societal responsibility,” said Mr Mchunu.

Ms Bhengu praised the taxi association for assisting prisoners in their attempts to change their lives for the better. She called on them to create their own cooperatives because this would benefit the taxi industry.

Soweto residents plead for housing

Some residents of Soweto have been waiting since 1996 for government-sponsored housing. These residents of Mzimhlophe in Soweto say their pleas for decent housing have fallen on deaf ears and this has prompted them to turn to Democratic Alliance Member of Parliament Mr Tshepo Mhlongo, writes Cedric Mboyisa.

Mzimhlophe is one of the areas that form part of Mr Mhlongo’s constituency as a Member of Parliament. A former councillor for the City of Johannesburg, Mr Mhlongo

said he has been waging this fight for the aggrieved residents for years now.

“This is a critical issue. So my constituency work in this area is very important. We assist people every day, from the morning until the evening. I have even petitioned Parliament about this issue of housing. We must understand and listen to the people. No development can happen without the involvement or approval of the people,” said Mr Mhlongo.

As the result of the housing problem, some of the residents have forcefully occupied a nearby transit camp, which has been standing empty for some time. The transit camp was meant to be used by people from the old women’s hostel while the city developed better dwelling units for them. Mr Mhlongo said he did not condone the forceful occupation of the transit camp, but pointed out that residents were left with no choice.

The city has tried before to evict the residents, who have vowed to stay put until they get decent housing. According to Mr Mhlongo, 50 000 people in the City of Johannesburg jurisdiction have been on the waiting list since 1996 and the city planned to reduce the backlog by 5% every year

until the matter was finally resolved.

The residents complain that people have received housing ahead of them, even though these people were only added to the waiting list recently. “This allocation is based on political affiliation. This is just not right,” said one resident.

Mr Mhlongo said he has been trying to access the waiting list, without success. “This must not be a secret list. Everyone must see it,” he added.

Residents showed *InSession* the conditions in their transit camp. Some of the accommodation has leaking roofs and plumbing and toilets are not in a proper condition. The residents also said that electricity supply is a major problem. Mr Mhlongo told residents he would not give up on them, and that he would fight their battle until their challenges were resolved.

Mr Mhlongo’s constituency covers 12 wards, each ward comprising at least 15 000 registered voters. It includes areas such as Orlando East and West, Diepkloof, Mofolo, Dube, Phefeni and Jabavu. “I take my constituency work seriously. Public participation is very important. I used to work 70% in the field and 30% as a councillor. Now it’s 70% in the office and 30% in the field

as an MP. It remains very important to serve people at the constituency level," said Mr Mhlongo.

MP gives motivation class to learners

The only way to succeed is to become best friends with your books. These were the words of Inkatha Freedom Party Member of Parliament, Mr Mkhuleko Hlengwa, to Grade 12 learners in a remote village of KwaHlongwa in KwaZulu-Natal. Mr Hlengwa visited Mtumaseli High School in Mzumbe as part of his constituency work, writes Cedric Mboyisa.

As more than half a million Grade 12 learners are gearing up for their final exams, this MP decided it was time to focus on motivating learners and advise them on what to expect at institutions of higher learning. "Next year you will be a small fish in a big pond," he said. He emphasised that it was critically important for the learners to perform well academically so they

could get bursaries and guarantee themselves space at universities or any institution of their choice.

He said the issue of discipline was key. "You're going to a world where you are on your own. Exercise discipline. Discipline is critical so take it with you to varsity," he added. He warned learners about the dangers of using drugs and the excessive use of alcohol. He also told them to stay away from partying, as they prepared for their exams. "There will be no question in your exam about partying," he quipped.

Visibly excited teachers and learners welcomed Mr Hlengwa with a song. The 35 Grade 12 learners sang for him and thanked him for his motivational talk. They vowed they would perform well in the exams. Mr Hlengwa, who grew up in the area, told learners to remain humble once they had their university degrees or any other qualifications.

"Don't be arrogant because you're educated. Don't ever forget where you come from. You must use your education to develop your rural area. Most importantly, don't ever neglect and take your parents for granted. Don't disappoint or let down people who have sacrificed for you. Don't turn your back on your home. Get your priorities right. Don't let success go to your head. Stay humble all the time," said Mr Hlengwa.

He encouraged them to make a difference by contributing towards the creation of a better South Africa. "Be the change you want to see in others and where you are. Your future and success is in your hands. Make it happen. It's all up to you. Don't ever think challenges in your life are insurmountable. You're bigger than your challenges."

To giggles and a round of applause that reverberated around the small hall, Mr Hlengwa said: "Let your books be your new boyfriend or girlfriend during this time." 📖

MOTIVATION: Mr Mkhuleko Hlengwa of the IFP talks to a group of Grade 12 learners in KwaHlongwa in KwaZulu-Natal.





Stakeholders urged to re-think funding models

Days before students at higher education institutions launched protests throughout the country, the Portfolio Committee on Higher Education and Training attended the Higher Education Transformation Summit to seek insights into problems plaguing the sector, writes *Elijah Moholola*.

Hosted by the Department of Higher Education and Training (DHET) in Durban from 15 to 17 October, the Summit was attended by Members of the Portfolio Committee on Higher Education and Training, the Select Committee on Education, university vice-chancellors, the DHET entities and student representatives, among other interested groups.

The three-day summit provided a platform for a wide range of delegates to discuss issues in higher education, including funding and transformation, and to work towards identifying sustainable solutions. The theme of the summit was “Transforming Higher Education for a Transformed South Africa in a 21st Century World: A Call to Action”.

