

in session



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Debating the future

Members respond to the President's State of the Nation Address





PARLIAMENT
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Mace of National Assembly

Vision Statement

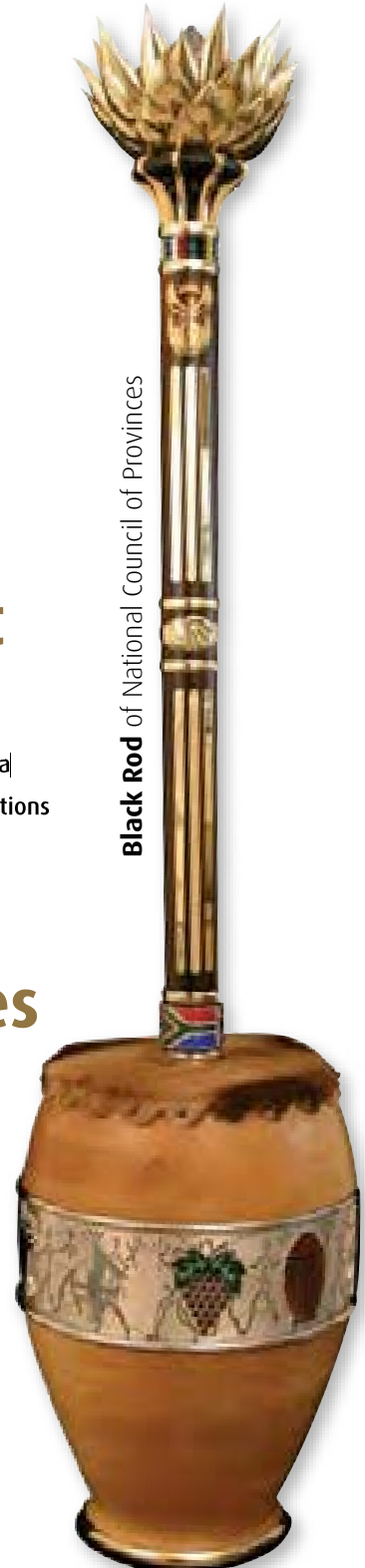
To build an effective people's Parliament that is responsive to the needs of the people and that is driven by the ideal of realising a better quality of life for all the people of South Africa.

Mission Statement

As the freely elected representatives of the people of South Africa, our Mission is to represent, and to act as a voice of the people, in fulfilling our Constitutional functions of passing laws and overseeing executive action.

Strategic Objectives

1. Strengthen oversight
2. Build a People's Parliament
3. Strengthen co-operative government
4. Improve international participation
5. Build an effective and efficient institution



Black Rod of National Council of Provinces

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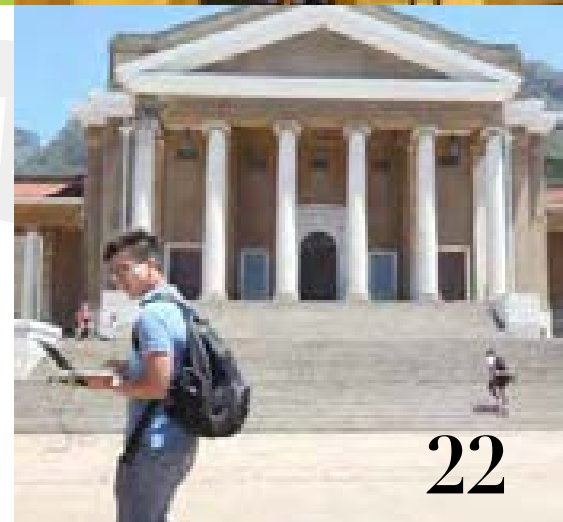
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COVER: Open for debate – NCOP Chairperson Ms Thandi Modise presides over the debate on the President's State of the Nation Address

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editor's note



Many think of the State of the Nation Address as the opening of Parliament. This was the case pre-democracy, and we still tend to regard the President's address, and the ceremony surrounding it, as the start of the parliamentary year.

But in fact by mid-February when the State of the Nation Address is usually delivered, Parliament has already been hard at work for weeks. The Committees often do not stop running at all, even while the rest of the country is having a break.

This issue of *InSession* devotes considerable space to different Committees because it is in these parliamentary structures that Parliament performs its essential oversight function. It is also in the Committees that organised civil society is able to make an input to the law-making process. Of course, ordinary citizens, too, are encouraged to actively participate in the public hearings that Committees hold across all nine provinces. It is the Committees that often chide Ministries where non-delivery has taken place, demand improvements and speak out for South Africans whose voices need to be heard.

