

Thursday, 28 November 2024]

No 92—2024] FIRST SESSION, SEVENTH PARLIAMENT

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

**ANNOUNCEMENTS,
TABLINGS AND
COMMITTEE REPORTS**

THURSDAY, 28 NOVEMBER 2024

TABLE OF CONTENTS

ANNOUNCEMENTS

National Assembly

1. Appointment of Whip..... 2

National Council of Provinces

1. Transmission of Bills for concurrence .. 2

TABLINGS

National Assembly and National Council of Provinces

1. Minister of Cooperative Governance and Traditional Affairs 3
 2. Minister of Forestry, Fisheries and Environment..... 3
 3. Minister of Justice and Constitutional Development 3

National Council of Provinces

1. Chairperson.....	3
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COMMITTEE REPORTS

National Assembly

1. Correctional Services.....	4
2. Correctional Services.....	31

National Council of Provinces

1. Public Petitions and Executive Undertakings.....	54
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ANNOUNCEMENTS

National Assembly

The Speaker

1. Appointment of whip

- (1) The following member has been appointed as whip of the African National Congress in the National Assembly with effect from 27 November 2024:

- (a) Bilankulu, N K

National Council of Provinces

The Chairperson

1. Bills passed by Assembly and transmitted to Council for concurrence

- (1) Bills passed by National Assembly and transmitted for concurrence on 28 November 2024:
- (a) **Rates and Monetary Amounts Amendment Bill** [B15–2024] (National Assembly – sec 77).
 - (b) **Taxation Laws Amendment Bill** [B16–2024] (National Assembly – sec 77).
 - (c) **Tax Administration Laws Amendment Bill** [B17–2024] (National Assembly – sec 75).
 - (d) **Revenue Laws Amendment Bill** [B18–2024] (National Assembly – sec 77).
 - (e) **Global Minimum Tax Bill** [B20–2024] (National Assembly – sec 77).

- (f) **Global Minimum Tax Administration Bill** [B21–2024] (National Assembly – sec 75).

Bills have been referred to the **Select Committee on Finance** of the National Council of Provinces.

TABLINGS

National Assembly and National Council of Provinces

1. The Minister of Cooperative Governance and Traditional Affairs

- (a) Addendum to the Annual Performance Plan of the Department of Cooperative Governance for 2024/25.

2. Minister of Forestry, Fisheries and the Environment

- (a) Regulations for the Management of Mercury in South Africa, 2024 (the Mercury Regulations), in terms of section 25(3) of the National Environmental Management Act, 1998 (Act No. 107 of 1998).

3. The Minister of Justice and Constitutional Development

- (a) Revised Annual Performance Plan of the Department of Justice and Constitutional Development for 2024/25.

National Council of Provinces

1. The Chairperson

- (a) NCOP Three Sphere Planning Session Report: 27-28 August 2024.
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COMMITTEE REPORTS

National Assembly

1. Oversight Report of the Portfolio Committee on Correctional Services dated 26 November 2024.

The Portfolio Committee on Correctional Services undertook their oversight visits to Gauteng province from 08-11 October 2024 and reports as follows:

1. Introduction

- 1.1 The Portfolio Committee on Correctional Services (the Committee) undertook an oversight visit to Gauteng between 08-11 October 2024.
- 1.2 The focus area for the oversight visit was on Juveniles, Female Offender, Remand detainees, Rehabilitation and Skills development for sentenced offenders.

PART I

2. Correctional Centers visited

- 2.1 The Committee conducted announced visit on five (5) correctional centers namely, Emthonjeni Juvenile Centre in Baviaanspoort; Leeuwkop Correctional Centre; Kgosi Mampuru II Correctional Centre; Modderbee and Johannesburg Correctional Centre. In addition, the Committee conducted an unannounced visit at Boksburg Correctional Centre.
- 2.2 The Committee also invited the Department of Public Works and Infrastructure to their oversight visit to correctional centers.

- 2.3 The Committee also made a courtesy visit to the Head Office of the Judicial Inspectorate for Correctional Services in Centurion to have a look at their new building.

3. **EMTHONJENI JUVENILE CORRECTIONAL CENTRE**

- 3.1. Emthonjeni Juvenile Centre is one of the centres under Baviaanspoort Management Area. There are 3 Correctional Centres under this management area, namely: Emthonjeni Juvenile Centre; Medium Correctional Centre and Maximum Correctional Centre.
- 3.2. The approved bed space for all these centres is 1 520 while the current offender population is 1 801 of which 525 are from Emthonjeni, 880 are from Medium and 396 are from Maximum. The overcrowding rate of all these facilities is 18.48%.
- 3.3. Emthonjeni Correctional Centre was opened on 25 August 1998 by former President RN Mandela to accommodate children and youth offenders between the age of 14 and 21 years.
- 3.4. Emthonjeni has 5 housing units – A, B, C, D and E. Currently B and C are not operational pending renovations.
- 3.5. The facility has a school with 7 classrooms, TV room for online classes, Skills Development room, the library and 8 offices. 1 Classroom is utilized as the Telematics Centre and is equipped with the screen, projector, server, and speakers which were donated by Stellenbosch University.
- 3.6. The facility also has a hospital with 2 consultation rooms, 1 counselling room, dental room, 1 medicine room and 3 admin offices.

- 3.7. The Centre has the Integrated Security System which is centralised and 100% electronically operated and controlled from the main control room. The system monitors the movement of officials, offenders in the units and the surrounding areas.
- 3.8. The approved post establishment of Emthonjeni is 153 of which only 134 positions are filled with 19 positions vacant.
- 3.9. Bavianspoort Management Area has 270 lifers of which 1 is classified under Van Vuuren Judgement, 2 are classified under Van Wyk Judgment, 5 are classified under Phaahla Judgement and 262 are those who committed crime after 1st October 2004.
- 3.10. Emthonjeni Correctional Centre has 400 sentenced foreign national inmates and majority are from Mozambique (217) followed by Zimbabwe (108) and Malawi (43).
- 3.11. Most prevalent crimes committed by Foreign Nationals at Emthonjeni include, Immigration Act (340), Theft (32), Robbery (10) and Malicious damage to Property (6).
- 3.12. A total of 110 offenders participates in educational programmes including 10 offenders who are in grade 12.
- 3.13. There are 479 parolees, 50 probationers, 04 awaiting trials, 91 absconders and 533 active caseloads under the system of Community Corrections in the Bavianspoort Management Area.
- 3.14. The following Community Corrections Projects were identified:
- Operational agreement signed with UNISA (College of Law) for skills training of offenders.
 - Collaboration with City of Tshwane Local Drug Action Committee and other stakeholders for integrated approach to deal with substance abuse programme on 16/05/2024.
 - Supported Thandanani Drop-in Centre on 18/07/2024 for Mandela Day by donating toiletries and cleaning the homeless shelter

- Participated in the Crime Prevention Campaign at Prosperitus Secondary School with law enforcement agencies on 21/08/2024 for anti-bullying and substance abuse.

3.15. The following own resources projects were also identified:

- Baviaanspoort is in the process of establishing a Pharmacy in the Management Area and the plan has been approved.
- A tower post was constructed near Piggery using own budget and offender labour

3.16. For 2023/24, there was only 1 grievance, and 2 investigations were finalized.

3.17. The following challenges and recommendations were highlighted:

- Shortage of officials as more officials resigned (9), went on retirement (11), death cases (4) and dismissal (3) -An urgent recruitment drive is required as well as allocation of post establishment for Mamelodi Community Corrections and EST.
- Influx of foreign nationals (who are mostly undocumented and only charged with Immigration Act) overstretch allocated budget for programmes, housing and provision of meals - There is a need to engage stakeholders in Justice Cluster to consider alternative placement in Repatriation Centres and immediate deportation.
- The management has temporarily closed the kitchen due to the poor conditions - There is a need to monitor and pressurize IDT and the contractor to meet their deadlines.
- Shortage of officials and offender uniforms - DCS workshops to prioritize uniforms for juvenile offenders (blue uniform, maroon tracksuits, shoes and tekkies)
- Power outage which is caused by Tshwane infrastructure that is mostly over-head power supply running through a lot of trees - Local Municipality should upgrade their power lines, to repair the dedicated line from Eersterus and upgrade the security of the substation.
- Old and dilapidated buildings and infrastructure - The Department should register RAMP and use own resource projects.
- Dilapidated perimeter fence around the Management Area - There is a need to avail the budget for procurement of a new fence.

3.18. The following successes at Emthonjeni were highlighted:

- Emthonjeni CC school achieved 100% pass rate for 7 years in succession
- Contraband free environment
- Zero (0) escape since inception
- There is one offender that has represented the Gauteng Region in the Funda Mzansi finals at George.

4. LEEUWKOP CORRECTIONAL CENTRE

4.1 Leeuwkop Management Area has four (4) Correctional Centres namely, Medium A, Medium B, Medium C and Maximum. The approved bed space of the four facilities is 2 916 while there are 2 913 sentenced offenders.

4.2 Leeuwkop Management Area has 843 lifers. Of these, 65 are Van Wyk lifers, 50 are Phaahla lifers and there are 728 lifers who committed crime after 01 October 2004.

4.3 Leeuwkop Management Area has 359 foreign national inmates and majority are from Zimbabwe (193) followed by Mozambique (99) and Lesotho (33).

4.4 In terms of staff compliment, the Management Area has 926 financed posts of which 814 are filled and 112 are vacant with a vacancy rate of 12.09%.

4.5 The Management Area received a budget of R478 785 million and at the end of September 2024, expenditure was R296 092 million. The cost drivers for this management area includes Nutrition, Hygiene Services and Health Services.

4.6 Boksburg Management Area offers a number of rehabilitation programmes to inmates. These include long skills such as Sewing (11), Garment Making (16), Fine Art (13),

Cabinet making, steel work and upholstery (24), Motor Mechanic (3), Building (29) and Housekeeping and cleaning (169).

4.7 Leeuwkop Production workshop manufacture the following:

- Steel gates
- Beds
- Steel Lockers
- Office Furniture
- Kitchen units
- Pig feeders
- Palisade fencing
- Shading for Dairy

4.8 The Community Corrections office 1 119 Parolees, Probationers and Awaiting Trial Persons. In addition, there are 858 absconders

4.9 The Management Area highlighted the following contrabands that were confiscated inside or before entering Correctional Facilities:

- Cellphones
- Sim cards
- Cell phone chargers
- Earphone
- Ipad
- Altered offender uniform
- Knives
- Mandrax tablets, Dagga, Nyaope and Smoking pipes
- Cash
- Dagga.

4.10 In terms of employee relations and discipline, there were 18 grievances registered in 2023/24 and all of them were finalized. In addition, there were 11 disciplinary cases (formal) and 10 were finalized while there were 18 informal disciplinary cases and all were finalized.

4.11 The Management Area reported on the following own resource projects:

- Arts and crafts centre
- Nurses consulting rooms temporary structures
- Building of tower posts at Medium B
- Building of boundary wall at Medium B.