Committee Chairperson Ms Yvonne Phosa said the summit gave MPs an opportunity to gain insights into current interventions, the extent of challenges in the sector, and a forecast of longer term solutions.

“As a Committee, we were enriched by the deliberations that took place. This will certainly aid our oversight work in the future. We’ll be able to interact with management at universities and technical and vocational education and training colleges with a full picture of the current challenges as presented by the various stakeholders, which crucially included students.

“We will continue keeping a close eye on the implementation of the various

resolutions in our role of holding the department and its entities accountable,” she said.

Ms Phosa emphasised the need for institutions to fast-track transformation. Speaking prophetically on the opening day of the summit just a few days before students at tertiary education institutions launched their mass action, Ms Phosa warned that more needed to be done to accelerate transformation at institutions of higher learning and training.

“This year, our universities have been subjected to unprecedented public scrutiny, particularly on matters relating to transformation or a lack thereof. As those with the responsibility for the oversight of the tertiary education sector, this also places our role under scrutiny and, at the same time, assists us to identify areas of focus.

Ms Phosa acknowledged that it was

important not to turn a blind eye to “the significant changes” that have taken place at universities with regard to transformation. “This is demonstrated by the massive growth of participation of black students and women students in the system, which is something to commend, as is the increase in our knowledge production and outputs.

“However, when we evaluate the system according to the vision and objectives of our post-democracy policy statements, it is understandable that many are frustrated and even angry,” said Ms Phosa.

“Despite the achievements in access, research, governance and other areas, inequalities still remain and the pace of change continues to be frustratingly slow. This is particularly the case in relation to demographic change of our academic staff.”

In his opening speech, the Minister of Higher Education and Training, Dr Blade Nzimande addressed, among other things, the achievements made since the first Higher Education Summit was held in 2010 and the challenges that still remain, particularly with funding.

Among the successes recorded since the first summit are the improvements at historically disadvantaged institutions (HDIs), which were prioritised for infrastructure spending; and the Staffing South Africa’s Universities Framework, which was launched to ensure that the academic profession becomes more representative in terms of race and gender.

“Also flowing from the 2010 summit, the DHET has recently adopted a policy for the revitalisation of the academic profession. A number of

programmes have been developed to improve opportunities for young African academics and women. Many universities continue to make progress towards developing curriculum in a socially relevant direction. Some universities have made progress in affirming African languages and African language departments.

“Since the first summit, the DHET has undertaken a range of other initiatives. Some of the most important include reviews of the National Student Financial Aid Scheme (NSFAS), including the costing and a plan on how to implement free higher education for the poor, the provision and conditions of student housing and the funding of universities. Funding obviously remains an extremely important and complex area,” said Dr Nzimande.

Dr Nzimande said the DHET was in the process of modelling various possible funding scenarios arising out of the review commission on the universities’ funding formula.

“We have, however, started implementing some of the obvious recommendations, including significant increases in NSFAS, increases in bursaries for scarce skills, increased infrastructure and other grants to HDIs, as well as the New Generation of Academics Programme. We also need more ring-fenced funding to promote African languages in our universities.”

In his keynote address, Deputy President Mr Cyril Ramaphosa said: “Had the apartheid rulers not been so thorough, so malevolent in the denial of education to the black majority, then South Africa would today be on a completely different developmental trajectory. We would be a more equitable nation, a more prosperous nation.

“We would have an advanced, diversified, more inclusive economy. We look to our higher education sector to play a leading role in overcoming this devastating legacy,” Mr Ramaphosa said.

The summit resolved that, in the immediate term, the sector should actively support current initiatives to urgently address student funding and debt problems so that fee support for poor students who qualify for university can be sustained and improved. NSFAS must be strengthened to increase student funding for the poor and to improve recovery and repayment rates.

The mechanisms for holding institutions accountable for transformation goals should be strengthened and transformation indicators must be developed.

For the medium term, the summit resolved that all stakeholders, including government and the private sector, must work together to increase the funding allocated to universities. It also resolved that the work to find improved student funding models must be intensified to progressively introduce free quality education for the poor.

It was further agreed that the DHET must work with the sector to explore the possibility of developing regulatory frameworks in the area of fee increments, provided that this is linked to a full understanding of the cost drivers of higher education and the subsidy system.

The need to ensure that there was successful and rapid implementation of the HDI grant programme to address the development needs of HDIs to ensure their sustainability into the future was also emphasised. 🌍

Keep mandate at centre of work, says NCOP Chair

The *National Council of Provinces (NCOP) should always be clear about its mandate, the Chairperson of the NCOP, Ms Thandi Modise, told Members of the NCOP Programming Committee, Provincial Speakers, Deputy Provincial Speakers, Provincial Chief Whips, Chair of Chairs, Chairpersons of Provincial Standing Committees and representatives of the South African Local Government Association (Salga) in an inter-governmental workshop on the implementation of interventions and the review of the Provincial Week at Parliament recently, reports Mava Lukani.*

Ms Modise used a rugby match analogy in explaining how the NCOP should carry out its mandate. She said the NCOP should carry out its mandate like the linesman or referee. She said when the linesman and the referee in a rugby match do not agree, the spectators exert pressure on the referee to apply the correct rules to ensure that the match goes ahead in an acceptable manner. "In order to carry out our mandate correctly, let us understand it and interpret it correctly," said Ms Modise.

The workshop was held to reflect on the complex web of intergovernmental relations that drive the machinery of government to deliver services to communities. It also aimed to support provincial legislatures' requirements and oversight; establish an understanding of the application of Sections 100 and 139 interventions in administration of municipalities and to explore the lessons learnt in applying these interventions; and the possibility of introducing legislation in accordance with the requirements of the Constitution.

