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OF THE

REPUBLIC OF SOUTH AFRICA

**ANNOUNCEMENTS,
TABLINGS AND
COMMITTEE REPORTS**

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TABLINGS

National Assembly

1. The Speaker

- (a) Replies from the Minister of Justice and Correctional Services to Budgetary Review and Recommendation Report of the Portfolio Committee on Justice and Correctional Services on Annual Performance for 2020/21 and First and Second Quarterly Performances for 2021/22 of the Department of Justice and Constitutional Development and National Prosecuting Authority, as adopted by the House on 8 December 2021.

Referred to the **Portfolio Committee on Justice and Correctional Services**.

COMMITTEE REPORTS

National Assembly

1. Report of the Portfolio Committee on Justice and Correctional Services on the Draft Notice and Schedule determining the rate, with effect from 1 April 2021, at which salaries, allowances and benefits are payable to Constitutional Court judges and judges annually, dated 7 June 2022

The Portfolio Committee on Justice and Correctional Services, having considered the request for approval by Parliament of the Draft Notice and Schedule determining the rate at which salaries are payable to Constitutional Court judges and judges annually (in terms of section 2(4) of the Judges' Remuneration and Conditions of Employment Act, 2001 (Act No.47 of 2001), with effect from 1 April 2021, referred to it on 30 May 2022, recommends that the House approves the Draft Notice and Schedule.

Report to be considered

2. Report of the Portfolio Committee on Justice and Correctional Services on the Draft notice and Schedule determining the rate, with effect from 1 April 2021, at which salaries, allowances and benefits are payable to Magistrates annually, for approval by Parliament in terms of section 12(3) of the Magistrates Act, 1993 (Act No. 90 of 1993), dated 7 June 2022

The Portfolio Committee on Justice and Correctional Services, having considered the request for approval by Parliament of the Draft Notice and Schedule determining the rate at which salaries are payable to Magistrates annually (in terms of section 12(3) of the Magistrates Act, 1993 (Act No. 90 of 1993), with effect from 1 April 2021, referred to it on 30 May 2022, recommends that the House approves the Draft Notice and Schedule.

Report to be considered

3. REPORT OF THE PORTFOLIO COMMITTEE ON TRANSPORT ON A PETITION FROM RESIDENTS IN OKHAHLAMBA LOCAL MUNICIPALITY, KWAZULU-NATAL PROVINCE, CALLING ON THE ASSEMBLY TO INVESTIGATE THE STATE OF ROADS IN THEIR COMMUNITIES (MR R A LEES), DATED 31 MAY 2022

The Portfolio Committee on Transport (the Committee), having considered the petition from residents of Okhahlamba Local Municipality, KwaZulu-Natal province on 22 March 2022 and having conducted an oversight visit to the municipality on 22 April 2022, reports as follows:

1. INTRODUCTION

The prime mandate of the Committee is governed by the Constitution of the Republic of South Africa, 1996 (“the Constitution”), in respect of its legislative and oversight responsibilities as public representatives. It is required to consider legislation referred to it and consider all matters referred to it in terms of the Constitution, the Rules of the National Assembly (NA) or resolutions of the House. It is also required to respond to matters referred to it by Government within its mandate.

2. BACKGROUND TO THE PETITION

2.1 The petition

The petition was referred to the Committee in the Announcements, Tablings and Committee Reports (ATC) of 23 September 2021. It was signed on 10 September 2021 by residents, the Tourism, Hospitality and Associated Industry Sectors, the Taxi, Transport and Associated Industry Sectors and the Agriculture and Associated Industry Sectors of Okhahlamba Municipality. The petition stated the following:

- The condition of the roads in the municipal jurisdiction is alleged to be in a generally shocking state and cause serious damage to motor vehicles as well as the economy of the municipality. The roads affected include, but were not restricted to the following: Roads in the Towns of Bergville and Winterton, D119, D53, R74 (Alternative Road to the N3 Van Reenen Pass), R160, R600, R606, P288, P294, P304 and the P519.

- The deplorable and unsafe conditions of roads in Okhahlamba have been raised with the various spheres of Government on various occasions over the years, including the local municipality, and the Provincial and National Department of Transport.
- That the conditions of the roads in Okhahlamba are generally in a shocking state and cause serious damage to not only motor vehicles, but to the economy of the municipality and that the dilapidated roads are negatively effecting the functioning of the community as a whole.
- The pothole repairs, without proper road maintenance, were inadequate and took months to be repaired. The quality of the repairs done by incompetent contractors was inadequate.
- The roads denigrated to such a condition that normal maintenance will not fix the current state of the roads.
- The poor condition of the roads negatively affects the status of the UNESCO Okhahlamba park as a tourist destination and the local tourism and hospitality industry. The poor condition of the roads exponentially increased the cost of business for the agriculture sector and prohibits further investment and job creation in a region where joblessness is above the national average.
- The road conditions affect the daily transportation of residents to their work places and children to schools.

The petition requested that:

- a) The lack of progress in this matter be noted as well as the potential devastating effects it has for the livelihoods and lives in Okhahlamba,
- b) The petition mentioned that they are left with no other option but to seek the urgent intervention of National Government on the issue within 21 days,
- c) The petition mentioned that a lack of such urgent action will lead to them, as a collective, to seek other forms of relief that may include measures such as: i) Approaching the Courts, ii) Approaching UNESCO, iii) Any other reasonable action,
- d) The communities within Okhahlamba therefore: i) Urge the Minister of Transport to act according to this memorandum, ii) To, within 21 days of this petition, provide high level feedback including implementation dates to the Community on a plan of Action to bring the condition of all roads within the Okhahlamba municipality back to a fully usable, and safe condition.

2.2 Okhahlamba Local Municipality

The Okhahlamba Local Municipality is a Category B municipality and part of uThukela District Municipality in KwaZulu-Natal. Okhahlamba is mainly a rural region made up of privately owned commercial farmland; smallholder settlements; the urban areas of Bergville, Winterton, Cathkin Park and Geluksberg; and three tribal authority areas. Bergville is a small town and is known as the gateway to the Northern Drakensberg. Approximately half a million tourists are attracted to the Drakensberg annually. Bergville hosts an office of the Drakensberg Publicity Association.

The area, with a population of 135 132, is relatively well linked through the network of existing provincial roads that run through the municipality. The main economic sectors are Agriculture and Tourism. The unemployment rate in the area is currently at 43 %.

3. COMMITTEE CONSIDERATION OF PETITION: 22 MARCH 2022

The Committee held a meeting on 22 March 2022 with representatives of the petitioners who gave the Committee a visual presentation of the state of the roads and shared the concerns of the petitioners on the roads. The delegation included the following representatives:

- Mr Alf Lees, MP - Parliament Uthuekela Constituency,
- Mr Thys J van Rensburg, Cllr - Uthukela District
- Mrs Megan Bedingham - Tourism Association Chair
- Mr Kenneth Themba Nkabini - Local Transport Operator
- Mr P Mhlambi - Local Transport Operator
- Mr M Hlonwane — Zwelisha Community Elder.

The representatives briefed the Committee on the content of the petition. The residents of Okhahlamba were concerned that the crumbling road infrastructure will impede their livelihoods and ability to provide for families. The poor condition of the roads reduced the viability of the Drakensberg and affected the Agriculture sector as it is dependent on a proper maintained road infrastructure to access markets.

The presenters gave an overview of the state of the following roads:

3.1 The R74

The R74 is the main arterial road that runs from Harrismith in the Free State (FS) through the towns of Bergville and Winterton onto the N3 and Ladysmith. The Oliviershoek Pass is vital to Tourism in the Northern Berg as Visitors from Gauteng Province and the FS access this part of the region via the Oliviershoek Pass. The Free State R74 road section of the pass was in disrepair from 2010 to 2014 after a Contractor was paid in advance and disappeared with the funds. The road was closed for 3 years and led to the direct closure of at least one large hotel in the Northern Berg, and the reduction in operations of many others. The KwaZulu-Natal (KZN) local spheres of Government have been informed of the state of the road and their solution was danger tape placement on the road.

3.2 Road to Cayley Lodge and D184

Visuals were shown of the road to Cayley lodge and the D184 which have been deteriorating for some time.

3.3 Economic impact of the poor road infrastructure

The representatives further outlined the economic impact on the area caused by the state of the roads. Agriculture is a main economic driver in Okhahlamba. The fertile valleys in Okhahlamba produce far above average compared to the rest of the Country in terms of staple crops like maize and soya. All these farming operations need working infrastructure to get goods to market. The condition of the district gravel roads is of major concern as they become water logged during the wet summers as maintenance during the dry winter months are just not adequate. This leads to regular disruption when heavy trucks and farming equipment become stuck in mud pits.

3.4 Intervention requested from Committee

The Tourism Sector have been engaging with the local Okhahlamba Municipality since 2018 when a marked reduction in road conditions became apparent. Many letters were written to both Okhahlamba in its role as the local Sphere of Government and then also later onto the provincial Department of Transport.

The petitioners requested the Committee's intervention in the Road Budget Provisions for Okhahlamba to address the perceived backlog on road maintenance and infrastructure and in terms of future road maintenance requirements and roads inspections, and to address the lack of action by the Spheres of Government when they were repeatedly informed of pending doom by residents and how to rectify the situation going forward. The delegation further requested that the Oliviershoek Pass to be awarded special status to both rehabilitate and correct the condition of the Pass seeing its national importance as an alternative to the N3 Van Reenen Pass, and its importance both economically and operationally, for the residents of Okhahlamba, especially those in the Northern Berg.

During this engagement, the Committee resolved to request a comprehensive report from the Department on the budget spent on roads in the municipality and on the reasons for the current state of the roads as per the petition. A further request will be made to the Provincial Department responsible for Roads in KZN as well as the Okhahlamba Municipality for a detailed report on the budget for road maintenance and how it spent the allocation.

The Committee further resolved at the meeting to conduct an oversight visit to Okhahlamba Local Municipality in April 2022 to assess the conditions of the roads.

4. OVERSIGHT VISIT TO OKHAHLAMBA LOCAL MUNICIPALITY: 22 APRIL 2022

The Committee received a short report from the KwaZulu-Natal Provincial Department of Transport on the following roads on 22 April 2022 (and did on-site inspections to some of these roads): D119, D53, D184, R74 (alternative road to N3), D160, R600 (P181 and P212), R616, P288, P294, P304 and P519. During the visit the KwaZulu-Natal Provincial Department of Transport gave a status update on the affected roads (excluding the D184 as it was not explicitly mentioned in the petition), and the budget for road maintenance under the Okhahlamba Local Municipality over the past 4 financial years.

4.1 Status Quo Update on the Roads from the Kwazulu-Natal Department of Transport

4.1.1 R74 (P11 alternative road to N3)

This section of Main Road R74 starts from the Frere area and traverses through Winterton towards the Bergville (P11, P30, P288, P340) intersection. It is 45.5 km in length. The road serves as an access road to the Winterton community, tourism sector and the farmers. The section between Winterton and Bergville starting at 10km to 33km is on the plan for rehabilitation in the 2022/2023 Financial Year. However, it is planned to be constructed over a period of 24 months.

Tenders for Blacktop Patching for the section between 33km to 45km closed on 1 March 2022 and they are currently at evaluation phase with the Bid Evaluation Committee (BEC).

4.1.2 R74 (P340 alternative road to N3)

Main Road P340 (R74) extends from the intersection with Main Road 30 (P30) in Bergville Town and traverse in a north-westerly direction towards Oliviershoek Pass, Little Switzerland, leading to Sterkfontein Dam and ending at the Free State Border. The area through which the road passes is situated in a wet climatic region with a very rugged steep terrain and traverses' numerous valleys. This region often experiences abnormal rainfall up in the mountains, which implies high probability of earth saturation leading to scouring, erosions and incidentally slippage failures to occur. As such, an extreme high rainfall was recorded for periods of January and February 2022. These types of damages on such a strategic road impose a negative impact to the tourism sector, hospitality sector, agriculture and other businesses as this section through Okhahlamba region form an integral part of major arterial between KZN and FS provinces.

The route is often utilised as an alternative route if there is an incident or accident on National Route 3 (N3) between Harrismith and Ladysmith. Even during a normal day, the R74 is heavily trafficked by trucks and passenger vehicles since it provides direct vehicular access from the FS to KZN province. The provincial road network is classified as per TRH 26: South African Road Classification and Access Management Manual (RCAM). Thus, Main Road P340 has been classified as a Class R1, high order route, as per RCAM.

- **Damaged Armco**

There are a few collapsed Armco pipes on Road P340; namely at 13km, 15km, 17km and 33km which will require replacement. Assessments were done and a decision was taken that the internal team will be utilised to replace these existing pipes with precast concrete pipes. Anticipated commencement of construction is in May 2022. However, the existing Armco pipe

culvert at 32.5km exhibits irreparable damages, resulting in half of the roadway being washed away. It was proposed that a new in-situ concrete box culvert is designed and constructed as a replacement. Preliminary hydraulic calculations and hydrological considerations suggested a double celled 2.4m x 2.4m major box culvert.

A submission has been approved for a 5.26 Delegation emergency contract. Delays were experienced to source a contractor because of the Order from the Constitutional Court halting all procurement from 16 February 2022. However, the Head of Department sent out a circular on 23 March 2022 advising to continue with procurement. The emergency draft document has been approved by the Bid Adjudication Committee (BAC) and pre-selected service providers to quote will be invited on 26 April 2022.

- Slippage Failure

There is a slippage failure which has developed at 33.5km which starts from shoulder edge and extended longitudinal and subsequently across the roadway up to the road reserve fence. More than 2/3 (two thirds) of the roadway suffered wide cracks of approximately 15 - 30mm and settled for almost 200mm. The affected road length is approximately 50m. As an interim safety measure, the department has implemented the traffic calming speed humps and road signs at 33.5km. A geotechnical engineer performed investigations on 18 March 2022 in order to establish what the cause of the damage is. Coring was done for testing; The geotechnical report is expected by end of May 2022.

- Rockfall at 35Km

There are some slope stability issues on the cut faces at 35km. Cut faces comprise of variable soil types where hard layers sandwiching highly erodible material. In terms of previous treatment; soil nails were employed for harder material and isolated guniting (a process used in construction for slope stabilization and various other rehabilitation purposes in the construction of retaining walls, water retaining structures and concrete repairs) for softer material. These old treatments seem intact, except damaged guniting resulting from rocks falling from top of cutting. A geotechnical engineer performed investigations on 18 March 2022 in order to establish what the cause of the damage is. The Department was still waiting for a report in order to continue with a solution for this.

4.1.3 D119

District Road D119 is under Private Land Ownership in ward 10 under the Okhahlamba Local Municipality, in the uThukela District Municipal area. D119 is 17km in length. This road serves as an access road for the Cavern Hotel and the Royal Drakensburg Primary School. There are two damaged structures on the road which are located at Chainage 10+200, and Chainage 16+800. The structure at Chainage 10+200 has been repaired using the deviation procurement strategy. Gabions were constructed and pipes were re-inserted. At km 16+800 a temporary measure has been done in the interim to allow access for the residents at The Cavern Hotel by the residence. A contractor has been appointed to do permanent repairs on this structure, however they have failed to commence with construction. The contractor has under quoted to undertake the work; however, he committed to do the work within his price by accepting the appointment offer. The next plan to remedy this situation would be to terminate the contract and re-advertise to source a new contractor. The process is anticipated to start on 1 May 2022.

4.1.4 D53

District Road D53 is under Private Land Ownership in ward 14 under the Okhahlamba Local Municipality, in the uThukela District Municipal area. D53 is 8.4km in length. This road serves as an access road for the Bell Park Dam Community. The road patching was done in 2018 under an annual contract, however, the application to Head Office will be done to request road rehabilitation and consider for the 2022/23 financial year. Maintenance will be done using the internal team as an interim measure.

4.1.5 D160

District Road D160 is under Private Land Ownership in ward 14 under the Okhahlamba Local Municipality, in the uThukela District Municipal area. D160 is 1.9km in length. This road serves as an access road to Cedarwood Chocolate and Coffee shop. The application to Head Office will be done to request road rehabilitation and consider for the 2022/23 financial year. Maintenance will be done using the internal team as an interim measure.

4.1.6 R600 (P181)

This section of Main Road R600 starts from the intersection at National Route 11 (N11) and traverses towards Winterton. It is 36.4km in length. The road serves as an access road to the Winterton community, tourism sector and the farmers. The internal team performed pothole repairs on 14 February 2022 and finished patching the remaining potholes on 4 March 2022.

An interim measure to patch using hot mix is anticipated to commence in June 2022 while a plan to rehabilitate the road is being applied for.

4.1.7 R600 (P212)

The road is 36km in length and starts from Winterton to Champagne Castle Hotel. It serves the tourism sector, farming and the AmaSwazi community. Area Office Bergville internal team performed pothole patching from 18 October 2021 until 29 October 2021. The team resumed pothole patching as from 7 March 2022 and completed with patching on 31 March 2022. The road also needs urgent attention in the form of rehabilitation. Head Office is currently conducting pavement rehabilitation designs. Construction will commence in the 2023/2024 Financial Year for a budget of R73.4 million each year. 34km will be completed over a period of 36 months. A contractor has been awarded to conduct Blacktop patching on Road P212 and is currently finalising returnable documents in order to access site. Anticipated site handover is on 28 April 2022.

4.1.8 R616 (P30)

The road starts from the N3 off ramp at the uThukela Plaza towards Bergville. It is 35km in length and services Hambrook, Acton Homes and the farming community. The Area office internal team performed pothole patching on P30 from 2 December 2021 until 30 December 2021. The team commenced with pothole patching and finished on 2 March 2022. At the P340/P30 intersection a quotation has closed. Delays were acquired because of a directive from Treasury to halt procurement processes as of 16 February 2022. However, the BEC has finalised the evaluation and anticipated award is on 5 May 2022. Procurement for blacktop patching is anticipated to commence mid May 2022.

4.1.9 P288

This road starts from Bergville town, through Dukuza and ends at Maphophomaneni Location. It is 45km in length and services both Amangwane and AmaZizi tribal authorities. The road has a blacktop surface which requires urgent attention. The internal team conducted pothole patching on the P288 between 0km to 36km as from 2 August 2021. The team resumed patching on 24 February 2022 and anticipates completing on 3 March 2022. Tenders for Blacktop Patching for the section between 0km to 45.5km closed on the 1 March 2022 and they are currently at evaluation phase with the BEC.

4.1.10 P294

This road starts from Winterton towards Colenso whereby the first 7.5km is blacktop which requires patching. The length of the road is 23km in length. It serves the Winterton farming community. The road has surface failures on a couple of sections. The internal team performed patch regravelling on the P294 from 7.5km to 15km from 7 March 2022 and finished patching by 31 March 2022.

4.1.11 P304

This road starts from Road P340 and traverses towards Royal Natal Hotel. The length of the road is 15km in length. It serves the Obonjaneni community. The road has surface failures on a couple of sections. A contractor is currently on site to conduct blacktop patching. Construction commenced in April 2022. Planned completion is on 30 June 2022. Delays were experienced due to heavy rain in Bergville. The river changed course and caused severe damage to the approach at the structure headed towards the Hotel. Repairs to the approach are ongoing and are being conducted by the internal team.

4.1.12 P519

This road starts from Road P212 and traverses towards the Drakensburg Sun hotel. The length of the road is 3.5km in length. It serves the tourism and farming community. The road has a few surface failures. Blacktop patching was conducted in 2019. Maintenance will be conducted using the internal team as an interim measure.