4.12 The following challenges and proposed recommendations were also highlighted:

- No security and perimeter fence surrounding the premises which lead to high volume of smuggling of contraband, housebreaking, theft and intruders. Three correctional centres have poor security fencing- funding to be made available for erection of perimeter and security fencing.
- The Management Area has a shortage of personnel. There is a unit that is not utilized due to lack of personnel- Macro structure needs to address this challenge. Creation of security positions as per the outcomes of the work study that was conducted.
- Poor maintenance of infrastructure- The Department to appoint more qualified Artisans and provide maintenance budget
- Incinerator not utilized due to unavailability of license and require upgrade- A contract is available to address the animal waste whilst the Department is prioritizing the project of upgrading with DPWI.
- Servicing channel impacting on vegetable irrigation system- Memorandum on route for approval for appointment of service providers on the servicing of the expired fire extinguishers.
- Collapsed channel impacting on vegetable irrigation system- feasibility study conducted and a mobile irrigation system in a process to be sourced by the Department.
- Closure of the road due to collapsed bridge since 2019. A project to repair the bridge was registered with DPWI in 2020, however no work was done. Site was handed over to DPWI on the 1st October 2024 for structural engineers to provide a comprehensive safety inspection and safety risk for Korf and Skilpad dam (Dam safety inspection)- DCS will be monitoring the progress.

5. KGOSI MAMPURU II CORRECTIONAL CENTRE

- 5.1 Kgosi Mampuru II Management Area has Six (6) Correctional Centres namely, Local Remand Detention Facility; Maximum Correctional Centre; Central Correctional Centre; C-Max Correctional Centre; Atteridgeville Gender Responsive Centre and Odi Correctional Centre.
- 5.2 The Management Area has approved bed space of 5 645 and currently houses a total of 7 463 inmates.
- 5.3 The Management Area has 513 lifers of which 74 falls under the category of Van Wyk, 01 under Van Vuuren, 161 under Phaahla and 277 are those who committed crime after 01 October 2004.
- 5.4 Kgosi Mampuru II Management Area has 2394 foreign national inmates (both sentenced and remand detainees). Most are incarcerated for possession/dealing with drugs; robbery/aggravated/armed robbery/possession of firearm; violation of Immigration law; Assault/Indecent assault; Murder; Housebreaking/Malicious damage to property; Fraud; Kidnapping and Rape.
- 5.5 The approved post establishment of the Management Area is 2 322 and only 2013 positions are filled with a vacancy rate of 13.30%
- 5.6 Offenders are providers with variety of skills and educational programmes including: Carpentry, Welding, Electrical, Motor Mechanics, Spray painting, Panel beating, Fitter and turner, Early childhood development, Beading, Garment, Sewing and Vegetable production
- 5.7 The Committee visited the following areas within the Management Area:
- Atteridgeville Gender Responsive Centre
 - C-Max facility
 - UNISA Hub.

5.8 UNISA HUB had 24 Certificates; 16 Diplomas; 16 Bachelors; 12 Honours; 3 Masters; and 2 PHD students. 80 laptops were allocated of which 40 were fully functional while the other 40 have glitches due to low memory capacity. IT monitors the utilisation of laptops in the hub. There are 3 routers available with 200GB each.

5.9 Students at the hub are registered with the following institutions:

- UNISA: 59
- University of Pretoria: 2
- Oxbridge: 10
- University of Meta Physical Science: 1
- South African College of applied psychology: 1

5.10 Out of 3 843 remand detainees within the Management Area, only 143 had bail but could not afford to pay it. 38 offenders had bail of less than R500, while 51 offenders had bail of between R500 and R1000.

5.11 The Management Area has 1187 parolees, 101 probationers, 21 awaiting trial, and 1158 absconders.

5.12 Community Corrections is involved with the following institutions on Ambassadorial Programs:

- Itereleng Primary
- Hosea Kekana Secondary School
- Philadelphia Secondary School
- Tsaroga – Phoka Primary School
- Saulridge Primary School.

These programmes were done in conjunction with SAPS, Parolees, TMPD, Community safety and the purpose is to discourage learners from being involved in criminal activities/bullying of other learners at school.

5.13 The following cleaning projects were undertaken by the Community Corrections:

- Akasia SAPS
- Steve Biko Academic Hospital

- Soshanguve SAPS
- Phuthanong Secondary School.

5.14 The Management Area has highlighted the following own resource projects:

- C-Max: Pre cast wall being erected around the reservoir and installation of razor wire on identified areas
- Atteridgeville Gender Responsive Unit: The centre was converted from a male centre to accommodate females and be Gender Responsive.
- Pharmacy: Renovations, tiling and painting
- Finance Office: Renovation of office, building of strong room, tiling in the bathroom, installation of lights, plumbing and painting
- Official Accommodation: Renovation of 03 houses and installed palisade fences. Single quarters were painted
- Access Control: Own resources utilized to install security cameras at Access Gates
- Area Commissioner's office: Renovations, tiling and painting of offices
- Management Area Offices: Offices were painted and tiled to accommodate Human Resources Component.

5.15 The following contrabands were confiscated in the Management Area:

- Cell Phones
- Cell Accessories
- Sharpened objects
- Substances
- Money.

5.16 The Management Area has implemented the following security interventions:

- The Management Area conducts weekly search which is unannounced at different centres
- CCTV cameras were installed at all access points
- Narcotic Dogs are used at access points on a daily basis
- Vehicle permits were issued to residents, officials and service providers
- All domestic workers and other residents on the terrain are issued with identification cards

- 20 x Two-way radios were purchased
- Cell phone detectors were also purchased for the centres
- Administrative staff are utilized for searching when all work teams return to the centres.

5.17 The following challenges and possible interventions were highlighted:

- The influx of contrabands within the centres remains a challenge due to unethical conduct of officials and offenders – Installation of new security equipment such as body scanners and CCTV cameras
- Integrated security system is not fully functional at C-Max. The challenge has been raised with Head Office and call has been logged with JFE group contractor – Implementation of maintenance contract will assist.
- Insufficient eligible offenders to participate in Agricultural Programmes – Memorandum for deviation has been submitted to utilize female Foreign National in the fields.
- External security fence at Atteridgeville GRC Agriculture fields is damaged – Memorandum submitted for additional funding for the replacement of fencing.
- Old and damaged irrigation system for the watering of crops – Memorandum submitted for additional funding for the replacement of irrigation system.

6. MODDERBEE CORRECTIONAL CENTRE

6.1 Modderbee Management Area has Three (3) correctional centres which are Modderbee Correctional Centre; Devon Correctional Centre; and Nigel Correctional Centre. The approved bed space for all these centres is 2 816 and there are 6 201 inmates, resulting in an overcrowding rate of 220.21%. Of the total number of inmates, 2 646 are remand detainees.

6.2 There are 153 lifers in Modderbee Correctional Centre and a total of 18 lifers' profiles are outstanding at NCCS, whereas 31 profiles have received further profile dates.

- 6.3 Modderbee Management Area houses 1578 sentenced foreign national inmates and 1 334 remand detainee foreign nationals. Majority of sentenced foreign national inmates are from Mozambique (646) followed by Zimbabwe (420) and Malawi (259).
- 6.4 In terms of human resources, there are 1 196 financed posts of which 1 057 are filled and 139 are vacant translating to a 11.62% vacancy rate.
- 6.5 In terms of court referrals, 104 applications were submitted under S63(1) and S63A and only 15 were successful, while 89 were not. A total of 44 remand detainees had bail of less than R500 while 25 had bail of between R500-R1000.
- 6.6 Modderbee Correctional Centre provides Long Occupational Skills programmes as part of rehabilitation of offenders. These skills includes, Bricklaying; Motor Trade; End User Computer Training; Welding; Woodwork; Plastic Recycling; Assistant Chef; and Cleaning and Hygiene. A total of 138 offenders participates in these skills programmes.
- 6.7 In terms of Self-Sufficiency and Sustainability Model, Modderbee has 1 544 hectares of land. 23 hectares of land is demarcated for SSSF purposes. 2 hectares is utilized for vegetable farming while 21 hectares of farming field situated next to Daveton is not utilized.
- 6.8 There are 1 234 people under the system of community corrections in Modderbee Management Area and 692 are active absconders and 542 are archived absconders.
- 6.9 The following challenges and possible interventions were highlighted:
- Inadequate systems for inmates/officials/stakeholders to prevent contrabands – Body scanner machines should be procured at critical areas of the centre.
 - Influx on foreign nationals is a contributing factor to overcrowding – Continuous engagement the Justice Cluster Departments.

- Inadequate budget allocation for machinery equipment and other resources towards SSS Projects- Register a need for the procurement of SSS equipment (feed mixer, and water sprinkler).
- Inadequate use of 21 hectares agricultural land (land invasion)- Consider ploughing of fodder at the agricultural land (in consultation with the agriculture Directorate at Head Office).
- Shortage of staff vs inmate population – Accelerated recruitment and head hunting for professional staff.
- Temporary closure of the kitchen due to poor conditions – Expedite the upgrading and renovations.
- IT Network (emails slow and power cuts)- Expand network.
- Cable theft on the premises – heightening of security on the premises (Continuous patrolling during the day and night in critical areas).
- Veld fires – implementation of Fire Strokes in line with the approved farm plan.

7. JOHANNESBURG CORRECTIONAL CENTRE

- 7.1 Johannesburg Management Area consist of Four (4) correctional centres namely, Medium A, Medium B, Medium C and Female Correctional Centre. These facilities have approved bed spaces of 4 985 of which there are 10 876 inmates currently with an overcrowding rate of 218.17%.
- 7.2 There are 4 079 foreign national inmates in the management are of which 1 678 are sentenced and 2 401 are remand detainees. Majority of inmates are from Zimbabwe (1 858) followed by Malawi (764) and Mozambique (563).
- 7.3 The Management Area has 542 remand detainees with Bail and made submission to court in terms of Sec 63. Out of the total number of 542 submissions to court, none were successful.
- 7.4 Johannesburg Management Area has approved and financed staff compliment of 1 765 and only 1 583 are filled resulting in vacancy rate of 10.31%. For 2023/24, there were 21 grievances registered and all were finalized, while in the same period there were 48 formal disciplinary cases and only 30 were finalized. The Management Area also had 84 investigations and managed to finalize only 57 in the 2023/24 period. There were 25

precautionary suspensions, 9 dismissals, 6 suspensions without pay, 5 written warnings and 4 final written warnings.

7.5 The Management Area has been allocated a budget of R921 770 200 million for 2024/25 financial year. By the end of August 2024, expenditure reached R440 100 000 million. The following impact of overcrowding on the budget was highlighted:

- The expenditure on food items is high
- A high number of inmates are sick and therefore referred to outside hospitals for medical attention which increases overspending on the allocated budget
- The expenditure on hygiene-related items is high e.g cleaning materials, toiletries etc.
- Expenditure on daily maintenance is high e.g ablution system, lights, blockages etc.
- Transportation costs exceed the allocated budget.