Ms Modise told workshop participants

that it was appropriate for the NCOP, the provincial legislatures and Salga to gather together under one roof to ensure that they have a common understanding on interventions, especially the procedure of the application of the intervention legislation.

The University of the Western Cape's Prof Jaap de Visser, who specialises in the review of law and policy, emphasised the importance of communication in the application of the intervention legislation. He said the communication requirement is the first step and the key element of the application procedure. He said prior notice of intention to intervene must be made and the formal notice of assumption of responsibility identifying the failure and specifying the time period and scope of intervention must be issued.

The types of interventions include regular, financial, budget and financial crisis interventions. Regular intervention happens when there is a failure to fulfil executive obligation. Financial intervention occurs when there is a serious financial problem. Budget intervention happens when

the municipality cannot approve the budget. Financial crisis intervention takes place when the municipality fails to provide basic services to communities and cannot meet its financial commitments.

Ms Modise highlighted the importance of achieving the objective of the intervention. According to her, in the bigger scheme of things, the question of achieving the objective of the intervention should be of primary importance.

"The approval of the intervention by the NCOP should hinge, among other things, on an emphasis on the accomplishment of the positive objective of the intervention," said Ms Modise.

During the workshop, challenges and lessons learnt from intervention into the Limpopo provincial government came under the spotlight. Mr Charel de Beer, NCOP Member and Chairperson of the Select Committee on Finance, said the absence of guidelines on the intervention had caused tension between the executive and the Inter-Ministerial Task Team.

"That led to the inconsistent application of the intervention by different administrators in Limpopo," said Mr De Beer. He said the absence of the enabling legislation created uncertainty within the provincial legislature as to who to hold accountable during the intervention. "Poor communication



COMMON UNDERSTANDING: The Community Law Centre's Prof Jaap de Visser and NCOP House Chairperson Ms Masefako Dikgale at the intergovernmental workshop.

between the Office of the Premier and the administration team led to unnecessary conflict in 2012," Mr De Beer said.

He suggested that in the future a line of communication between the Office of the Premier and the administration team must be created. Mr De Beer said the intervention was challenged by the absence of a Memorandum of Understanding (MoU) between the administrators, heads of departments, MECs and the ministers. He suggested that an MoU should exist, spelling out who does what and who reports to whom.

Mr De Beer recommended that urgent enabling legislation to guide intervention under Section 100 should be introduced. He said it should provide clarity on who is accountable to the provincial legislature during the intervention. Mr De Beer emphasised the need for the strengthening of cooperative governance and inter-governmental relations to cultivate a climate conducive for national government's monitoring and support to the provinces.

According to Mr De Beer, there is a need for consultation between the national executive and the NCOP

when the Cabinet considers the termination of an intervention. The workshop participants discussed the challenges of the Limpopo Section 100 intervention and the recommendations made by Mr De Beer.

The Provincial Week programme of the NCOP was also discussed during the workshop, to ensure that the NCOP and the leaders of the provincial legislatures have a common understanding of the programme. "The programme is implemented in the provinces, not in the NCOP. Based on that, we should be on the same page," Ms Modise said. 🗣️

Plight of rural women in the spotlight

The *situation of women living in rural areas came under the spotlight in the National Council of Provinces (NCOP) during a debate on International Women's Day in October, writes Sakhile Mokoena.*

International Rural Women's Day is marked every year on 15 October to recognise rural women's importance in enhancing agriculture, rural development, food security and eradicating rural poverty worldwide.

During a discussion on the theme: "Rural women as agents for achieving sustainable socio-economic development," NCOP delegates, Members of Provincial Legislatures and the South African Local Government Association (Salga), raised concerns about the daily difficulties still faced by rural women, especially in the former homeland areas where development has been very slow in the past 21 years.

The Deputy Minister of Rural Development and Land Reform, Ms Candith Mashego-Dlamini, said government must take significant strides to ensure that women in rural areas had access to land in their own right. This would help them to deal with the patriarchal challenges they still face.

"In South Africa's rural areas, women's access to land was limited by their gender and social position in the community. Customary laws also prevented women from owning land. For many years, a woman was not able to get effective land rights without the permission of her husband or guardian.

"This demon called gender-based violence is prevalent due to patriarchal and traditional stereotypes, particularly

in rural areas. For an example, *ukuthwala* (forced marriage) violates the socio-economic development of young girls and stifles their education and violates the Children's Act," said the Deputy Minister.

She said when chiefs chase widows away from the land when their husbands pass away it violates their rights as beneficiaries and deprives their children of the right to shelter endorsed by legislation.

Eastern Cape Social Development MEC, Ms Nancy Sihlwayi, said rural women and farm workers desperately need Parliament to improve their living conditions. "Our freedom is not complete until the most vulnerable people in society are free from all types of exploitation and human rights violations," she said.

Ms Nkagisang Mokgosi, an NCOP delegate from the North West, said rural women are the most excluded from economic participation as a result of outdated cultural practices. She added that in rural areas under traditional leadership, most women are denied rights to own and use land, unless they married or have grown-up male children.

"Most women are not given the right to speak up in traditional courts or meetings and need males as intermediaries to voice their concerns. In rural areas, women do not have access to the most basic rights,





SIGNIFICANT ROLE: The contribution rural women make to society goes largely unnoticed.

such as access to clean and healthy water, quality medical care and basic education for the girl child,” Ms Mokgosi said.

She said women in rural areas lived in fear of being raped, murdered or abducted and forced into marriages. “We must never rest until we root out the practice of killing elderly women accused of witchcraft in villages and until rural women are given rights to land, with or without husbands or male children,” she said.