4.2 Budget for Road Maintenance

Local Municipality	Objective	Total Budget			
		2018-2019 FY	2019-20 FY	2020-21 FY	2021-22 FY
Okhahlamba	Special Maintenance	R359 745	R239 213	R3 100 000	R2 030 000

	Supervision and Management	R10 408 526	R14 229 763	R680 576	R16 770 576
	Zimbabwe	R13 500 000	R13 500 000	R13 500 000	R13 500 000
	TOTAL	R 121 603 482	R 146 134 601.84	R 253 280 576	R 101 750 576

Local Municipality	Objective	Total Budget			
		2018-2019 FY	2019-20 FY	2020-21 FY	2021-22 FY
Okhahlamba	New Infrastructure	R9 999380	R50 142 147.84	R169 300 000	R1 450 000
	Preventative Maintenance	R18 368 138	R5 301 809	R27 600 000	R24 000 000
	Routine Maintenance	R12 998 610	R702 544	R16 200 000	R15 500 000

	Safety Maintenance	R55 969 083	R48 519 125	R22 900 000	R28 500 000
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5. COMMITTEE OBSERVATIONS

Members made the following observations on the road site inspections:

5.1 R74

- 5.1.1 On route to the first petition site, members stopped at a fall-away section of road on the R74 in the Free-State Province side of the road next to the Sterkfontein Dam Nature Reserve on the side of the road going north (the dam side). This is a 2 lane road which is effectively reduced to a single lane at this point. The yellow barriers in place are very close to the fall away portion and there is a 10m crack heading north past the one barrier, which indicates that the road is deteriorating further and could fall away even more. The safety and warning signs to alert to this are inadequate. There were also a number of potholes along the R74 before going from the FS to the KZN portion of the road.
- 5.1.2 Further along the R74 and just past the turn off for Little Switzerland, was the first stop along the petition road inspections. Here members saw a 20-30m section of road sinking in an almost triangle shape. The only warning signs or traffic calming measures are speed bumps 5m before the road slippage on either side. The road appears to be slipping downhill and this may be due to poor construction as well as tectonic plate and sedimentary basin movement of the earth underneath the road. There appears to be earth cracking and movement down-hill towards the nature reserve. The storm water drainage on the hill side is overgrown with grass. Heavy trucks have been barred from using the road with the use of road signage at the Bergville side, however, there is no law enforcement to enforce this. From the community members, the Committee was informed that the road was constructed in 2011 and that the current road damage already started and was reported in 2019/2020. There is no storm water pipe running underneath the road to direct water away from the road. The storm drainage in place appears to be insufficient for the slope of the hill next to the road. On the face of it, it appears that the road construction layers or components of the road structure may not be adequate for

the vehicle loads using the road. This road is used by the tourism industry, farmers (grain and piggery), local communities and as an alternative to the N3 toll route, but the ban on heavy trucks means the farmers must use the roads via Bergville and the R616 to reach the N3, which is quite a long detour to reach Gauteng.

- 5.1.3 Further along the R74 and just past the turn-off to Berghouse & Cottages, there is a massive fall away (sinkhole) on the left side of the road heading to Bergville. There was a stop/go system in place with no shelter or bathroom facilities for the 2 officials placed there to manage traffic flow. The concrete barriers near the hole were allegedly only placed at the site in March 2022. There is no storm drainage infrastructure next to the road visible, however, further down the road (away from the fall away) there is infrastructure but it has been overgrown with grass. The storm water pipe running underneath the road to allow for the natural water movement from the waterfall and stream near the road down into the valley was clearly not of a suitable material to handle the volume of water – this caused the pipe to split and water pooling under the road thereby causing erosion of the ground under the road leading to or possibly causing the fall-away. Looking at the natural hills near the road, one can see that the area is prone to erosion and greater care should have been taken in the construction of this road and water drainage used under and along the road. On the face of it, it appears that the road construction layers or components of the road structure may not be adequate for the vehicle loads using the road. This road is used by the tourism industry, farmers (grain and piggery), local communities and as an alternative to the N3 toll route, but the ban on heavy trucks means the farmers must use the roads via Bergville and the R616 to reach the N3, which is quite a long detour to reach Gauteng. There is also a further crack in the road for 5m from the fall away past the one concrete barricade and this indicates that the road may fall-way further. This road damage also allegedly started 3 years ago, has been reported but not repaired. (In the 2015 Google Street view images of the section of road, you can see pothole patching in progress.)

5.2 Road from Kwayima to Bonjaneni

- 5.2.1 The road from Kwamiya to Bonjaneni is very poor and full of potholes. There are road side cracks and temporary dug out storm drainage. The road before Obonjaneni Primary School shows some cut away work to repair potholes, but due to the poor state of the road and further damage the cars practically drive on a gravel road. There is a contractor on site under a R4mil PRMG contract to only focus on storm drainage.

5.3 R304 (bridge crossing Tugela River)

5.3.1 On the R304 at the bridge crossing the Tugela River on your way to Rugged Glen Nature Reserve, there is another fall away portion of the road due to the bridge retaining wall falling away or having collapsed. This makes the bridge inaccessible for vehicles and prone to further water damage until it is repaired. This damage is alleged to have occurred following the February 2022 floods in the region. There are railings missing from the bridge and the road surface has signs of past pothole repairs. The road is closed with a warning sign erected by the Royal Natal Management. Vehicles wanting to access the reserve must use Hlalanathi Road.

5.4 Road from Mazizini to Zwelisha

5.4.1 On the road to and from Mazizini to Zwelisha, the entire road is extremely poor, with potholes and strips of road degraded.

5.4.2 During a meeting with community members of Mazizini (Ward 9), members described how the degradation of roads prevent tourists visiting, leads to job losses and leads to them being unable to support communities. Roads are poorly constructed and never repaired. The roads have been poor since 1990 and communities struggle to get access to the clinic services, in some cases ambulance services refuse to use the roads. The community questioned how much funds were budgeted for road repairs as they do not see any road repairs in the area.

5.5 R600 from Winterton to Cayley Mountain resort

5.5.1 The R600 from Winterton to Cayley Mountain Resort is also in a poor condition. This includes the D277 to the D184 which are full of potholes and strips of pushed up tar. Sections of the road have seemingly turned back into gravel roads and the delegation had to drive on the side of the road. It must be noted that these roads (D277 and D184) were not listed specifically in the petition.

5.5.2 During interactions with community members, farmers and resort management, the Committee was briefed that there are 100 staff members and 300 possible persons in occupancy at the resort affected by the poor road conditions. The meeting was attended by staff, community members, farmers and resort management that use these roads

daily. It is difficult to get to hospital or clinic services and burial sites via these roads. Ambulances cannot respond to emergencies due to the poor road conditions. Travel at night is very dangerous for guests and staff. As a major farming area, the Committee was informed that they cannot get deliveries to or from the farm to deliver produce. 34ton milk trucks are needed each day for the milk farmers in the area and these trucks cannot use these roads safely. The municipality did not respond to complaints regarding the road.

- 5.5.3 D53 and D277 were dirt roads and were upgraded after residents gave cash to do sand sealing of many roads. The bridge gets cleared away after flooding with debris and the farmers must remove the logs themselves. With recent rains the area was blocked for 3 days. The area is the second most visited destination in-land and tourism is suffering. If guest hit potholes they simply refuse to return.

5.6 Non-attendance of visit by the Okhahlamba Local Municipality and the KwaZulu-Natal Department of Transport

Members noted the non-attendance of the Okhahlamba Local Municipality and senior officials of the KwaZulu-Natal Department of Transport at the site visits as well as community briefings. It was disappointing that the Provincial Department did not send senior officials to attend the meetings with the Committee and more disrespectful that the Municipality did not send any officials at all.

6. COMMITTEE RECOMMENDATIONS

The Committee recommends that the Minister, through the Department, should ensure the following:

- 6.1 That the Department and the KwaZulu-Natal Department of Transport report to the Committee monthly, from the date of adoption of this report by the House, on progress to fix the roads indicated in the petition;
- 6.2 The Department report to the Committee when and which provincial roads are handed over to SANRAL, including, but not limited to, the date of the transfer, the length of road transferred and when projects will start to repair the roads;
- 6.3 The Department and the KwaZulu-Natal Department of Transport supply the Committee with information requested during engagements on when the listed roads were constructed, listing the names of the contractors that worked on the roads, if a

- road had two or more contracts issued – why this was needed and why the first appointed contractor(s) could not finish the project, the budget spent to construct and repair these roads during the past 10 years and the estimated budget to repair these roads;
- 6.4 The Department and the KwaZulu-Natal Department of Transport report on all petitions and/or complaints received from communities in the area on these roads for the past 5 years;
 - 6.5 The Department must be unapologetic in the manner in which it deals with PRMG grant recipients who clearly do not spend grant funds properly and must provide quarterly reports to the Committee on PRMG oversight specific to the KZN region;
 - 6.6 The Department must engage with the relevant authorities to ensure that law enforcement is stationed on the R74 to prevent heavy trucks from using the road in contravention of the road signage currently in place;
 - 6.7 The Department must improve the Inter-Governmental Relations with the KZN Department of Transport and the Okhahlamba Local Municipality to improve the road conditions of the roads listed in the petition, as well as improve the quality of road construction in the province;
 - 6.8 The Department and all other parties called/invited to attend meetings with the Committee must send the relevant senior officials responsible for the project under discussion to the meeting with the Committee.

Report to be considered.

4. REPORT OF THE PORTFOLIO COMMITTEE ON TRANSPORT ON ITS OVERSIGHT VISITS TO MPUMALANGA, NORTH WEST AND KWAZULU-NATAL PROVINCES FROM 19 TO 23 APRIL 2022, DATED 31 MAY 2022

The Portfolio Committee on Transport (the Committee), having undertaken oversight visits in the Mpumalanga, North West and KwaZulu-Natal Provinces from 19 to 23 April 2022, reports as follows:

1. INTRODUCTION

The Committee conducted oversight in Mpumalanga, North West and KwaZulu-Natal provinces from 19 to 23 April 2022. The focus areas for the Committee's oversight were as follows:

1.1 Moloto Rail Corridor Development Feedback Meeting: Mpumalanga, 19 April 2022

The Committee conducted an oversight visit to Mpumalanga on 28 November 2020 to meet with the Moloto Corridor Concerned Residents (MCCR) regarding the alleged undue delay to finalise the Moloto Rail Corridor Development Project. During the oversight visit the Committee resolved to schedule a follow-up visit as soon as possible after its meeting with the Department of Transport and National Treasury (18 March 2021) on the implementation of the project. Subsequent to the meeting, the Committee agreed to hold the feedback meeting with the MCCR in KwaMhlanga, Mpumalanga on the viability of the Moloto Rail Corridor.

1.2 Implementation of The Public Transport Network and Provincial Road Maintenance Grants: North West Province, 20-21 April 2022

The visit to the North West province focused on (i) the implementation of the Integrated Public Transport Network (IPTN) grant in the Rustenburg Local Municipality and (ii) the implementation of the Provincial Road Maintenance Grant (PRMG) in the North West Province.

The Department of Transport in its quarterly reports to the Committee, reported delays in the implementation of the Rustenburg Bus Rapid Transport. The aim of the visit was to meet with the municipality on progress made to date pertaining to the implementation of the IPTN (budget allocated vs budget spent). The Committee further aimed to visit the bus stops, stations and do site inspections on the routes to ascertain whether what has been reported on has been implemented. In addition, the Committee planned to visit road projects (in the areas surrounding Rustenburg) to assess the implementation of the PRMG in the Province.

1.3 Petition from Residents of Okhahlamba Local Municipality, Kwazulu-Natal Province: 22 April 2022

A petition from residents of Okhahlamba Local Municipality, KwaZulu-Natal province, calling on the Assembly to investigate the state of roads in their communities (Mr R A Lees) was referred to the Committee for consideration and report. The delegation who submitted the petition met with the Committee on 22 March 2022. At the meeting, the Committee resolved to conduct an oversight visit to the local municipality in April 2022 to inspect the roads in order to report to the National Assembly on the matter. The observations and recommendations of this visit will be contained in a separate report to the House.

1.4 Implementation of the Public Transport Network Grant: Msunduzi Local Municipality: 23 April 2022

The visit will focus on the implementation of the Integrated Public Transport Network grant in the municipality. The Department of Transport reported delays in the implementation of the IPTN grant. The Committee intends to meet with the municipality on progress made to date pertaining to the implementation of the IPTN (budget allocated vs budget spent). Where progress is alleged to have taken place, the Committee will visit the bus stops to ascertain whether what has been reported on has been implemented.

1.5 Delegation

The delegation consisted of the following members: Mr LE McDonald (Leader of the delegation, African National Congress (ANC), Ms MM Ramadwa (ANC), Mr LN Mangcu (ANC), Mr J Bilankulu (ANC), Mr T Mabhena and Mr I Seitholo (Democratic Alliance),

Mr M Chabangu (Economic Freedom Fighters), Mr P Mey (Freedom Front Plus) and Mr K Sithole (Inkatha Freedom Party (IFP)).

The Committee was supported by: Ms V Carelse (Committee Secretary), Adv. A Nel (Content Advisor), Dr S Ngesi (Researcher), Ms P Mahlathi (Committee Assistant) and Mr S Maputi (Communication Officer).

2. FEEDBACK MEETING ON THE IMPLEMENTATION OF THE MOLOTO RAIL CORRIDOR DEVELOPMENT: 19 APRIL 2022

2.1 Background to the Meeting

The Moloto Rail Development Corridor was initiated in 2004, following the Government of Mpumalanga launching a process to improve public transport offered to commuters who travel to Pretoria daily. A feasibility study was conducted in 2006 and 2007 that concluded that the project was indeed feasible. Although Cabinet recognised the legitimate need of the commuters in the region for an improved transport service, Government was not in a position to implement it due to financial constraints. It attributed this to the global economic crisis at the time. In 2019, the Department reported that it had not transferred any funds to the Departments of Transport of Gauteng, Limpopo and Mpumalanga. In addition, the Department contended that by that time, it had spent R17 million on the feasibility study on the Moloto Rail Corridor. Of the R17 million, R10.2 million was spent in 2013/14, while R7.7 million was spent in 2014/15. The feasibility study was concluded in October 2014.

The Committee met with the group calling itself the Moloto Corridor Concerned Residents (MCCR) in November 2020 on their complaints. The MCCR requested an investigation into the alleged “undue delay, complaining that several feasibility studies have been undertaken at a huge cost to the taxpayer and yet no movement has to date been recorded on the project”. The group further alleged that Government made numerous promises regarding the development and finalisation of the project from as far back as 1996. The Committee resolved to meet with National Treasury and the Department of Transport regarding the complaints and report back to the MCCR by the end of March 2021. Due to changes in the parliamentary programme, the feedback meeting could only be scheduled for 19 April 2022.

2.2 Meeting with the Department of Transport and National Treasury: 18 March 2021

The Committee met with the Department of Transport and National Treasury on 18 March 2021 on the feasibility of the Moloto rail corridor project. The project since was registered with National Treasury (NT) as a Public Private Partnership (PPP) project in January 2010 - Project N 105. The execution of the feasibility study was undertaken in compliance with the PFMA, Treasury Regulation 16 and the PPP Manual. The Department of Transport feasibility study commenced on 3 October 2012 and was completed by October 2014. The Feasibility study confirmed rapid rail as the preferred long term transport solution for the corridor. On 29 October 2014 (or 30 October 2014 per reply by the Minister to Question NW2319 on 1 December 2020) PRASA submitted a TA 1 (Treasury Approval) Application to NT and the Department and PRASA made a presentation to NT to motivate and support the TA 1 Application. National Treasury expressed concern that the feasibility only considered possible transport options and that non-transport options falling outside of mandate of transport needed to be considered. The NT appointed an independent and external team to review and assess the feasibility study.

On 3 December 2015, National Treasury informed PRASA that the TA 1 approval was not granted as the Rail option was viewed as unaffordable, unlikely to yield social, economic and development dividends to warrant an investment of the scale and magnitude required.

Since 2015, China Communications and Construction Company (CCCC) has been tracking this project, and a lot of preliminary work has been undertaken. South Africa signed the Moloto Rail Corridor Development Memorandum of Understanding (MoU) with the Passenger Rail Agency of South Africa (PRASA) and the CCCC as signatories. This despite the NT having not granted approval for the project as is a requirement of Section 16 of the Regulations of the PFMA. The project was discussed and the Chinese indicated that they will need a full government guarantee to invest in the project as a condition. This condition was never met as the NT never granted approval of the TA 1 and also rejected the application for a Government Guarantee.

In June 2017, National Treasury advised the Department to submit a motivation to the Budget Facility on Infrastructure (BFI) in support of the Moloto Rail Corridor Development Project large infrastructure projects for consideration on budget allocations starting in 2018/19. The Department submitted a BFI application (primary submission and supporting documentation)

in August 2017. The funds applied for, were for the establishment of a Project Management and Implementation Office for the Project, as a precursor to a TA 1 approval.

On 5 April 2018 the Department was informed that the request for funding was not supported, as per the recommendations made by the MincomBud, summarised as follows:

- The exploration of non-transport solutions be investigated in addition to transport solutions to comprehensively respond to corridor challenges,
- The PICC leads and convenes a comprehensive plan to holistically address the challenges along this corridor. This will ensure that in addition to transport plans, proposals to resolve the inherent spatial reform challenges as well as the need for local development also be considered,
- No further funding should be made available to develop the preferred rail solution because it may be premature before other options are also considered,
- An interim improved bus transport solution that is flexible yet cost effective be implemented,
- In addition to the interim transport intervention, budgeting for continuous road improvement investments be prioritised to the extent to which they are required,
- Moloto Rail Corridor was identified as a long-term project and indication was given that funding for the project was not secured as National Treasury in 2015 did not approve project funding due to the unaffordability of the project.

2.3 Feedback Meeting

The Delegation leader and members briefed the King at the Kings Cluster in KwaMahlanga prior to delivering the feedback to the Community following the committee engagements on the subject in 2021. The King voiced his disappointment. There was a request that the delegation write to the House Chair and the Ministers of Transport and Finance on the failure of the officials to respond in writing to the invitations to join and present at the feedback session as NT officials were not present and the Department of Transport indicated that they would not be responding to the community at the briefing session.

The Leader of the Delegation delivered feedback to the Community following the presentations in 2021 from the Department and NT on the proposal to continue with the road works along the Moloto route (R573) instead of introducing a rail corridor at this point in time. The delegation leader indicated that the feedback is based on the responses from the Departments

at the March 2021 engagement as well as from the feedback received to the Committee's 2021 BRRR recommendations to the Minister of Finance on the Moloto Corridor (as replied and contained in the Budget Review document of 2022). The replies indicated that funding will be directed to the road corridor as the rail corridor is not a feasible option at this point. The delegation leader further apologised for the delay in replying to the Community as it was already due a year ago. He further indicated that the Committee would continue to press the request for a rail corridor in its engagements with the Department and NT and the relevant entities such as PRASA and SANRAL.

Community members expressed their disappointment at the outcome of the discussions as the area was in need of alternative public transport options. They also expressed concern about the PUTCO bus contract that was in place since pre-democracy and renewed/extended since 1997.

The Committee undertook to provide feedback to the MCCR within 30 days on the PUTCO matter.

2.4 Recommendations

The Minister, through the Department of Transport ensure that the following reports are submitted within 30 days of the adoption of this report:

- The Department of Transport is required to provide a detailed report to the Committee regarding the renewal of Subsidised Bus Service Contracts under the PTOG in all provinces and municipalities, with specific focus on the continued extension of the PUTCO contracts by the Gauteng Department of Roads and Transport and why there are delays in calling for and issuing new tenders for these contract routes.
- The Department of Transport and SANRAL is required to provide a detailed report to the Committee on the Moloto Road Project progress and continue to provide reports on this on a quarterly basis.
- The Department of Transport is required to provide a detailed report to the Committee on future plans to revive the Moloto Rail Corridor Project and continue to provide reports on this on a quarterly basis.