7.6 The following challenges and possible interventions were identified:

- Overcrowding- The management Area detained 10 876 inmates as on 30 September 2024. Special operations such as Shanela, O kae Molao had impacted on the total number of inmates detained – Department of Home Affairs and SAPS should consider foreign nationals under section 34 of the Immigration Act (direct deportation) as alternative to criminal charges for contravention of the Immigration Act.
- Average amount of detention pre inmate equal R477 vs bail amounts imposed by courts (Bail amount of R500) – courts should consider the amount of bail-imposed vs the costs of detention.
- Various applications were submitted to courts to alleviate the levels of overcrowding at Remand Detention facilities, with little to no success – intervention from stakeholders to address the levels of overcrowding.
- Dilapidated infrastructure. Project by Development Bank of Southern Africa is on the planning process, implementation will be delayed due to budget cuts – the infrastructure needs urgent revamping, and the budget needs to be made available.
- Poor water drainage system underneath the Correctional Centres will affect the structure – Revamp of water drainage system under the Correctional Centres.
- The withdrawal by DPWI to attend to building maintenance within the Management Area - A budget to be allocated for the service that were previously rendered by DPWI, increase the number of Artisans and security officials

- Most Telkom telephone lines at the Correctional Centres as well as at the administration offices are not functioning – GITO to prioritize the functioning of telephone lines within the Management Area.
- The new VOIP telephone lines are not operational within the Management Area – GITO to prioritize the functioning of VOIP telephone lines within the Management Area.
- Staff shortage, including specialized group categories as well as monitoring officials against inmates/parolees and probationers' population – filling of vacant positions, and increase the current post-establishment.

7.7 The Management Area has also identified the following successes:

- AGSA clean audit outcomes for the financial years, 2018/19; 2020/21; 2022/23 and 2023/24
- Establishment of the textile workshop at the Female Correctional Centre
- Launch of the Telematics Education programme at Female Correctional Centre together with the University of Stellenbosch on the 22nd of August 2024. Telematics equipment was donated to the Johannesburg Management Area.
- Launching of the Twinning Project on the 4th of September 2024 at Female Correctional Centre together with FIFA Foundation and Kaizer Chiefs. During the duration of the project, female offenders will be trained for Six (6) weeks in soccer coaching.
- Other officials arresting their colleagues for bringing in unauthorised items into the Centres.

8. BOKSBURG CORRECTIONAL CENTRE

8.1 Boksburg Management Area comprise three (3) Correctional Centres and one Community Corrections office. These centres are, Boksburg Medium A, Boksburg Maximum Juvenile, and Heidelberg Correctional Centre. The approved bed space for these facilities is 2 646 but there are 4 197 inmates of which 1 803 are remand detainees and 2 394 are sentenced inmates. This translates to 158.62% overcrowding.

- 8.2 The Management Area has a total of 960 approved and financed positions but only 815 positions are filled and 145 are vacant. This translates to 15.10% vacancy rate in the Management Area.
- 8.3 The Management Area houses 194 lifers of which 29 reached their minimum detention period or received further profile dates.
- 8.4 In terms of Court referrals for remand detainees, 149 cases were referred to court under Section 49G of the Correctional Services Act and only 5 were successful. Those referred to Court under Bail Review were 131 and only 34 were successful while 97 were not successful.
- 8.5 A number of skills programmes and on the job training are offered to inmates in the management area and these includes cabinet making, welding, electrical, and vegetable production. A total of 170 offenders are involved in skills development programmes while 228 are involved in production workshops.
- 8.6 The Community Corrections offices under Boksburg Management Area have 1 648 cases of parolees and probationers on their system of which 1 024 are parolees, 67 are probationers and 547 are absconders
- 8.7 The following economic opportunities were created for probationers, parolees and victims of crime:
- 35 Probationers/Parolees were trained in Perfume Manufacturing together with 30 victims of crime
 - All 65 attendees trained on Entrepreneurship Skills and were certificated
 - Tshwane University of Technology will be assisting in training the attendees with extended courses on production of other beauty products.
- 8.8 Two officials were dismissed in the Management Area due to smuggling of contraband or corruption. In addition, 1 official was also dismissed in relation to the use of force against offenders while the other 2 were placed on precautionary suspension.
- 8.9 The Management Area has highlighted the following achievements:
- Shared 1ht of land to the community of Ext 23 Ratanda to start a community vegetable garden in conjunction with Lesedi Municipality.

- Implementation of an Orientation programme for newly admitted probationers, parolees and their families to enhance compliance to parole/correctional supervision placement conditions and reduce abscondence.
- The Management Area has achieved a clean audit outcome by the AGSA for 7 consecutive years on regulatory and Auditing of Performance Objectives (AOPO).
- Tracing of Absconders is conducted in conjunction with other Law Enforcement Agencies and members of the community to ensure safer communities.
- Community Service Cleaning campaigns by probationers and parolees in the cleaning, painting, general maintenance and establishment of Vegetable Gardens for Food Security at Mutungati Primary School in Tsakane, Igagasi Primary School in Spruitview and other surrounding communities.

8.10 The following challenges were identified by the Management Area:

- Trafficking of contraband and inadequate security technology to detect contraband smuggled into the centres by some officials and members of the public, compromises the safe and secure environment of officials, inmates and the public.
- Lack of support system to prelease offenders who qualify for placement on parole/correctional supervision
- High density crime hot spot areas compromise the safety of DCS officials during physical monitoring of parolees and tracing of absconders
- Criminal records of parolees and probationers limit their employment opportunities
- Inadequate ability to decentralize services to communities due to lack of facilities in communities to establish satellite service points to be accessed by parolees, probationers and the community.
- Damage to essential infrastructure of DCS Community Corrections Satellite office based in Geluksdal (Cabal theft, vandalism of the building electrical and plumbing infrastructure).

PART II

9. COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

Emthonjeni Juvenile Correctional Centre

9.1 The Committee took a walk-about in the following areas of the Centre:

- Control room
- Hospital
- School
- One unit housing short term (under 2 years) offenders
- Main Kitchen.

9.2 The Committee was concerned that out of 525 juvenile offenders at Emthonjeni Correctional Centre, 400 were foreign nationals. The Committee urge the Department of Correctional Services to engage with the Department of Home Affairs and come up with measures to address the influx of foreign nationals especially those incarcerated for Immigration offences.

9.3 The Committee was impressed with how the centre is managed and the cleanliness of the facility.

9.4 The Centre has reported Zero escape since its inception in 1998. The Committee commends the management of the centre in ensuring safe custody of juvenile offenders in the facility and encourages management to ensure that the zero escape record is maintained.

9.5 The Committee applauds the management of the facility for the upgrade of the Integrated Security System and requests the management to ensure that the system is maintained and serviced regularly.

9.6 The Committee was also impressed with the Matric pass-rate of Emthonjeni Juvenile Centre and encourages the management of the facility to ensure that more offenders participate in educational programmes offered at the centre. In addition, the Committee requests the Department of Correctional Services to encourage other correctional facilities to benchmark with Emthonjeni with regard to Matric pass-rate.

- 9.7 The Committee observed that some of the single cells were not utilized due to renovations, and this led to overcrowding of other cells in the facility. The Department is requested to ensure that renovations currently underway are monitored and concluded speedily to alleviate overcrowding.
- 9.8 The Committee was seriously concerned that there is only One (1) Social Worker and One (1) Psychologist for more than 1800 offenders in the Management Area. The Committee is not convinced that these professional staff can render quality service to the number of offenders in the Management Area and this might compromise rehabilitation of those offenders entrusted in their care. The Department of Correctional Services is urged to look into this and come up with measures to address this challenge.
- 9.9 The Committee visited the Kitchen of Baviaanspoort Correctional Centre and was seriously concerned with the state of the Kitchen. The Committee was not happy with the fact that, the Kitchen project started in 2021 and was not even completed in 2024. The Committee request the Department of Correctional Services to provide it with a detailed report of the kitchen project including, the cost of the project since its inception, how much was initially budgeted and expenditure to date. The Committee request the Department to submit a report of the new project team by 1 November 2024.
- 9.10 The Committee will send two of its members to come and make an assessment of the Kitchen before the end of November 2024.

Leeuwkop Correctional Centre

- 9.11 The Committee took a walk about in the following areas of the centre:
- Workshop
 - Vegetable garden
 - Dairy
 - Piggery
 - Abattoir
 - Medium A.

- 9.12 The Committee noted that Leeuwkop is not faced with the problem of overcrowding unlike other facilities in the region and applaud the management for managing overcrowding. The Department is requested to ensure equal distribution of offenders to different centres to alleviate the problem of overcrowding in other facilities within the region.
- 9.13 The Committee is concerned with the number of contraband confiscated in the management area. These contraband pose a risk to offenders, officials and even the public. The Management is urged to come up with measures to prevent these contraband from reaching the facility and to ensure that those officials found assisting in smuggling of contraband are also referred to law enforcement.
- 9.14 The Committee observed a fire extinguisher that was not serviced in the correctional centre and urge the management of the facility to ensure that all fire extinguishers in the centre are checked and serviced regularly.
- 9.15 The Committee commends the department for ensuring that female officials working at a male maximum centre are provided with self-defense training. The Committee urge the department to ensure that female officials are not left alone with offenders in the unit at any given time.
- 9.16 The Committee was concerned about the high vacancies in the Management Area and believes this poses a risk to both offenders and officials. The Department of Correctional Services is requested to prioritize filling of vacant positions to ensure service delivery is not compromised.
- 9.17 The Management Area is commended for the good work being done at piggery and diary and encouraged to ensure that the standard of work done in those areas is maintained.
- 9.18 The Committee has also commended Treasury for allowing the Department of Correctional Services to retain the revenue generated through offender labour. The

Committee believes the revenue will positively supplement the limited budget received by the Department of Correctional Services.

9.19 The Committee was again informed that the Department of Public Works and Infrastructure has withdrawn its services to maintain the infrastructure of the Department of Correctional Services. The Committee encourages the Department of Correctional Services to find ways, including using offender labour, to maintain its infrastructure without relying on DPWI.

9.20 The Committee was concerned to learn that there is 25km area that does not have a parameter fence. The Committee requests the Department of Correctional Services to prioritize fencing in the Management Area to strengthen the security of the Correctional Centre.

Kgosi Mampuru II Correctional Centre

9.21 The Committee firstly visited the Gender Responsive Unit (Female Centre) and took a walk about in the following areas:

- Hospital section
- Salon
- Art Galary
- Kitchen
- Library, and
- Units for remand and sentenced females.

9.22 The Committee also visited C-Max Correctional Centre which incarcerated 110 sentenced offenders and 1 remand detainee at the time. The Committee concluded the walk-about by visiting UNSIA HUB.