On page 14 and 15 we read strong words from the Chairperson of the Small Business Development Portfolio Committee, Ms Ruth Bhengu. Reminding us that the National Development Plan recognises this sector as the source of a large percentage of the jobs South Africa needs to create, Ms Bhengu warns of the danger of destabilising the informal economy through riots and looting of shops owned by foreign nationals.

The state of education in South Africa was the focus of oversight visits by no fewer than three separate parliamentary Committees. The Portfolio Committee on Basic Education undertook an oversight visit to KwaZulu-Natal to investigate how schools were faring amid the grinding poverty of the Thafamasi Tribal Area (see story on page 16) and the Standing Committee on Appropriations used the term "inappropriate" in meetings with education officials in the Eastern Cape. The Committee declared that schools where teaching and learning is obstructed by faulty and inadequate infrastructure are "inappropriate" and must receive attention (see story on page 17).

On pages 22 to 23 we read of briefings given to the Portfolio Committee on Higher Education by the National Student Financial Aid Scheme and the Department of Higher Education and Training on the annual crisis faced by thousands of students whose tertiary studies are placed at risk due to lack of funds. The Committee raised its concern that every academic year starts with widespread student protests at universities and vocational colleges.

Countrywide public consultation has been underway for some months, conducted by the Portfolio Committee of Labour, to solicit the views of organised labour, as well as ordinary working people, on what would constitute a fair and viable minimum wage. The Committee has committed itself to ensuring that the views of participants from all provinces will be taken into account when drafting a final proposal on the national minimum wage (see story on page 28).

Many of these pages are devoted to Committee News, and for good reason. With public attention focused on the disruptions to the State of the Nation Address it is easy to forget about the rest of the important work that Parliament engages in. Of course, it is not only the Committees that kick-started the 2015 Parliament. We thank the Presiding Officers for making their own wise inputs to this issue of *InSession*. The Chairperson of the National Council of Provinces, Ms Thandi Modise, welcomed back Members with a reminder of the centrality of the National Development Plan to government policy (see page 6), while the Deputy Speaker of the National Assembly, Mr Lechesa Tsenoli, shared an input he made to a UK conference on human rights (see page 12).

And we have a Special Report on pages 8 to 11 recounting political parties' replies to the State of the Nation Address and the response each one received from the President.

We would like to hear your comments and views, as this is your Parliament and *InSession* is your magazine. Email us at insession@parliament.gov.za or write to us at P O Box 15, Cape Town 8000. 🌍

Enjoy the read!

Moira Levy
Editor



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

We welcome back all the Members of Parliament from their leave and constituency period and wish them renewed energy and focus in the 2015 parliamentary year. We wish to welcome the new Secretary to Parliament, Mr Gengezi Mgidlana, who joined the institution in December last year. We wish all the members of the parliamentary administration well in the discharge of their responsibilities in support of our democracy.

The first part of this year will, among other things, provide us with an opportunity to reflect on the 20 years of our democratic Parliament. The Presiding Officers established a multiparty steering committee, led by the Deputy Speaker of the National Assembly and the Deputy Chairperson of the National Council of Provinces, to direct the implementation of sectoral parliaments and special projects. The special project on 20 Years of a Democratic Parliament will help us to crystallise this work and to further elaborate on the transformation and heritage of Parliament. We need to reflect the history and role of our Parliament in a proper manner, including recognising the contributions of the people who helped create our new society that is based on democratic values. Specific announcements in this regard will be made in due course.

Part of the work of Parliament this year will be informed by the State of the Nation Address delivered to the Joint Sitting of Parliament on 12 February this year. The President gave a concise report of the work of government and outlined plans for this term. Among other things, he highlighted the following issues that form part of government's programme of action for the mid-term period.

- Educating the children and the youth about our country's rich heritage
- The nine-point plan to ignite growth and create jobs
- The short-, medium- and long-term plan to address the country's energy constraints
- Infrastructure support for the electrification of rural households
- Extending opportunities for land ownership with a view to achieve redress for the wrongs of the past. In this regard Parliament will be awaiting the introduction of the Regulation of Land Holdings Bill
- Development of an Agricultural Policy Action Plan so as to bring one million hectares of under-utilised land into full production over the next three years
- Programme to find and develop black industrialists over three years
- Programme to revitalise distressed mining towns
- Consideration of a national minimum wage in the mining sector and review of the sectoral determinations of agriculture, forestry, private security, wholesale and retail sectors
- State procurement plan for purchasing from small, micro and medium-sized enterprises, co-operatives as well as township and rural enterprises
- Start of first phase of broadband roll-out in eight district municipalities
- Massive programme to fight tuberculosis with special focus on offenders at Correctional Services, mine workers and communities in mining towns, as well as improvements in the supply of antiretroviral drugs
- Prioritising the building of a caring, effective and responsive state