3. VISIT TO THE NORTH WEST ROADS AND RUSTENBURG LOCAL MUNICIPALITY: 19, 20, 21 APRIL 2022

3.1 Road Inspections Near Rustenburg: 19-20 April 2022

The Committee conducted road site inspections in the areas surrounding Rustenburg and made the following observations:

- The North West Road R511 from N4 to Hartbeespoort has a significant number of potholes and the road signage is faded and barely visible during the day.
- NW/Rustenburg/Kroondal Road just off the R104 to Modderfontein, at the Mooinooi turnoff is full of potholes.
- R104 from Mooinooi has several potholes and several warning signs for potholes. There were a number of farm/mine workers using bicycles along the route with no cycle lane or big enough portion of an emergency lane to safely ride in, no road side lighting, no reflective vests or helmets worn by cyclists. This is a crucial road connecting Pretoria to Rustenburg for mining, agriculture and hospitality industries as well as the only alternative to the N4 tolled road.
- R104 to R24, Modderfontein Road/Oorsaak intersection, is littered with potholes (from the R104 to Palestine Drive). Farmers had a fund raiser to fix some potholes on this road. These are provincial roads and links to Airspan Airfield. This is a PRMG road but not on projects for the province due to limited budget.
- R104 Kroondal Intersection/Waterval/Mooinooi intersection has crater size potholes. This intersection is mainly used by Anglo/Lonmin mine trucks and use the road extensively. In November 2021 was the last time the farmers saw the province deliver gravel to patch the potholes but this just gets washed away.
- R565 past Phokeng and Tlhabane – At Phokeng some stop signs have been run over and need to be replaced. There is also some road damage 1.5km from the R104 turn off.
- R104 before Tlhabane the road has surface damage and potholes. Roads in town on the way to the Municipal Offices and the Civic Centre are in a poor state, potholes and poor on road markings.

3.2 Oversight Visit to Rustenburg Local Municipality on the Implementation of the IPTN Funded by the PTNG

3.2.1 Background to the Project

The Development of infrastructure started in 2012 as full-fledged “Bus Rapid Transit” system. In recent years, due to budget constraints, the project switched to incremental implementation approach and to a quality public transport bus service that can be incrementally scaled to BRT system when demand increases. The overall Rustenburg Rapid Transport (RRT) timelines have been amended to start launch before end of 2021/22 Financial Year. The RRT has started with driver training and technical demonstration and testing of the first Bus fleet. The exercise is still underway with various route and stations being tested e.g. station docking, traffic light synchronization. The testing allows for various defects to be corrected before launch and allows for route data, scheduling and operational data to be refined.

3.2.2 Key Achievements to Date

3.2.2.1 Infrastructure

- 25kms of BRT lanes in 2 corridors and CBD,
- 40km of Walkways and 150¹ bus stops and way finding,
- The Bus Depot is at 80% completion,
- The ABT Automated Fare Collection system is being implemented in partnership with SANRAL,
- Stations are overall at 65% completion, but the municipality has yet to appoint a contractor to complete construction.

3.2.2.2 Industry Transition

The local operators are supportive for the project to succeed. Various agreements were concluded including MOU and for the establishment of the Bus Operating Company. The Compensation Agreement was recently approved for R 1 200 000 per Vehicle/Operating License. There will be interim monthly payments for those operators who surrender their vehicles and operating licenses.

¹ This number of bus stops listed as an infrastructure achievement should be questioned as there were not 150 stops along the 2 routes visited by members.

Each affected operator may elect to participate further in Yarona, a R 200 000 buy-in is required, which is subtracted from the compensation. There will be full Corridor Clearance by using Taxis with AFC as part of transitional operation.

3.2.2.3 Bus Procurement

10 Buses were received in October 2020 with 10 more coming before the end of 2022. In total, the Bus Operating Company, that will procure 90 buses for Phases 1 and 2, have been formed. 34 Seater (with 20 standing and a wheelchair ramp)² being designed. The municipality plans to brand and relaunch existing taxis under BOC.

3.2.2.4 Marketing

The policy is to involve stakeholders at all stages of the project. A Stakeholder database has been developed and is updated throughout the project. Public Participation sessions have been planned all through 2022 with strong Media and stakeholder engagement. Branding and local partnerships to create interest and momentum leading up to the launch of initial services.

3.2.3 Business Planning and Development

Items	Status	Next Steps
By-laws	<ul style="list-style-type: none"> Draft out for public participation Public participation complete 	<ul style="list-style-type: none"> Council approval - <i>Council meeting end May</i>
Law Enforcement Activation	<ul style="list-style-type: none"> Part of weekly JOC 	<ul style="list-style-type: none"> Agreement with Traffic to define LOS
Emergency Services	<ul style="list-style-type: none"> RRT to be part of the existing Rustenburg Joint Operations Committee. RRT representative to be part of monthly meetings 	<ul style="list-style-type: none"> Provide SOP and communication protocols between entities and agree on communication lines

² These figures differ from the numbers indicated on the buses – 36 seated, 54 standing and 1 wheelchair bay.

Yarona Operating Licenses	<ul style="list-style-type: none"> • OL's application submitted and paid first week in January, 22-21 days of advertising complete. • Meeting with PRE required to agree on way forward 	<ul style="list-style-type: none"> • Await invitation to present
Operations	<ul style="list-style-type: none"> • Reviewed Integrated Public Transport Operator Company (IPTOC) Operations SOP's • Drafted Operations KPI's • Drafting of Customer Care SOP's and Communication Protocols in process • Timetables finalised for Dry Run • Estimated driver requirement • Drafting of Conditions of Carriage and Service Charter in process – legal reviewed. • Assess of infrastructure on weekly basis to ensure readiness for Dry Runs • Agreements in place for cleaning of the trunk and open stations, tree trimming and related aspects. Implementation in May. 	<ul style="list-style-type: none"> • Training of customer care personnel – U training to be included • Do driver scheduling and duty schedule • Finalise Conditions of Carriage once Council approves by-laws

3.2.4 Industry Transition Progress

Items	Status	Next Steps
Appointment of Advisors	Completed	N/A
Surveys and data exchange	Completed	N/A
Compensation model/ offer, DoT approval, Negotiation	Completed	N/A
Establishment of IPTOC	Completed	<ul style="list-style-type: none"> • Interim Service Agreement between IPTOC and RLM to be finalised and signed

Interim Service Agreement between RLM and IPTOC	Basic agreement in place Scope, Terms being refined and amended as IPTOC business plan is optimised and updated	<ul style="list-style-type: none"> • The agreement is being streamlined to incorporate output specifications • Ongoing development of output specification to link to KPI's and payment mechanisms (budget) • Amendments, final agreement to be approved by Council and signed
Removal of Vehicles ³	50 vehicles removed and in safekeeping at Showground temporary depot Contractual and tax implications of vehicles concluded	<ul style="list-style-type: none"> • Mechanical evaluation and valuation of vehicles

3.2.5 Integrated Public Transport Company Establishment

	Status	Next Step
IPTOC – Operations Plan	<ul style="list-style-type: none"> • Ops Budget and operational reserve approved and secured in principle, subject to refinement of the IPTOC business plan and budget • Payment Mechanism approved and agreed by RLM • Operations Plan to be submitted beginning of March '22 for review approval 	<ul style="list-style-type: none"> • Approval of appointment for Go Live Monitoring of budget. Cost recovery.
Public Transport Services (Bus or Taxi services)	<ul style="list-style-type: none"> • Fleet – 10 Busses – branded, licensed⁴, COF. Complete. • Drivers - Staff structure reviewed, caveat that certain positions need to be 	<ul style="list-style-type: none"> • Information display in busses. • Drivers and other positions to be appointed next week • Classroom training for AFC, APTMS and UA scheduled for next 3 weeks

³ A number of the taxis seen at the interim depot were originally registered as panel vans and an investigation must be done on whether or not these vehicles are part of the hoard of illegally converted panel vans.

⁴ It must be noted that none of the buses present on the day of the visit displayed vehicle licenses that were up to date (expired October 2021).

	<p>motivated before appointment</p> <ul style="list-style-type: none"> • Drivers already received basic training and obtained licenses - part of industry upskilling program • Interviews for all positions in progress - to be completed this week • SOP's submitted and reviewed by RLM Ops – need to be finalised in consultation with IPTOC • First set of KPI's defined and workshopped with IPTOC • AFC installation in vehicles complete and APTMS to follow 	
AFC System Operation and Fare Media Management	<ul style="list-style-type: none"> • Roles and Responsibilities concluded – Output specification draft format available 	<ul style="list-style-type: none"> • Conclude on KPI's and Roles and Responsibilities • Sign agreement and activate IPTOC for management
APTMS	<ul style="list-style-type: none"> • Preparation of Roles and Responsibilities in progress 	<ul style="list-style-type: none"> • Conclude on KPI's and Roles and Responsibilities • Sign agreement and activate IPTOC for management
Depot	<ul style="list-style-type: none"> • IPTOC occupy buildings • Dispatch offices available • Control Centre available – to be equipped 	<ul style="list-style-type: none"> • Appoint staff and activate offices⁵

3.2.6 ITS Implementation

	AFC	APTMS-Lite
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⁵ At the depot some staff members were visibly stationed in some of the offices already.

	Hosted/Lease/SANRAL-ABT Integrated/CiPurse	Fare Collection	TRACKING	SCHEDULING
SP Appointed	<ul style="list-style-type: none"> Yes. Appoint IPTOC for management and operations 	Appoint IPTOC for management and operations	Yes	Yes
SANRAL ABT Certified	<ul style="list-style-type: none"> SANRAL Certification received first week of Feb 2022 	N/A	N/A	N/A
Contract Period	3 Years		3 Years	3 Years
RFQ Value	<ul style="list-style-type: none"> Max Value: R 55 Mil Scalable and Payable as-and-when required 		<ul style="list-style-type: none"> Max Value: R 10 Mil Scalable and Payable as-and-when required 	<ul style="list-style-type: none"> Max Value: R 5 Mil Scalable and Payable as-and-when required
Status	<ul style="list-style-type: none"> ISAT - <i>Delayed</i> In vehicle installation -- <i>Underway</i>⁶ UA assessment of validator height complete SOP's and compliance matrix draft format Draft report layout 	<ul style="list-style-type: none"> Design complete 2000 cards ordered <i>Delivery delayed.</i> <i>Proto typing -- SANRAL and AFC system test - 07/04-09/04</i> 	<ul style="list-style-type: none"> Contract and Price negotiations underway 	<ul style="list-style-type: none"> Contract and Price negotiations underway
Next Step	<ul style="list-style-type: none"> Training to commence Review finalise SOP's Review training material 	<ul style="list-style-type: none"> On-site testing Distribution to sellers and users Registration of users and integration 	<ul style="list-style-type: none"> Finalise role and Responsibilities, compliance matrix, implementation schedule and activation. 	<ul style="list-style-type: none"> Finalise role and Responsibilities, compliance matrix, implementation schedule and activation.

⁶ None of these systems were visible on the 3 buses used during the oversight visit.

	<ul style="list-style-type: none"> Finalise report, RLM access to system and reports Finalise registration of users Selling points and top-up points - Onboarding and training 	with SANRAL website		
AFC Go-Live	<i>April 2022</i>		<i>April 2022</i>	<i>April 2022</i>

3.2.7 Marketing and Communication

Item	Status	Next Step
<ul style="list-style-type: none"> UA Integration 	<ul style="list-style-type: none"> Integration between UA community engagement, activations and marketing activities 	<ul style="list-style-type: none"> Include aspects in all of alert campaigns
<ul style="list-style-type: none"> Industry Engagement/Value Chain 	<ul style="list-style-type: none"> Agreed that industry through MVC (Marketing and Value Chain Committee) be part of marketing program and activities. Meeting postpone for this week. Determine activities where MVC can be involved and responsibilities 	<ul style="list-style-type: none"> Meeting re-scheduled – 09/03. Determine activities where MVC can be involved and responsibilities

3.2.8 Infrastructure Completion⁷

	Yarona Phase	Status	Next Step	Completion date
Trunk Corridors	1 & 2	Complete – 5.3km on Corridor A, 4km in CBD and 17km on Corridor B	None	Complete
Feeder Routes	1	Complete for Phase 1A. Yet to issue tender for Phase 1B, 1C & 2	Issue tender	30-Jun-23
Number of Stations	1 & 2	2 Kerb side stations complete. 16 stations Under construction – Overall completion at 65%	Completion for all Stations by July 2022.	Jul-22
Stops with Shelters	1	None planned for Phase 1A pending patronage	None.	n/a
Stops	1 & 2	150 Stops complete for Phase 1A	None	n/a
NMT	1 & 2	90km complete for Phase1A	None	n/a
Go Live Stops		<i>Taxi rank stop and Central stop</i>	<i>Contractor appointed execute work</i>	<i>07/04</i>
Go Live Stations		<i>Fixing of Education Dept. and Magistrate Court</i>	<i>Contractor appointed execute work</i>	<i>07/04</i>

3.2.9 Project Expenditure

	2021/22	2022/23	2023/24	2024/25

⁷ Based on the oversight visit and viewing the actual infrastructure, there is a real need for the city to review their target dates. One of these that definitely need review is the completion date of July 2022 for the completion of all stations.

Planning	R17.0 M	R17.3 M	R17.4 M	R21.8 M
Equipment	R10.0 M	R39.8 M	R19.2 M	R17.8 M
Infrastructure	R31.6 M	R26.0 M	R17.0 M	R44.0 M
Transition	R124.2 M	R74.0 M	R69.0 M	R45.3 M
Total Capital Expenditure	R182.7 M	R157.1 M	R122.6 M	R128.9 M

3.2.10 Reasons for Delay in Project Implementation

The municipality gave the following reasons for delays in the implementation of the RRT:

- There were town planning objections on the construction of infrastructure in the CBD in the early years of implementation. The court judgement was eventually awarded in favour of the Municipality to implement bus lanes and stations in the CBD. (case number 718/2013 RLM vs Mwenzi Service station registered with North West High Court, Mafikeng). Prior to this, the municipality was unable to start with construction in the CBD pending the conclusion of the court processes.
- Another challenge was that the municipality could not construct all roads at once because it would have caused a gridlock to motorists, and therefore sections of the roads had to be constructed in order to minimize construction disruptions to commuters and motorists.
- The other delay was the extent of construction works that included relocation of service i.e. Bulk water, electricity, and Telkom lines that had to be relocated.
- Another reality was that the municipality is allocated a certain budget in a particular financial year. And thus the entire project had to be broken down into phases in order to have a budget available for each project to be completed.
- The negotiations with the taxi industry required time and buy-in from the broader taxi membership and the RLM prides itself with a supportive taxi leadership for the project.

3.3 Observations During the Rustenburg Rapid Transport Route Site Inspections

The Committee and other officials boarded 3 Yarana buses to the site inspections and made the following observations:

- It was noted that the vehicle licences on the 3 buses had expired (October 2021). One of the 3 buses had a defect with the wheelchair access ramp not retracting as it should and travelled with a warning signal for the duration of the site visits, this bus had 1 632 km on the speedometer.
- While travelling to the first site visit, it could be noted on route that the BRT stop in front of the Magistrate Court building was still under construction and not completed yet.
- The first site stop was at the station which was in the media in 2019 for the roof collapsing. This stop was at the Lefaragatlha and Tlhabane West intersection and members made observations and asked questions at the station. In terms of the condition of the infrastructure some scaffold was still up, some support pillars appeared rusted, grass overgrown despite an attempt to clean up prior to the visit and rubbish was strewn around.
- The Municipal manager indicated that the bus stops are not open for public use yet but are being used for driver training and synchronisation of the system.
- The second stop was at the proposed final depot site, located next to the Driver Licence Testing Centre. This site was overgrown and has some structures on it.
- Along the route, it could be observed that roadway infrastructure for the system was constructed but these lines were not maintained and grass was not cut along the full length of the route. On the R510, especially near the HTS Rustenburg and New Covenant Academy (the Ridder Street Stop), it was observed that the BRT dedicated lane road surface was in a very poor state. The station at Ridder Street was the most complete enclosed station on the entire route, despite this being part of phase 2.
- The stops along this route opposite the Correctional Services, stop opposite the Boitekong Mall, the Bophuthatswana Street/R510 crossing stop, and all 3 stops near Kanana was vandalised. It was also noted that the side walk or NMT paths through Kanana had over grown grass and vegetation preventing the use of these paths by pedestrians or cyclists.

- At the 3rd stop in town behind Grenville High School in the R104, it was noted that the roof of the stop had been damaged by rain and not replaced yet. The security guard at the stop indicated to members that the stop was recently cleaned but is not regularly cleaned.
- At the 4th stop, members saw the current condition of the interim depot, some of the taxis which have already been taken off routes and 6 of the 10 buses already procured. Members noted that some of the taxis stopped at the depot were originally registered as panel vans and could possibly be part of the illegal converted taxis that formed part of the Public Protector Report.
- The Committee held a debriefing meeting with the officials after the site inspection about the observations. Members were of the view that they should have found completed stations and stops, operational bus services and minimal issues given how long the project has been running. Some of the infrastructure was in such a poor state that the structures may have to be rebuilt entirely once a new contractor is appointed.
- It was the view of members that there was instability in the structure as it was not the work of the Municipal Manager to run the BRT system. There was a need for experienced staff in the management system to run the service.

3.3.1 Recommendations

The Minister, through the Department of Transport, the North West Department responsible for transport and the Rustenburg Municipality ensure that:

- The permanent appointments for the management structure of the Rustenburg BRT project should be finalised in 3 months. If this is not done, the PTNG funding for the project should be stopped.
- Busses should be running in 3 months, and if they still are not running in 6 months, then PTNG funding should be stopped.
- No new funds should be spent on infrastructure, the interim depot should be used and there is no need for the permanent depot. The Municipality should use what it currently has and run the service to start generating some income.
- The Municipality must report within 30 days to indicate exactly how many stops or stations have been completed by the date of the adoption of this report out of the 150 stops indicated in their presentation.

- The Municipality must report within 30 days to indicate exactly what the project status is by the date of the adoption of this report, as well as exactly by when it will start running bus services on these routes presented.

3.4 Unannounced Visits

3.4.1 Unannounced visit at the Municipal Fleet Management Depot which was recently in the news for storing a large fleet of municipal vehicles that are not being used due to a tender irregularity dispute (Cnr of Lucas and Bosch Streets, Rustenburg)

Members undertook an unannounced visit to the vehicle fleet management depot where it was alleged that over R430 million was spent on a fleet of vehicles which are meant to be used for the provision of waste management, electrical, law enforcement, roads and transport services. At the facility, members spoke with the Acting Facility Manager who indicated that National Treasury had found tender irregularity with the vehicle purchases hence the court case to reach finalisation on the matter. The vehicles have been standing at the depot for 2 years, and are new vehicles.

During the site inspection members observed the following:

- Most vehicles have plastic covering on the seats and were clearly new. The keys were indicated as being held by the service provider through which the municipality purchased the vehicles. Many of these vehicles are the vehicles they need to cut grass, repair roads and fill potholes and grade gravel roads.
- The traffic law enforcement vehicles were stored at the DLTC as the fleet depot was full.
- It was indicated that the refuelling system was a problem and the diesel available at the depot was not suitable for the refuelling of the BRT bus services or many of the new purchased vehicles.
- In terms of fleet management of other vehicles in use, the acting manager indicated that there were problems with procuring vehicle parts and the city is at a point where if a vehicle breaks down and there are no parts for repairs, the vehicles are just parked at the depot – since September 2021 no orders could go out for fleet repair parts. They do have a deviation permission to refuel vehicles.

