

PARLIAMENT
OF THE
REPUBLIC OF SOUTH AFRICA

**ANNOUNCEMENTS,
TABLINGS AND
COMMITTEE REPORTS**

WEDNESDAY, 21 FEBRUARY 2018

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National Assembly

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ANNOUNCEMENTS

National Assembly and National Council of Provinces

The Speaker and the Chairperson

1. Draft Bills submitted in terms of Joint Rule 159

- (1) **Division of Revenue Bill**, 2018, submitted by the Minister of Finance.

Referred to the **Standing Committee on Appropriations** and the **Select Committee on Appropriations**.

National Assembly

The Speaker

1. Introduction of Bills

- (1) **The Minister of Finance**

- (a) **Division of Revenue Bill** [B 2 – 2018] (National Assembly – proposed sec 76) [Explanatory summary of Bill and prior notice of its introduction published in *Government Gazette* No 41432 of 9 February 2018.]

- (b) **Appropriation Bill** [B 3 – 2018] (National Assembly – proposed sec 77).

Introduction and referral to the Joint Tagging Mechanism (JTM) for classification in terms of Joint Rule 160.

In terms of Joint Rule 154 written views on the classification of the Bill may be submitted to the JTM. The Bill may only be classified after the expiry of at least three parliamentary working days since introduction.

2. Referral to Committees of papers tabled

- (1) The following papers are referred to the **Portfolio Committee on Justice and Correctional Services** for consideration and report:
 - (a) Report dated 8 February 2018 on the confirmation of provisional suspension and removal from office of Mr I W O M Morake, Magistrate, Lichtenburg, in terms of section 13(4)(b) of the Magistrates Act, 1993 (No 90 of 1993).
 - (b) Report dated 8 February 2018 on the withholding of remuneration of Ms VT Gqiba, Chief Magistrate, East London, in terms of section 13(4A)(b) of the Magistrates Act, 1993 (No 90 of 1993).
- (2) The following paper is referred to the **Portfolio Committee on Justice and Correctional Services**:
 - (a) Proclamation No R. 2, published in Government Gazette No 41387, dated 19 January 2018: Referral of matters to existing Special Investigating Unit and Special Tribunal, in terms of the Special Investigating Units and Special Tribunals Act, 1996 (Act No 74 of 1996).
- (3) The following papers are referred to the **Portfolio Committee on Water and Sanitation** for consideration and report. The Report of the Auditor-General on the Financial Statements and Performance Information is referred to the **Standing Committee on Public Accounts** for consideration:
 - (a) Corporate Plan (5-Year Business Plan) of the Overberg Water Board for 01 July 2016 to 30 June 2021.
 - (b) Report and Financial Statements of the Overberg Water for 2015-16, including the Report of the Auditor-General on the Financial Statements and Performance Information for 2015-16.
- (4) The following paper is referred to the **Portfolio Committee on Environmental Affairs** for consideration and report:
 - (a) Southern African Development Community (SADC) Protocol on Environmental Management for Sustainable Development, tabled in terms of section 231(2) of the Constitution, 1996.

(5) The following papers are referred to the **Portfolio Committee on Trade and Industry**:

- (a) Government Notice No 1324, published in Government Gazette No 41287, dated 1 December 2017: Gazette notice for the SA Energy and Metallurgical Zone in the Musina-Makhado Special Economic Zone, in terms of the Special Economic Zones Act, 2014 (Act No 16 of 2014).
- (b) Government Notice No 1325, published in Government Gazette No 41287, dated 1 December 2017: Codes of Good Practice on Broad-Based Black Economic Empowerment, in terms of the Broad-Based Black Economic Empowerment Act, 2003 (Act No 53 of 2003).
- (c) Government Notice No 1329, published in Government Gazette No 41287, dated 1 December 2017: Amendment of the Compulsory Specification for canned fish, canned marine molluscs and canned crustaceans and products derived therefrom (VC 8014), in terms of the National Regulator for Compulsory Specifications Act, 2008 (Act No 5 of 2008) as amended.
- (d) Government Notice No 1330, published in Government Gazette No 41287, dated 1 December 2017: Amendment to the compulsory specification for circuit-breakers (VC 8036), in terms of the National Regulator for Compulsory Specifications Act, 2008 (Act No 5 of 2008) as amended.
- (e) Government Notice No 1412, published in Government Gazette No 41321, dated 15 December 2017: Regulations relating to the tariff of fees charged for services rendered in terms of the Legal Metrology Act by the National Regulator for Compulsory Specifications (NRCS): Amendments, in terms of the Legal Metrology Act, 2014 (Act No. 9 of 2014).
- (f) Government Notice No 1413, published in Government Gazette No 41321, dated 15 December 2017: Regulations relating to the payment of levy and fees with regard to Compulsory Specifications: Amendments, in terms of the National Regulator for Compulsory Specification Act, 2008 (Act No 5 of 2008).
- (g) Government Notice No 1444, published in Government Gazette No 41338, dated 18 December 2017: Financial Reporting Pronouncement 5 Summary Financial Statements, in terms of the Companies Act, 2008 (Act No 71 of 2008).

- (h) Government Notice No 1445, published in Government Gazette No 41338, dated 18 December 2017: Financial Reporting Pronouncement 4: The limit on a defined benefit asset, minimum funding requirements and their interaction under International Financial Reporting Standards (IFRS) in the South African Pension Fund Environment, in terms of the Companies Act, 2008 (Act No 71 of 2008).
- (i) Government Notice No 1446, published in Government Gazette No 41338, dated 18 December 2017: Financial Reporting Pronouncement 1: Substantively Enacted Tax Rates and Tax Laws under International Financial Reporting Standards and International Financial Reporting Standards for Small and Medium Enterprises, in terms of the Companies Act, 2008 (Act No 71 of 2008).
- (j) Government Notice No 1447, published in Government Gazette No 41338, dated 18 December 2017: Financial Reporting Pronouncement 2: Accounting for Black Economic Empowerment (BEE) transactions under International Financial Reporting Standards (IFRS), in terms of the Companies Act, 2008 (Act No 71 of 2008).
- (k) Government Notice No 1448, published in Government Gazette No 41338, dated 18 December 2017: Financial Reporting Pronouncement 3: Accounting for Black Economic Empowerment (BEE) transactions under International Financial Reporting Standards (IFRS) for Small and Medium Enterprises, in terms of the Companies Act, 2008 (Act No 71 of 2008).
- (l) Government Notice No 1507, published in Government Gazette No 41362, dated 29 December 2017: Prohibition on the use of the Department of Health max for male condoms logo, in terms of the Merchandise Marks Act, 1941 (Act No 17 of 1941).
- (m) Government Notice No 1509, published in Government Gazette No 41362, dated 29 December 2017: Prohibition on the use of the Companies and Intellectual Property Commission (CIPC) figure, in terms of the Merchandise Marks Act, 1941 (Act No 17 of 1941).
- (6) The following paper is referred to the **Portfolio Committee on Trade and Industry** for consideration and report:
 - (a) Revised Annual Performance Plan of the Department of Trade and Industry for 2017-18.

- (7) The following paper is referred to the **Standing Committee on Auditor-General** for consideration and report:
- (a) The Strategic Plan and Budget of the Auditor-General of South Africa for 2018-2021 [RP 26-2018].
- (8) The following paper is referred to the **Standing Committee on Finance**:
- (a) Agreement between the government of the Republic of South Africa and the government of the Oriental Republic of Uruguay regarding mutual assistance between their customs administration, tabled in terms of section 231(3) of the Constitution, 1996.

National Council of Provinces

The Chairperson

1. Referral to Committees of papers tabled

- (1) The following paper is referred to the **Select Committee on Finance** for consideration and report in accordance with its mandate as set out in section 8 of the Money Bills Amendment Procedure and Related Matters Act, 2009 (No 9 of 2009):
- (a) The Fiscal Framework and Revenue Proposals, 2018.

TABLINGS

National Assembly and National Council of Provinces

1. The Speaker and the Chairperson

- (a) Monthly Financial Statements of Parliament – January 2018, tabled in terms of section 54(1) of the Financial Management of Parliament and Provincial Legislatures Act, 2009 (Act No 10 of 2009).

2. The Minister of Finance

- (a) Budget Speech of the Minister of Finance – 21 February 2018 [RP 04-2018].
- (b) Budget Review 2018 [RP 03-2018], including the –
- fiscal framework;
 - revenue proposals, customs and excise duties and estimates of national revenue.

- (c) Division of Revenue Bill [B 2 – 2018], tabled in terms of section 10(1) of the Intergovernmental Fiscal Relations Act, 1997 (Act No 97 of 1997).
- (d) Appropriation Bill [B 3 – 2018].
- (e) Estimates of National Expenditure 2018 [RP 02-2018].

3. The Minister of Justice and Correctional Services

- (a) Proclamation No R. 4, published in Government Gazette No 41433, dated 9 February 2018: Referral of matters to existing Special Investigating Unit: Agriculture Sector Education and Training Authority, in terms of the Special Investigating Units and Special Tribunals Act, 1996 (Act No 74 of 1996).
- (b) Proclamation No R. 5, published in Government Gazette No 41433, dated 9 February 2018: Proclamation referring matter to Special Investigating Unit: Tshwane South Technical and Vocational Education and Training College, in terms of the Special Investigating Units and Special Tribunals Act, 1996 (Act No 74 of 1996).
- (c) Proclamation No R. 6, published in Government Gazette No 41433, dated 9 February 2018: Proclamation referring matters to Special Investigating Unit: Raymond Mhlaba Local Municipality, in terms of the Special Investigating Units and Special Tribunals Act, 1996 (Act No 74 of 1996).
- (d) Proclamation No R. 7, published in Government Gazette No 41433, dated 9 February 2018: Amendment of Proclamation No R. 59 of 2016, in terms of the Special Investigating Units and Special Tribunals Act, 1996 (Act No 74 of 1996).

National Assembly

1. The Speaker

- (a) Letter from the Minister of Finance dated 14 February 2018, to the Speaker of the National Assembly explaining the reasons for the further delay in the tabling of the Annual Report of the South African Airways (SAA) for 2016-17.

TABLING OF THE 2016/17 ANNUAL REPORT OF SOUTH AFRICAN AIRWAYS (SAA)

My letter of 28 September 2017 regarding tabling of the Annual Report of SAA has reference.