Councillor Sindiswa Gomba, the national Chairperson of Salga Women’s Commission, said rural women worldwide play a major role in ensuring food security and in the development of rural areas, yet they frequently lack the power to secure land rights and access to vital services. Their significant contribution to society goes largely unnoticed.

“The essence of rural women’s contribution to sustainable socio-economic development is their overwhelming share in agricultural production. Finding ways of alleviating rural women’s workload should be the point of departure of every action that intends to make rural women full partners in the development process.

“Given women’s essential role in food production and the great amount of work they do, it would make sense that development programmes would be directed to women to help them improve their farming methods, reduce their workload and give them access to rural services such as water and fuel, credit, training, land and markets,” she said.

“Promoting and ensuring the full enjoyment of the rights of rural women and expanding their access to opportunities, resources and services requires comprehensive action at

different levels,” she said.

Gauteng delegate to the NCOP Mr Jacques Julius urged government to “give rural women title deeds so that they can develop their land and acquire business loans to develop their own lives and that of their children. Rural women cannot forever be dependent on grants and handouts.”

Participating in the discussion, Ms Weziwe Thusi, the KwaZulu-Natal Social Development MEC, said rural women’s lack of access to resources and basic services was compounded by their unequal rights in family structures, as well as unequal access to family resources, such as land and livestock. This, she said, explains why African rural women are not only poorer in society as a whole, but also in their own families.

“It also defines why their level and kind of poverty is experienced more intensely than that of men. Their lack of access to and control over land means less access to credit and technical assistance, which are essential for development,” Ms Thusi said.

Another NCOP delegate, Ms Zukiswa Ncitha, said inadequate response to the needs of rural communities and resource constraints hampered the rendering of effective policing in many rural areas. She said there was a need for law enforcement in rural areas to empower women, older persons and persons with disabilities in exercising their legal rights against violence.

“The challenge faced by these people in being unable to access the police or courts limits the exercise of rights and results in their infringement. Women and children in rural areas are at times more prone to human trafficking, which directly violates the rights of persons as it is an activity that infringes on human dignity,” she said. 🌱

Success for Parliament's new Legislative Drafting Unit

A project of Parliament's Legal Drafting Unit (LDU) in the Constitutional and Legal Services Office (CLSO) has borne fruit by assisting a Committee to address a Constitutional Court judgement through a Committee Bill. By Adv Charmaine van der Merwe and Ms Daksha Kassin.

On 23 September 2015, the President assented to the Refugees Amendment Act No 10 of 2015. The Act addresses the Constitutional Court's judgment in the matter of *Mail and Guardian Media Limited and Others v MJ Chipu and Others CCT 136/12 [2013]* (the Chipu case), which dealt with the constitutionality of the requirement of absolute confidentiality provided for in Section 21(5) of the Refugees Act, 1998.

This is the first Act to result from a project initiated by the CLSO, namely a review of technical gaps in the statute book of South Africa.

During 2009, an assessment of Parliament found that Parliament "should explore the reasons behind its poor record in initiating legislation and address capacity gaps that may contribute to it".

This finding, together with criticism raised in respect of the quality of legislation generally produced by Parliament was referred to the Chief Legal Adviser. The Chief Legal Adviser developed a concept document that culminated in the establishment of the LDU within the CLSO, which specialises

in legislative drafting. Currently, the LDU consists of five legal advisers and an administrative officer.

Since its establishment in 2013, the LDU has largely rendered legislative drafting services to Committees and Members of Parliament. To date, the LDU has assisted on 37 Private Member's Bills (13 of which have already been introduced) and 14 Committee Bills (four of which have been introduced). In addition, another function of the LDU is to consider any defects or gaps identified in the existing law. Specifically, the LDU identifies cases where Parliament has been ordered to correct a defect in the law by a specified date and advises the relevant Portfolio Committee accordingly.

During March 2015, the LDU advised the Chairperson of the Portfolio Committee on Home Affairs of the obligation placed on Parliament by the Constitutional Court in the *Chipu* case.

The option of initiating and drafting a Committee Bill to address gaps in Section 21(5) of the Refugees Act, 1998, and also to meet the Constitutional Court's deadline to correct the defect was also discussed. After consulting the

Department of Home Affairs and also taking into account the Constitutional Court's deadline of 27 September 2015, the Portfolio Committee on Home Affairs took a decision to initiate and draft a Committee Bill.

Embarking on this legislative process firstly required the Committee to get permission from the National Assembly in terms of the National Assembly Rules to proceed with the legislative proposal. Thereafter the LDU assisted the Committee in drafting the initial Committee Bill, which was then published in the *Gazette* for comment.

The Committee had to review and consider all the written submissions, deliberate on the Bill and consider any further amendments. Finally, the Committee adopted the Bill and submitted it for introduction in the Assembly. After the National Assembly adopted the Bill, the Bill was transmitted to the National Council of Provinces for concurrence, where it was referred to the Select Committee on Social Services for consideration.

On 3 September 2015, the Bill was adopted by the National Council of Provinces and was subsequently sent to the President for assent. The Bill was assented to and published as Act No 10 of 2015 in *Gazette* No 39234.

Section 73(2) and (4) of the Constitution empowers, among other things, Committees of Parliament to introduce Bills. With the establishment of the LDU, Parliament has created the capacity to enable its Committees to exercise this constitutional power.