- Recently, they only had 1 working fire engine. It was also indicated that there was only 1 electrical testing machine that had to serve 45 wards.
- The municipal council requested a detailed report on where the court case was by the end of March 2022.
- The depot was not being maintained with over grown grass.

3.4.2 Unannounced visit to the DLTC/VTC (Rustenburg Traffic Department)

- The visit was after office hours so the facilities inside the DLTC and VTC could not be accessed, but members noted that the property was overgrown with grass and in need of general maintenance. Members saw several roads and transport vehicles (with flat tyres), as well as several VW GTI traffic law enforcement vehicles parked that were part of the fleet of vehicles that cannot be used due to the court dispute over the tender irregularity finding. There were approximately 20 VW vehicles.

3.4.3 Recommendations

The Minister, through the Department of Transport, the North West Department responsible for roads and transport and the Rustenburg Municipality ensure that:

- The Municipality provide a report within 30 days of adoption of this report to the Committee on the Purchased Fleet of Vehicles which cannot be used due to the legal dispute, as well as a copy of the National Treasury Report regarding the alleged tender irregularities linked to these vehicles. The report should also indicate where the matter is currently and by when it is estimated to be resolved. If it has not already been done, there must be a forensic report done on this particular fleet procurement contract and if it was already done, a copy of the forensic report must be provided to the Committee.
- The Municipality should ensure that the Fleet Depot, as well as the DLTC/VTC are properly maintained and resourced and, as a minimum, ensure that the property is cleaned and grass cutting is done.

3.5 Meeting with the North West Province Department of Public Works and Roads: 21 April 2022

The Administrator of the North West Province: Department of Public Works and Roads briefed the Committee on its ten- year Master Plan for the implementation of strategic roads infrastructure in the province. The plan focuses on socio-economic, eco-tourism and rural access roads. The plan further serves as an instrument used for planning and implementation of roads in the province since 2019/20 financial year, and the department has been able to implement 93 road projects to date.

The activities implemented through the Master Plan includes upgrades, rehabilitation or reconstruction and maintenance of the provincial roads infrastructure network. The Department of Public Works and Roads has developed and installed a sophisticated software-based Road Asset Management System (RAMS), which is continuously updated, upgraded and expanded to meet with the current technological developments. The RAMS provides valuable information for proper road network management planning, upgrading and maintenance. The Department has commissioned another study in the financial year 2020/21, which covers all provincial roads and will further provide an updated information pack to update the Ten (10) Year Master Plan.

The Provincial Ten Year Master Plan is composed of the following programmes which are:

- Planning and Design,
- Preventative / Periodic Maintenance,
- Routine maintenance (potholes patching, road markings, fence repairs, Guardrails installation and repairs, erosion controls and weeds removals, road sides clearance, etc.),
- Re-gravelling and block-paving of access rural roads,
- Reseal,
- Rehabilitation,
- Upgrading from gravel to surface standard (tar),
- Bridges and Major culverts construction and repairs, and
- Roads Asset Management System (RAMS).

According to latest and revised records as per the Road Asset Management Reports (RAMS), the North West Province consists of approximately 19 668 km in total. The road network has been decreasing, the reason being that some of the roads are continuously transferred to

SANRAL. This is primarily because of lack of proper maintenance, as a result of inadequate funding for upgrading and maintenance of the roads infrastructure. The reduction in length of the roads network asset is worrying because this reduces infrastructure funding as well.

SUMMARY OF TEN (10) YEAR TRANSPORT INFRASTRUCTURE PLAN - BUDGET PROPOSAL / REQUIREMENTS FOR 2019 – 2029													
Description of Activity	Km/ no	Project Cost Estimate	ESTIMATES OUTSIDE MTEF PERIOD										GRAND TOTAL
			19/20	20/21	21/22	22/23	23/24	24/25	25/26	26/27	27/28	28/29	
			R'000	R'000	R'000	R'000	R'000	R'000	R'000	R'000	R'000	R'000	
Summary: Total Transport Infrastructure													
Road Asset Management System			15 000	15 900	16 854	17 865	18 937	20 073	21 278	22 554	23 908	25 342	197 712
4% Planning and design for next financial year (DORA Clause 26.1.c. (ii))			165 856	247 219	214 902	161 323	133 601	95 028	87 852	85 574	90 753	39 277	1 321 384
Road Maintenance			200 000	210 000	220 000	230 000	240 000	250 000	260 000	270 000	280 000	290 000	2 450 000
Total Additional Costs:			370 856	452 219	419 902	366 323	338 601	300 028	292 852	290 574	295 753	244 277	3 969 096
Total Infrastructure Cost (including additional costs):			4 436 259	6 437 127	5 888 849	5 081 904	4 476 813	3 116 484	2 473 272	2 160 002	1 981 331	1 092 282	37 742 036

3.5.1 Key Activities of the Programme

3.5.1.1 Preventative/ Periodic Maintenance Needs

The funding need of this scenario is exceptionally high at R 2 450 billion, which gives a reasonable estimate of the current needs of the road network of the North West Province.

3.5.1.2 Resurfacing Needs

Resurfacing/reseal needs have been calculated as R 4 680 billion, or 3 045 km of roads for the next ten years, of which in aggregate an immediate amount required per year for the next 10 years is R 468 million. Hence, it is very important to note that the larger percentage of roads currently in the fair condition category requires urgent attention to move it from fair to a good condition category, otherwise it will deteriorate further thereby increasing the cost of repairs.

3.5.1.3 Rehabilitation Needs

Rehabilitation needs have been calculated at R 7 697 billion or 1 924 km at an average rate of R4m per km of road for the next ten years, translating into a 75% backlog of the total road network which varies from light to heavy rehabilitation. Additional to the above need, it is very important to note that a large percentage of roads currently in the fair condition category points to a future peak in rehabilitation needs.

3.5.1.4 Upgrading Needs

Upgrading needs are estimated at R16 343 billion over ten years which is translated into 2 514 km, at an average rate of R6.5m per km. This results in R1 634 billion a year, at a rate of 4% of roads in the province to be upgraded. Therefore, an immediate amount needed per year for 10 years is R 3 774 billion, as opposed to the current allocation of R1 349 billion on average.

Sub- Programme	APPROVED ALLOCATED BUDGET				
	2019/20	2020/21	2021/22	2022/23	2023/24
Description					
PRMG	990 802	1 058 207	1 058 207	957 028	1 004 393
Equitable Share	358 488	304 213	304 213	380 000	405 000
Total	<i>1 349 290</i>	<i>1 422 668</i>	<i>1 422 668</i>	<i>1 337 028</i>	<i>1 409 393</i>

3.5.1.5 Concluding remarks from the North West Department

- The Province of the North West requires approximately R37 billion in order to address its roads infrastructure upgrading and maintenance challenges, which translates into R3.7 billion per year. This will make the Province to be easily accessible and to attract potential investors to come and invest in the Province.
- Priority is given to eco-tourism, economic corridors and other important routes that have the potential for economic development.
- The North West Province Roads Infrastructure Development funding is not adequately funded and depends primarily on the Provincial Roads Maintenance Grant (PRMG), which is mainly for the maintenance of provincial roads.
- The current equitable share allocation is by far less than what is required (rand per rand match) with the grant and the current commitments. This clearly shows that roads infrastructure is not a high priority in the Province, which is worrying noting that roads infrastructure is the primary driver of economic development. Demand is in the upgrading of gravel roads to tar, as opposed to the general maintenance of existing infrastructure. The inadequacy of budget (equitable share) puts pressure on the department as communities continue to demand tar roads all over the Province. It is therefore important that the Province considers reviewing its funding model for roads infrastructure.

3.5.2 Observations

- The figures presented on the PRMG budgets differs from the figures presented by the Department of Transport and National Treasury.
- Contractors that are appointed to perform the work must be suitably skilled and financially able to complete the contract work without stopping early due to liquidity issues.
- The Minister should have been at the meeting due to the department being under administration.

3.5.3 Recommendations

The Minister, through the Department of Transport and the North West Department of Public Works and Roads ensure that:

- The Department of Transport must improve its oversight over the PRMG expenditure and ensure that regular reports are done to the Committee, as requested in the Budget Report and BRRR annually.
- The Department of Transport must provide a report to the Committee within 30 days of adoption of this report on how much of the PRMG is spent on the upgrading of gravel roads, and whether any of this funding is used to upgrade to tar roads.
- The province must provide a report to the Committee within 30 days of adoption of this report on which roads it will be upgrading from gravel to tar and which roads are to be graded or re-gravelled.
- The province should match the PRMG and equitable share with its own funding allocation for road maintenance.
- The Department of Transport must provide a report to the Committee within 30 days of adoption of this report on what measures were currently in place to prevent vehicle overloading on North West roads, and whether engagements are taking place with the mining industry and its fleet provision services to educate the drivers and operators on the need to prevent overloading of freight vehicles, as well as the fines to be issued for overloading. The province should increase law enforcement to monitor, prevent and issue fines for overloading on roads. Roads are eroded by overloading and will keep damaging any maintenance done on the roads.
- The Department of Transport must provide a report to the Committee within 30 days of adoption of this report and on a quarterly basis thereafter on which roads are planned to or in the process of being transferred to SANRAL from the provinces – for all provinces. This report must also indicate the budget implications linked to such road transfers for the Provincial Departments and SANRAL.
- The province should have plans in place to escalate the repair of roads that are of economic benefit to the province.
- The Department of Transport must work with the province and the municipality to improve co-ordination in the North West relevant to road works, repairs, maintenance, as well as the provision of public transport in the province.

4. VISIT TO MSUNDUZI LOCAL MUNICIPALITY ON THE IMPLEMENTATION OF THE PTNG AND IPTN SYSTEM INSPECTIONS: 23 APRIL 2022

4.1 Background to the Project

The project commenced in the 2011/12 financial year. The suspension letter was received on 18 December 2019. The infrastructure component of the project is currently 99% complete. The expenditure to date is 74% of the current allocation. The funding allocation of the project since inception is R1.534 billion. The expenditure on the project since inception is R991.15 million. The municipality requested support for the reinstatement of the project to operationalise the Phase 1A of the IPTN project.

4.2 Project Status Post Suspension of the Grant

The operational readiness services were suspended. The project only focused on commitments that were entered into before 19 December 2019. Some components of infrastructure where commitments were not signed by the time of suspension were affected, such as the land acquisition and widening of Msunduzi River Bridge. The roads alignments for WP2 and 3 had to be revised due to land acquisition and widening of Msunduzi River Bridge constraints. The contracts for the IPTN PMU staff were not renewed and the project IPTN is currently implemented under the Roads and Transportation Department. After several engagements with the National Department of Transport and National Treasury, the shortfall amount to settle all commitments was approved.

4.3 Work Packages Implementation

- Work Package 1: Completed in May 2019.
- Work Package 4: Completed in February 2021.
- Work Package 2: Practical completion as from 28 February 2022. Road widening is tying back to existing lanes over the Msunduzi bridge, the bridge was not widened due to suspension as at the time of suspension the contractor was not yet appointed, due to EIA challenges.
- Work Package 3: Practical completion as from 28 February 2022. Road widening is encroaching on private properties, due to suspension of the project the land acquisition

process will not proceed and designs have been reviewed for the road to be constructed on available road reserve.

4.4 Project Budget and Expenditure

FINANCIAL YEAR	APPROVED BUDGET (Millions)	EXPENDITURE	COMMENTS
2009/10 - 2015/16	R637,10	R255,80	R144,90 Roll over was approved
2016/17	R200,03	R191,34	No Roll over required
2017/18	R157,50	R114,90	Roll over not granted
2018/19	R199,10	R199,10	No Roll over required
2019/20	R194,66	R100,10	Roll over of R94 578 574 granted
2020/21	R134,00	R83,60	Awaiting rollover feedback for R50.4m
2021/22 & 22/23	R62 346 079,16	R46 259 092,91	R50,4 (2020/22 rollover funds) +R11,9m shortfall funding
	R1 534,30	R991,15	

4.5 Challenges in Project Implementation

The municipality highlighted the following challenges in the implementation of the project:

4.5.1 Procurement delays due to non-responsive bidders and objections

- Typical construction challenges such as relocation of services, disputes between main contractors and sub-contractors, stoppage of work by business forums and traffic congestion and accommodation.
- Other challenges were insufficient planning, administrative instability, political instability and the Project team capacity.
- Although the (road) infrastructure component of the project has been completed, the Municipality is not ready for operations as the operational readiness services were affected by the suspension of the project in December 2019. Therefore, the above will result in loss or delayed opportunity for the Municipality to deliver an improved public transport system for Msunduzi public transport users. Regression with the progress made with the taxi industry and community at large. The value for the money that has been spent will not be realized as the objectives of the project will not be achieved. Community at large and businesses were patient with government during planning and infrastructure implementation looking forward to the benefits of the system, now it will take time for them to realise these benefits. Msunduzi spatial development was planned and implemented around the IPTN, the longer it takes to implement the project the more the alignment is lost with these plans.

4.6 Turnaround Plan and Request for Intervention

- The implementation has been completed. The Municipality has allocated a budget of R5 million in the next financial year towards the operational and business plan for the IPTN project. There are other funding sources from National Treasury to develop plans (Urban network strategy) that will support the IPTN. However, due to the number of activities and expertise that are required for operations on Phase 1A, additional funding will be required. The Municipality has looked at a number of approaches to operationalise the IPTN, this will be discussed with the National Department of Transport and assistance in this regard has just been requested from the Department.
- The Msunduzi Taxi industry was united and committed to the project although the suspension affected the trust between these two parties. The Base surveys and business value surveys to determine affected stakeholders and associations has been collected.
- The city has new political leadership which is positive and committed to this project and all other affairs of the City. Council meetings are quorating and IPTN progress reports are submitted quarterly. All critical vacancies are filled. The post for Municipal

Manager has been vacant for 3 weeks, the advert for filling of the position was advertised on the 1st of April 2022.

- Due to the scaling down of the project, the IPTN project is managed in-house through Roads and Transportation Department (under a General Manager: Infrastructure, Senior Manager: Roads and Transportation Manager, Manager Design and implementation and Transportation Planning staff).
- Msunduzi Municipality is a primary economic hub within uMgungundlovu District Municipality and its strategic location has favoured and helped the city to establish and develop a strong industrial base. As a result, there are many people from neighbouring municipalities who are commuting daily to Msunduzi Municipality for business, employment and shopping activities, which result in traffic congestion - this was going to be mitigated through an improved public transport system. The IPTN project was used to strengthen economic development in the city as most of the spatial plans and NDPG projects are planned and implemented along the IPTN corridor, with the aim of densifying the corridor, attracting investments and job creation, these plans are now affected by the suspension of the IPTN.
- The implementation of town centre development which is an NDPG program that was aimed at enforcing the integration between land use and public transport along the IPTN trunk route in Edendale has commenced, budget of R100m for land acquisition has been released by the Provincial Department of Human Settlements - then the objectives of this integration will not be achieved due to delayed implementation of the IPTN.
- In addition to this, the Department of Higher Education has invested R500m for realignment of Sukuma technical high school with the Durban University of Technology within the same vicinity of the IPTN corridor.
- Based on the surveys that were conducted for the project, about 60% of Msunduzi residents are dependent on public transport, most of these commuters come from the Greater Edendale and Vulindlela areas which form part of Phase1A of the project.

The municipality requested support for the grant to be resuscitated in order to operationalise phase 1A of the project and implement other phases of the project.

4.7 Observations During the Msunduzi Rapid Transport Route Site Inspections

The Committee made the following observations during the site inspections:

Site 1 – Moses Mabhida and Sutherland Road

- This is the starting point of the BRT trunk route and this is where traffic congestion starts heading into town. This is access to town from Imbali Township and outside towns. This is a Provincial Road. There are dedicated bus lanes from here into Church Street and there are Non-Motorised Transport (NMT) facilities for cyclists and pedestrians and lighting. The traffic lights at the first two stops were not functioning due to cable theft and a contractor had been appointed to attend to the traffic light repairs. These sections of roads and base sidewalk for stops were completed in May 2020. The station will be constructed on the centre meridian. There were questions regarding the site construction regarding the date of completion and the fact that all one can see is a dedicated lane and no other construction. There was a question regarding the grass cutting that is needed and weed removal from the paving. There was also a question regarding whether the station will be a closed or open station. It was indicated that it was meant to be an enclosed station, but will start with open station with only a roof. Only the road was constructed and the station construction has not commenced at any of the stops along the route.

Site 2 – Approximately 150m from site 1, Moses Mabhida Rd and Archie Gumede Dr

- The traffic lights here were also not working due to cable theft.
- There was an 18-month delay due to objections on this site.
- The proposed depot site for one of the depots is on the left side of the road as one faces town. An EIA was done on the entire route, however, there were some issues with wetland areas and offset had to be done. The plan designs were there for the entire route, but now downscaling as the design was based on a bigger demand forecast for phase 1A and will be extended as it begins to be implemented.
- There will not be a filling station at the depot but have identified other areas where buses would be able to refuel. There is no EIA approval for a fuelling station here.
- Only planning 1 Depot for Phase 1A, still planning a total of 9 depots for full operations consisting of mini depots, but only if project is running and in operation.

Site 3 – Start of work package 3 – Moses Mabhida Road

- The section is affected by land acquisition to be done from the bridge to this site point – there were issues and objections and this is still under discussion. From here on the road tapers back to the existing lanes. This site is roughly 1km from the bridge. The road splits again closer to town.
- There are negotiations to expand the bridge, however, the EIA issue caused a delay and the land acquisition is to be from the bridge to this site point. The bridge is Msunduzi Bridge and the road from there is a municipal road. There are business stakeholder involvement and working with them and the province in bilateral meetings. The directive from the Premier is to work with the Municipality and eThekweni. The project funding suspension stopped the IGR engagements on this aspect.
- It was also noted that this site is where the NMT infrastructure ends and it was questioned why this was not continued – the municipal officials indicated that the stoppage was due to the EIA issues and work that could not continue on the bridge. Elected to use a raised crossing as a temporary measure but the EIA was not approved for this.
- It was also noted that this stop had no infrastructure to allow for universal access, there were no ramps onto the sidewalks on either side of the road or to the stop centre median. The officials indicated that it was also hampered by the EIA not being finalised. They also pointed out that the design was affected by funding stoppage, but that universal access designs were used closer into town again.
- Officials indicated that there were many wetlands along the route and the EIA was initially done for the entire project, with the suspension of funding they tapered it down to only cover those areas they could continue working on based on existing commitments. The depot, for example, is also not built due to it falling under the EIA assessment linked to the bridge.
- The phase 1 is a 4.8km stretch and the estimated passenger figures for this route will be forwarded to the Committee. Traffic management plan being considered to open lanes for taxi use, but this would require on route guidance by traffic officers as the taxi doors are not on the side of the centre meridian so passengers would alight into traffic which is dangerous.
- This 3rd stop area is not paved as there is some final work yet to be completed.
- There was a view that the taxis should be able to use these lanes by the end of May 2022.

Site 4 – Moses Mabhida Rd into Church and Pine Streets, next to the disused PMB PRASA Train Station

- There is a large “To Let” sign in the station grounds and the station is not in use as no commuter trains run to or from here anymore.
- This stop is the end of the Phase 1A corridor. The next phase is from here via Church Street and plan to improve the road to the northern areas through town.
- The original plan was that this stop would be fed with passengers from the train station and then there will be a station for the bus stops further down in Church Street.
- The turnaround area for these buses is in mixed traffic and will use a route of the existing streets to turn around.
- During the debriefing session, members wanted to know why they should support the re-instatement of the grant after what they had observed on the roads as the responses by officials on the site inspection left much to be desired. The passengers gained nothing out of what was constructed so far. The municipality could not do basic maintenance on the route such as grass cutting or fixing dysfunctional traffic lights.
- The non-motorised transport section looked of poor quality and did not look like it would last.