In the letter I have indicated that there would be a delay in the finalization and tabling of SAA's Annual Financial Statements

(AFS) as required in terms of Section 65 (1) (a) of the Public Finance Management Act (PFMA). This was due to technical accounting matters which were raised by External Auditors (Auditor-General). The matters are yet to be resolved with the External Auditors. It is on this basis that I request your indulgence to extend the deadline for the tabling of SAA's AFS to a date not later than 30 April 2018.

In addition to a requirement to table the AFS in Parliament, SAA must present the AFS to the shareholder for adoption at its Annual General Meeting (AGM). In terms of Section 61(7) of the Companies Act (2008) the airline is required to hold the AGM within 15 months of the previous AGM which was held on 28 October 2016.

SAA, in pursuant to Section 61(7) of the Companies Act has requested an extension of time to hold its AGM beyond the 15 months' deadline which expired on 28 January 2018 from the Companies Tribunal of South Africa (Companies Tribunal). The Companies Tribunal has granted SAA's extension to hold its AGM on a date not later than 31 March 2018.

I trust that you will find the above to be in order.

Your sincerely

(signed)

MR MKN GIGABA
MINISTER OF FINANCE

COMMITTEE REPORTS

National Assembly

1. Report of the Portfolio Committee on Arts and Culture on the Governance Workshop with the Chairpersons and Deputy Chairpersons of the Department of Arts and Culture entities, Dated 13 February 2018

The Portfolio Committee on Arts and Culture (the Committee) having conducted a workshop with Chairpersons and Deputy Chairpersons of Department of Arts and Culture Entities, reports as follows:

1. INTRODUCTION

The Portfolio Committee on Arts and Culture held a governance workshop where Chairpersons and Deputy Chairpersons were invited to an information sharing session after the Committee had met with entities

during its oversight function between 2014-2017 and encountered the same problems amongst most entities. The Committee resolved that it would be prudent for all Accounting Officers to meeting and discuss issues that were pertinent to the problems within institutions.

This report outlines a summary of issues that emerged during the workshop.

2. COMPOSITION

2.1 Members of the Portfolio Committee

The delegation consisted of the following members:

Hon Ms. SP Tsoleli (ANC); Hon Ms. XS Tom (Chairperson and leader of delegation); Hon Dr. A Grootboom (DA); Hon Mr. Rabotapi (DA) and Dr. PWA Mulder (FF+).

2.2 Parliamentary support staff

Ms. A Mtiya (Committee Secretary); Ms. F Clayton Mr. L Komle (Content Advisor)

2.3 Attendees

Mr. Mxolisi Dlamuka (Facilitator); Ms. Hlengiwe Mgabadel (Playhouse Company); Mr. Jan van der Merwe (War Museum); Mr. Henry Thipa (War Museum); Ms. Pearl Sithole (Msunduzi/ Ncome Museums); Mr. P Molefe (National Film and Video Foundation); Ms. Sanele Ntlabatsi (National English Literary Museum); Ms. GS Dlantwa (National English Literary Museum); Mr. Dikgang Moopela (Iziko Museum); Ms. Ronnie Makopo (Freedom Park); Dr. Bheki Mngomezulu (Nelson Mandela Museum); Ms. Andiswa Vikilahle (Nelson Mandela Museum); Ms. Sebenzile Matsebula (South African National Library for the Blind); Ms. Afrika Msimang (Performing Arts Centre of the Free State); Mr. George Kgarume (National Museum); Ms. Laura Robinson (Robben Island Museum); Prof Susan Bouillion (South African Heritage Resources Agency); Ms. Karabo Rapoo (Ditsong Museum of South Africa); Prof. F Mazibuko (KwaZulu Natal Museum); Adv. M Ralefatane (Luthuli Museum); Mr. Mava Dada (Robben Island); Mr. Sibusiso Buthelezi (Robben Island Museum); Ms. Shado Twala (Market Theatre Foundation); Mr. Kwanele Gumbi (Market Theatre); Mr. Fezile Dantile (KwaZulu Natal Museum); Dr. Somadoda Fikeni (ArtsCape); Mr. Themba Dlamini (National Library of South Africa); Mr. Themba Wakashe (Iziko Museums); Mr. Le Roux (Business and Arts South Africa); Ms. Zimkitha Zatu (National Heritage Council); Dr. M Balintulo (National Heritage Council); Mr. K Makwetu (Auditor General of South Africa); Mr. E Mohammed (Office of the Auditor General); Ms. P Maare (Office of the

Auditor General); Ms. M Canca (Department of Arts and Culture); Ms. K Sethibelo (Department of Arts and Culture); Ms. P Nguzo (Department of Arts and Culture); Mr. S Nkanunu (Department of Arts and Culture)

3. OPENING REMARKS BY THE CHAIRPERSON

The Chairperson opened the workshop, and the members introduced themselves. The workshop focused on the following key areas.

- Programmes and vision of entities need to be aligned to those of the Department.
- Wasteful expenditure on matters of litigation.
- Boundaries of boards and management are blurred in some instances.
- Morale of staff in some entities is very low.
- Good corporate governance is of utmost importance.
- Bad labour relations need to be addressed

4. PRESENTATION BY THE FACILITATOR

The facilitator presented these key issues:

Good governance: Governance talks to the process of decision-making and the process by which decisions are implemented or not implemented. Good governance has innumerable features, which are, albeit inexhaustible, accountability, effectiveness and efficiency, transparency, responsiveness and to follow the rule of law. These features enable the entities to curb challenges like wasteful and fruitless expenditure and irregular expenditure.

Job Creation: Entities are delivery vehicles of Arts and Culture. Of the R4.062 billion, approximately R3.2 billion, which is 80 percent of the DAC budget, is transferred to the entities. One would ask a question as to how much out of this money is used to the ordinary people. Linking of tourism with Arts, Culture and Heritage. Create a conducive environment for the young people to get employment in the Arts, Culture and Heritage Sector.

GRAP 103: Practical implications of GRAP 103. The payment of valuation of assets. Insurance related to the value of the assets. These assets should be properly captured and kept.

Legal fees: Entities should avoid litigating on matters that may be resolved internally. Challenging CCMA results that have been adjudicated against an entity should not be done.

Record management system: Entities should have sound record management systems to ensure that information is easily accessible.

Low morale of employees: Boards have to see to it that they motivate employees and also devise a strategy attract and retain talented passionate staff in the sector.

4.1 FINDINGS

The Committee observed the following:

The Committee observed that the remuneration of Council members was problematic as the stipend was not worth the amount of work that they are tasked with. The Committee was also informed that absence of the Councils/Boards left the entities vulnerable, as Chief Executive Officers often took decisions that were illegitimate. It was also raised that there should be a clear indication as to who was responsible in appointing Council/ Board members should a position become vacant. The attendees indicated that the three-year term of Councils/Boards was very short and the Department should consider extending the term to five years. The attendees also agreed that there should be intense governance training/induction as well as strategic planning to assist the Councils/ Boards to understand their constitutional role within the entity.

The attendees indicated that there was a problem in terms of aligning the Departments strategic plans with that of the entities. The attendees agreed that the Department completed its own strategic plans without proper consultation with them and expected the entities to conform. The attendees noted that there was a top down approach, which was a concern.

The Committee was further informed that the officials of the Department were very problematic and often colluded with the Chief Executive Officers and derailed the mandate and functioning of the entities. It was revealed that the officials at times tried to influence the running of the entities and colluded with some Council/ Board members to take illegitimate decisions. The Committee was further informed that the Department did not support the Councils/Boards. The attendees indicated that they had no idea where the power lies, as it seemed that the CEOs wanted to take control of the Board/Councils, with the assistance from the Department.

The Committee was further informed that most entities were sitting on intellectual property that was not tapped into. The attendees indicated that the salaries were stifling and there needed to be a retention strategy should be developed for the staff who had long service and understood the institutions.

The attendees also indicated that fundraising was not easy since corporate and parastatals did not fund the arts sector. Funding for the arts was also a problem as the funding sources were split across Departments.

The attendees appreciated the initiative by the Committee to call the entities together and indicated that this sort of workshop should be considered by the Department.

5. Recommendation

- The Committee recommends that the Department of Arts and Culture should hold a follow up governance workshop with the Chairpersons and Deputy Chairpersons as a matter of urgency.

Report to be considered.

2. Report of the Portfolio Committee on Arts and Culture on the visit to the Enyokeni Cultural Precinct and the KwaZulu Natal museum, Dated 13 February 2018

The Portfolio Committee on Arts and Culture (the Committee) having conducted an oversight visit to the Enyokeni Cultural Precinct and the KwaZulu Natal Museum, reports as follows:

1. INTRODUCTION

The Portfolio Committee on Arts and Culture visited the KwaZulu-Natal (KZN) Province on 14 and 15 September 2017. The Committee visited two sites, namely the Enyokeni Cultural Precinct in Nongoma and the KwaZulu-Natal Museum in Pietermaritzburg.

The trip chiefly stems from a Committee resolution to pay an official visit to Enyokeni Palace to conduct an in loco inspection because of recurring matters that emerged during the Committee's engagements with the Department of Arts and Culture (DAC).

This report outlines a summary of issues that emerged during the recent oversight visit and it further provides recommendations by the Committee.

2. COMPOSITION OF THE DELEGATION

2.1 Members of the Portfolio Committee

The delegation consisted of the following members:

Hon Mr. JL Mahlangu (ANC); NC); Hon Ms. SP Tsoleli (ANC); Hon Ms. XS Tom (Chairperson and leader of delegation); Hon Dr. A Grootboom (DA); Hon Mr. Rabotapi (DA) and Dr. PWA Mulder (FF+).