Through its review of the statute book project, the LDU is able to empower Committees to ensure that defects in legislation are corrected, either through effective oversight, or by way of Committee Bills. 🌟

Working for a nuclear-weapons-free world

The Deputy Chairperson of the National Council of Provinces (NCOP), Mr Raseriti Tau, recently represented South Africa at the 2015 Assembly of Parliamentarians for Nuclear Non-Proliferation and Disarmament (PNND) in Prague, Czech Republic, to discuss initiatives to achieve a nuclear-weapons-free world, writes *Sakhile Mokoena*.

He told the Assembly that South Africa was committed to a policy of “non-proliferation, disarmament and arms control, which covers all weapons of mass destruction and extends to concerns relating to the proliferation of conventional weapons.

He said in demonstrating its commitment to a safe and peaceful world order, the dawn of democracy in South Africa inspired a move towards prioritising nuclear disarmament.

“South Africa is the only country to date to have voluntarily and unilaterally destroyed its nuclear weapons capability and we remain convinced that the possession of these weapons – or the pursuit of such possession by certain states – does not enhance international peace and security.

“We have also developed our own legislative framework to deal with issues of nuclear non-proliferation and disarmament, which led to the enactment of the Non-Proliferation of Weapons of Mass Destruction Act of 1993.

“This Act has mandated the establishment of the South African Council on Non-Proliferation of Weapons of Mass Destruction (NPC), in order to provide control over weapons of mass destruction in the Republic of South Africa,” he said.

The Deputy Chairperson added that South Africa has since emerged as a champion of both global nuclear non-proliferation, equal access to peaceful nuclear energy and nuclear disarmament. This commitment, he said, hinges on the fact that South Africa is a signatory to a number of key nuclear non-proliferation treaties, agreements and obligations.

He said the Inter-Parliamentary Union (IPU) was a strategic vehicle for establishing a global footprint towards re-energising multilateral initiatives for the achievement of a nuclear-free world.

He told the conference that the devastating aftermath of the use of atomic weapons in Hiroshima and Nagasaki in 1945 should be enough to make the world understand the dangers of states that divert technology and materials for weapons purposes.

The global community faces what seems to be an insurmountable task, particularly in achieving the vision of a nuclear-weapons-free global society, Mr Tau said.

The solution for reaching consensus around mechanisms of disarmament, he said, lies in the firm commitment to peaceful negotiation, in order to reach a mutually acceptable agreement by all parties.

Mr Tau, who is also the Chairperson of the IPU’s Standing Committee on Peace and International Security, said the Committee has prioritised peace and stability by means of debates and making recommendations for action.

He said the Committee has prepared and adopted numerous draft resolutions on disarmament and conflict resolutions, which include the following:

The draft resolution on advancing nuclear non-proliferation and disarmament and securing the entry into force of the Comprehensive Nuclear Test Ban Treaty (CTBT). This resolution, among other things, called upon all parliaments that have not yet signed and ratified the Comprehensive Nuclear Test Ban Treaty to exert pressure on their governments to do so.

It also calls for parliaments to strengthen multilateral regimes for non-proliferation of weapons and for disarmament, in the light of new security challenges. This draft resolution, among other things, called on parliaments to provide strong and effective support to all resolutions and recommendations on peace, disarmament and security previously adopted at IPU conferences and assemblies.

“It is now upon this leadership collective to monitor and oversee the implementation of these draft resolutions that have been posited by the IPU’s Standing Committee on Peace and International Security,” Mr Tau concluded. 🌍

Global commitment to advance gender equality

The *collective collaboration and cooperation by public representatives across regions and global platforms such as the Eurasian Women's Forum is an important opportunity to share ways to remove impediments to gender equality and to ensure that speedier progress is made. By Elijah Moholola.*

This was the assertion of the National Assembly Deputy Speaker, Mr Lechesa Tsenoli, during the inaugural Eurasian Women's Forum, which was held from 24 to 25 September in St Petersburg, Russia.

The forum saw Members of Parliament and representatives of executive authorities, businesses, academia and non-governmental organisations, as well as prominent leaders of international feminist movements coming together in the northern capital of Russia to discuss, among other things, issues of social well-being and sustainable development and empowerment of women in an evolving economic context.

According to the Eurasian Women's Forum, the "utmost relevance of the forum builds on the strengthening of integration across the Eurasian Economic Union, the Commonwealth of Independent States and the Shanghai Cooperation Organisation, as well as on the mainstreaming of women's role in addressing both domestic and global challenges within the Eurasian space."

Mr Tsenoli led the South African delegation on behalf of both the Speaker of the National Assembly, Ms

Baleka Mbete, and the Chairperson of the National Council of Provinces, Ms Thandi Modise. He was the only man present at the forum, demonstrating that South Africa considers gender an issue that concerns men as well as women.

"Unless we focus our energies, time and resources on service to the most vulnerable in our countries, in our neighbourhoods where we live, across boundaries and borders, we will lose the opportunity to give gender equality a chance.

"Areas experiencing a humanitarian crisis caused by war and conflict need our collective attention, but in those areas that lie beyond media attention, unbelievable injustice happens and should not escape our attention. In other words, it's not only the squeaky wheel that must get the oil.

"The media operates on the basis of drama and often misses the conditions we should assume responsibility for. Research work in collaboration with public and private academia must inform our work in addition to the mandates we committed ourselves to implement as public representatives."

The democratic South Africa was itself



a product of the collaborative efforts by the international community, who joined the country in the fight against apartheid. There is a similar need for a global war to be waged against gender equality, argued Mr Tsenoli.

"Twenty-one years into our new democracy, we cannot stop being grateful to the international community for joining what became the most successful campaign to remove what the United Nations correctly called a crime against humanity – apartheid.