9.23 The Committee was informed that out of 6 Pots at the kitchen of the Gender Responsive Unit in Atteridgeville, only 2 were working and the cold room has not been working for almost 2 years. The management of the facility committed that the kitchen would have new Pots by Jan/Feb 2025. The Committee requests the Department of

Correctional Services to ensure that the cold room is fixed and submit to the Committee a report on both the cold room and kitchen pots by end of February 2025.

- 9.24 The Committee also noted that the female facility houses offenders who are not diagnosed but are not mentally stable and this could pose a risk to both offenders and staff in the facility.
- 9.25 The influx of contraband in the Management Area was noted as a serious concern by the Committee, especially the fact that the number of investigations and the number of officials disciplined did not correlate with the number of contraband found in the Management Area. The Committee urges the Department to continue with the operation Teka hinkwaso raids at the correctional centres within the Management Area. In addition, ensure that scanners are procured, and the number of dogs are increased to limit the number of contraband coming into the correctional centres.
- 9.26 The Committee was impressed with the network jamming system employed at the C-Max Correctional Centre and requests the Department of Correctional Services to look at how the system could be rolled out in other facilities
- 9.27 The Committee was not impressed with the number of vacancies in the Management Area and believes this poses a risk both to offenders and officials. The Department is requested to ensure that vacancies are filled within a reasonable period.
- 9.28 The Committee was informed that the UNISA HUB had 40 functional laptops out of a total of 80 and only 3 routers to service the number of students in the HUB. The Committee requests the Department to replace laptops that are non-functioning and increase the number of routers and speed of connectivity to ensure that the education of students is not hindered in any-way. Overall, the Committee was happy with the UNISA HUB and believes this is a good initiative and commend the Management Area for that.

Modderbee Correctional Centre

- 9.29 The Committee took a walk-about in the following sections in the correctional centre:
- Hospital section

- Kitchen
- Skills development centre, and
- Units for sentenced offenders.

- 9.30 The Committee was informed that the Kitchen of the centre has been closed due to lack of maintenance and the facility was receiving its food from Boksburg Correctional Centre. The estimated period for completion of kitchen renovation is said to be 3 months. The Committee request the Department to submit a report on the kitchen at the end of January 2025.
- 9.31 The Committee noted with concern that, there are management and operational challenges at Modderbee Correctional Centre and these includes lack of proper leadership from Management Area to Correctional Centre level. In addition, there are no control systems in place to manage the facility and there is non-compliance with policies and regulations. The Committee urge DCS to take urgent steps to capacitate the management of the centre.
- 9.32 The Committee found the level of overcrowding at Modderbee Correctional Centre as well as the high number of foreign national inmates (2 912) concerning. The Committee believes overcrowding in the facility is caused mostly by the high number of foreign national inmates. Modderbee Management Area has 1 578 sentenced offenders and 1 334 remand detainees. The Ministry of Correctional Services is requested to have bilateral meetings with both the Ministries of Home Affairs and International Relations to discuss measures to address high numbers of foreign nationals in correctional facilities. The Committee will also arrange a joint meeting with the Portfolio Committee on Home Affairs to discuss the issue of foreign nationals in correctional facilities.
- 9.33 The Committee regards the infrastructure of Modderbee Correctional Centre as a ticking time-bomb which could collapse anytime, and this might pose serious threat to both inmates and officials. The Department is requested to make an assessment of the center's infrastructure and identify possible solutions to address identified challenges. The Committee requests the Department to submit the report of such at the end of January 2025.

- 9.34 The Committee was taken through various skills programmes provided to offenders in the centre. The Committee was concerned with the lack of safety equipment for offenders in the workshops. The Committee was also concerned that the number of offenders participating in various skills programmes was insufficient when compared with the inmate population of the centre. The management of the centre is encouraged to ensure that more offenders benefit from various skills programmes provided and to also make sure that there is sufficient safety equipment available for all offenders working in workshops.
- 9.35 The Committee observed an offender left alone in one of the communal cells while other offenders were outside for lunch. The Committee request the management of the facility to ensure that inmates are at all times monitored to prevent smuggling of contrabands or to commit suicide.
- 9.36 The Committee was also concerned about the number of contrabands found in the centre especially cellphones. The management of the centre is urged to put measures in place to ensure that contrabands don't make their way into the facility in the first place. In addition, ensure that regular raids are conducted in the facility.
- 9.37 The Committee also noted with concern the high number of parole absconders and request the management of the centre to do more to prepare offenders for parole.

Johannesburg Correctional Centre

- 9.38 The Committee took a walk about in the following sections in the Management Area:
- Kitchen in the Remand Detention
 - A2 Section in the Remand Detention
 - Mother and Babies Unit at Female Facility
 - Kitchen of the Female Facility.
- 9.39 The Committee was concerned about the water leakage in the building and also noted that this issue was also raised during the Committee's visit in November 2012. The

Committee requests the Department to address this issue before more damage is done to the building.

- 9.40 As in other Correctional Centres, the issue of Contraband was a concern for the Committee and the management of the correctional centre is requested to come up with other creative measures to prevent the smuggling of contraband in the centre.
- 9.41 The Committee noted that some of the fire extinguishers were not serviced and request management to ensure that fire extinguishers are serviced regularly.
- 9.42 Despite a few challenges identified, the Committee noted that the Management Area is well managed and encourage the management to find more ways to generate more revenue in order to be more self-sufficient.
- 9.43 The Committee appreciated the honesty about the state of affairs of the Management Area.

Boksburg Correctional Centre

- 9.44 The Committee took a walk about in the following sections of the centre:
- Kitchen
 - Bakery
 - Textile workshop
 - Steel workshop
 - Wood workshop
 - Spray painting workshop
 - Juvenile Section
 - A and C units.
- 9.45 The Committee appreciated the fact that the Management Area was readily available to receive them despite the Committee's visit being unannounced and there was no resistance from officials.

- 9.46 The Committee was happy that the two units that were under renovation for a considerable period of time was finally completed but C unit was still not operational. The Committee was informed that the assessment by the engineer was outstanding on the cost to fix the boundary wall of C unit. The Committee request the management to ensure that this assessment is not delayed and submit progress to the Committee by the end of January 2025.
- 9.47 The Committee was also happy with the relationship between the Management Area and the SAPS in conducting searches within the correctional centre. The Committee encourages the Management Area to ensure that raids are conducted regularly.
- 9.48 The management of Boksburg is commended for implementing the Correctional Services Act 111 of 1998 and for ensuring that criminal cases are opened for those found with contraband.
- 9.49 The management of the centre is commended for interacting and involving the centre with the community.
- 9.50 The management of the centre is urged to ensure that safety measures are in place for offenders at the workshop.
- 9.51 The Acting Area Commissioner is commended for her management skills.
- 9.52 The Department of Correctional Services is requested to consider deploying Ms Mabena to Modderbee Correctional Centre to assist in stabilizing and improving the facility and its management.

Department of Public Works and Infrastructure

- 9.53 The Committee is disappointed with the resolution taken by the Department of Public Works and Infrastructure to withdraw their services to the Department of Correctional Services. The Committee request National Treasury to allow the Department of Correctional Services to manage its infrastructure budget on its own without the Department of Public Works and Infrastructure. The Committee believes that the

Department of Correctional Services has demonstrated its ability and willingness to manage its own infrastructure projects.

Report to be considered.

2. Budgetary Review and Recommendation Report of the Portfolio Committee on Correctional Services dated 26 November 2024.

The Portfolio Committee on Correctional Services, having considered the financial and non-financial performance of the Department of Correctional Services and the Judicial Inspectorate for Correctional Services for 2023/24, reports as follows:

PART I

1. Introduction

1.1 Section 5(2) of the Money Bills Amendment Procedure and Related Matters Act 9 of 2009 requires the National Assembly, through its committees, to submit budgetary review and recommendation reports (BRRR) on the performance of national departments accountable to Parliament. The BRR report is generally informed by a committee's interrogation of, amongst others, national departments' estimates of national expenditure, strategic priorities, measurable objectives and forward-funding needs; National Treasury-published expenditure reports; the relevant annual reports and financial statements; and the Auditor General of South Africa's (AGSA) audit findings; as well as observations made during all other oversight activities.

1.2. The Portfolio Committee on Correctional Services (the Committee) oversees the Department of Correctional Services (DCS) and the Judicial Inspectorate for Correctional Services (JICS). To this end, the Committee monitors the implementation of, and adherence to, policies such as the white papers on Corrections and Remand Detention; compliance with applicable legislation; adherence to principles of good governance and sound financial management; and service delivery in line with their mandates.

2. Process followed.

- 2.1 The Committee received a briefing from the Judicial Inspectorate for Correctional Services on its Annual Report on 15th October 2024.
- 2.2 The Committee received a briefing from the Auditor-General of South Africa on the 19th November 2024 on the Audit Outcomes of the Department of Correctional Services.
- 2.3 On the same day, 19th November 2024, the Committee received a Political Overview of the Annual Performance of 2023/24 from the Minister of Correctional Services.
- 2.4 The Committee also received a briefing from the Department of Correctional Services on its Annual Reports for 2023/24 Financial Year on 19 November 2024.
- 2.5 Due to a dispute between DCS and the AGSA the Annual Report of the Department of Correctional Services could not be tabled in Parliament during the BRRR allocated slot. The Minister submitted a letter, on 17 September 2024, informing the Speaker of the NA and the Chairperson of the NCOP- in this regard. The dispute has since been resolved and the Annual Report was officially tabled on 14th November 2024.
- 2.6 Copies of all the presentations are available from the committee secretariat.

3. Department of Correctional Services' strategic goals for 2023/24

- 3.1. The first goal identified in the Department's 2023/24 Annual Performance Plan was to ensure that remand detention processes are effectively managed by ensuring that remand detainees attended courts as determined by relevant legislation; are held in secure, safe and humane conditions; provided with personal wellbeing programmes; and relevant services are provided to awaiting trial persons, thus contributing to a fair and just Criminal Justice System.
- 3.2. A further goal was to ensure that all sentenced offenders are incarcerated in safe, secure and humane facilities and are provided with healthcare and effective rehabilitation programmes in line with their correctional sentence plans to enable their successful placement into society after their lawful release.

3.3. The last goal was to ensure that all offenders, parolees and probationers were successfully reintegrated back into society as law-abiding citizens through provision of social reintegration programmes.

4. Audit outcome

4.1. The Department has received an unqualified audit outcome for 2023/24

Table 1: Audit outcomes between 2020/21-2023/24

Financial Year	Total number of findings	Audit Outcome	Issues raised/Matters of emphasis
2020/21	148	Unqualified with findings	Irregular Expenditure not fully recorded
2021/22	130	Unqualified with findings	Material Irregularity Matters of emphasis (including under-spending of the vote, non-compliance with laws and regulations especially in relation to procurement and contract management, as well as irregular expenditure amounting to R1.4 billion).
2022/23	108	Unqualified with findings	With matters of emphasis relating to the uncertainty of the outcome of exceptional litigation. The AG mentioned that DCS is a defendant in various lawsuits and the outcome of those cannot be presently determined and no provision for any liability that may result has been made in the financial statement. The AG also noted that noted that the Department

Financial Year	Total number of findings	Audit Outcome	Issues raised/Matters of emphasis
			materially underspent the budget by R596, 738 million.
2023/24	74	Unqualified with findings	Unauthorised expenditure due to overspending by R614 257 million on Compensation of Employees.