4.8 Recommendations

The Minister, through the Department of Transport, the KZN Department of Transport and the Msunduzi Municipality must ensure that:

- The figures presented by the municipality need to be verified and the correct figures must be sent to the Committee within 30 days of adoption of this report.
- The municipal management team for the IPTN system must be comprised of skilled officials that are dedicated and permanent appointments must be made to eliminate reliance on acting appointments.
- Focus in the municipality should be on rolling out quality bus services on the infrastructure already in place.
- If the Department of Transport and National Treasury reinstated the PTNG grant, it must be phased in with monthly reports to the Committee to monitor progress.

Report to be considered.

5. Report of the Portfolio Committee on Human Settlements on Budget Vote 33: Human Settlements, and on the revised Strategic Plan for the coming Medium Term Expenditure Framework (MTEF) period and Annual Performance Plan 2022-23, 4 May 2022.

The Portfolio Committee on Human Settlements, having considered Budget Vote 33: Human Settlements, and the revised strategic plans for the MTEF period and the annual performance plans of the Department of Human Settlements (later referred to as the Department) and its entities, referred to it, reports as follows:

1. Introduction

The mandate of the Department emanates from Section 26 of the South African Constitution, which provides that everyone has the right to have access to adequate housing. The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realization of this right and no one may be evicted from their home, or have their home demolished, without an order of the court. Furthermore, the Constitution provide the legislative framework for the institutional arrangements used in the development of sustainable human settlements.

2. Policy imperatives

2.1 National Development Plan

Chapter 8 of the NDP focuses on transformation of human settlements and the national space economy. Its human settlements trajectory anticipates that by 2050 South Africa's human settlements would have transformed into equitable and efficient spaces with citizens living in close proximity to work, and having access to social facilities and essential infrastructure. It also envisages that by 2030, measurable progress towards breaking apartheid spatial patterns would have been made. The Department is therefore responsible for addressing the issue of

transformation in the housing sector, and to ensure that the fractured housing and land markets are addressed. The national strategy for spatial transformation is, according to the NDP, guided by the need to:

- Respond systemically over time to entrenched spatial patterns across all geographic scales that exacerbate social inequality and economic inefficiency;
- Implement strategically chosen catalytic interventions to achieve spatial transformation in a manner that supports local driven spatial governance;
- Achieve a creative balance between spatial equity, economic competitiveness and environmental sustainability;
- Expand the personal freedoms by providing residents of South Africa with a greater choice of where to live;
- Support individuals, communities and the private sector in engaging with the state on the future of spaces and settlements in which they live and work, while streamlining processes to enable local governments to implement strategic spatial interventions.

2.2 Medium Term Strategic Framework 2019-2024

The Medium Term Strategic Framework 2019 - 2024 (MTSF), as a medium term plan to systemically achieve the overarching vision of the NDP, identified three key, interrelated outcomes to achieve spatial transformation, namely:

- National frameworks and guidance towards coordinated, integrated and cohesive national spatial development;
- Regional-level interventions to unlock opportunity, ensure redress and respond to environmental, risks and vulnerabilities;
- Interventions to ensure integrated service delivery and transformation in all places.

In terms of the importance of addressing housing needs, the MTSF notes that South Africa has the largest housing delivery programme in the world, with important and redistributive spin-offs. One of the key concerns, however, is that the form and location of land developments, human settlement projects and informal settlement upgrades do not

often respond directly to government's commitments around spatial intent and transformation.

Despite significant efforts to address the issue of spatial inequality, human settlement patterns remain inequitable and dysfunctional across South Africa where the former homeland areas are typically densely settled and where insecure tenure remains a challenge. Housing demand has increased, while household sizes have reduced and urbanisation has rapidly increased. For this reason, the MTSF 2019-2024 is focused on three specific interrelated outcomes related to the human settlements sector specifically, namely:

- Spatial transformation through multi-programme integration in priority development areas;
- Adequate housing and improved quality living environments; and
- Security of tenure.

2.3 Performance analysis

From 1994 to the end of February 2022, the human settlements sector has over 3.4 million (3 431 382) housing units made up of stand-alone houses and units in multiple storey or multi-unit buildings. In addition, 375 949 Enhanced Extended Discount Benefit Scheme (EEDBS) subsidies were granted and title deeds transferred after 1994 to date to qualifying occupants of these pre-1994 government rental houses in order to promote Home Ownership and create assets for citizens. Provinces and municipalities have also reported the delivery of almost 1.3 million (1 282 123) serviced sites that had been completed. The Department reached these milestones through implementation of various housing programmes, benefitting millions of qualifying South Africans. It is also worth noting that the Department achieved this in a time of stymied and constrained economic growth which led to budget reductions prompting the Department to do more with less. This therefore compelled the sector to ensure that the Department improve developmental efficiencies, do more with less, including better and improved resource allocation and targeting, to ensure improved value of money.

2.4 State-of-the-nation address (SONA) 2022

During the State of the Nation Address in February 2022, the President referenced human settlements sector in three aspects, namely:

- The Infrastructure Fund would be working with state entities to prepare a pipeline of projects with an investment value of about R96 billion in student accommodation, social housing, telecommunications, water and sanitation, and transport;
- A number of catalytic projects to the value of R21 billion were anticipated to commence with construction during 2022/23. Of this amount, R2.6 billion would be contributed by government, with the rest of the funding would come from private sector and development finance institutions;
- The Department of Public Works and Infrastructure would finalize the transfer of 14 000 hectares of state land to the Housing Development Agency.

3. Budget analysis

The overall budget allocation increased by R1.34 billion, from R31.67 billion in 2021/22 to R33.02 billion in 2022/23, representing a real percent decrease of 0.24%. Programme 2 (Integrated Human Settlements Planning and Development Planning) received the largest allocation (R22.04 billion) out of the programmes, which equates to 66.7% of the total budget for the Department for 2022/23. While all programmes received increased allocations in 2022/23, all programmes, except for Programme 3 (Informal Settlements), experienced real percent decreases. Programme 3 experienced an increase of R106.2 (1.26% real increase). The biggest nominal increase was experienced in Programme 2 (Integrated Human Settlements Planning and Development) with an increase of R814 million from R21.23 billion in 2021/22 to R22.04 billion in 2022/23. The biggest real decrease was experienced in Programme 5 (Affordable Housing), which received an increase of R2 million from R588.8 million in 2021/22 to R590.8 million in 2022/23, representing a real decrease of 3.98%.

4. Departmental Plans

4.1 Revised MTSF targets:

The following were revised five year targets:

- **Spatial transformation through multi programme Integration in priority development Areas-** Spatial transformation through multi programme Integration in priority development Areas, and 100% of acquired land during 2014-2019 falling within the PDAs rezoned.
- **Adequate housing and improved quality living environments** - 300 000 BNG houses delivered, and 20 000 households that received financial assistance and purchased units through FLISP.
- **Adequate housing and improved quality living environments** - 300 000 serviced sites delivered, 18 000 rental housing units delivered in PDA's, 5 000 Community Residential Units (CRU) delivered, and 1 500 informal settlements upgraded to Phase Three.
- **Security of Tenure** - 1 193 222 title deeds registered.

4.2 Programme 1: Administration

The 2022/23 annual targets for **Outcome: Functional, effective and integrated government** were as follows: 100% implementation of the HR Implementation Plan, 100% implementation of approved annual ICT plan, 100% implementation of the approved communication Plan, 2021/22 unqualified audit opinion with no material findings, 2023/24 Human Settlements Grants Framework Approved, eight quarterly assessments conducted on human settlements grants (HSDG and USDG), eight quarterly financial performance analyses conducted on ISUPG.

4.3 Programme 2: Integrated Human Settlements Planning and Development

The 2022/23 annual targets for **Outcome: Spatial Transformation through multi programme integration in Priority Development Areas** were as follows: two analysis reports completed per year on integrated implementation programmes for priority development areas, two analysis reports completed on the total Human Settlements allocation in PDAs, two analysis reports completed on land acquired during 2014-2019 within PDA's rezoned, 2023/24 National Human Settlements Development Plan developed, 3 research reports completed, nine policies developed, four reports on entities performance monitored, four monitoring reports on the set aside for designated groups, four reports on projects monitored as per approved business plans, four reports on blocked projects monitored, four reports on the monitoring of MTSF Sector Indicators, an evaluation study on the implementation of the Operational Capital Programme (OPSCAP) monitored, one design and implementation for ISUPG evaluation study completed, four reports on intergovernmental relations programmes implemented.

4.4 Programme 3: Informal Settlements Programme and Emergency Housing

The Following were 2022/23 annual targets for **Outcome: Support provided in the upgrading of informal settlements to Phase three of UISP** was support provided to nine Provinces and eight Metros in the upgrading of informal settlements to Phase three of UISP.

4.5 Programme 4: Rental and Social Housing Programme

The 2022/23 annual target was the development of National Rental Housing plan.

4.6 Programme 5: Affordable Housing

The 2022/23 annual targets for **Outcome: Adequate Housing in quality living environments** were six Affordable Housing Programme agreements for Mining Communities developed,

four Quarterly Reports on title deeds registered, National Unblocking Programme Plan (NUPP) developed, and four Quarterly Reports on the number of job opportunities created.

5. Human Settlements entities annual performance plan and budget

5.1 National Home Builders Registration Council (NHBRC)

The council's expenditure was expected to increase at an average annual rate of 3.7%, from R855.1 million in 2021/22 to R954.4 million in 2024/25. It generates revenue through fees charged for enrolment, registration, renewal and technical services. Revenue was expected to increase at an average annual rate of 4.2%, from R1.5 billion in 2021/22 to R1.6 billion in 2024/25. The following were targets for each programme within the NHBRC:

5.1.1 Programme 1: Administration

The 2022/23 annual targets for **Outcome: Functional, efficient and integrated government** were as follows: unqualified audit opinion with no material findings, 100% implementation of the approved internal audit plan, 100% implementation of the approved anti-fraud and corruption plan, 100% implementation of the approved risk management plan, 10% savings on budgeted expenditure, 100% implementation of Communication Plan, 40% of annual procurement spent on women, 20% of annual procurement spent on youth, 5% of annual procurement spent on people with disabilities.

5.1.2 Programme 2: Regulation

The 2022/23 annual targets for **Outcome: Adequate Housing and Improved Living Environment** were as follows: 2,920 homebuilders registered, 13,910 registrations renewed, 100% of homes inspected– non subsidy, 100% of homes inspected– subsidy, 100% of prosecutable matters suspended within 10 working days, 100% of prosecutable matters set down for hearing before the DC within 30 working days, 2,000 homebuilders trained, 1,600

Youth trained, 1,800 Women trained, 150 Military Veterans trained, 200 people with disabilities trained, 700 technical professionals trained, 600 Artisans trained.

5.1.3 Programme 3: Consumer Protection

The 2022/23 annual targets for **Outcome: Adequate Housing and Improved Living Environment** were as follows: 100% of enrolment applications approved – Subsidy, 100% subsidy project enrolment applications approved, 100% of enrolment applications approved – non subsidy. In addition, the 2022/23 annual targets for **Outcome: Greenhouse gas emission reduction** was a construction of the Green First zero energy based model house.

5.2 Housing Development Agency (HDA)

The agency expected to break even in each year over the medium term, with revenue and expenditure set to increase from R539.7 million in 2021/22 to R544.4 million in 2024/25, at an average annual rate of 0.3%. The agency expects to derive 46.2% its revenue over the MTEF period through transfers from the department, and 49.9% through the fees it charges provinces and municipalities for projects, and management and professional fees. The following were targets for each programme within the HDA:

5.2.1 Programme 1: Administration

The 2022/23 annual targets for **Outcome: Effective and Efficient Management and Good Governance of the HDA** were as follows: unqualified audit outcome with no material findings, 40% of annual HDA procurement targeted at businesses owned by women, 20% of annual HDA procurement targeted at businesses owned by youth, 5% of annual HDA procurement targeted at businesses owned by Persons with disabilities, 5% of annual HAD procurement targeted at businesses owned by Military Veterans, 100%

implementation of the approved internal audit plan, 100% Implementation of the approved anti- fraud and Corruption Plan, 100% implementation of the approved risk management plan.

5.2.2 Programme 2: Land Assembly and PDAs

The 2022/23 annual targets for **Outcome: Integrated and sustainable human settlements and Security of Tenure** were as follows: 40 Integrated implementation programmes for PDAs completed per year, 1500 hectares of well-located land acquired within PDAs, 50% of the 1786.1527ha of land acquired, and 750 of hectares of well-located land acquired and/or released for human settlements development.

5.2.3 Programme 3: Programme Planning and Design and Regional Coordination and Human Settlements Implementation Support Services.

The 2022/23 annual targets for **Outcome: Integrated and sustainable human settlements and Security of Tenure** were as follows: 200 Informal settlements supported for upgrading to phase three of the UISP, two Informal settlements assisted with relocation and emergency interventions, 50 Priority Projects provided with Implementation support, 6 provinces provided with programme planning and implementation support for the revitalization of distressed mining communities, 3428 of housing units delivered by the HDA, 4517 serviced sites delivered by HDA, 73 Human Settlements projects managed by the HDA, 1000 asbestos roofs replaced by the HDA, five HDA bankable business plans approved for projects, 1740 Title Deeds registered.

5.3 Social Housing Regulatory Authority (SHRA)

Expenditure was expected to increase from R857.6 million in 2021/22 to R964.1 million in 2024/25, at an average annual rate of 4%. The authority derives all its revenue through

transfers from the department, amounting to a projected R2.8 billion over the MTEF period. The following were targets for each programme within the SHRA:

5.3.1 Programme 1: Administration

The 2022/23 annual targets for **Outcome: Functional, efficient and integrated government** were as follows: 100% implementation of Internal Audit Services, 100% implementation of anti-fraud and corruption, 100% implementation of Risk management, Implementation of the Rental Boycott Strategy, 40% of SHRA procurement spend on businesses majority-owned by women, 20% of SHRA procurement spend on businesses majority-owned by youth, 5% of SHRA procurement spend on businesses majority-owned by people with disabilities.

5.3.2 Programme 2: Compliance, Accreditation and Regulations

The 2022/23 annual targets **Outcome: An effectively regulated and sustainable social housing sector** were as follows: 65% of reporting delivery agents achieving a minimum of three performance benchmarks, 5 of conditionally accredited SHIs with projects registered on the pipeline, 3 500 of subsidised housing units' tenancy audits conducted, 30 of subsidised housing projects' safety and security audits conducted, 40% of new project accreditation applicants that are majority owned by the designated groups.

5.3.3 Programme 3: Sector Development and Transformation

The 2022/23 annual targets for **Outcome: Enhanced performance of delivery agents and projects, and increase capacity of municipalities and provinces to deliver a transformed social housing** were as follows: 75% achievement of the SHI intervention plan, 75% achievement of the social housing projects' intervention plan, three projects within municipalities receiving support that are approved, ten youth graduates placed within the Social Housing Sector, 40% of Institutional Investment Grant recipients that are from the designated groups.

5.3.4 Programme 4: Project Development and Funding

The 2022/23 annual targets of **Outcome: Quality affordable social housing for rental delivered in strategically located areas** were as follows: 3000 of social housing units completed, 3529 of social housing units tenanted, 95% expenditure of the approved annual Consolidated Capital Grant cash flow projection, 70% of Consolidated Capital Grant awarded to black majority owned enterprises, 40% of construction spend to enterprises that are majority owned by women, 20% of construction spend to enterprises that are majority owned by youth, 5% of construction spend to enterprises that are majority owned by people with disabilities, 6 646 job opportunities created through projects implemented.

5.4 National Housing Finance Corporation (NHFC)

Spending was set to increase at an average annual rate of 16.7% from R687.5 million in 2021/22 to R1.1 billion in 2024/25, primarily as a result of disbursements towards strategic projects and FLISP subsidies. The following were targets for each programme within the NHFC:

5.4.1 Programme 1: Administration

The 2022/23 annual targets for **Outcome: Functional, efficient and integrated governance** were as follows: – Unqualified audit opinion with no material findings, 100% implementation of the annual internal Audit Plan, 100% implementation of the approved risk management plan, 40% of procurement budget spent on women-owned enterprises, 20% for youth-owned enterprises, 5% for enterprises owned by military veterans.

5.4.2 Programme 2: Integrated Human Settlements Planning and Development Programme

The 2022/23 annual targets for **Outcome: Increased access to affordable finance to enable end-users to have appropriate, spatially just and adequate housing** were as follows: 7 million contributed to strategic partnership, 15 million leveraged from NHFC's

strategic partnership, six IRDP projects level structuring collaborations, 150 million disbursed to black owned business on managed programmes.

5.4.3 Programme 3: Affordable Housing Programme

The 2022/23 annual targets for **Outcome: improved delivery of affordable housing** were as follows: 4, 780 of subsidy applications approved, 478 FLISP Grants approved, 359 FLISP Grants disbursed, 3824 subsidies disbursed, R1 912 million leveraged from financial institutions, R476 million disbursed to designated groups, R357 million disbursed to B-BBEE compliant companies, R357 million disbursed to black owned entities.

5.5 Community Schemes Ombud Service (CSOS)

The ombud was expected to break even in each year over the MTEF period. Expenditure was set to increase at an average annual rate of 2.5%, from R300.8 million in 2021/22 to R323.9 million in 2024/25. Over the MTEF period, the ombud expects to derive 7.3% (R75.7 million) of its revenue through transfers from the department and 78.3% (R824.5 million) through levies from community schemes. The following were targets for each programme within the CSOS:

5.5.1 Programme 1: Administration

The 2022/23 annual targets for **Outcome: Functional, efficient and integrated government** were as follows: 100% of the approved Anti-Fraud and Corruption Implementation Plan implemented, 100% implementation of the approved risk management plan, 100% implementation of Internal Audit plan, 100% achievement of the milestones of the annually approved HR Plan, two Core Business Automation Solution phases implemented, upgrade of SAGE ERP solution completed, Electronic Content and Document Management System Configuration completed, two new transactional sites established (satellite office), 40% procurement spend on businesses

owned by women, 20% procurement spend on businesses owned by Youth, 5% procurement spend on businesses owned by People with disabilities.

5.5.2 Programme 2: Governance, Compliance and Enforcement

The 2022/23 annual targets for **Outcome: Effectively regulated Community Scheme Sector** were as follows: R 263 042 000 of CSOS levy collected, 100% registration of community schemes that have submitted scheme registration documents, 60% of registered schemes compliant, database of schemes governance documents established, 95% quality assured schemes governance documentation, 100% compliance certificates issued on all amended scheme documents, 100% of disputes assessed within 30 days, 85% of disputes conciliated within 90 days, 85% of disputes adjudicated within 90 days, and 100 % of adjudication orders quality assured within 7 days.

5.5.3 Programme 3: Education and Training

The 2022/23 annual targets for **Outcome: Empowered stakeholders** were as follows: 80 training and education sessions conducted for schemes executives and owners, 12 training sessions conducted for adjudicators and conciliators, 12 stakeholder information sessions conducted, 100% implementation of Marketing and Communications Plan, 25 previously disadvantaged individuals trained as executive managing agents, 80% of community schemes' requests for Executive Managing Agents awarded to previously disadvantaged individuals.