"Gender equality resonates well across continents. It is one thing that unites us. Let's deal with its attainment with the same vigour, creativity and determination we displayed [in the fight against apartheid]. Let's target our attention and energies strategically."

Mr Tsenoli pointed out that the South African delegation was attending the forum during a year that had been declared the Year of Women Empowerment and Development towards Agenda 2063 by the African



COMMON PURPOSE: Delegates to the inaugural Eurasian Women's Forum.

heads of state and governments. He further briefed the delegates about South Africa's recent engagements in international forums geared towards dealing with gender inequality.

"Our leadership has just come out of regional and continental Commonwealth Women's Parliament as well as the Inter-Parliamentary Union meetings, where compliance with global commitments on gender equality was examined. The Southern African Development Community Parliamentary Forum, in which we participate, is working on what it calls a gender responsive budgeting policy framework, in addition to campaigning to meet the 50/50 quota in all key decision-making structures, in line with global commitment to advance gender equality."

In South Africa, measures to achieve gender equality were also well underway, Mr Tsenoli said. "Our government recently launched a significant research-based Status of Women Report in the South African

economy. It assesses women's role, status and participation in education, labour markets, land, credit and property, poverty and inequality and unpaid work, among other issues.

"Not so long ago Statistics SA published its first gender report. Over time, it will improve the quality of its data to contribute to a better measure. These initiatives, plus the growing culture of monitoring and evaluation in both government and Parliament, will improve the quality of progress that we register," he said.

Mr Tsenoli added: "Strengthening the gender machinery – the Ministry of Women in the Presidency, the Commission on Gender Equality, legislative committees on women, and multiparty women caucuses – and improving the quality of engagement across the state – are crucial steps in the fight for gender equality."

The Eurasian Women's Forum gathered on the 70th anniversary of the end of World War 2, and the participants

committed themselves to the Charter of the United Nations; the Universal Declaration of Human Rights; the Convention on the Elimination of All Forms of Discrimination Against Women; and the Declaration on the Elimination of Violence Against Women.

The Outcome Resolution of the Forum stressed the need for strengthening the role of women in reaching the United Nations' Sustainable Development Goals and implementing its new development agenda. It also committed to ensuring comprehensive and guaranteed participation of women in public governance and elections at all levels, and in social and political life, economic development and modernisation. It also called for the protection of women's health, especially during pregnancy and while breast-feeding.

The next Eurasian Women's Forum is also set to be in St Petersburg, Russia, in 2018, with the inaugural one having resolved that the event be staged every three years. 🌍



NEW REALITY: Finance Minister Mr Nhlanhla Nene presents his 2015 Medium-Term Budget Policy Statement in Parliament.

Sustaining growth in a low-growth world

The day after the Minister of Finance, Mr Nhlanhla Nene, tabled the Medium Term Budget Policy Statement in Parliament, he appeared before the National Assembly's Standing Committee on Finance and Appropriations and the National Council of Provinces' Select Committee on Finance and Appropriations to state how he intends to fund government's capital and social projects to sustain social progress and create a more competitive economic environment conducive to expanding trade and investment, writes *Abel Mputing*.

In his presentation, the minister admitted that the world has experienced a sustained period of slow growth, which has had

a significant impact on South Africa's growth and on the National Treasury. This year's Medium Term Budget Policy Statement's theme was

"Sustaining Growth in a Low-Growth World."

"All countries, particularly the developing nations, are grappling with the changes required to manage this new reality. At home, electricity constraints, low business confidence and declining household demand have compounded the weak economic situation," Mr Nene said.

Some Members of Parliament wanted to know exactly how the National Treasury intends dealing with these challenges in a shrinking fiscal space. They wanted Mr Nene to provide more clarity on the kinds of additional taxes that the Treasury is likely to propose to fund its projected gross tax revenue shortfall of R35bn.

“Additional taxes will be needed to fund government’s ambitious policy agenda, but that will be approached with caution given the weak economic conditions. Members may be well aware that Treasury only deals with tax issues during the tabling of a budget. Yes, there are tax proposals on the table, such as wealth tax and various others, including Judge Dennis Davis’s Tax Committee proposals.

“We have not yet decided on any because there is a constitutional process that involves both Committees, that dictates how we deal with the introduction of taxes to ensure that we arrive at an informed decision. That process has not yet unfolded. To talk of that now will be tantamount to jumping the queue,” he said.

The #FeesMustFall campaign for free higher education, which clouded this year’s budget policy statement, could not be overlooked. Members asked how the Treasury intends responding to such a call. “This call has necessitated government to look at its funding of post-school education. The immediate intervention will look at how to access the various assortments of skills levy funds to fund higher education. But also, we need to look at how higher education can contribute to skills development. That is a matter to which we pay critical attention, to ensure that government gets a return on its investment. And the private sector’s contribution in this regard is most valuable. On the other hand, there are two processes we have initiated: there is now an interdepartmental task team that looks at the funding of higher education. There is

another process that is investigating a new funding model that will identify the inefficiencies that beset the current funding model.”

Some MPs asked what the National Treasury intends to do to root out corruption in state-owned entities and government departments so there are enough funds to finance critical social projects, such as financial aid to needy students in higher education. “The quality of spending in government departments and state-owned entities is something that we constantly report on in our annual reports. It is up to Members to act on those reports made available to you. Parliament needs to identify areas of deficiencies in these state-owned entities and government departments and see what responsive measures can be taken to deal with corruption,” he said.