2.2 Parliamentary support staff

Ms. A Mtiya (Committee Secretary); Ms. V Makhubalo (Committee Assistant) and Mr. L Komle (Content Advisor)

2.3 Department of Arts and Culture

Mr. V Ndimba (Deputy Director General); M Khumalo (Deputy Director General); Mr. S Nkanunu (Parliamentary Liaison Officer); Dr. S Tyiso (Chief Director); Ms. P Njuzo Deputy Director)

2.4 Enyokeni Cultural Precinct

Mr. X Buthelezi (Deputy Director: Zululand District Municipality); Mr. J Wick (Sunday Times); Mr. C Nxumalo (Chief Director: Office of the Premier); Prince MZ Zulu (Royal Household); Dr. DB Khumalo (Chairperson: Usuthu Traditional Council); Prince SW Zulu (Royal Household); Prince KE Zulu (Royal Household); Mr. M Mthembu (Director: Office of the Premier)

2.5 KwaZulu Natal Museum

Ms. N Mazibuko (Chairperson); Dr. S Malapane (Council Member); Mr. K Randel (Council Member); Mr. L Mapasa (Director); Mr. F Dantile (Deputy Chairperson); Ms. N Makunga (Council Member); Mr. M Mazibuko (Finance); Mr. S Dlamini (Manager); Ms. S Ntombela (Assistant Director); Ms. V Dlomo (Chief Librarian); Mr. W Flanagan (Assistant Director); Ms. N Gumede (Council Secretary); Mr. N Vilakazi (Regional Manager: Public Works); Ms. T Mbhele (Director: Public Works); Ms. J Rinder (Chief Project Manager: Public Works); Mr. P Singh (Deputy Director: Public Works); Mr. R.E. Nel (Public Works)

3. BACKGROUND

ENYOKENI CULTURAL PRECINCT PROJECT

In 1984, the reigning Zulu King His Majesty, Goodwill Zwelithini revived the annual Reed Dance Ceremony (uMkhosi woMhlanga). The Enyokeni Royal Palace in Nongoma is the site for this annual one-day event that takes place in either August or September. The year 2014 thus marked the 30th anniversary of the Ceremony. This was one of the main impetuses for the King and the Royal House requesting financial assistance in 2013 from the Department in the form of capital funding for the Enyokeni Royal Palace's Isibhubhu Cultural Arena and Interpretive Centre.

In the 2014/15 financial year, according to its annual report, the Department made a commitment of R131 million in support of this project¹ even though the project did not appear in the Department's 2014/15 Annual Performance Plan (APP).

According to the Department, "Enyokeni Cultural Precinct project is a multi-cultural activities and heritage precinct intended for the promotion and preservation of arts, culture and heritage through hosting various cultural heritage festivities and ceremonies that of great significance to the nation."²

In its engagements with the Department in 2016 and 2017, the Committee noted the Enyokeni Cultural Precinct Project had been implemented without proper planning, and additional phases were added without due consideration or approval. This together with the misspent funds made the Committee to visit the Project.

KWAZULU MUSEUM

KwaZulu-Natal Museum has eight natural history galleries and around ten cultural history galleries that include an array of mammals (together with the last wild elephant in KwaZulu-Natal), birds, amphibians, insects, an extensive mollusc collection and a life-size T-Rex model. There is also a room dedicated to KwaZulu-Natal history, geological and Paleontological material, and a reconstruction of a Victorian street set in the late 1800's, complete with shops, stable and period homes. The Museum officially opened an exciting exhibition on the Soccer World Cup, in May 2010. The 150th anniversary of the arrival of Indian people to South Africa was celebrated in November 2010, with the launch of a new permanent exhibition showcasing the Indian community of Pietermaritzburg. The KwaZulu-Natal Museum is also very popular with the schools and family visitors alike.

4. FINDINGS

4.1 ENYOKENI CULTURAL PRECINCT

The Committee observed the following:

4.1.1 Implementation of an unplanned project

The Committee observed that Enyokeni Cultural Precinct Project was not planned and was not part of any previous Annual Performance Plans of the Department of Arts and Culture. The Committee found that the project was not costed and budgeted for and there was no business plan to guide the

¹ Department of Arts and Culture (2015).

² Department of Arts and Culture (2017x).

implementation of the project. This resulted in additional work being added to the original master plan. The Master plan was open ended, which meant that additions could be made as and when a need arise.

4.1.2 Relationship between the Department of Arts and Culture and the Independent Development Trust

The Committee observed that there was a breakdown of relations between Department and IDT resulting in the contract with the IDT cancelled for non-performance. The IDT did not ensure that contactors charged the Department market related tariffs resulting in R28.6million in fruitless and wasteful expenditure on the Enyokeni Cultural Precinct Project.

4.1.3 Lack of monitoring by the Department of Arts and Culture

The Committee observed that there was no monitoring by the Department of Arts and Culture on allocated funds. The Committee also observed that the Department of Arts and Culture did not understand the scope of work i.e. the escalation of the cost of the installation of the water tank resulting from an unclear scope of work, which led to the variation orders of R4.2million.

4.1.4 Handover of the project

The Committee observed that there was no official hand over of the project resulting in lack of clarity on who is responsible for maintenance of completed works. There was no handover because of the challenges during construction.

4.1.5 Maintenance Plan

There was no maintenance plan, such that the 2.5 Megalitre tank is already leaking.

4.1.6 Outstanding facilities

The project is not complete, as it still needs a roof covering and ablution facilities. The roof covering was in the initial plan but it could not be done because of inadequate funds.

4.1.7 Quality of work

The Amphitheatre area costed R37.9 million, however there were visible cracks on the walls which might be indicative of shoddy workmanship.

5. RECOMMENDATIONS

The Committee recommends the following:

- The Department should plan all its projects appropriately. As the Enyokeni Projects was not in the APP, that makes its funding irregular. Thus, the DAC should regularise the project.

- The Department should ensure that the contracts that it enters into with other entities/ and or departments should be watertight and not be open for contestation.
- Whenever the Department is involved in projects with other government entities, it should always closely monitor those projects, to get return on investments.
- All projects that are outsourced by the Department should be handed over to the Department appropriately to curb any misunderstanding in the end.
- The Department should put together a plan and the financial breakdown of the funding of the roof and ablution facilities.
- Work that is outsourced should be properly monitored to minimise shoddy workmanship and to maximise return on investment.

6. Courtesy Visit to the KwaZulu Natal Museum

The Committee paid the KwaZulu Natal Museum a courtesy visit and conducted a walk about to understand the challenges relating to GRAP 103 and other issues. During the walkabout, the Committee noted that the Museum Building was not compliant in terms of the security of the collections. The Museum indicated that they would improve security, which included controlled access to the storerooms. The Department of Arts and Culture indicated that it had identified a building to house the Museum in future.

6.1 KwaZulu Natal Museum

The Committee observed the following:

6.1.1 Status of the building

The Committee observed that the institution is in desperate need for bigger and more appropriate storage facilities, as the current spaces cannot safely and securely house the museum's collection. The Museum is in an old facility, which is 113 years old and it houses very delicate material.

6.1.2 New Building

Owing to the deficit in the building occupied by the museum, the DAC identified and purchased the Old St Anne's Hospital at 96 Jabu Ndlovu Street as the site for a new purpose built KwaZulu-Natal Museum.

6.1.3 Health and Safety

There are challenges on health and safety such that temperature regulation is a challenge. The species need to be at a certain temperature for preservation.

6.1.4 Human Resource Matters

There are staff challenges in terms of staff retention. The entity is doing job grading with the assistance of the DAC.

6.1.5 GRAP 103

The museum is working on the GRAP 103 such that it has appointed staff to capture the heritage assets. The GRAP 103 made the museum to get a qualified audit.

6.1.6 Research

The museum has a very strong research team in-house. They are also engaging with NRF and DST for research. One of their employees has just received a Masters Degree in Science with Cum Laude from University of KwaZulu Natal. She is now pursuing a Doctoral Degree studying earthworms.

6.1.7 Diversity

The entity is divided into three galleries, namely: OR Tambo Freedom Gallery, Natural Sciences and Anthropology (under humanities).

7. Recommendation

- The Department should put an operational plan in place on how it will embark on making the building habitable and user friendly for the museum staff and all the species in the museum.
- The space where scientists conduct their work must be separated from the space where fossils are kept because fossils require a certain temperature.
- The Department and the entity should expedite the job grading so that they do not lose more employees.
- The capture and evaluation of GRAP 103 should be expedited so that by the time of next auditing, they should be in order.
- The entity should provide room for more employees to study further and to do research in their niche areas.

Report to be considered.

3. Report of the Portfolio Committee on Arts and Culture on an oversight visit to the National Heritage Monument (Pretoria); Botshabelo Heritage Site; Makhonjwa World Heritage Site; Samora Machel Museum; Ester Mahlangu House; Kwaggafontein Library; Emthonjeni Library; Mashishing Township Library; Langeloo Library; Sabie Library; Mpumalanga Archive; Matsamo Customs and Traditional Centre and the Tfolalwati Youth Development and Community Arts Centre (Mpumalanga), dated 13 February 2018

The Portfolio Committee on Arts and Culture, having undertaken an oversight visit to the National Heritage Monument; Botshabelo Heritage Site; Makhonjwa World Heritage Site; Samora Machel Museum; Ester Mahlangu House; Kwaggafontein Library; Emthonjeni Library; Mashishing Township Library; Langeloo Library; Sabie Library; Mpumalanga Archive; Matsamo Customs and Traditional Centre and the Tfolalwati Youth Development and Community Arts Centre, reports as follows:

1. Introduction

- 1.1 The Portfolio Committee on Arts and Culture conducted an oversight visit the National Heritage Monument; Botshabelo Heritage Site; Makhonjwa World Heritage Site; Samora Machel Museum; Ester Mahlangu House; Kwaggafontein Library; Emthonjeni Library; Mashishing Township Library; Langeloo Library; Sabie Library; Mpumalanga Archive; Matsamo Customs and Traditional Centre and the Tfolalwati Youth Development and Community Arts Centre, 31 July-04 August 2017.
- 1.2 The Committee visited four heritage sites, five libraries, two community arts centres, one provincial archive, and conducted a visit to Ester Mahlangu. The delegation held meetings with all relevant stakeholders in order to gain first-hand information and to discuss challenges faced by them.
- 1.3 This report provides a summary of the key issues that emerged from the interaction with stakeholders, officials of the provincial department as well as the Portfolio Committee's deliberations, observations and recommendations.

2. Delegation

2.1 LIBRARIES

- 2.1.1 **Portfolio Committee on Arts and Culture:** Hon X Tom, MP (ANC) (Chairperson), Hon NK Bilankulu (ANC), Hon JL Mahlangu (ANC), Hon T Makondo (ANC), Hon SP Tsoleli (ANC), Dr. GA Grootboom (DA), Hon MW Rabotapi (DA).

Apologies: Hon VP Mogotsi (ANC), Hon PWA Mulder (FFPlus), Hon F Mokoena (EFF), Hon JA Esterhuizen (IFP).

2.1.2 **Stakeholders:** Ms. W Malizele (Department of Culture, Sport and Recreation: Team Leader); Mr. Z Sibanyoni (Department of Sport, Culture and Recreation: Regional Head); Ms. N Dingayo (Department of Arts and Culture: Chief Director); Ms. A Topham (Department of Arts and Culture: Monitoring and Evaluation); Mr. S Nkanunu (Department of Arts and Culture: PLO); Ms E Gumba (Department of Sports, Culture and Recreation: Regional Librarian)

2.1.3 **Staff Members:** Ms. AE Mtiya (Committee Secretary), Ms. F Clayton (Researcher), Mr. J van der Westhuizen (Committee Assistant).