5.6 Property Practitioners Regulatory Authority (PPRA) - previously known as Estate Agency Affairs Board

To carry out these activities, the Authority's expenditure was expected to increase from R168.7 million in 2021/22 to R181.6 million in 2024/25 at an average annual rate of 2.5%. The board derives its revenue through levies and contributions from estate agents, examination fees, and management fees for the administration of the Estate Agency

Fidelity Fund. Revenue is expected to amount to R545.3 million over the MTEF period. The following were targets for each programme within the PPRA:

5.6.1 Programme 1: Administration

The 2022/23 annual targets for **Outcome: Functional, effective and integrated government** were as follows: unqualified audit opinion with no material findings, 100% implementation of approved internal audit annual plan, 100% implementation of the approved risk management plan, 100% implementation of fraud prevention plan, 40% of procurement budget spent on women owned enterprises, 20% of procurement budget spent on youth owned enterprises, 5% procurement budget spent on enterprises owned by people with disabilities, 80% implementation of the approved human resource management plan, 100% allowed fees collected, 70% implementation of PPRA stakeholder management plan, 80% of consumer queries resolved within 90 days.

5.6.2 Programme 2: Licencing and Compliance

The 2022/23 annual targets for **Outcome: Inclusive, integrated and transformed property sector** were as follows: 9 000 property practitioners registered on the database of the PPRA, 100% of all complaint new registrations processed within 30 days.

5.6.3 Programme 3: Inspection and Enforcement

The 2022/23 annual targets for **Outcome: Functional, effective and integrated government** were as follows: four quarterly inspection guidelines issued, 75% of completed investigations that result in disciplinary hearings, and 100% of disciplinary outcomes enforced.

5.6.4 Programme 4: Research, Professionalization and Training

The 2022/23 annual targets for **Outcome: Inclusive, integrated and transformed property sector** were as follows: 30% increase of Property Practitioners who are registered for CPD and have met CPD requirements in full, 100% implementation of the Skills Development Plan, implement the research agenda, 2000 candidate practitioners placed with property industry host

employees through the one learner- one Practitioner programme, 70% retention rate of youth candidate practitioners in the “one learner- one property”.

5.6.5 Programme 5: Transformation

The 2022/23 annual targets for **Outcome: Inclusive, integrated and transformed property sector** were as follows: property sector transformation fund established, 300 full status Black Women supported through the implementation of the principalization programme, 25 SMMEs owned by historically disadvantaged groups placed through the incubation programme. The following section provides observations and recommendation by the Committee on Human Settlements.

7. Committee observations and recommendations

The Committee, having been briefed by the Department and its entities on its revised strategic plans, annual performance plans and budget, deliberated and made the following observations and recommendations. The Minister must ensure the implementation of these recommendations:

7.1 The Committee welcomed the Departmental prioritization of the three-year plan to unblocking of blocked projects, elimination of asbestos roofs, eradication of mud houses, and eradication of the housing backlog around the county. However, the Committee was concerned that there were no indicators, budget and timeframes linked to these priorities.

Recommendation:

- Within three months of the adoption of the report, the Department should develop an action plan to deal with the mentioned priorities and report to the Committee in three months. The three-year plan to unblocking of blocked project should indicate specific deliverables each year. Furthermore, there must be a budget and timeframes to developed plans.

7.2 The Committee welcomed the work being done around the digitization of the housing beneficiary lists. This was because digitization would ensure transparency and accountability. However, the Committee was concerned that the process was slow. There was still lack of a well-consolidated beneficiary lists which was traumatizing people, including the owners of houses and family members who had been waiting for a house but whose names had disappeared from lists.

Recommendation:

- Fast-track the digitization process of housing beneficiary lists. Prevent interference with beneficiary lists through transparency and accountability. The Department must present the process in six months. The beneficiary list or allocation policy should prioritize child headed households, the elderly, and people with disabilities.

7.3 The Committee welcomed the procurement set aside to ensure transformation by the Department and entities. This set aside include 40% for women, 20% for youth, 5% for people living with disabilities. However, the Committee wanted a detailed presentation on how the procurement plan would be monitored.

Recommendation:

- Present an action plan, on quarterly bases, outlining how the procurement plan would be monitored.

7.4 The Committee welcomed intergovernmental initiatives between the Department and other sister departments to ensure single plans that result in sustainable and integrated human settlements. However, much can be done to ensure the alignment of the District Development Model.

Recommendation:

- Ensure the alignment of departmental plans with the District Development Model. Furthermore, the Department should strengthen the monitoring of departmental plans. The Department must report to the Committee on progress made in three months.

7.5 The Committee welcomed the initiative to fill of the CEO and the CFO positions by the HDA. This would ensure stability and continuity within the entity. However, the Committee was concerned that the process was taking too long.

Recommendation:

- Fast-track and finalize the filling of CEO and CFO positions within the HDA, and report to the Committee within three months.

7.6 The Committee was concerned that SHRA was not visible in the townships in the provision of social housing.

Recommendation:

- SHRA should ramp-up its visibility in the townships.

7.7 The Committee observed that SHRAs' norms and standards of the social housing units were not uniform. There was a difference in interpretation of those norms and standards in different provinces.

Recommendation:

- SHRA should ensure that its norms and standards are uniform to prevent different interpretations by provinces.

7.8 The Committee was concerned that the PPRA did not have a CFO and internal auditors.

Recommendation:

- PPRA should fast-track the filling of CFO and internal auditors position and report, on quarterly bases, to the Committee on progress made.

7.9 The Committee noted efforts by the Department and entities to contribute towards job creation in the country. However, the Committee felt that these initiatives must be closely monitored.

Recommendation:

- The Department, working in collaboration with entities, should provide the Committee with information on how many jobs would be created.

7.10 The Committee welcomed the commitment of the Department to increase the pace of issuing title deeds to rightful property owners, prioritizing the pre-1994 stock. However, the Department did not provide clarity on the implementation process.

Recommendation:

- Develop an action plan, with timeframes, to ensure the implementation of the title deeds programme. This plan must be presented to the Committee in three months.

7.11 The Committee noted that under the Integrated Human Settlement Planning and Development sub programme, the indicators were not clear, and as a result not measurable.

Recommendation:

- Ensure that indicators are clear, smart, and measurable. Furthermore, there should be consensus that government programmes should be outcome based to enable the Committee to measure the performance of each programme against the set targets.

Report to be considered.

National Council of Provinces

1. REPORT OF THE SELECT COMMITTEE ON HEALTH AND SOCIAL SERVICES ON THE ANNUAL PERFORMANCE PLAN (BUDGET VOTE 20) OF THE DEPARTMENT OF WOMEN, YOUTH AND PERSONS WITH DISABILITIES FOR FINANCIAL YEAR 2022/23, DATED 07 JUNE 2022

The Select Committee on Health and Social Services, having considered the Annual Performance Plan (APP) and Budget of the Department in the Presidency for Women, Youth and Persons with Disabilities for 2022/23 on the 24 May 2022, reports as follows:

1. INTRODUCTION

The Select Committee on Health and Social Services, in performing its constitutional oversight mandate, engaged with the Department of Women, Youth and Persons with Disabilities (hereafter referred to as the Department).

2. MANDATE AND STRATEGIC OBJECTIVES OF THE DEPARTMENT

The Department was reestablished and announced in the 26 June 2019 Gazette following the Presidential Announcement of the sixth administration. At that stage, the Department was reconfigured and was charged with “taking the lead on socio-economic transformation and implementation of the empowerment and participation of women, youth and persons with disabilities through mainstreaming, advocacy, monitoring and evaluation.”⁸ Subsequently, the mandate was changed to, “regulate the socio-economic transformation and implementation of the empowerment and participation of women, youth and persons with disabilities”⁹.

The Department envisions seeing “rights of women, youth and persons with disabilities realised”¹⁰.

⁸ Department of Women, Youth and Persons with Disabilities Strategic Plan 2020-2025, pg.10.

⁹ Department of Women, Youth and Persons with Disabilities (2022) Annual Performance Plan 2022/23, p.10.

¹⁰ Ibid

The mission of the Department is to regulate the rights of women, youth and persons with disabilities¹¹.

3. ANALYSIS OF BUDGET FOR THE DEPARTMENT

The Department's APP is aligned to the following policy priorities of the Medium Term Strategic Framework (MTSF) 2019-2024¹²:

- A gender, youth and disability responsive public service.
- Transformed, representative and inclusive economy that prioritises women, youth and persons with disabilities.
- All women, girls, youth and persons with disabilities enjoy good quality health care and better life opportunities.
- Human dignity for persons with severe disabilities, women and girls' achieved through freedom of choice and decent living conditions.
- Transform ownership and management patterns by supporting women-owned and led enterprises.
- All women, girls, youth and persons with disabilities are and feel safe and enjoy freedom and a better life.
- A better Africa and world for all women, girls, youth and persons with disabilities.

The Estimates of National Expenditure (2022) states that the Department will continue to focus on the following over the medium term expenditure framework (MTEF) period¹³:

- Strengthening the coordination of the national response to gender-based violence (GBV);
- Promoting more responsive planning, budgeting, monitoring and evaluation in government;
- Protecting the rights of people with disabilities; and
- Supporting the participation of young people in the mainstream economy.

¹¹ Ibid

¹² Department of Women, Youth and Persons with Disabilities (2022) Annual Performance Plan 2022/23, p.3.

¹³ National Treasury (2022) Estimates of National Expenditure, Vote 20 Department of Women, Youth and Persons with Disabilities, p. 362.

As such, the Department's budget structure was amended from five to four programmes, to align better with the department's mandate.

According to the National Treasury 2022 Estimates of National Expenditure (ENE), the Department under Vote 20 received an annual appropriation of R987.3 million. However, it must be noted that the Department facilitates transfer payments to two entities, namely the Commission for Gender Equality (CGE) and the National Youth Development Agency (NYDA). During the 2022/23 financial year, the Department is expected to transfer R100.7 million to the CGE and R681.5 million to the NYDA. This amounts to R782.2 million as reflected in Table 1. This means that the Department would be left with an actual operating budget of approximately R205.1 million to undertake its programmes and meet its targets for 2022/23.

Table 1: Department of Women, Youth and Persons with Disabilities Budget Summary¹⁴

PROGRAMMES	2022/23				2023/24	2024/25
	TOTAL	CURRENT PAYMENTS	TRANSFERS SUBSIDIES	PAYMENT FOR CAPITAL ASSETS	TOTAL	TOTAL
1. Administration	98.7	96.4	0.0	2.3	97.7	102.0
2. Social Transformation and Economic Empowerment	134.3	33.1	100.7	0.5	127.8	133.5
3. Policy Stakeholder, Coordination and Knowledge Management	42.5	41.6	-	0.9	42.7	44.6
4. Mainstreaming Youth and Persons with Disabilities Rights and Advocacy	711.8	29.9	681.5	0.4	763.7	536.8
Total Expenditure Estimates	987.3	201.0	782.2	4.1	1 031.0	817.0

Of the R205.4 million, R113 million (56.2%) of the Department's operating budget is allocated to Compensation of Employees and R87.9 million (43.8%) to Goods and Services. The key cost drivers under Goods and Services for the Department is as follows:

¹⁴ Adapted from Estimates of National Expenditure (2022), Vote 20 Department of Women, Youth and Persons with Disabilities, p.361.

- Property Payments: R19.1 million;
- Travel & Subsistence: R18.4 million;
- Consultants: R15.6 million;
- Venues & facilities: R5.7 million; and
- External Audit Costs: R4.4 million.

The aforementioned cost drivers consume approximately 72% (R63.2 million) of the Goods and Services allocation. The next section provides a more in-depth analysis of the budgetary allocation per programme for the Department and a reflection of the targets.

3.1 Programme 1 (Administration)

The purpose of this programme is to provide strategic leadership, management and support services to the department. This programme is comprised of five sub-programmes namely: Ministry, Departmental Management, Corporate Management, Financial Management, and Office Accommodation.

The total allocation for this programme is R98 709 million. It, constitutes 48% of the Department's operational budget. This allocation is R11.5 million less than in the 2021/22 financial year. However, when taking into consideration the Real Rand change, this programme only sees a decrease of 14.2% to its allocation, which amounts to R15.8 million. Table 2 outlines the expenditure under Programme 1 per sub-programme.¹⁵

Table 2: Sub-programme allocations for 2022/23

SUB-PROGRAMME	YEAR 2022/23
Ministry	R23 945 million
Departmental Management	R16 078 million
Corporate Services	R24 200 million
Financial Management	R15 586 million
Office Accommodation	R18 900 million
Total	R98 709 million
Compensation of employees	R57 605 million (58.3%)
Goods and services	R38 796 million (39.3%)

¹⁵ Levendale, C (2022) Overview: Department of Women, Youth and Persons with Disabilities - Annual Performance Plan 2022/23 and Budget 2022/23: Programmes 1, 2 and 3.

The key cost drivers as per the 2022/23 APP are as follows:

- Compensation of Employees (R57 605 million) which constitutes 58.3% of the overall allocation for this programme.
- Good and services (R38 796 million) which constitutes 39.3% of the overall allocation for this programme.

As per the 2022 ENE, the main cost drivers for Good and services are as follows:

- Property payment R19.1 million;
- Audit costs: External R4.4 million;
- Computer services: R3.1 million; and
- Travel and Subsistence: R4.5 million.

This programme has a staff compliment comprising of 75 posts and is earmarked to achieve seven targets, which include the following:

- Achieve an unqualified audit opinion on predetermined objectives and Annual Financial Statements.
- Pay 100% of all valid invoices within 30 days.
- Maintain a vacancy rate of less than 10% annually.
- Implement reports of the Human Resource Plan.

New target: 40% procurement spend on entities owned by women.

Overall, the targets for Programme 1 have remained fairly similar between 2021/22 and 2022/23 except for one new target that was introduced as noted above.

3.2 Programme 2: Mainstreaming Women's Rights and Advocacy

The purpose of this programme is to promote good governance regarding the rights and transformation of the social and economic empowerment of women. This programme consists of four sub-programmes namely: Management: Advocacy and Mainstreaming for the Rights of Women, Social Empowerment of Women (SEW), Economic Empowerment of Women (EEW), and the Commission for Gender Equality (CGE).

The expenditure allocation under Programme 2 is shown in Table 3.

Table 3: Sub-programme allocation for 2022/23 in Programme 2¹⁶

SUB-PROGRAMME	YEAR 2022/23
Management: Advocacy and Mainstreaming for the Rights of Women	R 5 761 million
Social Empowerment of Women	R 22 993 million
Economic Empowerment of Women	R 4 797 million
TOTAL	R33 551 million
Compensation of Employees	R 15 282 million (46%)
Goods and services	R17 787 million (54.3%)

The total programme allocation is R134 273 million that is inclusive of the transfer payment of R100 722 million to the Commission for Gender Equality (CGE), leaving the programme with an operating budget of R33 551 million. On closer examination, this Programme's operating budget increased from R27 million in 2021/22 to R33.6 million in 2022/23. However, the Real Rand change was only R5.2 million (19.09% increase).¹⁷

From the operating budget of R33 551 million, R15 282 million (46%) is for Compensation of Employees and R17 787 million (54.3%) will go towards Goods and services. This programme consumes 16.3% of the Department's operational budget. The main cost driver under Goods and services is Consultants: Business and advisory services at R8.7 million (49% of the Goods and Services allocation) as per the Estimates of National Expenditure 2022. This is a significant increase from the previous financial year 2020/21 when R4.9 million was allocated. In addition, the other key cost driver under Goods and services is Travel and subsistence, which is allocated R4.6 million (26% of G&S allocation).

This programme has 22 posts and is earmarked to achieve 11 annual targets for the current financial year as listed below.

- Develop one research report on the development of a socio-economic index.

¹⁶ Levendale, C (2022) Overview: Department of Women, Youth and Persons with Disabilities - Annual Performance Plan 2022/23 and Budget 2022/23: Programmes 1, 2 and 3.

¹⁷ Ibid

- Implement 4 interventions to support economic empowerment and participation of women, youth and persons with disabilities.
- Produce one report on the development of the women, youth and persons with disabilities Socio-Economic Empowerment Index.
- Implement four interventions to support empowerment and participation of women, youth and persons with disabilities.
- Develop four quarterly reports on the implementation of NSP on GBVF Monitoring Framework.
- Monitor one national Department's implementation of NSP GBVF.
- Monitor nine provincial departments' and four municipalities' plans on the implementation of NSP GBVF.
- Establish 18 Rapid Response Teams.
- Develop two reports on the implementation of Comprehensive National GBVF Prevention Strategy.
- Convene two GEYODI machineries.

This programme has undergone name changes and structural changes to its sub-programmes when compared to the 2021/22 APP.

3.3 Programme 3: Monitoring, Evaluation, Research and Coordination

The purpose of this programme is to provide research, knowledge management, international relations, stakeholder management, monitoring, and evaluation for women, youth and persons with disabilities. It comprises of four Sub-Programmes namely: Management, Research and Knowledge Management, International Relations, Stakeholder Management and Capacity Building, and Monitoring and Evaluation.

The total allocation for this programme is R42 516 million. This constitutes 20.7% of the Department's operational budget. This allocation is R1 884 million more than in the 2021/22 financial year. However, when taking into consideration the Real Rand change, this programme only sees increase of 7.88% to its allocation which amounts to R3 million. Table 4 outlines the expenditure under Programme 3.

Table 4: Sub-programme allocation for 2022/23 in Programme 3¹⁸

SUB-PROGRAMME	YEAR 2022/23
Management: Monitoring, Evaluation, Research & Coordination	R6 180 million
Research & Knowledge management	R8 002 million
International Relations, Stakeholder Management & Capacity Building	R19 416 million
Monitoring and Evaluation: WYPD	R8 918 million
TOTAL	R 42 516 million
Compensation of Employees	R24 401 million (57.4%)
Goods and Services	R18 187 million (40.4%)

Programme 3 has a total allocation of R42.5 million, of which R24 401 million (57.4%) is allocated for Compensation of employees and R18 187 million (40.4%) is allocated for Goods and services. Of the Goods and services budget, R4.9 million or nearly % is allocated for Travel and subsistence as per the Estimates of National Expenditure for 2022. The other main costs drivers under Goods and services are as follows:

- Catering: Departmental activities – R2.2 million.
- Consultants: Business and advisory services – R2.4 million.
- Transport provided - Departmental activity – R2 million.
- Venue and facilities – R2 million.

This programme has 26 posts and is earmarked to achieve 12 annual targets for the current financial year as listed below:

- Develop one status report on the implementation of the National Gender Policy Framework.
- Develop one status report on the implementation of the Regulatory Framework for the mainstreaming of women, youth and persons with disabilities.
- Develop two progress reports on the piloting of the Integrated Knowledge Hub.
- Produce one research report on government priorities.
- Produce two reports on compliance of government commitments with international and regional commitments of women.

¹⁸ Levendale, C (2022) Overview: Department of Women, Youth and Persons with Disabilities - Annual Performance Plan 2022/23 and Budget 2022/23: Programmes 1, 2 and 3.

- Have 50% of national departments implementing Gender Responsive Planning, Budgeting, Monitoring, evaluation and Auditing Framework (GRPBMEAF).
- Produce one monitoring report on the empowerment of women, youth and persons with disabilities.
- Conduct one evaluation on empowerment of women, youth and persons with disabilities.
- Develop four status reports on the implementation of the women, youth and persons with disabilities International Relations Strategy.
- Develop two progress reports on the implementation of the women, youth and persons with disabilities Stakeholder Management Framework.
- Conduct 12 stakeholder engagements.
- Conduct four community mobilisation initiatives.

This programme had undergone name changes and structural changes to its sub-programmes when compared to the APP of 2021/22.

3.4 Programme 4: Mainstreaming Youth and Persons with Disabilities Rights and Advocacy

The purpose of Programme 4 is to promote good governance regarding the rights and transformation of the social and economic empowerment of youth and persons with disabilities. The objectives of the programme are to promote the development and empowerment of young people by reviewing legislative frameworks to advance their rights over the medium term; and support, monitor and coordinate government's implementation of the 2015 White Paper on the rights of persons with disabilities.