The public sector’s wage bill also came under MP’s scrutiny. They asked whether the public sector bill is linked to productivity. “There are policies that determine salaries of public servants. The wages that are paid to its employees are determined by such precepts. The most difficult thing is to measure productivity in this sector, because unlike others, its productivity is political and one cannot use conventional financial or commercial measures to determine its productivity. However, there are appraisal tools that have been developed to assess the performance of the public sector that, in turn, determine their remuneration.”

MPs were also concerned that the sustained low growth may lead to changes in the labour market, a move that could reverse the hard-won gains of organised labour. “When we talk

of labour reforms, we don’t express the need to reverse the gains of our organised labour. We look at how best to regulate our labour market to curb our country’s tendency to have long protracted strikes that have a negative impact on the economy and its growth focus. This includes the need to look at how the Commission for Conciliation, Mediation and Arbitration can deal with matters before it expeditiously,” Mr Nene said.

Most Members wanted a reassurance of interventions that the Treasury has devised to chart a path for higher economic growth to ensure that government’s progressive social and capital projects are not hampered. “We have now realised a need to reform the governance of state-owned entities and the rationalisation of state holdings. Government also recognises that national development requires expanded partnerships with the private sector. Aligned to that is the need to review business incentives to ensure support for labour-intensive outcomes.

“We have also set a new fiscal policy based on principles of counter-cyclicality and debt sustainability. We have now adopted a fiscal rule that will link the spending ceiling to a long-run path of economic growth, not the other way round. In other words, we want to ensure that structural increases in borrowings or investments correspond with structural increases in revenue or yields on those investments. This can only take place if we improve our appraisal of the financial returns and risks of our capital projects. We want this forecast to be part of the guidelines of our intergenerational fiscal framework, going forward,” he said. 🗨️

Provincial interventions at municipalities 'temporary'

Although *the Constitution's Section 139 (1)(b) provides for provincial governments to intervene in lifting ailing municipalities out of precarious situations, the Chairperson of the Select Committee on Cooperative Governance and Traditional Affairs (Cogta), Mr Jihad Mohapi, advised municipalities not to make being placed under administration a norm, writes Temba Gubula.*

Mr Mohapi said municipalities are expected to extract as much information as possible during the intervention process so that they avoid regressing once the intervention is lifted. He voiced these sentiments during the Committee's oversight visit to two struggling KwaZulu-Natal municipalities in October. "Invocation of Section 139 (1)(b) of the Constitution is not meant to be a lasting solution, but a measure to help municipalities overcome challenges inhibiting them from achieving desirable outcomes at that time."

The Committee's reason for visiting these municipalities was two-fold. Firstly, it sought to establish whether the National Council of Provinces (NCOP) should approve an extension to the intervention in the Imbabazane Local Municipality. It also had to establish whether the reasons to invoke Section 139 (1)(b) in the Indaka Local Municipality were sound enough to get the nod from the NCOP.

Applications for extension and invocation of Section 139 (1)(b) were brought before the NCOP by the KwaZulu-Natal Provincial Executive Council (KZNPEC), after noticing that these municipalities needed help.

In Imbabazane, for example, Committee members heard that the reason the KZNPEC applied for extension was to allow the municipality time to finalise outstanding matters emanating from the initial intervention.

Challenges that still needed to be addressed were the recruitment and appointment of a General Manager: Technical and Infrastructure Development – a position the municipality considers critical for dealing with challenges in water connectivity and sanitation, among other things.

Other challenges concerned the alleged misconduct of the municipal manager, who is said to have irregularly increased salaries of some employees, and corporate services. These officials have been placed on precautionary leave and the matter must be resolved before the intervention is lifted.

In terms of good governance, Imbabazane has non-functional Audit and Performance Committees, disfunctional Ward Committees, poor financial management and weak supply chain management. This municipality

will be merging with Umtshezi Local Municipality after local government elections next year and the KZN Cogta believes it is important that all outstanding matters are addressed before the merger takes place.

Imbabazane has experienced intervention on and off since the 2011/12 financial year. The latest intervention was in 2013, with a subsequent extension in 2014. This was supposed to end in August 2015, but in September the KZNPEC resolved for apply for an extension.

In Indaka Local Municipality, the application for the invocation of Section 139(1)(b), according to KZN Cogta, was sought to address the instabilities plaguing the municipal council. The municipal council is being accused of disregarding the rule of law and prescripts governing local government.

They are said to have suspended the then municipal manager and appointed an acting municipal manager without following due process, a decision that was overturned by the South African Local Government Bargaining Council. It is alleged that the council went ahead with the suspension despite the advice from KZN Cogta officials, who advised against the suspension.

In April 2015, the council removed the mayor, who was replaced without following due process, resulting in the municipality having a mayor who was not a member of the executive



SELECT COMMITTEE CHAIRPERSON: Mr Jihad Mohapi.

committee, in contravention of Section 43 of the Municipal Structures Act. Even in this instance, the advice Cogta officials provided was not followed. There were also allegations of municipal officials changing council minutes on two occasions due to pressure from factions among councillors. There were further allegations that some councillors had failed to attend two to three council meetings and that the speaker had ignored these transgressions.

The municipality is also slow to spend on capital projects. The municipality had no capacity to produce annual financial statements and was relying on consultants to achieve this.

This municipality is also merging with eMnambithini Local Municipality after elections next year, and as such the KZNPEC considered it necessary that outstanding challenges are addressed before the merger.

As is the case with all merging municipalities, a Change Management Committee was established to prepare for the amalgamation.

The Committee was pleased with the commitment displayed by stakeholders to improve the situation in their municipalities. This commitment was expressed by organised labour, political parties and ward committees who supported the provincial intervention extension in Imbabazane as well as the invocation of the intervention in Indaka Local Municipality.