- 4.2. The AG has noted that the Department has incurred unauthorized expenditure due to overspending on Compensation of Employees.
- 4.3. There has been a decrease in the number of findings from 108 in 2022/23 to 74 in 2023/24.
- 4.4. Performance reporting. The programmes Incarceration and Social Reintegration were audited for usefulness and reliability of information. The report was as follows:
- The AG could not identify any material findings on the usefulness and reliability of the reported performance information under both programmes.
- 4.5. Expenditure management. The AG reported that effective and appropriate steps were not taken to prevent irregular expenditure amounting to R8, 996 million as required by section 38(1)(c) (ii) of the PFMA and treasury regulation 9.1.1. The AG further indicated that the majority of irregular expenditure was caused by non-compliance with treasury regulation 16A 6.1 as the procurement of goods was split into parts or items of lesser value to avoid complying with the requirements of the SCM regulations.
- 4.6. Procurement and contract management. The report of the AG notes that some goods and services of a transaction value above R1 000 000 were procured without inviting competitive bids and deviations were approved by the accounting officer but it was practical to invite competitive bids as required by treasury regulation 16A 6.1 paragraph 3.3.1 of NTA 02 of 2021/22, paragraph 4.1 of NTI 03 of 2021/22 and TR 16A6.4.

4.7. Internal control deficiencies. The AG reported that the Department of Correctional Services did not sufficiently review and monitor internal controls over procurement processes regarding recurring instances of non-compliance with treasury regulations 16A6.1, paragraph 3.3.1 of NTI 02 of 2021/22, paragraph 4.1 of NTI 03 of 2021/22 and TR 16A6.4 which resulted in the department incurring irregular expenditure.

5. Expenditure for the 2023/24 Financial Year.

5.1 For the 2023/24 financial year, the Department of Correctional Services had adjusted budget of R26, 570 billion. Of this amount, the Department spent R27, 185 223 billion (or 102.3%) resulting in R614, 257 million overspending.

5.2 The adjusted budget and spending per economic classification for 2023/24 was as follows:

Table 2: Expenditure per economic classification 2023/24

Economic classification	Adjusted budget (R'000)	Actual expenditure (R'000)	Percentage actual expenditure	Available Budget (R'000)
Compensation of employees	18 290 074	18 961 467	103.7%	(671 393)
Goods and services	7 084 697	7 084 697	101.7%	(117 823)
Interest on rent and land	-	6 617	-	(6 617)
Transfers and subsidies	597 216	584 809	97.9%	12 407
Payment of capital assets	598 979	429 809	71.8%	169 170
Payment of financial assets	-	-	-	-
Total	26 570 966	27 185 223	102.3%	(6147)

5.3 In terms of economic classification:

- The Department recorded overspending of R614 257 million under Compensation of Employees due to Cost of Living Adjustments.
- With regard to Transfers and Subsidies, there was underspending of R12 407 million.
- With regard to Payments for Capital Assets, there was under-expenditure of R169 170 million.
- With regard to Goods and Services, there was overspending of R117 823 million.

6. Performance in 2023/24

6.1. Overall, the Department achieved 36 of the 42 planned targets and 6 targets were not achieved.

6.2. Some of the targets not achieved during the financial year included:

- Percentage of tenders above R30 million awarded to designated groups investigations finalized for reported allegations.
- Percentage compliance to the EE plan for SMS (females).
- Number of sites where Mesh Network and Integrated Security System are installed.
- Percentage of sites installed with Local Area Network infrastructure.
- Number of infrastructure projects completed.
- Percentage of Information Systems (IIMS) implemented as per MISSTP.

7. Programme performance in 2023/24

7.1 Programme 1: Administration

7.2 The purpose of this programme is to provide strategic leadership, management and support services to the Department.

7.2.1 The Administration programme achieved 6 (or 54%) out of 11 planned targets for 2023/24.

Table 3: Administration -Selected performance 2023/24

Performance Indicator	Planned Target 2023/24	Actual Achievement 2023/24
Percentage of Information Systems (IIMS) implemented as per MISSTP	20.64%	NOT ACHIEVED 9.54%
Percentage of youth employed within the Department	20%	ACHIEVED 40%
Percentage of correctional facilities including PPPs inspected on conditions and treatment of inmates	56%	ACHIEVED 56%
Percentage of officials charged and found guilty of corrupt activities.	95%	ACHIEVED 99%

7.2.3 The Department did not achieve their target for IIMS in the year under review and this was ascribed to ongoing litigation between the Department and the service provider.

7.2.4 The target for Correctional Centres including PPPs inspected on conditions and treatment of inmates was achieved in the period under review.

7.2.5 The Department managed to achieve its target for youth employment when performance was recorded at 40% against target of 20%.

7.3 **Programme 2: Incarceration**

- 7.3.1 The purpose of the programme is to provide safe and secure conditions of detention consistent with maintaining the human dignity of inmates. It is also responsible for the administration, profiling and consideration of offenders for releases or placement into community corrections.
- 7.3.2 There are three sub-programmes for Incarceration: Security operations; Remand detention; and Offender management.
- 7.3.3 Overall, the Incarceration programme achieved six out of seven (or 86%) planned targets for 2023/24.

Table 4: Incarceration - Selected performance 2023/24

Performance Indicator	Planned Target 2023/24	Actual Performance 2023/24
Reduction in unnatural deaths in correctional centres and remand detention facilities per year	0.032% or less	ACHIEVED 0.031%
Reduction in escapes	0.030%	ACHIEVED 0.013%
Number of infrastructure projects completed	15	NOT ACHIEVED 4
Reduction of overcrowding	50% or less	ACHIEVED 48%
Percentage of profiles approved for placement by the Correctional Supervision and Parole Boards	55%	ACHIEVED 67%

- 7.3.4 The Department managed to achieve its target on overcrowding, however, overcrowding rate has increased from 46% (in 2022/23) to 48 (in 2023/24).

7.3.5 The Department achieved its target for assaults and escapes due to effective implementation of National Escape Prevention Strategy and the National Assault Prevention Strategy.

7.3.6 The Department managed to complete only 4 infrastructure projects in the period under review against the target of 15 projects.

7.4 Programme 3: Rehabilitation

7.4.1 Programme 3 is responsible for providing needs-based programmes and interventions to facilitate the rehabilitation of inmates and to enable their social reintegration into communities. The programme has the following sub-programmes: Correctional programmes; Offender development; and Psychological, social and spiritual services.

7.4.2 Overall, the programme achieved all 12 planned targets for the year under review.

Table 5: Rehabilitation - Selected performance in 2023/24

Performance Indicator	Planned Target 2023/24	Actual Performance 2023/24
Percentage of offenders participating in long Occupational Skills programmes	90%	ACHIEVED 99%
Percentage of offenders participating in Further Education and Training	85%	ACHIEVED 99%
Percentage of sentenced offenders with Correctional Sentence Plans who have completed correctional programmes.	84%	ACHIEVED 101%

Performance Indicator	Planned Target 2023/24	Actual Performance 2023/24
Percentage of inmates who are involved in psychological care services per year.	23%	ACHIEVED 32%

7.4.3 Selected achievements include:

- Offender participation in long skills programmes were 16 317 (99%), while those participating in short skills were 12 965 (99%). A further 838 (99%) offenders participated in Further Education and Training.
- A total of 50 156 offenders participated in psychological care services.

7.5 Programme 4: Care

7.5.1 The purpose of this programme is to provide needs-based healthcare programmes and services aimed at maintaining the wellbeing of inmates. There are two sub-programmes under the Care programme, namely Health and Hygiene Services and Nutritional Services.

7.5.2 Overall, the programme achieved five out of five targets planned for 2023/24.

Table 6: Care - Selected performance 2023/24

Performance Indicator	Planned Target 2023/24	Actual Performance 2023/24
Percentage of therapeutic diets prescribed for inmates	Less than 12%	ACHIEVED 5%
Offender viral load suppression rate	92%	ACHIEVED 97%
Percentage of inmates screened for hypertension	90%	ACHIEVED 206%

Performance Indicator	Planned Target 2023/24	Actual Performance 2023/24
Percentage of inmates screened for diabetes	90%	ACHIEVED 195%
TB Cure rate	92%	ACHIEVED 96%

7.5.3 The Department ascribed the achievement of TB cure rate of offenders to effective monitoring and management of patients on treatment as well as compliance with TB guidelines.

8.4.4 The Department also achieved its target on percentage of offenders screened for hypertension. This was largely due to intensified screening of inmates due to their vulnerability.

7.6 Programme 5: Social Reintegration

7.6.1 The Social Reintegration programme provides services focused on offenders' preparation for release, effective supervision of offenders placed under community corrections and the facilitation of their social reintegration into their communities. The programme has the following sub-programmes: Supervision; Community reintegration and Office Accommodation: Community corrections.

7.6.2 The programme achieved all six planned targets for 2023/24.

Table 7: Social Reintegration - Selected performance 2023/24

Performance Indicator	Planned Target 2023/24	Actual Performance 2023/24
Percentage of parolees without violations per year	97%	ACHIEVED 99%
Percentage of probationers without violations per year	97%	ACHIEVED 99%

Performance Indicator	Planned Target 2023/24	Actual Performance 2023/24
Number of victims participating in Restorative Justice programmes	4700	ACHIEVED 14 844
Number of offenders/parolees and probationers participating in Restorative Justice programmes	3500	ACHIEVED 4 498
Number of economic opportunities facilitated for offenders, parolees and probationers	48	ACHIEVED 470

8.5.3 The Department managed to ensure that 14 844 victims and 4 498 offenders/parolees and probationers participate in Restorative Justice programmes in the period under review.

8.5.6 The Department also managed to facilitate 470 economic opportunities for offenders, parolees and probationers in 2023/24 period.

9 Expenditure and performance for First Quarter of 2024/25

9.1. The Department of Correctional Services was allocated R28 billion for 2024/25. At the end of June 2024, total expenditure was at R7.6 billion or 27.3% of the total appropriation. This equates to over-spending by R710 million when compared to the projected spending plan of R6.9 billion for the Quarter. In terms of performance, of the 32 planned targets for the First Quarter, 30 were achieved and only 2 were not achieved.