2.2 HERITAGE SITES

2.2.1 **Portfolio Committee on Arts and Culture:** Hon X Tom, MP (ANC) (Chairperson), Hon NK Bilankulu (ANC), Hon JL Mahlangu (ANC), Hon T Makondo (ANC), Hon SP Tsoleli (ANC), Dr. GA Grootboom (DA), Hon MW Rabotapi (DA).

Apologies: Hon VP Mogotsi (ANC), Hon PWA Mulder (FFPlus), Hon F Mokoena (EFF), Hon JA Esterhuizen (IFP).

2.2.2 **Stakeholders:** Ms. A Gidi (National Heritage Monument); Ms. L Ramaloko (National Heritage Monument); Mr. C Cupido (National Heritage Monument); Ms. R Masombuka (Town Planner); Ms. A Miya (National Heritage Monument); Ms. S Haines (National Heritage Monument); Ms. N Jones (National Heritage Monument); Dr. N Serote (Botshabelo Heritage Site); Mr. Sekhukhune (Botshabelo Heritage Site); Ms. E Maloma (Botshabelo Heritage Site); Mr. L Makwetla (Botshabelo Heritage Site); Ms. M Mathibela (Ward Councillor)

2.2.3 **Staff Members:** Ms. AE Mtiya (Committee Secretary), Ms. F Clayton (Researcher), Mr. J van der Westhuizen (Committee Assistant).

2.3 COMMUNITY ARTS CENTRES

2.3.1 **Portfolio Committee on Arts and Culture:** Hon X Tom, MP (ANC) (Chairperson), Hon NK Bilankulu (ANC), Hon JL Mahlangu (ANC), Hon T Makondo (ANC), Hon SP Tsoleli (ANC), Dr. GA Grootboom (DA), Hon MW Rabotapi (DA).

Apologies: Hon VP Mogotsi (ANC), Hon PWA Mulder (FFPlus), Hon F Mokoena (EFF), Hon JA Esterhuizen (IFP).

2.3.2 **Stakeholders:** Mr. S Nkanunu (Department of Arts and Culture: PLO0: Mr. C Mabaso (Department of Arts and Culture)

2.3.3 **Staff Members:** Ms. AE Mtiya (Committee Secretary), Ms. F Clayton (Researcher), Mr. J van der Westhuizen (Committee Assistant).

2.4 MPUMALANGA PROVINCIAL ARCHIVE

2.4.1 **Portfolio Committee on Arts and Culture:** Hon X Tom, MP (ANC) (Chairperson), Hon NK Bilankulu (ANC), Hon JL

Mahlangu (ANC), Hon T Makondo (ANC), Hon SP Tsoleli (ANC), Dr. GA Grootboom (DA), Hon MW Rabotapi (DA).

Apologies: Hon VP Mogotsi (ANC), Hon PWA Mulder (FFPlus), Hon F Mokoena (EFF), Hon JA Esterhuizen (IFP).

- 2.4.2 **Stakeholders:** Mr. N Mahalefo (Department of Sports, Culture and Recreation (Head of Archives); Ms. W Malizele (Department of Culture, Sport and Recreation: Team Leader); Mr. Z Sibanyoni (Department of Sport, Culture and Recreation: Regional Head); Ms. N Dingayo (Department of Arts and Culture: Chief Director); Ms. A Topham (Department of Arts and Culture: Monitoring and Evaluation); Mr. S Nkanunu (Department of Arts and Culture: PLO); Ms E Gumba (Department of Sports, Culture and Recreation: Regional Librarian)
- 2.4.3 **Staff Members:** Ms. AE Mtiya (Committee Secretary), Ms. F Clayton (Researcher), Mr. J van der Westhuizen (Committee Assistant).

2.5 ESTER MAHLANGU HOUSE

- 2.5.1 **Portfolio Committee on Arts and Culture:** Hon X Tom, MP (ANC) (Chairperson), Hon NK Bilankulu (ANC), Hon JL Mahlangu (ANC), Hon T Makondo (ANC), Hon SP Tsoleli (ANC), Dr. GA Grootboom (DA), Hon MW Rabotapi (DA).
Apologies: Hon VP Mogotsi (ANC), Hon PWA Mulder (FFPlus), Hon F Mokoena (EFF), Hon JA Esterhuizen (IFP).
- 2.5.2 **Stakeholders:** Ms. E Mahlangu; Ms. MP Msiza (MMC: Social Development Service and Community Safety); Ms. A Aphane (Acting Social Development Services Manager)
- 2.5.3 **Staff Members:** Ms. AE Mtiya (Committee Secretary), Ms. F Clayton (Researcher), Mr. J van der Westhuizen (Committee Assistant).

3. Oversight and Monitoring Visit to the following libraries:

- i. **Thembisile Hani Public Library (previously Kwaggafontein Library)**
- ii. **Emthonjeni Library**
- iii. **Mashishing Township Library**
- iv. **Langeloo Library**
- v. **The Sabie Library**

3.1 Committees Observations:

- **Thembisile Hani Public Library (previously the Kwaggafontein Library)**

The Thembisile Hani Public Library is one of five public libraries in the Thembisile Hani Local Municipality. The population of the Thembisile Hani Township is estimated at 46956. The library was opened the 20 March 2008. The library is located in the central part of the municipality and serves the community of all six wards. There are 14 secondary schools, 11 primary schools and 15 pre-schools in

the area. The library currently has 405 active members and has an average walk in of 151 community members daily. Membership at the library is free and the library does interlibrary loans to other public libraries. The library has a staff compliment of five workers, four of whom are appointed by the municipality and the Provincial Department of Sport, Culture and Recreation (DSCR) appoint one.

The library has 8860 library materials all provided by the DSCR. The DCSR also provided the library with six computers for the community to access ICT services. The Bill and Melinda Gates Foundation sponsored Mzansi ICT Online project will provide the library with nine computers and two tablets in the current financial year.

- **Emthonjeni Library**

The Emthonjeni Public Library is one of the six libraries in the Emakhazeni Municipality. The library is situated in the Emthonjeni Township, which has an estimated population of 11500 people. The township has three schools, one primary school, one secondary school, a boarding school and two crèches. The library has 5057 library materials. The library charges a membership fee of R53.00 for adults, R13.50 for children and R78.00 for a family. Currently the library has a membership of 100 but has a high number of users, with a monthly average of 930 walk-ins. The library offers free internet access to all users and provides interlibrary loans on books. The library has three staff members appointed by the DSCR, and has a vacant position for an IT Library Assistant.

The DSCR in partnership with the National Department of Arts and Culture through the conditional grants fund commenced with the construction of the library during the 2014/15 financial year. The library was officially handed over to Emakhazeni Municipality on 09 February 2016. The total cost of the building, furniture, books and computers was R10 807 070.93.

The library with the support of the DSCR markets itself through library marketing campaigns, Outreach programmes and school visit that aim to promote the culture of reading for the community of Emakhazeni Municipality. The library also celebrates calendar months to market and promote libraries.

- **Mashishing Township Library**

The Mashishing Township Library was built by the Thaba Chweu Local Municipality in October 1977 and in 2007, the DSCR upgraded the library. However, in 2009 service delivery protestors in the Mashishing Township burned down the library. In 2014, Glencor erected a new structure (Thusong Centre) and it was opened on 17 May 2015, thus housing the library within the centre.

Currently the library has a collection of 9785 books which are relatively new since the last collection was destroyed in the 2009 fire and a few old books which are donations. The library has not received new books in the 2017/18 financial year due to the termination of the Library Management System. The students and youth for internet access primarily use the library. The membership tariffs are R54.00 per adult and R32.00 for children. The library has a total membership of 55 individuals comprised of 21 adults and 34 children.

- **Emtfuntini Public Library (previously Langeloo Library)**

The Emtfuntini Public Library was established in 2008 and is one of the seven public libraries under the Nkomazi Local Municipality. The library services three communities and well as five schools (one secondary, one combined, one preschool and two primary schools) within the area, approximately 8000 people. The library currently has a collection of 2944, in the 2016/17 financial year the library has not received any new material due to the termination of the Library Management System. The library tariffs are exorbitant with a membership costing as much as R118.00 for an adult and R46.00 for minors and pensioners. The library is understaffed with only one librarian.

In the 2016/17 financial year the DSCR renovated the library using the Community Library Conditional Grant, with a total of R1 020 000.00.

- **Sabie Library**

The Sabie Library was established in 1989 under Transvaal provincial administration, it is situated in Sabie under Thaba Chweu Local Municipality. It serves three communities, i.e. Simile residents, Harmony Hill and Sabie town. It is situated in the town's central business district (CBD) which is good for business, town residents and tourist. Sabie Public Library is one of the six libraries under Thaba Chweu Local municipality. The DSCR is in the process of appointing a qualified librarian at the library.

The library was built by the municipality and was upgraded by the DSCR. The library has access to Wi-Fi, Internet and study facilities. The amount spent on the upgrade is R 4354 472.49 in 2016/17.

3.2 Committees Findings

- Membership Fees:** The library membership fee was too high, this prevented communities from accessing full usage of the library. The Committee found that the costs associated with making copies were also too high. The Committee further found that the libraries were situated in rural areas and most families were indigent families and could not afford the library facilities.

- b. Operating hours:** The libraries generally open Monday- Friday 08:00- 17:00; Saturday 09:00 – 13:00 and closed on Sundays. The operating hours do not benefit scholars as some schools break at 15:00 and learners need to walk long distances to get to the library.
- c. Structure of buildings:** The Committee found that the standard of the library buildings was not uniform, not friendly for the users. An ideal structure for a library should consist of a children's play section, children's activity room, reading section, discussion room, computer room, proper lighting and air conditioning.
- d. Relegation of library responsibility to municipality:** The Committee found that the Provincial Department of Arts and Culture after renovating and upgrading the libraries handed the libraries over to the Municipality to run and maintain. This was unconstitutional as the libraries were a constitutional mandate of the Provincial Department.
- e. Insufficient Staff:** There was insufficient staff working in the libraries and this affected the services provided by the library; this also affected heavily on the operating hours especially on the weekend.
- f. Up to date library material:** The Library Management System was terminated in 2016 and this has resulted in the shortage of processing library material. In May 2017, the Provincial Department appointed a contracted service provider for processing the material.
- g. Proper signage:** This was a matter of concern particularly in Mashishing where three different kinds of libraries carry the same name; viz. a regional, public and township library are all known as Mashishing Library.