This programme is comprised of four sub-programmes namely: Management (Advocacy and Mainstreaming for the Rights of Youth and Persons with Disabilities); Advocacy and Mainstreaming for the Rights of Youth; Advocacy and Mainstreaming for the Rights of Persons with Disabilities; and the National Youth Development Agency (NYDA).

The total allocation for this programme is R711.8 million. This is inclusive of the transfer to the NYDA of R681.3 million. Its operational budget is R30.4 million (less the NYDA transfer) which constitutes 14.8% of the Department's operational budget - also the

smallest allocation. This allocation is R2.2 million more than in the 20221/22 financial year.¹⁹ However, when taking into consideration the Real Rand change, this programme only sees an increase of 3.11% to its allocation which amounts to R 900 000.²⁰ The Expenditure under Programme 4 is shown in Table 5.

Table 5: National Youth Development expenditure trends by sub-programme

SUB-PROGRAMME	YEAR 2022/23
Management (Advocacy & Mainstreaming for the Rights of Youth and Persons with Disabilities)	R1.3 million
Advocacy and Mainstreaming for the Rights of Youth	R12.4 million
Advocacy and Mainstreaming for the Rights of Persons with Disabilities	R16.8 million
NYDA	R681.3 million
Total	R711.8 million
Compensation of Employees	R15.8 million
Goods and Services	R14.1 million

The programme's budget, which is now the combination of the two programmes, has not changed the Department's budgeting allocation for youth and persons with disabilities since 2021/22. Of the R 30.5 million, 50% (R 15.8 million) of the budget is allocated to Compensation of Employees and R14.1 million to Goods and Services (46% of total operational budget). Of the Goods and services budget, R4.5 million (32%) is allocated for travel and subsistence as per the Estimates of National Expenditure for 2022. The other main costs driver under Goods and services are for Consultants: Business and advisory services, R3.9 million (28%) and venue and facilities for R2.2 million (16%).

This programme has 20 posts and is earmarked to achieve 13 annual targets for the current financial year as follows:

Sub-programme: Advocacy and Mainstreaming Rights of Youth

- Produce four NYP Implementation Monitoring Reports.
- Refine the South African Youth Development Bill.

¹⁹ Matthews, T (2022) Department of Women, Youth and Persons with Disabilities: Analysis of Programme 4: 2022/23.

²⁰ Levendale, C (2022) Overview: Department of Women, Youth and Persons with Disabilities - Annual Performance Plan 2022/23 and Budget 2022/23: Programmes 1, 2 and 3.

- Produce four NYDA quarterly monitoring reports.
- Convene four National Youth Machinery Meetings.
- Produce two International youth engagement reports.

Sub-programme: Advocacy and Mainstreaming Rights of Persons with Disabilities

- Develop one report on the Awareness Raising Framework.
- Develop one report on the Self Representation Framework.
- Develop one report on the Reasonable Accommodation Framework.
- Develop one report on awareness raising on the Universal Design and Access Framework.
- Produce one status report on national and international obligations on the inclusion of persons with disabilities.
- Produce one analysis report on the draft Annual Performance Plans for all national government departments.
- Develop one draft evaluation report on the implementation of the White Paper in the Rights of Persons with Disabilities.
- Develop one status report on the disability rights monitoring tool.

4. COMMITTEE OBSERVATIONS

General matters

- The Committee questioned how the Department holds other government departments to account for slow or non-delivery in the absence of finalised frameworks and an updated policy.
- The Committee queried what directives and regulations have been prioritised for 2022/23 in relation to women, youth and persons with disabilities.
- The Committee wanted to know the Department's monitoring and evaluation strategy.
- The Committee queried what the Department's monitoring, evaluation, research and coordination unit was doing.
- The Committee questioned whether the Department has the capacity to undertake planning, monitoring and evaluation; and if not, what are the contingency measures.
- The Committee wanted to know how the Department plans to better support the NYDA and CGE to fulfil the respective mandates.

Organisational redesign, structural changes and merger implications

- The Committee noted with concern the merger of the programmes focusing on the rights of persons with disabilities and youth development with no justification provided.
- The Committee was concerned about the changes in the organisational structure and enquired whether the Department received approval from the National Treasury to merge Programmes 4 and 5. The Committee wanted to know the rationale for this and the implications thereof.
- The Committee asked if the Department is able to focus on the implementation of its mandate given recurring changes in organisational design.

Role of the Department

- The Committee raised a concern that the Department's mandate may not be well understood in government and across society.
- The Committee raised concern about the increasing youth unemployment and substance abuse rates. The Committee wanted to know what interventions the Department is involved in, in this regard.

Human Resources

- The Committee noted with concern that the majority of staff were employed within the Administration programme as opposed to the core programmes and despite this, there were still key critical vacancies in Programme 1.
- The Committee indicated that Programme 3 seems poorly resourced.

Use of consultants

- The Committee was concerned about the use of consultants to do work on behalf of the Department and wanted the rationale for this.

Sanitary Dignity

- The Committee requested a detailed report on the implementation of Sanitary Dignity Implementation Framework by provinces. Further, the Department was asked to provide a detailed distribution plan.

Gender-Based Violence and Femicide (GBVF)

- The Committee asked what the status of National Council GBV is.
- The Committee con raised a concern regarding the scourge of GBVF and wanted to know what strategies will be put in place to address this.

Economic Empowerment

- The Committee wanted to know how the Department is supporting economic empowerment of women, youth and persons with disabilities. The Department was asked to clearly stipulate its current and planned strategies.

Disability Rights Bill

- The Committee noted that there was no mention of the Disability Rights Bill in the APP 2022/23 as a separate target and questioned how the Department would then ensure the development of the Bill.

Knowledge Hub

- The Committee wanted a progress update on the work related to the Knowledge Hub and the planned pilot.

5. RECOMMENDATIONS

The Committee recommends that the Minister of Women, Youth and Persons with Disabilities should consider the following:

Organisational redesign, structural changes and merger implications

- The Department should submit the documents received from National Treasury regarding the approval of the organisational structure.
- The Department should report to the Committee after engaging with National Treasury on the merger of the (former) Programme 4 and Programme 5. The rationale and implications of allowing the Department to only have four Programmes should be clearly stipulated.

Planning, Monitoring, Reporting

- The Department must ensure that the Annual Performance Plan and the Strategic Plan are aligned and comprise of clear timeframes. The regulatory part of the mandate

should be incorporated in Programmes of the Department. The report should clearly articulate what monitoring and evaluation activities will be undertaken by the Department in the current financial year.

Human resources

- Critical posts should be filled.
- Sub-programmes should be well capacitated.
- Use of consultants should be minimised.
- The distribution of skills and human resources should be reviewed to ensure that respective Programmes and sub-programmes are able to operate more efficiently and effectively.

Implementation of anti-GBVF strategies

- The Department should facilitate (together with relevant stakeholders and role-players) strategies to curb GBVF in the country. There should be a clear implementation that is reported on, to Parliament and the public.

Role of the Department

- The Department should look at streamlining its work to be better enabled to fulfil its vision and mission.
- The Department should strengthen its advocacy role and improve its visibility in communities.
- The Committee should strengthen its focus on strategic planning, monitoring and implementation.

Sanitary Dignity Implementation Framework

- The Department should provide to the Committee the Sanitary Dignity Implementation Framework by provinces, and include a detailed distribution plan.

6. CONCLUSION

The Department of Women, Youth and Persons with Disabilities should respond to the Committee recommendations as soon as possible or on the day the report is adopted by the House.

Report to be considered.

2. REPORT OF THE SELECT COMMITTEE ON SECURITY AND JUSTICE ON THE 2022/23 BUDGET VOTE 25, ANNUAL PERFORMANCE PLAN (APP) OF THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT AND BUDGET VOTE 22 OF THE DEPARTMENT OF CORRECTIONAL SERVICES, DATED 7 JUNE 2022.

1. INTRODUCTION

The National Council of Provinces represents the provinces to ensure that the provincial interests are taken into account in the national sphere of government as stated in section 42(4) of the Constitution. One of these functions is to hold the government to account in respect of how the taxpayers' money is used. It detects waste within the machinery of government and public agencies. Thus it can improve the efficiency, economy and effectiveness of government operations.

1.1 The Department of Justice and Constitutional Development's Constitutional mandate:

The department's mandate, deriving from the Constitution, is two-fold. Firstly, it seeks to provide a framework for the effective and efficient administration of justice. Secondly, it seeks to promote constitutional development through the development and implementation of legislation and programmes that seek to advance and sustain constitutionalism and the rule of law. This is done through the implementation of programmes to deepen and nurture our constitutional democracy. Following the transfer of superior courts to the Office of the Chief Justice, the department will continue to support lower courts, in line with its current constitutional mandate.

1.2 The Department's Outcomes

- a. Modernised and digitized justice services platforms;
- b. Improved organizational capabilities and good governance
- c. Improved awareness of justice services and constitutionalism
- d. Increased access to justice services
- e. Improved Masters Services
- f. Transformed Colonial/Apartheid era justice-related legislation
- g. Transformed State legal services
- h. Transformed legal profession
- i. Advanced constitutionalism, human rights and the rule of law

j. Crime and corruption reduced through effective prosecution

On 25 May 2022, the Select Committee on Security and Justice met with the Department of Justice and Constitutional Development to receive a briefing on the Department's Annual Performance Plan and budget. The report represents the main discussions and recommendations of the Committee.

1.3 Overview by the Minister of Justice and Correctional Services

A National Action plan has been launched to combat racism. Racism and racial intolerance still persists 25 years into our democracy. Values as enshrined in Constitution must guide us. To celebrate the 25th anniversary of the Constitution, the Department will have many events, culminating in a symposium to entrench the rule of law and to fight corruption.

The Department is directing critical resources to the NPA to respond to state capture, despite the current state of our economy. The NPA will also monitor cable theft convictions. Cable thieves are sabotaging our economy. The criminal justice system is serious about dealing with sabotage and this is evidenced by recent convictions. The Investigating Directorate is making strides towards the prosecution of those accused of corruption and has prioritised 9 cases. The Zondo Commission reports has revealed rampant abuse of power and the Department will respond to corruption. The Specialised Investigating Unit is also proving to be important in the fight against corruption. All law enforcement agencies need to strengthen their cooperation to address corruption. The Specialised Commercial Crime Courts will assist in the fight against corruption. The Department is currently working on an implementation plan based on the recommendations from the Zondo Commission.

The 3 Gender Based Violence Bills passed by the Select Committee will also be implemented by the Department during the course of the year. The Department is implementing a programme of action called "The Year of the Community". With this in mind the Department held imbizos in different communities to improve the justice system with a focus on the Gender Based Violence Acts. Legislation will also be updated in line with our Constitutional dispensation.

In respect of the ransomware attack on the Department, it is currently restoring services and working with state agencies to resolve the challenges. The Department embarked on an ICT retreat to understand how the attack happened and how to protect themselves in the future and they are now implementing new ICT products.

2. DISCUSSIONS / RESPONSES BY DEPUTY MINISTER/ DEPARTMENT

2.1 Online services

Members wanted to understand how far the Department is in implementing its online services and whether any awareness raising activities have been undertaken so that the community understands the services. The Department responded that they are still busy developing and finalizing the online services and upon completion, they will work with the Department of Communications to inform members of the public, after the system is implemented properly.

2.2 Family advocate

Members wanted to know if there are sufficient family advocate offices and whether they are all operational within provinces and whether there were any challenges. The Department responded that there is a lot of demand for the services of family advocates and to boost capacity, they are using the services of paralegals to try to assist with support. The Department is also looking into modifying and using counsellors on an ad hoc basis and is working with regional courts to address some of these challenges. Regional offices are turned into provincial offices to provide masters services, state attorney and family advocates under one roof to provide services within provinces and improve on the delivery of services.

2.3 Equality courts

Members wanted to understand how effective these courts were as well as the awareness raising activities that the Department has embarked on in respect of these courts. The Department confirmed that during its Conference on Racism, it became apparent that these courts are not doing very well. In the future, it would be imperative for work to be undertaken with Chapter 9 institutions to ensure the effective functioning of these courts. They are currently conducting an audit of these courts and intend upskilling and retraining clerks and magistrates to deal with equality matters. They will work with Chapter 9 institutions to increase the number of cases.

2.4 Modernization and backlog of cases

Members wanted to know what measures are being implemented to modernize systems and to address case backlogs. The Department is preparing to rollout information to members of the public in respect of all changes to their systems and they are implementing rapid response mechanisms to unblock blockages and reduce backlogs.

2.5 Femicide Watch

Members wanted to know what the main successes and challenges are in respect of the implementation of the Femicide Watch. The Department responded that the Femicide Watch is a repository of data that is the first of its kind in Africa. It was introduced to ensure centralized location for all stakeholders to view data on GBVF and to assist us in the country to know what we are dealing with in respect of the types of femicide and where these crimes are located. The Department is currently in phase 4 of the Femicide Watch implementation and is using the Integrated Justice System (IJS) hub where different Departments exchange data. There are currently no challenges to report as it is still at a developmental stage.

2.6 Sexual Offences Courts

Members wanted to know whether the Department has sufficient personnel and resources for the effective functioning of the sexual offences courts. The Department is establishing a new breed of sexual offences courts due to women marching in 2018 against GBVF. The Criminal Law (Sexual Offences and Related Matters) Amendment Act requires these courts to be established in line with the legislation. Resources have been taken from previous courts and 80 courts are already resourced and ready for implementation.

2.7 Interventions against GBVF

Members wanted to know what progress has been made in respect of addressing GBVF. The Department implements programmes in terms of the Presidential Summit Declaration and the National Strategic Plan on GBVF. The Department noted that victims are reluctant to come into courts and they have a portal developed by civil society organisations and government departments which will help victims to make applications for protection orders instead of coming into courts. They have implemented an SMS notification system to ensure communication between the courts and victims in order for victims to know the stage of proceedings. They have also decentralized the services of the NRSO in terms of the Criminal Law (Sexual Offences and Related Matters) Amendment Act. The Department is working towards popularizing the 3 GBV Acts with government and civil society and working with Provincial Governments to assist in implementing the legislation provincially.

2.8 Courts Audio-Visual Solution (CAVS)

Members wanted to know how many courts this has been implemented in and the challenges. The Department responded that they intend instituting the Audio Visual Solutions in 85 courts. They have already submitted a business plan to SITA for publication. PABX has been completed in 72 sites and they are currently replacing switches in courts where there were no switches. In respect of connectivity in rural areas, the Department plans to upgrade the bandwidth in 280 sites to improve Wi-Fi.

2.9 Vacancies

Members wanted to know the current vacancy rate and how they are addressing this. The Department responded that the vacancy rate was reduced from 9.6% to 7.0%. By April 2022, 812 positions were filled. Out of the 159 positions, 134 has been filled and they are left with 25 to be filled and are currently in various stages of recruitment. The plan is to fill all posts within the current financial year. The vacancy rate in CFO posts, 373 positions have been filled and 51 positions are still vacant with an 80.1% vacancy rate. They are making it a priority to fill these posts.

2.10 Upgrading of courts

Members wanted to know the status of upgrading of courts in provinces and what the challenges were. The Department reported that there are challenges in terms of maintenance with an increase on the threshold to R1 Million per incident by DPWI. They are currently undertaking minor refurbishments. 88 courts are undergoing major maintenance work with improved technical competence. The Department is piloting the Total Facility Management Solution (TFMS) in 6 identified courts. This refers to a maintenance and repair programme which will run for 2 years at the identified courts. In some areas, they do have some challenges with contractors and they have currently implemented a 3-year term contract. In respect of new court buildings, the Department indicated that DPWI has its own capacity and limitations and engagements are occurring at a Ministerial level to expedite projects.

2.11 Report of SIU

Members indicated that the Special Investigating Unit has been investigating matters involving the Masters Office, State Attorney and the building of new courts at the Justice Department. Members wanted to know if the Department received any final reports on these matters. The Department responded that the final SIU report will be submitted to the President. In the meantime, the Department has received reports regarding the issues of appointment of liquidators. The recommendation is technical and a new policy will be developed for insolvency practitioners. In respect of corrective disciplinary processes, it has progressed and is at an advanced stage and some officials have resigned.

2.12 Integrated Justice System (IJS) report:

Members wanted to know what the key findings of the IJS assessment report were and if there were any challenges to report. The Department responded that there were delays between the various Departments in the Criminal Justice cluster in respect of the implementation of the audio visual system. Key findings included that funding was split and they are busy concluding this. SITA should play an effective role in the project to assist with the backlog of infrastructure development. The Department should look at other mechanisms outside of SITA and engage Treasury on matters related to resources. This matter must go to Cabinet for a decision. So far, they have successfully implemented 7 recommendations and will implement the remaining 6 recommendations.

2.13 Indicators

Members wanted to understand the reason for the inclusion of an indicator to reduce fruitless and wasteful expenditure. Members also wanted to know about the indicators that had been increased and whether this was achievable. The Department responded that the current balances are historical and they wish to, on a year by year basis, reduce this type of expenditure and therefore included a specific indicator so that they could monitor this and implement consequence management when required. The Department responded on the indicators that had been increased, that they were time bound and moved over from the previous financial year.

2.14 Justice College

Members wanted to understand the content of the training programmes and who they were aimed at within the Department. The Department responded that internal and external officials are targeted and that the development programme is concentrated on soft and hard skills. They have already started with a masterplan focusing on SMS members and will then scale down to middle management and other officials. They have commenced with project management to address current challenges. Senior managers have received security awareness (IT) training. They are conducting learning programmes focusing on the NPA, Judiciary, Public Protector, IPID and the Information Regulator. The Deputy Minister also conducted a workshop on the Judiciary and prosecutorial training, family law and paralegal training.

2.15 Zondo Commission Recommendations

Members wanted to understand how the Department will implement the recommendations from the Zondo Commission report. The Department responded that 4 parts of the report has been submitted and they are still awaiting the last report. The report will be analysed and the Department will then focus internally on what needs to be implemented. A task team has been set up internally and they have summarized 3 parts quite extensively and the Department will then develop a plan of implementation to be submitted into the broader plan. An anti-corruption paper has been produced on the anti-corruption agencies which reviews all entities. There will be consultation with various government departments and they have already identified several pieces of legislation that may have to be strengthened in terms of ensuring a good architecture for addressing corruption.

2.16 Access to Justice for Rural Communities

Members wanted to understand the current challenges in rural areas in relation to access to justice. KZN reported that the main challenges in the province relates to distances and conditions of roads to access courts as the areas are also very vast. There is a plan to refurbish a bus to convert it into mobile services and to include services of the Master's Office. It has become clear, that there is a lack of synergy of work done by various Departments. An example was in respect of Domestic Violence Orders, where the Department has insufficient information on shelters to which victims may be referred. They are

hopeful that the District Development Model will assist to create synergies and relationships with other Departments and foster outreach in rural communities. During the outreach programmes, it became clear that communities lack an understanding of the different roles of different government departments. To address this, they want to rollout 12 outreach programmes for each region in communities to ensure that people in rural areas understand the roles of different departments to access the necessary services.

The Eastern Cape reported that in addition to the reports of KZN, connectivity is a major challenge for courts in deep rural areas and they are trying to provide mobile data to officials. Another challenge was in relation to the sourcing of suppliers in rural towns as they do not have certain suppliers for certain small jobs such as plumbing. They informed the Committee that there is still a clear demarcation in term of infrastructure in the courts housed in the former Transkei. Some courts have not been structured in courthouses and are in a dilapidated state and they are trying to bring them in line with the minimum requirements for a courthouse. With the increase in delegations, they are hopeful that the challenges will disappear. Travelling distances are also a huge challenge. Most periodical courts only offer criminal services however, the Department is looking at mechanisms to increase the services provided at these courts.