9.2. At the end of the First Quarter of 2024/25, programme spending and performance was as follows:

- The Administration programme spent an amount of R1.5 billion (29.70%) against planned expenditure of R1.2 billion, resulting in overspending by R280,569 million. The over-spending was due to the Cost of Living Adjustment effected in April 2024. In terms of performance, Administration achieved only 2 targets for the quarter out of 4 planned targets.
- The Incarceration programme spent 26.44% or R4.450 billion of the projected budget for the quarter of R4.178 billion, which resulted in over-spending by R271 249 million in the first quarter of 2024/25. In terms of performance, Incarceration achieved all 5 targets for the first quarter.
- The Rehabilitation programme spent 26.82% or R576,339 million of the projected spending plan of R519,722 million. This translated to overspending by R56,617 million. In terms of performance, Rehabilitation achieved all 11 targets for the first quarter of 2024/25 financial year.
- The Care programme spent R713,880 million or 28.74% against a projected expenditure of R622,736 million. This translates to overspending by R91,144 million in the first quarter. In terms of performance, this programme achieved all 5 targets for the first quarter.
- The Social Reintegration programme spent 25.48% or R313,233 million from the planned expenditure of R302,641 million. This translates to overspending by R10,592 million. In terms of performance, this programme achieved all 7 targets for the first quarter.

PART II

10 JUDICIAL INSPECTORATE FOR CORRECTIONAL SERVICES' (JICS)

10.1. JICS' Statutory mandate and mission

10.1.1. JICS is established under section 85 of the Correctional Services Act 111 of 1998 as an independent office under the control of the Inspecting Judge. Its object is to facilitate the inspection of correctional centers and to report on the treatment of inmates and conditions of incarceration.

10.1.2. Its mission includes the prevention of human rights violations through the monitoring of mandatory reporting systems on deaths, mechanical restraints and segregations (solitary confinement) in correctional centers. It also maintains the independent complaints system for inmates.

10.2. **Financial Performance at the end of 2023/24**

10.2.1. For 2023/24, the Judicial Inspectorate for Correctional Services was allocated a budget of R81.1 million. At the end of March 2024, the total expenditure for JICS was R82.2 million.

10.3. **Inspections, Investigations, Complaints and Mandatory Reporting for 2023/24 financial year**

10.3.1. The Inspectorate scheduled a total of 136 inspections in correctional centres across the country for 2023/24 financial year and conducted all 136 planned inspections, which equates to 57.8% of all correctional facilities in the country. In addition to 136 inspections, another 12 unannounced inspections were conducted, bringing total inspections to 148. JICS has rated 21 centres unsatisfactory, 112 satisfactory and 15 good.

10.3.2. Some of the centres rated unsatisfactory included Voorberg Medium A; Calvinia; Sasolburg; Mthatha Maximum; Eshowe; Frankfort; Port Shepstone; Ncome Med A; and Grootvlei Maximum.

10.3.3. The most common reasons highlighted by JICS why facilities were rated unsatisfactory included; extreme overcrowding; dilapidated infrastructure; lack of

proper hygiene; inadequate management; and shortage of food to maintain the prescribed diet of inmates.

- 10.3.4. JICS' report also highlighted that in 2023/24 a total of 2 344 inmates were in remand detention with bail of less than R1000.
- 10.3.5. The JICS reported that the number of complaints from internal and external sources increased from 410 (in 2022/23) to 720 (in 2023/24). The highest number (229) of complaints related to assaults (inmate on inmate), followed by assaults of inmates by officials (166), transfers (74) and Other (64).
- 10.3.6. Mandatory reporting is regulated by the Correctional Services Act 111 of 1998. Mandatory reporting includes: Death of an inmate (Section 15); Segregation (Section 30); Mechanical restraints (Section 31); and Use of force (Section 32). For the year under review, there were 123 unnatural deaths reported by DCS to JICS. A total of 21 suicide cases were recorded with majority being from Gauteng and FS/NC and Kwazulu-Natal. In addition to unnatural deaths, JICS received 505 reports of natural deaths in correctional facilities.
- 10.3.7. Section 30(7) of the Correctional Services Act, 1998 provides that inmates who have been segregated may refer the matter to the Inspecting Judge, who must decide thereon within 72 hours. The number of segregations that were reported to JICS by DCS for the year under review was 4 857 which is an increase from the 3 670 reported in the 2022/23 period.
- 10.3.8. The JICS also recorded only 40 cases of Mechanical restraints in the 2023/24 financial. This is an increase from 25 reports received in 2022/23.
- 10.3.9. The JICS recorded a total of 468 cases of use of force in the year under review. This is a decrease from 470 reported in 2022/23.

10.4. **Directorate Management Regions**

Non-Nationals Incarcerated

- 10.4.1. As part of its oversight role, JICS also monitors the status and incarceration of non-nationals within correctional centres. For the year under review, JICS recorded a total of 22 612 non-nationals in DCS facilities. JICS also recorded that 690 non-nationals were serving life sentences in correctional facilities across the country.

Parole violations

- 10.4.2. JICS has taken an interest in offenders who are released on parole and commit new crimes after being released. For the year under review, JICS did not record the number of parolees who were arrested for committing new crimes.

10.5. First Quarter 2024/25 Expenditure and Performance of JICS

- 10.5.1. For 2024/25, the Judicial Inspectorate for Correctional was allocated a total of R114,607 million. At the end of June 2024, the total expenditure was R23.4 million including commitments.
- 10.5.2. There was overspending by 31.44% under Goods and Services for the first quarter of 2024/25. The reason provided for overspending is the commitments of the previous financial year which were only cleared in the new financial year.
- 10.5.3. There was also overspending under Capital Assets 56.26% and the reason provided was due to previous financial year's commitments that were only cleared with the new financial year's budget.
- 10.5.4. In the first quarter, JICS had 86 permanent approved and funded positions on their fixed establishment. A total of 78 posts were filled and 8 were vacant. In addition to permanent posts, there were 225 ICCV posts of which 217 were filled and 8 were vacant.

10.6. Inspections, Investigations, Complaints and Mandatory Reporting in the First Quarter of 2024/25

- 10.6.1. In the first quarter of 2024/25 financial year JICS scheduled 36 inspections and all of them were conducted. In addition, there were six unannounced inspections conducted in the first quarter.
- 10.6.2. The Inspectorate reported that, for the first quarter of 2024/25, there were only 17 investigations conducted and the majority (four) of the investigations were conducted in the JICS's Gauteng Region.
- 10.6.3. JICS received a total of 166 complaints in the first quarter and most of these complaints were received from ICCVs, inmates and their families. These complaints included assaults, parole and transfers.
- 10.6.4. In terms of mandatory reporting, a total of 40 unnatural deaths were recorded for the first quarter. The majority (30) of these were recorded as 'unknown other'. In addition to unnatural deaths, JICS also recorded a total of 141 natural deaths in correctional centres across the country. The largest category (40) of natural deaths were recorded as "Natural causes". Gauteng recorded the highest number of deaths (51) while Kwazulu-Natal recorded the lowest (9).
- 10.6.5. Segregation recorded a total of 968 reports in the first quarter of 2024/25. The Free State/Northern Cape recorded the highest number of segregations (328), while the Kwazulu-Natal recorded zero. JICS reported that due to the dysfunctional electronic system of reporting, the accuracy and numbers of reports by DCS could not be verified.
- 10.6.6. In terms of Mechanical Restraints' reports, JICS recorded seven cases for the first quarter of 2024/25. Reasons given for the use of mechanical restraints included: safety of others (4) and safety of inmates (2), and prevention of damage to property (1).
- 10.6.7. A total of 97 cases of the use of force were recorded by the Department and submitted to JICS in the first quarter. JICS has emphasized that, due to manual reporting, the number of reported cases of the use of force has drastically declined.

PART III

11 Department of Correctional Services: Committee observations and Recommendations

- 11.1 The Committee received a political overview from the Minister of Correctional Services who highlighted that the performance of the Department of Correctional Services has improved from 80% (in 2022/23) to 86% (in 2023/24). The Minister further indicated that the Department has received an unqualified audit opinion for both the annual financial statement and the performance for the fourth consecutive year of the strategic periods.
- 11.2 The Minister committed that greater emphasis will be given to improving compliance to laws and regulations that guide procurement and contract management processes to eradicate irregular, fruitless and wasteful expenditure.
- 11.3 The Committee expressed its disappointment that the Minister did not make time to account to the Committee on the overall work of the Department. Instead, the Minister said the Committee should request the former Minister of Justice and Correctional Services to come and account on the performance of the Department of Correctional Services for 2023/24.
- 11.4 The AG has reported that effective and appropriate steps were not taken to prevent irregular expenditure amounting to R8, 996 million as required by section 38(1)(c)(ii) of the PFMA and treasury regulation 9.1.1. The AG further indicated that the majority of irregular expenditure was caused by non-compliance with treasury regulations 16A.6.1 as the procurement of goods was split into parts or items of lesser value to avoid complying with the requirements of the SCM regulations. The Committee is

concerned that the AG has consistently raised the same matter in previous reports. The Department is requested to ensure that contracts are in place for procurement of goods and services above R1 million as stipulated by relevant SCM and treasury regulations.

- 11.5 The Committee was informed that the Department lacked enough investigators to deal with the backlog of outstanding investigations into fruitless and wasteful expenditure as well as irregular expenditure. The Committee was further informed that a service provider was appointed to assist the Department in reducing this backlog. The Committee will be monitoring the status of these investigations and will invite the Department to brief the Committee on the status of those investigations and all other investigations within the Department.
- 11.6 Overcrowding of correctional centres continues to be a concern for the Committee as it compromises the rehabilitation of inmates and places the safety and security of inmates and officials at risk. The Committee noted that, although the target for overcrowding was achieved, the overcrowding rate has increased from 46% (in 2022/23) to 48% (in 2023/24). The Department is urged to continue their engagement with the relevant sister departments within the JCPS cluster to find ways of reducing overcrowding in correctional centres.
- 11.7 The Committee has raised concern regarding the increase on expenditure for consultants and contractors in the period under review. The Department is urged to ensure that more reliance is not placed, unnecessarily, on consultants and contractors to perform work that should be done by officials. The Committee will be monitoring the quarterly spending of the Department on consultants and contractors.
- 11.8 The Committee has noted losses incurred by the Department as a result of damaged state vehicles amongst other things. The Committee encourages the Department to ensure that it recovers money from those found responsible for damaging state vehicles. The Department is further encouraged to consider purchasing new vehicles, which might be more economical, instead of servicing old vehicles.
- 11.9 The Committee noted, with concern, the misalignment between the overall performance (86%) of the Department and the expenditure (102.3%) in the 2023/24

period. The Department is encouraged to work on improving its performance and ensuring that the expenditure is aligned with the performance.

