

PARLIAMENT
OF THE
REPUBLIC OF SOUTH AFRICA

**ANNOUNCEMENTS,
TABLINGS AND
COMMITTEE REPORTS**

TUESDAY, 6 DECEMBER 2011

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COMMITTEE REPORTS

National Assembly

1. Report of the Portfolio Committee on Police on the Annual Report 2010/11 of the Civilian Secretariat for Police, dated 30 November 2011.

The Portfolio Committee on Police reports as follows:

1. INTRODUCTION

The Secretariat derives its mandate from section 208 of the Constitution, (Act 106 of 1996) which states that a civilian secretariat for the police must be established by national legislation to function under the direction of the Cabinet member responsible for policing. In terms of the Civilian Secretariat for Police Service Act No. 2 of 2011 the Secretariat will become a designated department, with the Secretary of Police as the Accounting Officer. In respect of the 2010/11 financial year, however, the Secretariat was still functioning as a cost centre under the Administration Programme (Programme 1) of SAPS.

2. STRATEGIC OBJECTIVES 2010/11

The following key objectives were identified by the Secretariat for 2010/11:

- To provide quality, timeous evidence based strategic research and policy advice to the Minister of Police.
- To play an activist and interventionist role with regard to civilian oversight of the police.
- To develop and contribute to the global view on police practices and methodologies.
- To develop and build strategic partnerships.
- To strengthen dialogue and relationships on safety and crime prevention.
- To initiate policy driven legislation on policing and security matters.
- To perform any other functions as may be determined by the Minister of Police.

3. PROGRAMMES AND ACTIVITIES FOR 2010/11

The following were some of the key activities of the Secretariat for 2010/11. It should be noted that the 2010/11 Annual Plan of the Secretariat did not contain well-defined targets and indicators for measuring performance, however in the reporting of the Secretariat on performance as contained in the 2010/11 Annual Plan of the SAPS, an attempt was made to address some of the reported shortcomings.

3.1. Office of the Secretary

Selective key deliverables and achievements during 2010/11 included:

3.1.1 Achievements

- Development and finalisation of the Civilian Secretariat Act.
- The organisational structure was finalised by the Department of Public Service and Administration on 31 March 2011.
- Monthly expenditure reports for units were implemented from 1 January 2011.
- A total of 25 proactive and reactive reports were submitted to the Minister.
- Meetings were held with provinces to ensure alignment of provinces with national positions.
- Two of the three Bills were prepared and submitted to Parliament. These were the Civilian Secretariat for Police Service Bill and the Independent Complaints Directorate Bill.
- A task team was established to address the implementation of the new Acts and the terms of reference for the proposed ICD and Secretariat Forum.
- Three special projects were completed including the Central Firearms Register assessment, the Forensic Science study of international best practice and the Firearm Amnesty Report.
- A communication plan on the release of the crime statistics has been developed.

3.1.2 Challenges

- Under spending of the budget of 10%.
- The Private Security Industry Regulatory Authority (PSIRA) Bill was not submitted and will now be managed by PSIRA
- Neither the Firearms Control Act (FCA) regulations nor the Private Security training regulations were promulgated. The FCA regulations were drafted and the PSIRA summary of comments on the training regulations has been submitted to PSIRA for finalisation.

3.2 Chief Directorate: Policy and Research

Selective key deliverables and achievements during 2010/11 included:

3.2.1 Achievements

- Draft policy on the Metro Police was submitted to the Minister.
- Draft policy on PSIRA was submitted to the Minister and to PSIRA.
- A policy on Community Safety Forums was submitted to the JCPS cluster and an implementation plan developed.
- The findings of the Sector Policing report have been incorporated into the White Paper.
- Terms of reference for the Victim Survey were developed and work was undertaken with STATS-SA to develop a questionnaire to be used in the Survey.
- A resources centre has been established.
- Functional research reference groups have been established and three of the four scheduled meetings were held.
- Partnership projects and reports with SAPS included: Reservist policy (incomplete); Implementation of Child Justice Act and development of National instructions; DPCI draft policy developed and is now being adapted to deal with the Glennister Judgement; establishment of joint working teams to work on the White Paper; and Crime statistics review process.
- Partnership projects with other organisations included: cash in transit best practice; metro police single service policy; pilot assessment of Community Safety Forum, best international practice on recruitment; and review of policing boundaries.