Mr Mohapi said the Committee had listened to all presentations from the KZN Cogta, organised labour, political parties and communities at large and will now deliberate on its own and advise the NCOP on how to proceed with these two requests. 🌟

The role of Parliament in the budget process

The budget

The budget is government's financial plan that is made every year. This plan explains what government wants to achieve and how it will spend money to meet these goals. It indicates government's priorities, and makes sure the government has the money it needs to do its work.

Role of the two Houses of Parliament

Both Houses of Parliament play a role in the budget. After all the Budget Votes have been debated, Members of Parliament representing each House vote on the whole budget.

If the budget is approved, the ministers and Parliament can go ahead and spend the money as budgeted. During Parliament's Budget Vote, the Speaker of the National Assembly opens and closes the debate of Parliament's Budget Vote. In the National Council of Provinces, the Chairperson normally chairs a policy debate focusing on Parliament's Budget Vote.

Role of the National Treasury

The National Treasury is responsible for managing the national government finances. Chapter 13 in the Constitution mandates the National Treasury to ensure transparency, accountability and sound financial controls in the management of public funds.

The National Treasury plays a fundamental role of promoting economic development, good governance, social progress and a rising standard of living for all South Africans. The legislative mandate of the National Treasury is also described in the Public Finance Management Act (Chapter 2).

The National Treasury has the following functions: it promotes government's fiscal policy framework; it coordinates macroeconomic policy and inter-governmental financial relations; it manages the budget preparation process; it facilitates the Division of Revenue Act (which provides for an equitable distribution of nationally raised revenue between national, provincial and local government); and it monitors the implementation of provincial budgets.

The Medium Term Budget Policy Statement

The Medium Term Budget Policy Statement (MTBPS) is a government policy document that communicates to Parliament and the country the economic context in which the forthcoming budget will be presented, along with fiscal policy objectives and spending priorities over the three-year expenditure period. The policy statement is an important part of South Africa's open and accountable budget process. It empowers Parliament to discuss and shape government's approach to the budget.

The Money Bills Amendment Procedure and Related Matters Act (2009) requires government to table the MTBPS in Parliament at least three months before the national budget is presented.

The statement must include: a revised fiscal framework for the current financial year and the proposed fiscal framework for the next three years; an explanation of the macroeconomic and fiscal policy position, and macroeconomic projections and assumptions underpinning the fiscal framework. The statement must also include the spending priorities of

government for the next three years; the proposed division of revenue between national, provincial and local government for the next three years.

It must also include any substantial proposed adjustments to conditional grant allocations to provinces and local governments; a review of spending by each national department and each provincial government between 1 April and 30 September of the current financial year; and the revised fiscal framework for the current year. The proposed medium-term fiscal framework, the explanation of the macroeconomic and fiscal policy position, and the projections and assumptions are referred to Parliament's finance committees.

National spending priorities for the next three years, the proposed division of revenue between spheres of government and adjustments to conditional grant allocations are referred to the appropriations committees.

The budget cycle

The budget preparation process runs from April to March every financial year.

- At the planning stage, national and provincial departments consider their medium-term strategic objectives and spending priorities;
- At the stage of formulation, the National Treasury issues guidelines to government departments. In return, departments submit their draft budgets and then a negotiation process and final decision by the executive takes place.
- The legislative stage includes the tabling of the budget, consideration by parliamentary Committees and lastly, Parliament accepts amendments or rejects the budget.
- In the implementation stage, departments start spending their budgets while the National Treasury monitors their spending. Mid-year adjustments are also made.



- The final stage occurs when the Auditor-General examines financial statements and performance and then audit reports are published and revised by Parliament.

How the public benefits from the budget

The budget is allocated according to the priorities or programmes outlined in the State of the Nation Address (Sona) by the President, who is the Head of the State. Two weeks after the Sona, the Minister of Finance tables the Budget Speech in Parliament.

This speech is used to inform Parliament, the executive and the public on how much money (in the form of taxes) has been collected and how these are going to be distributed.

The Constitution requires government to act within its available resources to progressively realise fundamental social and economic rights. This mandate is carried out by the different government departments, headed by ministers and their deputies.

For example, children who go to school are provided with school teachers, buildings, stationery and food. These are items that have financial implications for the Department of Basic Education, and ultimately the State. This means that the

relevant Ministry, with the guidance and assistance of Parliament's committees, will consider a budget to address all of those items. The same will apply with all the other departments and organs of state.

Is there any public representation and/or involvement in the budget vote?

Public representation during the budget occurs directly through the elected political parties representing the voting population of South Africa. For instance, during the Budget Debate MPs will bring their criticisms of the budget and also vote on behalf of the public to adopt the budget. Members of the public may attend the debates in the galleries of both Houses of Parliament.

The relationship between the budget and oversight

Public funds are raised by means of contributions made by citizens through taxation. The state is held responsible and accountable for how it raises public funds and how it spends taxpayers' money.

Parliament exercises oversight (a function granted by the Constitution) over state funds through parliamentary committees. These committees hold the state accountable for what it spends money on, its performance and also

assess whether it is achieving results with public funds.

There are a range of processes and mechanisms in place to ensure oversight over public expenditure and performance. For example, South Africa has an Auditor-General who audits each department's financial and non-financial performance. The findings of the audits are reported to Parliament and the Standing Committee on Public Accounts of Parliament makes sure that issues raised by the Auditor-General are dealt with.

Tickets for observing debates from the public galleries of both Houses of Parliament can be obtained, free of charge, from the Public Relations Office. Contact Tebogo Tsheole at 021 403 2197 or email mtsheole@parliament.gov.za

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