3.3 Committees Recommendations

- a) Membership Fees:** The Provincial Department should fast-track the introduction of free membership for students to enable student's full access to library material.
- b) Operating hours:** The operating hours of libraries should be increased to accommodate the users particularly on the weekend.
- c) Structure of buildings:** The Department should develop a uniform structural plan for all libraries and ensure that they are standardized to suit the needs of the communities.
- d) Relegation of library responsibility to municipality:** The Provincial Department should reconsider the delegation of their constitutional mandate to municipalities.
- e) Insufficient staff:** The Department through the conditional grant should ensure that vacant positions are filled and all libraries are properly resourced in terms of human capital.
- f) Up to date library material:** The Department should fast track the appointment of a service provider to process library material.

- 4. Oversight and Monitoring Visit at the Heritage Site, namely;**
 - i. National Heritage Monument**
 - ii. Botshabelo Heritage Site**
 - iii. Makhonjwa World Heritage Site**
 - iv. Samora Machel Museum**

4.1 Committees Observations

- **National Heritage Monument**

The National Heritage Monument and Long March to Freedom has been under development and positioned as a leading South African heritage tourism destination since 2011. The Presidency, the Gauteng Province and the Office of the Premier endorsed the project. Ministers of Arts and Culture, Tourism, Trade and Industry, Education, Communication and Public Works as well as their Parliamentary Portfolio Committees also endorsed the project.

- **Botshabelo Heritage Site**

Botshabelo (meaning “a place of refuge”) began as a mission station established by the Reverend Alexander Merensky from the Berlin Missionary Society during the 1860s as a haven for Christians and converted BaPedi refugees fleeing from the persecution of Chief Sekukhune. The Botshabelo Mission Station comprised many old farms over time. In 1972, the city council of Middleburg purchased Botshabelo, and the Mission was targeted for removals. Subsequently, individuals and families were forcibly removed to Motetema, a township located approximately 90km north of Botshabelo. Those who were evicted were forced to leave their livestock behind, losing not only their rights to the land but also a significant source of livelihood. Botshabelo is now a historical town surrounded by the Botshabelo Nature Reserve. The Fort Merensky is in the possession of the Heritage Association of South Africa (formerly the Simon van der Stel Foundation). It comprises open-air museum that pays homage to Ndebele architecture, the site includes Fort Merensky and the parsonage amongst other restored buildings. The complex also incorporates a Ndebele village on the south side of the Keeromspruit, whose residents are descendants of the original baPedi who sought refuge there.

In 1997, the Botshabelo community (over 1000 families) lodged a claim for the restitution of its land rights which was gazetted in 1998. The claim was settled in 2002 in terms of the Restitution of Land Rights Act (Act 22 of 1994) and at the time was the largest land claim to be settled in Mpumalanga.

- **Makhonjwa World Heritage Site**

In 2009, the Barberton Mountain Land World Heritage Site Nomination Committee registered this site as a property to be considered by the United Nations Educational, Scientific and Cultural Organization (UNESCO) for inscription on the World Heritage List.

The Makhonjwa Mountains covers part of at least two local municipalities, namely the Mbombela and Albert Luthuli Local Municipalities.

- **Samora Machel Museum**

The Samora Machel Project is one of several national legacy projects initiated by government and implemented by the DAC. Former President Nelson Mandela, his wife Graça Machel and then President of Mozambique, Joaquim Chissano inaugurated a monument at the crash site in 1999. Architect José Alberto Basto Pereira Forjaz designed the monument. The memorial site was subsequently upgraded and a museum was officially opened on 19 October 2009. In 2006, a community library, the Mbuzini Samora Machel Public Library, was opened to commemorate the 20th anniversary of Machel's death. The crash site is associated to the Resistance and Liberation Heritage Route project, and was declared a national heritage site on 31 October 2016.

The DAC is currently working towards further restoration and upgrading of Samora Machel monument and museum. In July 2016, the DAC advertised a tender for the appointment of a contractor for the first phase of the project. The 2015/16 annual report indicated that Phase 2 of the project was in the planning phase by the end of that financial year.

4.2 Committee Findings

- **National Heritage Monument**

- **Land ownership** – the ownership of the land was a challenge for the future of the project. The land is owned by the City of Tshwane.
- **Outcomes of the Forensic Investigation** – the committee observed that the future of the project was in jeopardy due to the Department withholding funds amounting to R17million during the investigation into the alleged case of double dipping by the NHM.
- **Lack of Communication by the Steering Committee** – the steering committee was not functional resulting in poor communication between the Department and the National Heritage Monument

- **Botshabelo Heritage Site**

- **Lack of skills** – the Committee observed that the Botshabelo Community lacked the technical knowledge to manage the site hampering the community from harnessing the sites full potential
- **Legislative matters** – the Committee observed that since this was a provincial heritage site that belongs to a trust, legislation placed restrictions on the management and maintenance of the site

- **Election of the Board of Trustees-** the Committee observed that the elections of the Board of Trustees had been marred by disruptions leaving a leadership gap. This has affected the level of assistance that different government structures can provide.
- **Samora Machel Museum**
 - **Building-** the Committee observed that the building housing the museum was not structurally sound and may have to be demolished
 - **Building grounds:** the Committee observed that the grounds housing the museum looked unkept and was not properly taken care of.

4.3 Committee Recommendations

- **National Heritage Monument**
 - **Land ownership-** the National Heritage Monument should consider going into a 99year lease contract with the City of Tswane
 - **Outcomes of the Forensic Investigation –** the Department should communicate the findings of the investigation. If the NHC is found innocent, the Department should ensure that the funds are released to the NHC, to continue with their work.
 - **Lack of Communication-** the Department and the NHC should hold quarterly meetings.

5. Oversight and Monitoring Visit at:

- i. Matsamo Customs and Traditional Centre
- ii. Tfolalwati Youth and Community Arts Centre

5.1 Committees Observations

- **Matsamo Customs and Traditional Centre**

The Matsamo Customs and Traditional Centre (Matsamo) was established in 2000, and is strategically located on the border between South Africa and Swaziland. The movement of people crossing the border into both countries contributes to a competitive advantage to the business. In 2010 the burned down. However in 2014 a c-operative was formed by the employees and they took over ownership of the business. The co-operative has in the medium term played a major role in the transformation of the people of Nkomazi and in the tourism sector through the cultural activities.

Matsamo is a level one BBBEE, comprising of 67% women ownership and is 100% black owned. The Centre offers cultural village tour guides, restaurant facilities, curio products, wedding venues and training services for Swazi culture. Matsamo is not funded and is self-sufficient relying on the tours and other services provided by the Centre to operate.

- **Tfolalwati Youth and Community Arts Centre**

The Centre located in KaNyamazane, approximately 30 km east of Nelspruit. The institution currently runs its operations from KaNyamazane Baptist Church. Registered as a Non-Profit Organization (NPO), the Centre offers a host of services relating to the arts, culture and heritage sector. The Centre receives funding from the Department of Social Development and the National Lotteries Commission (NLC) for its activities. Recently, it also received a donation in kind from the National Youth Development Agency in the form of office equipment.

5.2 Committee Findings

- **Matsamo Customs and Traditional Centre**

- **Lack of advertising by Department-** the Committee observed that the Matsamo management was not aware of the Departments Mzansi Golden Economy work streams which the establishment could potentially tap into for assistance
- **Lack of support from Provincial and National Departments** - the Committee observed that the management tries on several occasions to engage both the provincial and national Departments with little to no reaction
- **Registration of the Village-** the Committee observed that the Matsamo was currently registered in terms of Section 21 of the Companies Act (Act 71 of 2008) i.e a company not for gain. The

- **Tfolalwati Youth and Community Arts Centre**

- **Building** – the Committee observed that the Centre does not have a building to operate from. The Centre currently operates out of a church and should the tenure of the church end they will have no place to conduct their activities. Management was working with the local ward councilor but finding a place was proving to be a challenge
- **Promised funding** – the Committee observed that the Centre was in possession of confirmation of funding that was supposed to be disbursed by the Department. The funds were still outstanding.

6. Oversight and Monitoring Visit to Ester Mahlangu

- **Committees Observations**

Ms. Ester Mahlangu is a world-renowned artist credited with elevating the Ndebele painting and culture on the world stage through her work. She is well known for her bold large-scale contemporary paintings that reference her Ndebele heritage. Ms. Mahlangu has worked on BMW, Fiat, Belvedere and many other globally recognized brands.

- **Committees Findings:**

- **Lack of support-** the Committee observed that the Ester Mahlangu lacked support from the Department in her initiatives to preserve and promote Ndebele art and culture
- **Exploitation** – the Committee observed that there was no proper inventory of her work that has left the country, which left her vulnerable to exploitation
- **Lack of copyright-** the Committee observed that her brand lacked copyright protection of her online presence in the form of images of herself and her artwork.

- **Committee Recommendations**

- The Committee recommends that the National and Provincial Departments support Ester Mahlangu with her art works and ensure that those who are tasked with promoting and protecting her brand are trained to protect her legacy, and not exploit her work.

7. Oversight and Monitoring Visit to the Mpumalanga Archives

- **Committees Observations**

While the archives other than national archives is a functional area of exclusive provincial legislative competence, the Committee paid a courtesy visit to the Mpumalanga Provincial Archive (MPA) in Nelspruit with the purpose of being briefed on progress made and constraints experiences since the MPA was instituted.

- **Committees Findings**

- **Adequate staffing-** the Committee observed that the Provincial Archive was understaffed
- **Security** – the Committee observed that the building was not properly secured. The fencing was inadequate which led to incidents of cable theft.

8. Conclusion

The Committee indicated that a report would be generated on the oversight and monitoring visit and findings and recommendations contained in the report would be communicated to the Minister of Arts and Culture for attention and implementation.

9. Appreciation

The delegation, led by Hon XS Tom MP (Chairperson: Portfolio Committee on Arts and Culture), thanked all the stakeholders that participated in the oversight and opening up their organizations to the Portfolio Committee.

Report to be considered.

Hon XS Tom MP

Chairperson: PC on Arts and Culture

4. Report of the Portfolio Committee on Communications on the public hearings on the Films and Publications Amendment Bill [B37 – 2015], dated 20 June 2017

The Portfolio Committee on Communications (the Committee), having held public hearings on the Films and Publications Amendment Bill [B37 – 2015] from 30 to 31 August 2016, reports as follows:

1. Background

The Films and Publications Amendment Bill [B37 – 2015] (“the Bill”) was referred to the Committee on 23 November 2015 and subsequently introduced by the Department of Communications (the Department) on 23 February 2016. As mandated by Parliament, the Committee undertook to request public submissions on the Bill as well as hold public hearings. The call for submissions on the Bill was published on 7 April 2016. The public hearings were held on 30 to 31 August 2016.