3.2.2 Challenges

- Postponement of the State of Policing report in order to accommodate the White Paper review.
- The research document on Resource Allocation was delayed due to lack of access to the SAPS performance chart.

3.3 Chief Directorate: Monitoring and Evaluation

The Directorate only became fully functional in January 2011 due to initial non-performance by the Chief Director of the Directorate, who was subsequently replaced. Selective key deliverables and achievements during 2010/11 included:

3.3.1 Achievements

- A national monitoring tool was developed and piloted at 19 police stations.
- Monitoring of the implementation of ICD recommendations by the police only began in January 2011. A joint task team to this effect has been established.
- 224 complaints were dealt with by the Secretariat. A Monitoring and Evaluation reference group was established to serve in an advisory capacity. Terms of reference are still being established. A separate reference group to focus on the monitoring of the Domestic Violence Act as well as implementation of the Child Justice and Sexual Offences Acts was also established.

3.3.2 Challenges

- The database to support this tool was not developed.
- Monitoring of performance of the police against the performance chart has been hampered by lack of access to the performance chart.

3.4 Chief Directorate: Partnerships

Selective key deliverables and achievements during 2010/11 included:

3.4.1 Achievements

- Six community outreach programmes were established.
- A partnership forum was established with provincial structures.

3.4.2 Challenges

- Only one of four targeted memoranda of understanding were finalised- with Business Against Crime SA (BACSA).

3.5 Chief Directorate: Support Services

Selective key deliverables and achievements during 2010/11 included:

3.5.1 Achievements

- In close co-operation with the Department of Public Service and Administration (DPSA) an internal task team was established managing the restructuring process in preparation for the Secretariat becoming a designated department in terms of the Civilian Secretariat for Police Act No.2 of 2011.

- The work-study for the proposed structure was to have been submitted to the Minister for approval in June 2011 after which the filling of key posts was to commence. The Minister has approved this and the Minister of DPSA is waiting for a sign off and the Secretariat intends appointing from January 2012
- More than 50 new posts were created and existing staff were placed in appropriate posts. The appointment of staff in the HR sub-component has had a positive impact on service delivery in this environment.
- A performance management system with career-pathing and pay progression was put in place with the assistance of a consultant.
- The Secretary for Police post was filled on 01 July 2010 on a five year contract.
- Critical Senior Management posts were created and filled from 01 January 2010.
- All vacant posts, except for one administrative post, were filled.
- The Employee Wellness, Equity, Bursary, Internship, Performance Management, and Reward and Incentives policies were developed.
- The Workplace Skills Plan for the 2010/11 financial year and quarterly reports were submitted to PESETA.
- A report on all Performance Agreements for SMS members was submitted to the Department of Public Service and Administration.
- A report was submitted to the Public Service Commission regarding formal disputes for 2010/11.

In its presentation the Civilian Secretariat for Police highlighted the following:

- To ensure adequate capacity for the Secretariat pending the approved organizational structure by the Minister and the Department of Public Service and Administration (DPSA), permission was obtained from the Minister to create 11 new posts.
- The new structure is expected to have 53-110 posts, the structure will be in place for 18 months and then review.
- Re-organisation of the Secretariat – the implementation plan and the organisational structure has been approved by the Minister.
- Providing leadership and direction – a five-year Strategic Plan and Annual Performance Plan have been developed and submitted to the Committee. Workshops were held with all senior management staff regarding performance agreements.
- Relationship with ICD – A Task Team was established between the Secretariat and the Independent Complaints Directorate (ICD) to address the implications of the new Acts and the terms of reference of this forum.
- The Civilian Secretariat Bill would become an Act in December 2011 and the Regulations would be ready in February 2012.
- The Secretariat and the ICD had set up a task team that would identify the weaknesses in SAPS in implementing ICD recommendations.