- 11.10 Three programme, namely, Rehabilitation, Care and Social Reintegration achieved all their targets in the 2023/24 period. The Committee is concerned that these important programmes of the Department of Correctional Services are always allocated a small percentage of the budget. For 2023/24 Rehabilitation was allocated 7%, Care was allocated 9.5% and Social Reintegration was allocated 5%. The Department is urged to review funding for these programmes.
- 11.11 The Committee is concerned about the amount paid by the Department of Correctional Services on interest on Rent and Land. The Committee encourages the Department to work with municipalities to acquire government land.
- 11.12 The Department could not achieve its target on IIMS again in the year under review and this is ascribed to an ongoing arbitration case between the Department of Correctional Services and the service provider. The Committee will invite the Department to provide a comprehensive update on IIMS and other IJS projects.
- 11.13 The Committee congratulates the Department on achieving its target of unqualified audit opinion. The Committee, again, encourages the Department to work towards a clean audit without any findings.
- 11.14 The Committee also commends the Department for improving their overall performance from 80% (in 2022/23) to 86% (in 2023/24).
- 11.15 The Committee also commends the Department for reducing fruitless and wasteful expenditure as well as irregular expenditure in the period under review and encourages the Department to ensure that the fruitless and wasteful expenditure amount is recovered from those found responsible.
- 11.16 The Committee commends the Department on how it handled the implementation of the audit action plans and encourages the Department to stick to those audit actions plans to ensure that ultimately there is zero findings on the Department.

- 11.17 The Committee noted with appreciation the increase in the revenue collected by the Department in the 2023/24 period and believes that this revenue, as part of Self-sufficiency and Sustainability Model, will assist the Department especially in light of the continuous budget reduction in government.
- 11.18 The Committee expressed its satisfaction with the infrastructure plans and progress which the Department of Correctional Services outlined and was able to manage without relying much on DPWI.
- 11.19 The Committee also expressed its satisfaction with equity plans and the process of filling vacancies, especially at senior management level, which will create stability within the Department of Correctional Services. The Committee further encourages the Department to ensure that where there are vacant funded positions at any level, they should be filled.
- 12 **Judicial Inspectorate for Correctional Services (JICS) – Committee’s Observations and Recommendations.**
- 12.1 The Committee has noted with concern that JICS has overspent on its budget for 2023/24 by R1.1 million in the period under review. The Committee request JICS to ensure that their plans and human resources are aligned to their budget to avoid overspending and underspending in future.
- 12.2 The Committee encourages JICS to ensure that vulnerable inmates who report issues to JICS are not victimized by DCS officials.
- 12.3 The Committee urges JICS to develop ICCVs and create succession plan for those ICCVs who would like to have a career within the Inspectorate. In addition, JICS is encouraged to ensure that when vacancies are filled, ICCVs are considered.
- 12.4 The Committee also raised concerns regarding lack of visible oversight by ICCVs especially in Correctional Centres where infrastructure is falling apart.

- 12.5 Again, the Committee is concerned that ICCVs are not attending to challenges raised by inmates at the UNISA HUB. JICS is urged to double its efforts in attending to issues raised by inmates.
- 12.6 The Committee requests JICS to engage in a rigorous campaign on issues of corruption as well as contraband in Correctional Centres.
- 12.7 The issue of lengthy remand detention is a concern for the Committee and as such JICS is encouraged to engage with the Judiciary, during their stakeholder meetings, on how best to address this.
- 12.8 The Committee has consistently raised concerns regarding the treatment of mentally ill inmates especially those in remand detention. JICS is requested to pay more attention to the conditions under which those inmates are incarcerated.
- 12.9 The Committee learned with disappointment the collapse in the relationship between JICS and NCCS and hope that this relationship can be revived in the near future.
- 12.10 JICS has informed the Committee that they are currently on version 21 of the draft JICS Bill and they hope that the process of this Bill will be finalized by the end of 2025. The Committee will await the finalized Bill to be introduced in Parliament.
- 12.11 The Committee congratulates JICS for tabling on time their first Annual Report independently from DCS.

13 **Appreciation**

- 13.1 The Committee wishes thank the Deputy Minister of Correctional Services, staff in the Ministry, National Commissioner and the staff of the Department of Correctional Services for their assistance in this process.
- 13.2 The Committee also wishes to thank the Inspecting Judge and the staff of the Judicial Inspectorate for Correctional Services for their co-operation in this process.

- 13.3 The Committee wishes to thank the Auditor General South Africa for the support provided to the Committee.

Report to be considered

National Council of Provinces

1. REPORT OF THE SELECT COMMITTEE ON PUBLIC PETITIONS AND EXECUTIVE UNDERTAKINGS ON THE HEARING OF KHUTSONG PETITION, HELD ON 24 OCTOBER 2024, AS ADOPTED ON 19 NOVEMBER 2024

1. BACKGROUND

The Select Committee on Public Petitions and Executive Undertakings (Committee), having considered the Khutsong Petition, referred to the Committee by the Chairperson of the National Council of Provinces (NCOP), for its consideration and resolution, reports as follows:

The Khutsong Petition (petition) was submitted to the NCOP by Mr. Jeremiah Ramokgoatedi (the petitioner) on behalf of the concerned community members of Khutsong, Carletonville, Gauteng Province.

The petitioner alleges the following:

- Residents of Khutsong in Carletonville have been living in fear for many years due to the sinkholes posing a threat to their safety and infrastructure.
- The sinkholes have left many families displaced, affected water quality, and damaged infrastructure in the area.
- The government has failed to provide psychosocial support to the effected families.
- The government is not involving the affected families in the rehabilitation of sinkholes project.

Consequently, the petitioner is requesting the assistance of the NCOP to facilitate the declaration of Khutsong a national disaster area due to the escalating of large sinkholes in the area.

2. INSPECTION *IN LOCO* AND HEARING

Following the referral of the petition to the Committee, the Committee resolved to have a hearing on the petition to afford the petitioner an opportunity to make first- hand oral submissions to the Committee on the petition submitted to the NCOP and to also allow relevant stakeholders to make submissions on the issues raised in the petition.

The Committee further resolved to couple the hearing on the petition with an inspection *in loco* to the community.

3. COMMITTEE MEMBERS AND OFFICIALS

The following committee members were present during both the inspection *in loco* and the hearing on the petition:

- 3.1.1 Hon O J Mokaie, (Chairperson) DA, Northern Cape.
- 3.1.2 Hon/ Inkosi M Nonkonyana (Whip), ANC, Eastern Cape.
- 3.1.3 Hon M Billy, DA, KwaZulu-Natal,
- 3.1.4 Hon V Gericke, EFF, Western Cape.
- 3.1.5 Hon N Gotsell, DA, Western Cape.
- 3.1.6 Hon P Noe, ANC, Free State.
- 3.1.7 Hon J S Mananiso, ANC, Gauteng.
- 3.1.8 Hon O D Medupe, ANC, Northwest.
- 3.1.9 Hon N P Mcinga, EFF, Eastern Cape.
- 3.1.10 Hon P A Phala, Limpopo; and
- 3.1.11 Hon S A Zulu, MK- Mpumalanga

The committee members present at the hearing on the petition were supported by the following committee officials:

- 3.1.12 Mr N Mkhize, Committee Secretary.
- 3.1.13 Ms N P Ngqwala, Committee Researcher; and
- 3.1.14 Mr E Bazier, Committee Assistant

4. INSPECTION *IN LOCO*

The Committee conducted the inspection *in loco* to establish the veracity of some of the issues raised in the petition, namely the issue of escalating of large sinkholes in the areas i.e., schools, roads and sewerage infrastructure.

The inspection *in loco* in Khutsong Township was led by the petitioner, Mr. J Ramokgoatedi. The committee was also accompanied by officials from the Merafong City Local Municipality (municipality), and the Gauteng Provincial Department of Cooperative Governance and Traditional Affairs (COGTA). During the inspection *in loco*, committee members were led to the following areas:

- Hlunganani Primary School;
- Sompane drive;
- Extention 3;
- Rest in Peace, and
- Maselwane road

Following the inspection *in loco*, the committee proceeded to have a hearing on the petition at the Khutsong Police Station.

5. HEARING ON THE PETITION

5.1 Stakeholders

The following stakeholders attended the hearing on the petition:

- 5.1 Petitioner, Mr. J Ramokgoatedi and Mr. B. Mbatha;
- 5.2 Representatives of the Merafong City Local Municipality: Executive Mayor-Cllr N Best; Deputy Executive Mayor-Cllr M Sello; MMC Tabane; MMC Sekgakweng; MMC Mcetywa; MMC Mangaliso and MMC Mganu.
- Administratively: Director Infrastructure-Mr. Gubevu; Manager of Human Settlement-Mr. Jofile; Manager of PMU-Ms. Molosi; Manager of Risk Management-Ms. Segakweng; Office of the Executive Mayor Manager-Ms Mahube; Chief Operations Officer-Mr Molokwane and Communication Manager-Mr Fezani.

5.3 Representatives of the Gauteng Department of Cooperative Governance and Traditional Affairs: Chief Director-Mr. Motlale; Office of the HOD-Mr. T Zikalala; Chief Director-Ms. C. Bridgets.

5.4 Representative of Community Members:(*A complete attendance register can be made available upon request*)

6. HEARING

On the 24th of October 2024, the Committee held a hearing on the petition, where the petitioner and relevant stakeholders were invited. The purpose was to afford the petitioners and relevant stakeholders an opportunity to make first-hand oral submissions in relation to the subject matter of the petition.

7. SUBMISSIONS BY THE PETITIONERS

The oral submissions of a petition were led by Mr J Ramokgoatedi and supplemented by Mr. B Mbatha.

Mr. J. Ramokgoatedi made an extensive oral submission and expanded on the following complaints or grievances articulated in the petition:

- Merafong City, in particular Khutsong township has and is still engulfed by the unbarricaded sinkholes for the past 7-8 years.
- The Municipality, Gauteng Provincial Department of Cooperative Governments and Traditional Affairs (COGTA), including the defunct Merafong Dolomite Risk & Vulnerability Community Support Group, herein now called "Merafong Environmental Risks Community Support Group, have written letters of requests to the National Disaster Management Centre to declare Khutsong and Weldverdiend as sinkholes prone Disaster areas
- The Municipality officials are not observing human rights issues or not prepared to listen to valid concerns of sinkholes affected/displaced families, for example, that the RDP houses that the Municipality is allocating to families are too small and they cannot accommodate extra furniture, indicating that he was once was told by one official to sell her furniture to the pawn shop.
- No attention/legal recourse is given to families who alleges/claims that the structural

integrity of their houses was affected by the earthwork's damages caused by the Municipal appointed contractors or because of unattended sewer spillage

The Committee was first, made aware that the displaced families and families living adjacent to the sinkholes were promised by the Premier of Gauteng an outreach program during 2022/23, that will make sure that all families displaced by sinkholes will get 70 square metres houses instead of the current 35 square metres. Secondly, submitting that the local stakeholders and affected families are not actively involved by the Municipality in all processes of the relocations or rehabilitation except being taken as labourers and furthermore, the Municipality is not giving psychosocial to families displaced or affected by sinkholes.