A total of 32 written submissions were received from various civil society organisations; broadcasters, state law enforcing agencies, religious bodies, professional bodies and private companies in the telecommunications sector to name a few. This report is an analysis of the oral submissions during the said public hearings held at Parliament precinct, the Old Assembly Chamber. An analysis of the 32 written submissions was circulated to members prior to the public hearing process.

There is natural continuity of information stemming from the written submissions analysis document into this document due to the fact that the organisations and or individuals that made oral submissions would have been expected to submit written submissions and that the oral submissions reflect on contents of the written submissions.

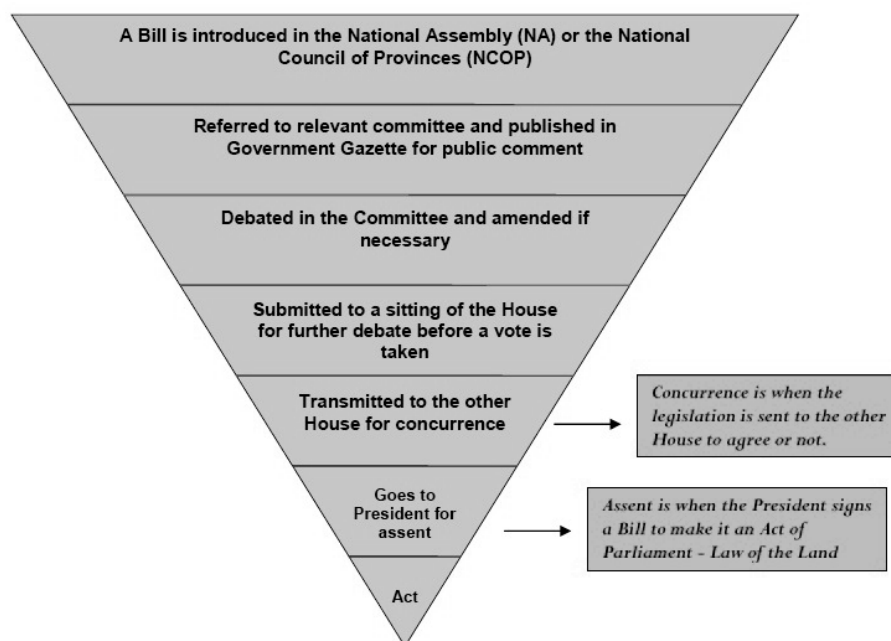
In terms of the oral representations, a total of 18 individuals and or organisations presented before the Committee during the public hearings. These included representations from free-to-air public broadcasters, commercial broadcasters, associations ranging from civil groups as well as internet service providers.

2. Context

As a proxy, it is important to re-emphasize the role of the Committee in terms of its mandate to new and existing legislation. It is well known that the role of Parliament in South Africa primarily focuses on its powers to pass new laws, amend existing laws and repeal old laws. For the Committee of the 5th Parliament, the Bill marks the first piece of legislation that has been tabled and the process to conclude on its finalisation started in earnest.

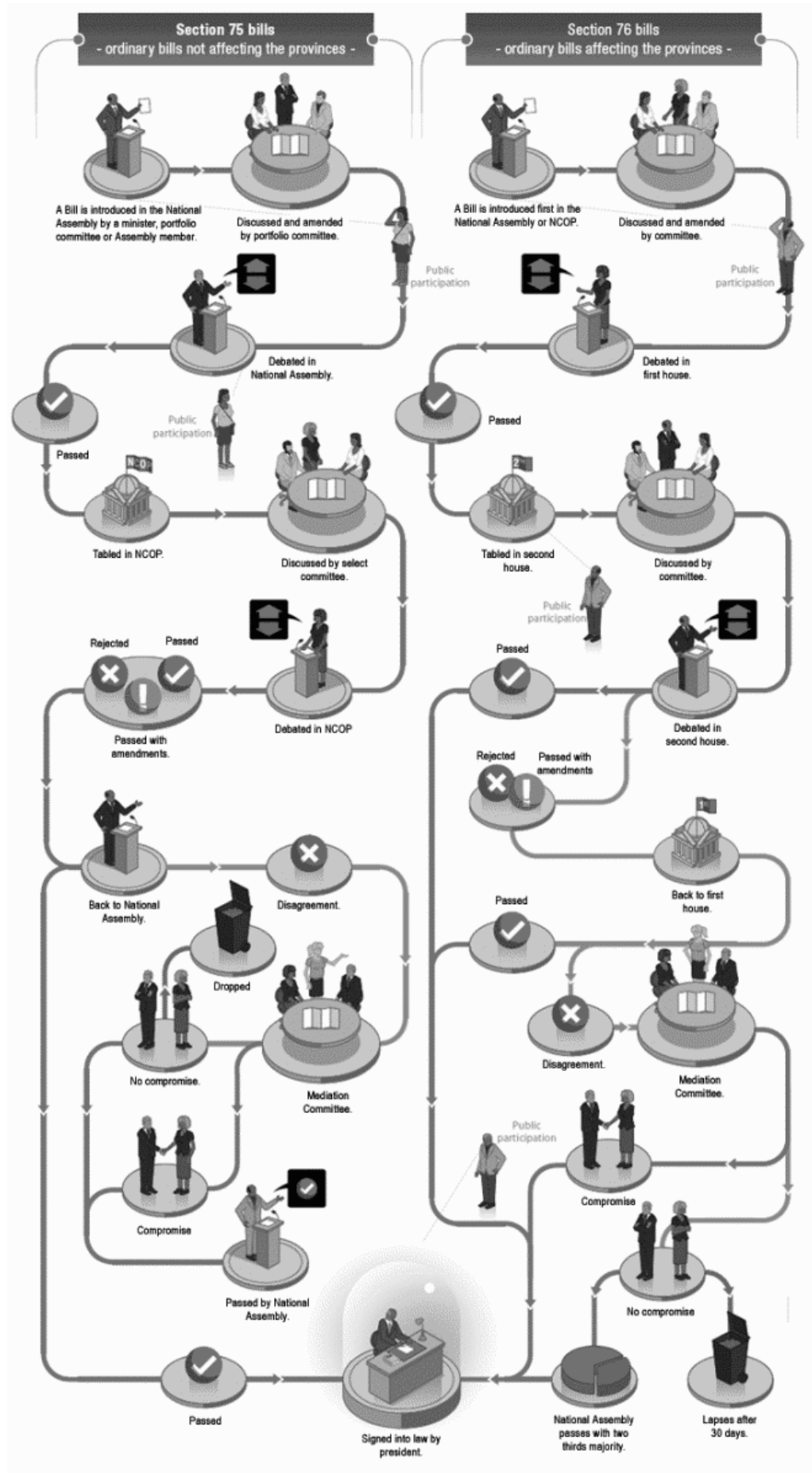
The Committee is new in the context of the Proclamations made by the President at the start of 5th Parliament where the roles and responsibilities of one department (former Department of Communications) were divided into two departments which necessitated Parliament to adopt a conducive structure to cater for (i) the newly formed Department of Communications; and (ii) the Department of Telecommunications and Postal Services. Further information regarding the Proclamations is available in the public domain.

It has been approximately six (6) months since the Bill was introduced to the Committee and the process to finalisation of the Bill from Parliament side is on course. The diagram below is a depiction of the law-making process of South Africa and this Bill is no different in that it too must adhere a similar process. The Committee will finalise its debate around the Bill before it is escalated to the House for further deliberation; granted the amendments as per the Committee findings are included.

Diagram of How a Law is made in South Africa

According to the Department when tabling the Bill to Parliament, the proposed amendments do not fall within any functional areas listed in Schedule Four (4) of the Constitution and as such must be dealt with in accordance with procedures set out in Section 75 of the Constitution. The Department further articulated that the Bill should not be referred to the National Council of Traditional Leaders since it does not contain provisions pertaining to customary law or customs of traditional communities.

For clarity purposes, the diagram in the following page seeks to illustrate the different routes for law-making in South Africa:



While the Committee is mandated to play an oversight role of the Department and its entities, the introduction of this specific Bill presents an opportunity to establish a legislative basis for future regulation of new forms of content in line with the work of the Committee. And it is an opportunity which calls for broad and thorough engagement by the Committee in order to protect firstly the Constitution as the supreme law of the land as well as to protect the constituency which it represents and that is the people of South Africa.

The all-pervasive and constantly growing nature of the electronic media has to a significant extent eclipsed traditional, and more easily regulated, forms of communication, such as the print, broadcast and film media. Finding effective ways of monitoring and regulating this new field of communication so as to prevent its being abused by those using it to disseminate hate speech is one of the critical challenges faced by the global community.

That said, the Act is the primary source of legislation regarding the classification of films, games and publications in South Africa. The Act sets up the Board which is empowered to appoint classification committees to classify films, games and publications referred to them by the chief executive officer of the Board. The Act further creates criminal offences around “child pornography” and grooming-type offences. Internet Service Providers (ISP’s) are required to register with the Board to facilitate the fight against “child pornography”.

All films and games have to be classified before distribution in South Africa and distributors of such films and games must be registered with the Board. Publications – dealt with separately from films and games - are assessed only on receipt by the Board of a complaint.

When the Bill was first introduced to the Committee by the Department, the intentions for such amendments were made clear that the evolution of online environment over the years has necessitated government to relook some of its legislation in order to:

- i. ensure relevance to technological developments;
- ii. continue to provide safety for citizens;
- iii. align with international best practice on matters regarding the regulation of distribution of online content;
- iv. strengthen efforts to combat the online distribution of illegal content as defined in the Films and Publications Act 65 of 1996, as amended (the “Act”);
- v. establish a co-regulation regime for classification of digital content distributed online; and
- vi. amplify responsibilities of internet service providers in matters regarding the protection consumers and children against sexual content, hate speech and racism contained in user-generated content.

There are various reasons brought by the Department as rationale for amending the Act including adverse rulings against certain sections of the Film and Publications Act including the ruling by the Constitutional Court which rendered one of the sections (section 16(2)) unconstitutional. Furthermore, the growth of online content and ability of individuals to upload and post instantly on social networks has propagated the distribution of sex material and pictures and videos depicting violence.