- The policy on reservists had been finalized and forwarded to the Minister.
- The policy on Community Safety Forums has been approved by the JCPS Cluster and would be rolled out by the end of the year.
- Four meetings were held and briefings conducted with all Heads of Division (HOD) and provinces on Civilian Secretariat and ICD legislation
- Four special meetings were held with provinces and preliminary sector indicators were developed and submitted to Treasury
- Four special meetings were held to align structures at provincial level with the Civilian Secretariat for Police. Provincial base structure was drafted for finalization with MECs.
- Provincial forums will be established once all provinces have Secretariats

3.6 FINANCIAL PERFORMANCE

Budget item	Budget presented to Portfolio Committee February 2010	Actual Budget received from SAPS	Actual Expenditure	Over/Under spend
Operational Budget	R8 066 490	R11 281 000	R6 982 000	Under expenditure of R4 299 000
Personnel Budget	R13 250 000	R14 000 000	R15 824 000	Over expenditure of R1 824 000 (13%)
Total	R21 327 490	R25 281 000	R22 806 000 (90%)	R2 475 000 (10%)

Monthly financial reports were submitted to Senior Management Meetings. Past gross under-expenditure was substantially reduced. Public Finance Management Act (PFMA) compliance was ensured. Cost cutting measures were also introduced particularly regarding travel and catering.

Compliance with supply chain policies has been improved and PFMA compliance adhered to.

Under-spending in 2010/11 (20.16%) was lower compared to 2009/10 (22.71%).

The reasons for the under spending of R4,299 million:

- R1 million was set aside for National Victim Survey. However, this survey was undertaken by STATS-SA as agreed by the JCPS Cluster.
- R3 million was initially budgeted for the implementation of the Monitoring and Evaluation data base, however after consultation with SITA it was agreed that SITA would develop the database in-house and not put this database on tender. The costs to SITA for development of the database is now included in the 2011/12 and 2012/13 financial years.
- The under spending (less the above two items) was R299 000 (which was 3% of the operational budget and 1,2% of the total budget).

The reasons for the overspend in personnel of R1,824 million:

- This overspending was as a result of posts that were filled in addition to the fixed establishment during the year.

4. **ISSUES RAISED BY THE PORTFOLIO COMMITTEE ON POLICE**

Issues and concerns discussed at the hearing with the Civilian Secretariat included:

Reporting issues:

- The SAPS Annual Report 2010/11 was not sufficiently clear on the work of the Secretariat.
- The Secretariat's presentation was not clear on the targets that it had achieved during the 2010/11 financial year.
- If clear targets are not set, this will have an impact on the work of the Secretariat and monitoring by the Committee.

Performance issues:

- The Committee was not pleased about the speed at which it receives bills. Timeframes provided by the Secretariat for the submission of Bills to the Committee have not been adhered to.

Financial issues:

- A major shortcoming in the SAPS 2010/11 Annual Report is the lack of reporting on financial performance of the Secretariat.
- The Committee was concerned about the under-spending for 2010/11.

Budget allocation and financial control:

- No indication was given in the SAPS 2010/11 Annual Report of the amount allocated to the Secretariat. The Secretariat mentioned that its final adjusted allocation was R25 million. It had spent R22.806 million or 91.2% of this amount.
- The Committee felt that the fact that the Secretariat was not managing its own budget made it unable to take decisions and that had an impact on service delivery.

5. RECOMMENDATIONS

The following key recommendations were made:

Reporting:

- Future SAPS annual reports (at least until the Secretariat becomes a designated department) must provide clear information and details of the extent to which the performance targets for the Secretariat were met during the year.
- The annual reports should also clearly stipulate the budget and expenditure of the Secretariat, as well as more detailed information on financial performance.

Performance:

- The Secretariat must ensure that the deadlines that it provides to the Committee for submission of Bills are realistic and attainable, and based on a proper planning process.

In addition, the Committee would follow up with SAPS on the R8.7 million that the SAPS said were paid to members of the Secretariat for performance bonuses during 2010/11 which does not correlate with the information provided by the Secretariat.

6. CONCLUSION

The Committee supports the work the Secretariat and expects a detailed report on the activities of the Secretariat on the 2011/12 annual report including financial information.

Report to be considered.