In conclusion, he indicated that the families residing adjacent to Sompane road (where the contractor is busy rehabilitating the sinkhole) alleges that the contractor is using big mine waste rocks to close and compact(rehabilitate) the sinkhole, and this according to university academics, is a "French drain " which result in making the situation worse.

In his supplementary submissions Mr. B Mbatha, from the Institute for Social Dialogue, briefly gave a background of the organization citing that it founded in 2022. The organization operate in mining affected communities by providing support through, social dialogue, capacity building and parallel economies.

Mr Mbatha then submitted that he couldn't agree more with the petitioner that the situation at Khutsong is dire, it needs urgent attention. And called upon the stakeholders in power to do the following:

- To declare Khutsong a disaster area.
- Stressed upon the committee to subpoena the contractor to clarify and explain on the allegation of corruption labelled against them on the Hlanganani primary School sinkhole.

In conclusion, he called upon all involved stakeholders to act with decisive and urgency in solving the matter of Khutsong as outlined in the petition by Mr. J Ramokgoatedi.

In addition to both submissions made, members of the community were given a platform, where they alleged the following:

- Irregular appointment of JMS projects and questionable payments for work not done;
- Mfuyi Holdings pty questionable appointment to provide advice services;
- Reckless recruitment of staff and duplication of designations;
- Municipal Manager guarded/protected by a bouncer; and
- Appointment of dubious and questionable senior officials.

8. SUBMISSION BY THE MERAUFONG CITY LOCAL MUNICIPALITY

Submissions by the Municipality were led by the Executive Mayor (Mayor), Cllr N Best and supported by her senior officials responsible with implicated departments. The mayor and her support officials provided an update on the sinkhole response intervention measures, currently being implemented to rehabilitate the region of Khutsong.

The table below illustrate interventions the Municipality has undertaken, namely in the Phabane and Sompane sinkholes.

Project Implementation Milestones

DETAILS	PLANNED	ACTUAL	PERCENTAGE COMPLETED
Consultant Appointed	01/09/2023	01/09/2023	100%
Planning & Design Completed	12/01/2024	12/01/2024	100%
Tender Documentation Completed	01/03/2024	19/03/2024	100%
Tender Advertised	28/03/2024	N/A	100%
Compulsory Site Inspection	04/04/2024	N/A	100%
Tender Closing Date	23/04/2024	N/A	100%
Bid Evaluation & Report Complete	02/05/2024	N/A	100%
Bid Adjudication Complete	09/05/2024	N/A	100%
Contractor Appointed	11/05/2024	22/04/2024	100%
Construction Completion	12/09/2024		98%
Close Out Report	15/09/2024		0%
Final Retention Release	15/09/2025		0%

Phabane Sinkhole

The committee was made aware that the sinkhole was a large sinkhole with surface manifestation greater than 10 m diameter. The sinkhole area intercepts wet services. Pipe leakages may be a catalyst for sinkhole formation. This sinkhole is located on land, and according to the municipality, the area is demarcated for relocation.

Sompane Sinkhole

The municipality submitted that the Sompane Sinkhole was described as a very large sinkhole with a maximum surface manifestation of no less than 15m in diameter. The sinkhole area is characterized by intercepting wet services in the form of non-compliant PVC pipe types. Therefore, the immediate vicinity of the sinkhole is affected.

Due to sinkhole damage, some homes have had to be evacuated. It appears that the sinkhole is choked, and debris has been dumped into it. Dolomite panicles are visible on some of the surviving surface ground. According to the municipality's submission, the project was turned over on May 29, 2024. As of right now, 98% of the site has been established.

Hlanganani Primary School

The municipality submitted that on the 4th of July 2022, JMS projects appointed a professional engineering consultant to address the infrastructure issues at the Hlanganani Primary School. The appointed consultant was thoroughly briefed on the specific requirements and challenges faced by the school and the surrounding area.

Following the briefing, JMS projects undertook a comprehensive series of studies to assess the extent and causes of the sinkhole that had developed near the school. Despite facing financial constraints, JMS projects provided a detailed investigation report and conducted a thorough geotechnical investigation to understand the underlying soil and rock conditions.

The municipality further submitted that as part of their investigation, JMS projects also offered sound recommendations for continued investigative measures to further understand the situation before providing final rehabilitation recommendations. This approach aimed to ensure that the proposed rehabilitation measures would be well-informed and effective in addressing the identified issues.

9. SUBMISSIONS BY THE DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

Submissions by the Department of Cooperative Governance and Traditional Affairs (COGTA) were led by its Chief Director, Mr. Motlale. In his progress report to the Committee, with the support of relevant officials, he reported as follows:

Rehabilitation and Backfilling of Open Space in Sompane and Phabang Street

PROGRESS

Implementation Plan	Project Progress Report
Rehabilitation of Sompane Drive & Phabang – Priority zone for relocation	<ul style="list-style-type: none"> Project is at 70% complete Excavations are done at Sompane street Phabang street cleared
Hlanganani School Sinkhole	<ul style="list-style-type: none"> Municipality recently submitted a progress report to CoGTA CoGTA is currently analysing report in line with the agreed deliverables

Relocation/Resettlement of People Located at High-Risk Areas

Current Status: Khutsong South Project (753 houses)

PROGRESS

Implementation Plan	Project Progress Report
Provision of bulkservices (water & electricity) Khutsong South 753 houses project	<ul style="list-style-type: none"> 138 houses completed, 47 houses were allocated to families No electricity connected at this stage. Municipality applied for funds for the electricity connection Challenges with water connection – limited access to water, issues of account to be addressed by Municipality.

PROGRESS

Interventions	Project Progress Report
Upgrade of the R500 road	<ul style="list-style-type: none"> Road milled and resurfaced Road markings still outstanding
Upgrade of the D1755 road	<ul style="list-style-type: none"> Road milled and resurfaced No road markings
Maintenance of surfaced and gravel roads	The department continues with routine maintenance work.

Other Supporting Programs

OTHER SUPPORTING PROGRAMS	
Interventions	Progress on Interventions
Health Support	<ul style="list-style-type: none"> The department of health continues to deploy the mobile clinics at identified strategic point to ensure easy access to health facilities The WR District Health Office received two new mobile clinics in the current FY
Psychosocial Support	<ul style="list-style-type: none"> To date the department of Social Development provided psychosocial support 3 835 people in and around Khutsong since last year March 2023. Psychosocial support services includes addressing GBV, substance abuse support service, admissions to rehab, school food program
Waste Management and Agriculture	<ul style="list-style-type: none"> Through the cooperation between GDARD and the municipality, dumping sites are cleaned regularly, food gardens were established in the Khutsong area. 2 school food gardens established, 1 community food garden established, and 236 household food gardens established
Disaster Preparedness /Search & Rescue Operations	<ul style="list-style-type: none"> The Westrand District, together with the Department of Health developed the sinkhole emergency response plans The District procure the barricade material and allocate to the municipality to cordon identified high risk open sinkholes. The material used for barricade are post & bob wire; however, the community take the equipment. The department of Roads and Transport further assisted with concrete barricading at Sompane The district recently procured plastic bollards for barricade and is available as and when required

In its closing submissions, the Department recommended that the progress and key interventions on the Merafong sinkhole response intervention be noted.

(Copies of the presentations are available on request that including the the **documents outlining the funding allocations (Background) for Merafong Municipality and the request for declaration submitted to NDMC** from the Committee Secretary)

10. OBSERVATIONS

The Committee made the following observations in relation to the submissions made relation to the subject matter of the petition:

10.1 The committee observed that Khutsong residents have been subjected to live in life threatening conditions of more than 12 large unbarricaded sinkholes and sewer spillage (violation of Section 24¹ of the Bill of Rights) in our Constitution.

10.2 The committee noted that infrastructure and residential development in Khutsong North Extensions 2 and 3 are clearly exposed to high-risk dolomite conditions and are very vulnerable to damage from the creation of sinkholes and subsidence.

10.3 The committee has observed that certain households in Khutsong township are still living next to a deep sinkhole (Sompane Road) where earthworks are located, even

¹ Everyone has the right (a) to an environment that is not harmful to their health or well-being

though relocation interventions have been implemented. However, some of the families were/are willing to relocate only if they can receive emergency housing units from the national/provincial government.

10.4 Through in-depth discussions, the committee noted allegations from community members on two matters; first, that the current municipal financial systems are dysfunctional, and second, since the two competing service providers are in a legal dispute and the municipality is unable to track and trace daily income and expenditure, as a result, dubious financial transactions are highly probable.

10.5 In response to the sinkholes in Merafong municipality, COGTA presentation highlighted that in the State of the Province Address the following were pronounced:

- To establish a permanent emergency disaster management site
- Declaration of a Disaster: Submit Business Plan under the National State of Disaster (NSoD) in response to the Sinkhole Challenges in Merafong
 - The implementation of an early detection system of sink holes.
 - The provision of psychosocial support to affected families.
 - Running a public campaign about the dangers of sinkholes.
- The committee is encouraging/urging communities in dangerous areas to migrate within reasonable time to areas made available for them and their safety.

11. RECOMMENDATIONS

Following extensive deliberations on the submissions made during the hearing on the petition, the Committee recommends as follows:

11.1 The Select Committee demands a report from the Department of COGTA detailing measures put in place to ensure that the challenges are progressively resolved (to be completed within three months), made towards the progressive realization and monitoring of transformers in affected areas, and a report indicating the following:

- Progress on engagement with the Provincial Executive stepping in and providing support to the Municipalities in terms of *S154 of the Constitution*; and

- Addressing the interventions of the municipality on ageing infrastructure and other matters.

11.2 In the process leading to the three-month period stipulated in recommendation 11.1, the municipality is requested to provide the NCOP with a monthly progress report indicating the steps they have taken to affected areas. This should include the following:

- Progress on engagement with the Provincial Executive stepping in and providing support to the municipalities
- Progress on engagement with the Department of COGTA.
- All informal settlement surrounding the northern and eastern boundaries of Khutsong must be prioritised for resettlement, and any area outside the intolerable hazard areas must receive urgent replacement or upgrade of wet service infrastructure and storm water drainage system.

11.3 Request COGTA to conduct forensic investigations on all procurements and payments made to service providers from first January 2024 to date on the following:

- 11.3.1 Alleged irregular appointment of JMS projects and questionable payments for work not done
- 11.3.2 Mfuyi Holdings pty questionable appointment to provide advice services
- 11.3.3 Reckless recruitment of staff and duplication of designations
- 11.3.4 Municipal Manager guarded/protected by a bouncer
- 11.3.5 Appointment of dubious and questionable senior officials.

11.4 A Provincial Disaster Management Centre (PDMC) of the province is required to make a determination on whether the event should be regarded as a disaster in terms of Section 35 of the Disaster Management Act 2002 (Act No. 57 of 2002).

11.5 A progress report (to be completed within three months) from the Premiers Office on the undertakings (as mentioned in the Committee report under observations 10.5),

providing the Committee with time frames and plans for which these undertakings will be implemented.

Report to be considered.