In the main, the Department undertook to amend the Act in order to:

- i. extend the functions of the Board of monitoring and compliance with the Film and Publications Act;
- ii. address the shortcomings in relation to classification, compliance monitoring and usage of new media & social networking sites;
- iii. align certain definitions to various judgements of the constitutional court and the Appeals Tribunal;
- iv. revise and further regulate the functions of compliance officers;
- v. to provide for independent industry classification bodies;
- vi. to provide for exemptions in respect of online distribution of films and games;
- vii. establish a penalty committee to address public complaints and administrative offences committed by distributors and industry;
- viii. to provide for obligations attached to Internet Service Providers; and
- ix. to provide for the accreditation of foreign classification systems for online content.

3. The oral presentations

On 30 August 2016, the Committee, chaired by Mr Maxegwana respectively welcomed eight (8) organisations and or individuals to make oral representations, namely (i) South African Communications Forum (SACF), (ii) Emma Saddler; (iii) Cause for Justice; (iv) Interactive Entertainment South Africa (IESA); (v) Interactive Advisory Body of South Africa (IABSA); (vi) e-TV; (vii) Right-To-Know; and (viii) Internet Service Providers Association (ISPA). On 31 August 2016 the Committee welcomed ten (10) more organisations for oral representations, namely (i) South African Jewish Board of Directors (SAJBD); (ii) South African Broadcasting Corporation (SABC); (iii) Press Council South Africa; (iv) MultiChoice; (v) South African National Editors Forum (SANEF); (vi) National Association of Broadcasters (NAB); (vii) GoogleSA; (viii) Media Monitoring Africa (MMA); (ix) Centre for Constitutional Justice; and (x) Association of Christian Media (ACM) in that order.



The main areas of contention in the Bill were (i) Section 1; (ii) Section 16 and (iii) Section 18. The illustration above captures the frequency of popular words from the submissions using an online App *Word It Out* to analyse word count of the most frequent or popular words that came out in the oral representations. Based on the App, issues relating to the constitutionality came out prominent justifying the view by most submissions. Specifically, Section 18 is the section where issues of constitutionality were raised the most. Issues of freedom expression were also prominent.

4. Summary of presentations 30 – 31 August 2016

While all presentations over the two (2) days expressed a general consensus and appreciation for strengthening of legislative and regulatory mechanisms of government taking into consideration the technological advances, most presenters on the day expressed concerns on various issues.

- Concurrent processes initiated by various organs of the State that either overlap jurisdiction or make reference to some parts of the subject matter contained in the Bill;
- Broad and vague definitions;
- Encroachment on a Chapter 9 institution, namely Independent Communications Authority of South Africa (ICASA);
- Functions and powers of Compliance Officers needed to be reviewed to enable efficiency and effectiveness;
- Public participation in the development of regulations, policies and directives;
- Whether the Act as amended is the correct vehicle to criminalise revenge porn;
- Prior-classification process being a burden on the industry;
- Concern over the regulating of international players in the Information Communication Technology (ICT) space;
- Concerns over the censorship-approach of the Bill;
- The importance of freedom of expression in our democracy as enshrined in the Constitution;
- Alternatives for regulating online content publishers;

- Ambiguity in defining between user-generated content and content by online distributors;
- Need to prioritise public education in the Amendment relating to online safety;
- Economic implications of the Bill and costs for regulation will be a barrier to entry;
- Capacity of the FPB to deliver on the mandate of the Bill;
- Making provisions on how to address crosscutting solutions to prosecuting online-based hate crimes, the South African Law enforcement often lacks the expertise or will to obtain information in order to prosecute online crimes;
- Composition of the tribunal not clear enough;
- Over-regulation of the broadcasting industry;
- Need for implementation of Regulatory Impact Assessment; and
- The Bill proposes parallel mechanisms to existing regulatory frameworks, i.e. Broadcasting Complaints Commission of South Africa (BCCSA) and Advertising Standards Authority of South Africa.

5. Conclusion

Based on the submissions, and for the purposes of concluding matters of the Bill, it is clear that the Committee needs to further debate on a number of issues, particularly:

- Constitutionality of the Bill;
- Broader consultative processes with relevant stakeholders including children and people living with disabilities;
- Because the Department is tasked with outcomes 12 and 14 (Social Cohesion and Nation Building) it would have been appropriate that it conducted an extensive consultation process with its entities, particularly those that would be adversely affected by the Bill, for an example the SABC's submission raised concern of over-regulation of the broadcasting sector. This could have been resolved through consultations with the SABC;

- In order to align the Bill to the National Development Plan (NDP), specifically on job creation and Small Medium and Micro Enterprise (SMME) development, the economic implications of the Bill should have been discussed at length with the Department of Planning, Monitoring and Evaluation (DPME);
- Policy and regulation should be tools to encourage investment rather than to deter;
- Committee should invite the Constitutional Review Committee in order to engage further on matters relating to the constitutionality of the Bill;
- Redefinition of existing definitions must be resolved;
- It is clear that the need for Regulatory Impact Assessment has a pivotal role in legislative development in that it would have clarified the contradictions as raised by the submissions, i.e. issues of regulatory duplicity which were raised by a number of presenters
- It is clear that the broadcasting sector is already over-regulated by various regulatory bodies and the Bill will become burdensome to the Broadcasters should it be passed in its current form;
- Pre-classification infringes on Freedom of Expression as articulated by many submission;
- Emphasis on panelising consent for production rather than distribution should be revised;
- The Committee should further engage on the independence of the Council, Appeal Tribunal and the Penalty Committee;
- The Committee should further debate whether it is not possible to transfer some of the regulatory powers to ICASA as it already has stringent regulations impacting on all broadcasters in South Africa; and
- The need to adopt a collaborative approach to prosecution of online offenders. Currently this is impeded by bureaucratic processes.

6 Committee resolutions

The following organisations were requested to provide the Committee with the list of its members: (i) Right2Know, (ii) SOS Coalition; and (iii) Media Monitoring Africa (MMA).

MMA was further requested to provide the submission that was submitted to the Films and Publications Board Draft Online Regulation Policy; and

Centre for Constitutional Rights (CCR) was requested to send an addendum on the constitutionality of the Bill.

The Centre for Constitutional Rights and MMA have since sent the documents to the Committee and are summarised below:

6.1 Centre for Constitutional Rights (CCR)

In their latest submission the Centre for Constitutional Rights highlights few areas which in their view must be reviewed by the Committee, specifically:

- i. Definition of '*artistic*' is too broad and imposes limitations to '*freedom of expression*' in respect of the arts;
- ii. Pre-classification is akin to censorship according to CCR;
- iii. The powers of the Board to dispatch classifiers to the 'distributors' premises are interpreted by CCR as contrary to the Constitution because the provision *arbitrarily permits the State to infringe on personal freedoms and associated fundamental rights*;
- iv. The lack of public participation in the appointment of the Penalty Committee, the Council as well as the Appeal tribunal. As it stands in the Bill, only the Minister appoints these persons;
- v. Genuine public participation and consultation including for interest groups by the Bill;
- vi. The impracticability of classification of online content due to the sheer volume on content in the digital space and this is tantamount to '*censorship*' and a clear violation to freedom of expression; and lastly
- vii. On whether the Bill will meet Constitutional muster; the following clauses were interpreted to say that they will fail Constitutional muster:
 - a. Clause 1 (infringes upon freedom of expression);
 - b. Clauses 15 and 19 (infringe upon right to privacy); and
 - c. Clauses 4, 5 and 6 (element of public participation, transparency and openness).

6.2 Media Monitoring Africa

Below are the conclusions and recommendations submitted to the FPB on 15 July 2015:

- i. MMA submitted that the Draft Regulations in their current form deny children some of their basic rights as enshrined in the South African Constitution, the United Convention on the Rights of the Child and African Charter on the Rights and the Welfare of the Child. Accordingly, MMA calls for the withdrawal of the regulations in their current form;
- ii. MMA submitted that future regulations consider supporting digital literacy programmes as means through which children (and adults) can learn how to navigate the online world. And perhaps endorse programmes that can help empower children to make the right choices online as well as e-Parenting programmes that can help parents learn how to support and give guidance to their children online;
- iii. Notably, MMA submitted that future regulations include children in future processes. Maintain ongoing conversation with them and allow them to rise to the occasion of providing great insights;
- iv. As expressed by the children, MMA submitted that the FPB in future regulations find ways of talking to children's rights to protection from harm in conjunction with their rights to access to information and participation. Furthermore, MMA submitted that they frame their discussions on online safety by taking both the risks and opportunities into consideration.

5. REPORT OF THE PC ON COGTA ON THE COMMISSION FOR THE PROMOTION AND PROTECTION OF THE RIGHTS OF CULTURAL, RELIGIOUS AND LINGUISTIC COMMUNITIES (CRL RIGHTS COMMISSION) ON THE COMMERCIALISATION OF RELIGION AND ABUSE OF PEOPLES BELIEFS DATED 14 FEBRUARY 2018

1. INTRODUCTION

The Report of the hearings on the commercialisation of religion and abuse of peoples' belief system of the Commission on the promotion and protection of the rights of Cultural, Religious and Linguistic communities (CRL Rights Commission, herewith known as the Commission) was referred to the PC on Cogta for consideration and report and to the SC on Finance, PC on Trade and Industry, PC on Home Affairs and PC on Social Development for consideration.

The PC on Cogta organised a workshop to discuss the report on 27 June 2017, and invited the other committees the report was referred to including the PC on Women in the Presidency. The Commission made presentation to the workshop and invited some of the participants of the hearings to attend the workshop. The Committee also invited organisation within the religious sector to make inputs on the report on 17 and 18 October 2017. On 30 January 2018, the committee discussed its observations on the inputs received and a draft report was created which was subsequently tabled in the meeting of 14 February 2018, where it was further deliberated on and then adopted.

2. BACKGROUND

Controversial news reports and articles in the media about pastors instructing the congregants to eat grass, snakes, drink petrol or part with considerable sums of money in exchange for a miracle or blessing, raised significant public concern. In response, the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic

Communities (CRL Rights Commission) undertook an investigative study on the commercialisation of religion and abuse of people's belief systems in South Africa. This was in accordance with the constitutional mandate of the Commission.

The study aimed to:

- Investigate and understand further issues surrounding the commercialisation of religion and traditional healing;
- Identify the causes underlying the commercialisation of religion and traditional healing;
- Understand the deep societal thinking that makes some members of our society vulnerable and gullible on views expressed and actions during religious ceremonies;
- Assess the religious legislative framework and its relevance to deal with prevailing religious challenges;
- Formulate findings and recommendations that address the status quo on commercialised religion and traditional healing;
- Investigate the spread of religious institutions in the country; and
- Enquire about the various miraculous claims religious leaders and traditional healers make regarding the powers to heal and create miracles.