2.17 Briefing protocols to Lawyers and Advocates

Members were concerned that disadvantaged lawyers and advocates are not given an opportunity to represent the State which causes an imbalance and wanted to understand what is being done to address this. The Department responded that it has milestones and indicators, currently 83% Previously Disadvantaged Individuals and 41% Female Legal Practitioners. The State Attorneys have achieved 83% but fell slightly short in terms of meeting the target for female legal practitioners but they are working hard to meet this target.

2.18 National Prosecuting Authority (NPA) – Response to Zondo Commission Report

Members wanted to know whether the NPA has sufficient resources and capacity as well as their intended plan to address state capture matters. Members also wanted a progress report on the prosecution of Truth and Reconciliation Commission (TRC) cases. The NPA responded that they are receiving an increase in budget which will help with the Zondo Commission reports. When the first report of the Zondo Commission was released, the NPA established a task force made up of various departments to prioritise cases. Thus far, 20 cases have been taken to court, 82 investigations have been declared by the Head of the Investigating Directorate. Experienced prosecutors have been used and they are in discussion with the Zondo Commission to use the forensic resources of the Commission as well as to obtain additional resources such as advocates and investigators from the Commission to assist. In respect of TRC prosecutions, the NPA leadership is committed to ensure that those responsible are held accountable and there is dedicated capacity to deal with this, made up of prosecutors within the regions

who are solely prosecuting these cases. 38 investigations have been re-opened in court and 2 inquests have been finalized. 1 has been referred to the Director of Public Prosecutions. 5 matters are enrolled at court and there is progress and capacity. Some challenges are that some implicated persons and witnesses have died or are ageing and they are struggling to obtain witnesses.

2.19 Magistrates Courts Bill

Members wanted to know the progress by the Department to review the Magistrates' Act of 1944, and other relevant legislation in order to streamline and expedite disciplinary processes and the steps taken in respect of magistrates. The Deputy Minister responded that the Magistrates Courts Bill and Lower Courts Bill is on the Departmental website for public comment. The Department will have engagements with magistrates and then introduce the bills to cabinet. Committee members were invited in their individual capacity to make comments on the Bills.

3 RECOMMENDATIONS

3.1 The Department should ensure that its online services are widely publicized and information regarding the service is shared broadly to all provinces, including rural areas. The online services will assist communities to effectively access the services of the Department and ultimately improve efficiency.

3.2 The Department should work with Chapter 9 institutions to ensure that information about the Equality Courts are communicated to communities and capacitate these courts to effectively address matters relating to unfair discrimination, hate speech and harassment.

3.3 The Department should put all the necessary Information Technology (IT) measures in place to protect all data and information to avoid any future IT attacks to its systems and continue to modernize its systems to address all case backlogs.

3.4 The Department should put all the necessary plans in place and raise awareness on the 3 Gender Based Violence Acts to ensure effective implementation in all provinces. The implementation of the GBV Acts will go a long way in protecting the most vulnerable members of our society.

3.5 The Department should make every effort to resolve all challenges related to the implementation of the Audio Visual Solutions as this will improve the effective functioning of the criminal justice system.

3.6 The Department should furnish the Committee, within 30 days of adoption of the report, with a detailed provincial breakdown of all courts being upgraded, including the maintenance and repair plans.

3.7 The NPA and SIU should ensure that it has the necessary plans, resources and capacity to effectively implement the recommendations arising out of the Zondo Commission reports and work towards effective investigations, prosecutions and convictions of those responsible for state capture.

3.8 The Department is encouraged to continue its training programmes at the Justice College to promote increased skills and capacity within the Department.

3.9 The Department should implement all measures to address the challenges faced by rural communities in respect of access to justice and to all the services required by those communities. The Department should find innovative solutions to address the challenges related to distances, court infrastructure and connectivity in rural areas.

3.10 The NPA should resolve all its challenges in the prosecution of the TRC cases and work swiftly to ensure successful prosecutions and convictions of those responsible for these crimes and to bring justice to the victims.

3.11 The Department should furnish the Committee with a detailed list of all upcoming legislation for the current financial year.

CONCLUSION

The Committee thanked the Department for the engagement and welcomed the provincial perspectives provided during the briefing. The Committee resolved to follow up on the issues raised during its oversight visits to provinces. The Committee welcomed the Department's efforts to repeal colonial and apartheid legislation. The Committee further welcomed the positive developments being implemented by the department for victims of Gender Based Violence and the plans to effectively implement the 3 Gender Based Violence Acts. The Committee resolved to have further engagements, on the progress of all law enforcement agencies in responding to the recommendations arising out of the Zondo Commission Reports.

4.VOTE 22 THE DEPARTMENT OF CORRECTIONAL SERVICES

4.1 INTRODUCTION

The aim of the Department of Correctional Services (DCS) is to contribute to maintaining and protecting a just, peaceful and safe society by enforcing court-imposed sentences; detaining inmates in safe custody while maintaining their human dignity and developing their sense of social responsibility; and promoting the general development of all inmates and persons subject to community corrections. The Department's vision is to be one of the best service providers in the world by delivering correctional services with integrity and commitment to excellence.

The mission of the Department is to contribute to a just, peaceful and safer South Africa

through:

- Effective and humane incarceration of inmates; and
- Rehabilitation and social reintegration of offenders.

The Select Committee on Security and Justice met with the Department on 1 June 2022, to receive a presentation of the Department's 2022/23 Budget and APP. The report presents the main discussions and recommendations emanating from the briefing.

4.2 OVERVIEW BY THE DEPUTY MINISTER OF CORRECTIONAL SERVICES

The Strategic Plan was developed within the framework of economic constraints and budget cuts. The Department and the country is still dealing with and recovering from the Covid-19 pandemic. Covid-19 was managed through restricted daily regimes with limited movement of inmates which impacted their feelings of isolation and mental health. Key interventions that were implemented consisted of continuous testing and monitoring and vaccinations were rolled out to achieve immunity and to enhance occupational health and safety. The rate of overcrowding within Correctional Centres stretches occupancy and resources and contributes towards unnatural deaths. The Department implemented a Special Parole Dispensation (SPD) during 2020/21 and 2021/22 has resulted in a reduction in the offender population of 14005 (13218 males and 787 females) as at 28 May 2021. This was however a short term goal to reduce overcrowding. Strengthening partnerships with other stakeholders will strengthen the Department's efforts further. The Department is still working towards filling all vacancies.

The Department will support the implementation of the District Development Model through various programmes working in collaboration with metros. The Department has gender awareness programmes and programmes empowering female officials in adherence with the National Strategic Plan on GBVF. The Department has the responsibility to keep inmates safe and acknowledges the fundamental rights of inmates and to incarcerate inmates in a humane manner. In this regard, the Department observes international standards and norms for the treatment of offenders.

The Department will continue to strengthen collaboration with external service providers through regular engagements and in line with the set Service Level Standards. The current COVID-19 Regulations and budgetary constraints require regular reprioritization for new and alternative strategies to be implemented based on operational needs and capacity. The implementation of the Self Sufficiency and Sustainability Framework (SSSF) is one of the Department's strategies aimed at developing and utilizing state assets to reduce the costs incurred by the fiscus and to generate revenue for the Department.

The Department is faced with the historical classification of officials' compensation allocated to incarceration and those classified as security personnel will cover all services including rehabilitation and care services. The new strains of Covid-19 continue to present high levels of uncertainty, however there is a certain level of stability due to vaccinations.

5. DISCUSSIONS / RESPONSES BY DEPUTY MINISTER / DEPARTMENT

5.1 Judicial Inspectorate for Correctional Services (JICS) report and findings

Members wanted to know the main findings of the JICS report. The Department responded that the JICS had reported on three issues, overcrowding and the fact that it presents capacity problems to the Department but also affects the living conditions of offenders. The JICS reported on the state of the correctional facilities especially with regard to maintenance and they also reported on unnatural deaths and injuries due to security incidents. The Department noted that they work very closely with the JICS to rectify issues raised and provide space and support for the JICS to perform their work.

5.2 Gaps identified in legislation

Members wanted to know if the Department had identified any gaps in legislation. The Department informed the Committee that it is currently working on the following: the interstate transfer of foreign national offenders, the requirements for the parole period for GBVF related incidents and the authority to consider placement on parole of lifers, the serving of retired judges on the National Council for Correctional Services, the determination of service conditions for DCS employees, and the enhancement of provisions regarding the treatment of inmates and reporting on security incidents at facilities. The Department further indicated that it is working towards amendments of the Correctional Services Act, 1998 in respect of ensuring the independence of the Judicial Inspectorate for Correctional Services.

5.3 Maintenance of facilities

Members wanted an update on the maintenance of DCS facilities. The Department reported on the Baviaanspoort Empangeni Youth Centre which is currently under construction and would add 640 bed spaces. It is scheduled for completion in this financial year. The centres that are closed, that were determined to be beyond economical repair, are first generation centres in Swellendam, Western Cape and Geluk in Limpopo Province. The Department indicated it would not be cost effective to refurbish the centres and it would be better to demolish them and rebuild. The Department reported on the slow progress with public works projects indicating that 45% of projects allocated to DPW were longer than 24 months in the planning phase. This is of concern to the Department. In total 56% of the projects were stuck in the planning and design stages and DPW was only able to complete 17% of the projects in the

previous financial year. The Department has appointed its own implementing agents to address the problem. The DPW has also been transferring projects to the Development Bank of South Africa to alleviate the backlog. The Department has begun to rely on in-house capacity and inmate labour to conduct maintenance at facilities which results in skills development for inmates.

5.4 The success of the Integrated Security System

Members wanted to know what the successes and challenges were in relation to the Integrated Security System. The Department noted that the DPW has a reactive approach to maintenance which has an impact on the Department's security system. The Department appointed contractors to support the system. The DPW provided the funding but the Department has procured the services for less than quoted by the DPW. The Department indicated their approach would be to maintain the systems going forward rather than replace the systems, which would be the last recourse.

5.5 Asbestos Roof - Pollsmoor

Members wanted to know the reasons for the length of time it took to replace the roof at Pollsmoor Correctional Centre. The Department responded that the Asbestos Abatement Regulations 2020 indicates that there are provisions that allow for sealing of the structure where the asbestos is viable. If the roof is cracked and beyond economical repair, then it is replaced.

5.6 Integrated Inmate Management System (IIMS)

Members noted that previously the Department had been unable to achieve the target for the IIMS and wanted to know how the Department would meet the target in the current financial year. The Department reported on its inability to reach set targets and set out its plans to improve its performance. The Department noted that its major challenge was with resources within the Department. It has fewer resources and it is responsible not only for maintaining the current system but also for rolling out the new systems. The service provider is no longer there to support the Department. The pace of rolling out has been slow. The Department is looking at acquiring additional resources related to IT. This will assist with further modernisation projects related to IT and allow the rollout of IIMS to the remaining centres. The acquiring of skills will assist with maintenance and rollout to further sites not only related to remand detention but also incarceration.

5.7 Matters related to gangsterism

Members wanted to know how the Department is addressing gangsterism in correctional centres. The Department reported that it is strong on the principle of prevention. The culture is prevention and zero incidents. Specifically, on gangs the Department is engaged in the profiling of inmates and

implementation of the gang strategy to mitigate incidents. The SOPs have a related gang strategy component that is reviewed on a continuous basis. There has been a drastic reduction in gang related activities.

5.8 Escapes of inmates from Correctional Centres

Members wanted to know what measures are being put in place to prevent escapes. The Department reported that it met its target with regard to the escapes. The Department recorded 22 escapes in the previous financial year, however re-arrests were made. The Department has an escape prevention plan in place and monitoring is ongoing with review of the SOP. The Department has plans in place for this financial year to train the entire value chain on security protocols.

5.9 Human resources

Members wanted to understand the extent of vacancies within the Department and what measures would be put in place to address this as well as the implementation of disciplinary measures against officials. Members were also interested in staff morale, particularly in light of overcrowding in Correctional Centres. The Department responded that the current staff complement stands at 30630 with vacancies at 1762 out of an approved total of 32392. The ratio stands at 1 official per 4 offenders. Vacancies have been broken down into quarterly targets as per the DPSA and Department policy. The Department may fill the positions within 12 months as per the DPSA directive. The Department is cognizant of the natural attrition due to retirement and resignations and are prioritising the core feeder positions, levels 1-4. Morale of the Department is prioritised in the Integrated Employee Health and Wellness (IEHW) programme. Morale has improved with the leadership's encouragement of national participation in sporting events through the IEHW programme. Approved pay progressions and grade progressions has also served to boost morale particularly amongst social workers and nurses. The Department noted that disciplinary procedures are continuously processed due to contraventions of the DCS regulations.

5.10 Risk mitigation and prevention of fruitless and wasteful expenditure

Members wanted to understand the steps being undertaken to address fruitless and wasteful expenditure. The Department has implemented the Department Control Committee and investigated where the fruitless and wasteful expenditure was occurring. The Department found the quotations resulted in most of the irregularities. The Department Control Committee was established in each province to assist provincially with the standard operating procedures. The financial delegation of authority was amended to tighten control in this area. In February 2022 the Department trained the regional heads of finance in all the regions on the new supply chain management controls. The Department received an exemption from National Treasury on Perishables and Non-perishables where there are no contracts in place. The Department is rectifying this matter.

5.11 Lengthy Procurement Processes

Members wanted to know what is being done to address this matter. The Department introduced a key account manager to enforce and implement what is in the procurement plan to execute procurement requirements and to shorten the long process of procurement.

5.12 Rehabilitation and Social Integration

Members were concerned that the rehabilitation budget, which speaks to the heart of correctional services, is being cut and wanted to know how this will impact the programme. The Department responded that the programme on rehabilitation has an average above 3%. The Department budget cuts affects the Department across the board but has limited the cuts to these areas. Programme 3 (Rehabilitation) was not cut over the MTEF. Programme 3 will gain 93 posts that will improve the service. The Department has had to cut on compensation of employees. The Department assessed the high spending items and reprioritised the spending to key items increasing them by 9.8% although the Department received a cut in the allocation.

5.13 Management of overcrowding of Remand Detainees

Members wanted to know what measures were put in place to manage the overcrowding in correctional centres of remand detainees. The Department explained that 80% of RD are detained without the option of bail and 15% are detained without bail and the rest are in the bail application phase. The Department cannot reduce the population without the help of the courts. The Department focusses on those that have bail and those that are detained for longer than 2 years. The population has reduced since May 2020 from 57000 to 46000 in March 2022.

5.14 Revision of targets - Overcrowding

Members wanted to know the reasons for the revision of the target for overcrowding from less than 28% (in 2021/22) to less than 32% (in 2022/23). The Department in 2019/20 implemented the special remission and special parole dispensation which resulted in an overcrowding reduction from 38% to 28%. The re-measurement of bed spaces, slow maintenance of facilities, the closure of certain facilities and a growing inmate population resulted in overcrowding of 31.6%. This informed the target of 32% but this may go higher since the inmate population is growing.

5.15 Screening for hypertension and diabetes

Members wanted to know what the reasons were for the target of 90% of inmates to be screened for diabetes and hypertension and why not 100%. The Department responded that vulnerable inmates are screened but there is a lack of medical practitioners across the region. The Department has exceeded the 90% target set.

5.16 Officials charged – Fraud and Corruption

Members wanted to know why the Department was not increasing this target. The Department reported it exceeded its 95% target and reached 97% success in charging corrupt officials. The Department relies heavily on receiving adequate evidence when laying charges against officials for successful prosecution but this may not always be the case as the variables in each case must be considered. The Department is also implementing an Anti-Fraud strategy to address these incidents.

5.17 Records Management Framework

Members wanted to know how the Department is implementing this framework. The Department is in the process of implementing the Records Management Framework. This will allow the Department to look at how it manages the hard copies in each centre and the Department is working towards the digitisation of documents for archiving.

5.18 Centralised Procurement of vehicles

Members wanted to know whether the Department had any challenges in the procurement of vehicles. The Department assesses all vehicles in each region and assesses the age of the vehicle. The Department then replaces the vehicles based on age and not necessarily per region as one region may have a large ageing fleet. The Covid-19 pandemic has resulted in a delay in procuring the fleet because of the supply chain backlogs. This has resulted in underspending on vehicles for 2021/22 but this is prioritised for the 2022/23 financial year.

5.19 The Protection of Whistle-blowers

Members were concerned that whistle-blowers were not sufficiently protected and were not allowed to return to work. One member was concerned about a particular incident at Modderbee. The Department indicated the matter of the officials at Modderbee was responded to but the matter is still at court and *sub judice*. The Department confirmed that whistle-blowers are always protected by the Department.

6. RECOMMENDATIONS

6.1 The Department should continue to work closely with the Judicial Inspectorate for Correctional Services to ensure that inmates are safe and treated with dignity and their human rights are protected within Correctional Centres.

6.2 The Department should resolve all challenges with the Department of Public Works and enhance its in-house skills to effect the necessary maintenance, repairs and building of Correctional Centres in all provinces.

6.3 The Department should speedily upgrade its security systems and infrastructure to reduce incidents of escapes from Correctional Centres.

6.4 The Department should implement the necessary plans and initiatives to improve its delivery and meet its target in respect of the Integrated Inmates Management Systems(IIMS) and rollout this programme to include both remand detention as well as incarceration.

6.5 The Department should continue to work with SAPS and other relevant departments to address gangsterism within Correctional Centres to ensure the safety of all inmates.

6.6 The Department should resolve to fill all vacancies which will contribute to improving the current ratios between officials and inmates in all Correctional Centres.

6.7 The Department should provide the necessary training, skills and support to officials as well as implement the necessary pay progressions to improve and boost staff morale.

6.8 The Department should work towards filling all vacant posts of social workers, nurses, psychologists and doctors within Correctional Centres to provide all the necessary care and support to inmates and to enhance the rehabilitation programme of the Department.

6.9 The Department should continue to implement the necessary disciplinary measures as well as the Anti-Fraud strategy, to send a clear message to officials that fraud and corruption will not be tolerated within the Department.

6.10 The Department should make every effort and implement all the necessary plans and procedures to reduce fruitless and wasteful expenditure and enforce more stringent cost containment measures.

6.11 The Department should work tirelessly to reduce overcrowding and make every effort to increase the bed space for inmates. The reduction in overcrowding will serve to instil a culture of dignity for inmates and contribute towards better working conditions for officials.

6.12 The Department should implement the records management framework and work towards the digitization of all its records. This will improve efficiency within the Department.

6.13 The Department should make every effort to allocate sufficient vehicles which are in good working order and which takes cognizance of the specific terrain within each province during such allocation of vehicles. The allocation of appropriate vehicles in each province will enhance the work of the Department.

6.14 The Department should ensure that it protects whistle-blowers and deals decisively with those responsible for fraudulent activities within the Department.

6.15 The Department should work towards the finalization of legislation, particularly in respect of the separation of powers and independence of the Judicial Inspectorate for Correctional Services. The Committee looks forward to receiving a list of all policy and legislative amendments proposed by the Department within the current financial year.

CONCLUSION

The Committee encouraged the Department to address the challenges of budget cuts by reprioritising its budget effectively and enforcing stringent cost containment measures. The Committee further encouraged the Department to find lasting solutions to reduce overcrowding and to protect the human rights of inmates within Correctional Centres. The Committee also encouraged the Department to take care of its officials by providing the necessary capacity and support and thereby improving the morale of officials within the Department. The Committee informed the Department that it would conduct oversight over various Correctional Centres within provinces to follow up on infrastructure, staffing and overcrowding.

Report to be considered.