To mitigate the impediments, the Commission, in preparation for and during the hearings, took various steps, such as to facilitate the monitoring and control of potential and incoherent threats of disruptive behaviour of supporters or summoned persons; convened meetings; and explained the procedure of the hearings. Despite all these measures, varying degrees of resistance emerged during the hearings from a few institutions, even those which had committed to cooperate with the requirements of the Commission.

The Commission was of the view that there were several reasons for the Religious Sector to be regulated. Therefore, after the extensive investigation, an amendment to the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities, Act no. 19 of 2002

(CRL Act) legislation was recommended. That would assist all religious institutions to create an environment where they, and not the State, could effectively regulate themselves, and held people who brought religion into disrepute accountable, as per their various religious systems.

In the view of the Commission, proposed amendment to the CRL Act would ensure that freedom of religion was not only protected but it was also guaranteed in the country and that the religious sector was given space and capacity to resolve its challenges and made all relevant recommendations to the Commission.

3. THE COMMISSIONS INPUT

3.1 Methodology

For the purposes of the investigate study, the CRL Rights Commission opted for a random sampling method where random religious institutions were selected and summonsed to appear before the Commission. The sampling method ensured that everyone in the entire target population of religious leaders/traditional healers had an equal chance of selection. Although random samples were the best method of selecting a sample from the target population, they tended to be costly in terms of time, effort and money. Given that the Commission had been pleading for more resources, one would not have expected it to opt for this method. However, the chosen method was welcomed.

In constructing the random sampling plan, the Commission sourced religious/traditional healers' group distribution figures from the 2001 Census figures and community councils. Why the Commission did not utilise data from the 2011 Census, let alone the 2016 Community Survey, was puzzling. The sample design yielded a sample size of approximately 85 religious leaders and traditional healers whom the Commission summonsed to face-to-face interviews.

3.2 Findings

The Commission observed the following findings from the hearings:

- No comprehensive database of religious leaders and places of worship was available;
- There was a high number of unregistered religious institutions;
- There was a high surge, in the number of both local and foreign leaders;
- The death of worshipers who were using faith products and defaulting on their chronic medication was high;
- Financial abuse of worshipers – some churches directed threats to worshipers who did not pay for a prayer, some demanded cuts for successful business deals prayed for, the entrepreneurial religious organisations and challenges of “return of investment”;
- Lack of financial management and good governance structures;
- Lack of participation of women in religious practices;
- Cult-like religious organisations – children not allowed to attend school as school curriculum was labelled satanic, etc;
- Unconventional preaching styles – congregants made to eat grass, snakes, drink petrol etc;
- There was lack of training, peer support and understanding of legislation and legal procedures in the registration of religious institutions; and
- Lack of monitoring and peer review mechanism like in other professions;

3.3 Commission’s Recommendations

The following recommendations were made:

- The investigative study highlighted the need to protect religious freedom without attempting to regulate it from the side of the State. However, as specific current practices in the religious sector infringed on constitutional rights of congregants and violated

existing legislation, the Commission recommended religious communities to regulate themselves more diligently to be in line with the Constitution and the law.

- Communities should exercise their religious freedom with due regard to their legal, ethical and community responsibilities. The Constitution left scope for all kinds of beliefs and opinions. Even views which some might regard as extreme, were allowed and should not be regulated. However, when views led to the abuse of human rights (for example, hate speech as indicated in article 16(2)), or to the violation of the law, there was cause for concern.
- Although religious organisations existed as voluntary organisations, the CRL Rights Commission should provide essential assistance in helping them to get their house in order and to ensure compliance with existing legislation and propose new legislation. The current disregard of fiduciary responsibilities was a serious concern.
- Religious organisations needed to understand their responsibility in connecting Religious Freedom and recourse to ethical and community responsibility.
- Religious organisations which were guilty of fraud, or misappropriation of funds, should be prosecuted and held liable regarding the law of serious concern was that that did not happen.
- There was a definite need to refer specific cases, where organisations did not comply with the law, to the relevant authorities (e.g. the National Prosecution Authority).
- There was an established and exponential increase in religious organisations and leaders of foreign origin. There was an appreciation for bona fide foreigners serving the South African nation, but the evidence had shown that in some cases they displayed a propensity for amassing money. The Department of Home Affairs should play a crucial role in curbing the abuse when considering visa applications.
- Each institution must have a finance committee, chaired by a duly elected member of the institution. The Treasurer must also be duly elected, while the religious leader should become an ex-officio member, if necessary.

- To solve the leadership succession challenges, each Religious institution should elect its leadership as per the provisions of its own constitution.
- Religious Institutions should elect their own oversight structures to manage the financial and internal affairs of the institution.
- An anomaly exists where religious leaders buy property with the communities' money and later own that property, proper investigations must be conducted first to establish the allegation. Where the fact was established, the facts must be tabled to the congregation and the religious leader must take corrective measures.
- Clear separation between business activity and religious activity should always be maintained. While the Religious institutions were free to start businesses in their own business.

3.4 On the religious legislative framework and its relevance to deal with prevailing religious challenges:

- There were enough existing laws that could deal with the prevailing religious challenges. However, there were loopholes in the legislation, including lack of enforcement.
- Some churches not registered with the Department of Social Development either as NPOs or with SARS as public benefit organisations (PBOs).
- Some of those registered with the Department of Social Development did not even report to the Department annually, as required by law.
- Some did not even disclose to SARS the amount of money they made per year and thus avoided paying tax.
- In some cases, money collected from the members never banked with any commercial bank.
- In other cases, instead of banking with the institution's account, the money went into the spiritual leader's account, whereby the pastor also became the treasurer.

- Some religious institutions told their congregants to pay money to the head offices and, as the Commission discovered, most of these head offices were outside the country.
- Some religious leaders did not apply to the Reserve Bank before repatriating money out of the country.

3.5 On the spread of religious institutions in the country:

- There was an established and exponential increase in religious organisations and leaders of foreign origins.
- Unlike in other African countries, it had become very easy to establish churches in South Africa.
- In some cases, the title deeds of these religious properties end up being inappropriately registered. For example, the church registered in the spiritual leader's name, which encouraged the building of a family empire while using public money.
- Lack of clear separation between religious activity and business activity.
- Some Institutions had no Codes of Conduct.
- Lack of oversight structures, such as a Church Council, Disciplinary Committee etc.
- In some instances, a single person owned and controlled the entire institution.
- In some cases, the finance committee and other church committees constituted of the spiritual leader, his wife, and some of his friends.
- Lack of leadership succession plans, which eventually led to conflict, division and litigation.

3.6 On the various miraculous claims that are made by religious leaders and traditional healers regarding the powers to heal and create miracles.

- Abuse of media privileges, such as using television slots to advertise themselves or their faith or holy products and claims of healing powers of a wide range of illnesses and socio-economic challenges.

- Newspaper adverts, posters, and leaflets used to advertise and promised people healing, enrichment, jobs, luck, or solved problems.
- Recommending or prescribing untested diagnosis/prognosis in health matters.

4. Committees observations

The Committee noted that most of the organisation raised the following issues:

- The Commission did not do sufficient public participation as only 85 denominations was invited to the hearings;
- There was disagreement over Constitutionality of recommendations of the CRL
- The religion should not be commercialised.
- Denominations have been self-regulated and this have been working well for them;
- The commercialisation is an infringement on the Constitutional right of people;
- The CRL Rights Commission is not the body that should be regulating the sector; and

5. Recommendations

The Committee notes that across the sector there is agreement that there is abuse in the religious sector and thus recommends the following:

- A National Consultative Conference (NCC) (including the linguistic and cultural communities) should be convened to give a platform to discuss challenges in the religious sector;
- Arising from the NCC the following should be established:
 - A charter for self-regulation;
 - Code of conduct for the sector which should be recognised by legislation.

- Strengthening the mandate of Independent Communications Authority of South Africa (ICASA) and other such bodies to penalise misleading media claims;
- Strengthening legislation like the Non-Profit Organisation Act and the Income Tax Act to ensure registration of religious institutions.

6. CONCLUSION

The Committee noted the report of the CRL Rights Commission and would like to commend all that participated in the process. The Committee made recommendations to the report and table it to the National Assembly for consideration

ADDENDUM

PARTICIPANTS AT THE HEARINGS

The Committee received inputs on the above-mentioned report from the following:

- Freedom of Religion South Africa (FORSA);
- Association of Christian Religious Practitioners;
- SA Council for Religious Rights and Freedoms
- South African Catholic Bishops Council (SACBC);
- International Institution for Religious Freedom (IIRF);
- Western cape Ecumenical Network (WCEN);
- Apostolic Faith Mission (AFM);
- Christian Ministers Council of Southern Africa (CMCSA);
- All African Federation of Churches;
- Assemblies of God;

- Evangelical Alliance of South Africa (TEASA);
- Christian Family Church (CFC)
- Christian Concern Network of the Baptist Union of Southern Africa;
- Association of Cristian Media;
- Anglican Catholic Church;
- Northern Conference of the Seventh Day Adventures
- Dutch Reform Church;
- Alliance of Pentecostal and Charismatic Churches in South Africa;
- Wesleyan Church;
- Old Apostolic Church;
- Christian Science Church;
- National Interfaith Council of South Africa (NICSA);
- South African Union Council of Independent Churches (SAUSIC);
- South African Institute of Professional Pastors, Reverends and Ministers (SAiPREM);
- Christians for Peace in South Africa;
- Church Leadership Empowerment Foundation Africa (CLEFA);
- Royal House of Eastern Cape (Amaxhosa);
- The Great Commission;
- South African Religious Forum;
- South African Ministers Fraternal;
- UKZN – Africology Department
- NUPAATHPSA;
- Kingdom Governors;
- Zion Christian Church (ZCC)
- CRL Rights Commission;

1. Report of the Portfolio Committee on Environmental Affairs on Southern African Development Community (SADC) Protocol on Environmental Management for Sustainable Development, tabled in terms of section 231(2) of the Constitution, 1996, dated 20 February 2018.

The Portfolio Committee on Environmental Affairs, having considered the request for approval by Parliament of the Southern African Development Community (SADC) Protocol on Environmental Management for Sustainable Development, tabled in terms of section 231(2) of the Constitution, 1996, recommends that the House approve the said Protocol.

Report to be considered.