These are but some of the plans of government that will have a huge influence on the oversight work of Parliament. Through these, government is in pursuit of the vision articulated in the National Development Plan. The plan notes that South Africa has the potential and capacity to eliminate poverty and reduce inequality over the next two decades. Furthermore, that the 2030 vision should be achieved through the active efforts and participation of all South Africans in their own development. Parliament will be expected to execute its constitutional mandate over all the government activities efficiently and timeously. This means that Parliament must, of necessity, consider its capacity to discharge its duties and ensure that Members are appropriately capacitated.

It is important that the proceedings and business of Parliament is carried out without hindrance. The Rules of Parliament must therefore be considered to ensure that they assist in advancing democracy. The first eight months of the fifth Parliament have given us enough experience to facilitate a more robust but dignified people's Parliament. It is our collective duty, Parliament and the people, to ensure that our democratic aspirations are nurtured and strengthened. We have the obligation to ensure that we have a working and effective Parliament which serves as the tribune of the people. The country's future is in the hands of each generation. It is therefore our responsibility to ensure that we bequeath future generations a viable democracy that is the envy of the nations of the world. 🇿🇦

Bringing NDP into Parliament's programme

The *National Assembly has announced changes to its programming and planning to accommodate the National Development Plan (NDP) and to ensure the plan becomes a reality for those who need it most, writes Sakhile Mokoena.*

National Assembly Speaker Ms Baleka Mbete recently invited academics and Chairpersons of Committees to a workshop to discuss the role of Parliament in the implementation of the NDP. They spent a day deliberating on the recommendations of the NDP and what is required from Parliament for the plan to be implemented successfully.

The Speaker announced that Parliament would in future push more actively for the realisation of the plan. "Our focus will be on how we are going to make sure that the NDP becomes a reality on the ground. As we push for the realisation of the NDP, Parliament has to adapt, evolve and be relevant for a developmental state and for the people as a whole," Ms Mbete said.

The Office of the Speaker proposed that all parliamentary programmes, Committee work and oversight will be aligned with the NDP. It also proposed that the plan be used as a tool to measure government performance in service delivery.

"Parliament will, from now on, align its plans and the work of Committees with the NDP. Government departments will also be required to ensure that all their strategic plans and budgets are aligned with the NDP," said Adv Johnny de Lange, Legal Adviser to the Speaker.

The Office of the Speaker proposed that Parliament must ensure that all government plans and budgets are

aligned with the NDP, and dedicated focus weeks should be created for national dialogue on specific outcomes of the NDP. The Political and Economic Adviser to the Speaker, Mr Arthur Moloto, said: "The programme of Parliament must fit in with the NDP. We need to have a week each month where the focus is going to be nothing else but the NDP in sittings and Committee meetings. We must also involve civil society in our engagements."

Mr Moloto also said that Parliament would dedicate a week each month to oversight during which Committees will check whether government departments are implementing the NDP.

"The current parliamentary programme does not allocate sufficient time for oversight. Furthermore, the inadequate coordination of work between National Council of Provinces and National Assembly Committees relating to the state of provinces and local government weakens the oversight capacity of Parliament. We need to encourage a joint hearing of such matters," he said.

During the workshop, the Director of the Parliamentary Budget Office, Prof Mohammed Jahed, said South Africa has too many institutions that are not delivering, which is a waste of money.

Prof Richard Levin of the Public Service Commission said Parliament should intervene on the challenges of institutions that do not have the capacity

to do what they promised to do and departments that cannot plan and have no ability to set measures and indicators.

Speaking at the parliamentary workshop in her private capacity, Adv Christine Qunta said the NDP was a bold and welcome plan aimed at assisting the country to recover its soul and that of its people from the devastation of 350 years of oppression.

"It is also ambitious. It rightly points to a number of structural challenges that need to be overcome. What is needed for the successful implementation of the NDP is boldness. Boldness in first of all taking the necessary policy and legislative decisions needed to implement the plan within the short time given. The second requirement is a strategic mobilisation of all government branches, be it at national, provincial or local level," Adv Qunta said.

African National Congress MP Mr Mnyamezeli Booi said the fifth Parliament must ensure the NDP does not suffer the same fate as the Reconstruction and Development Programme in the 1990s, which he said was never followed up.

National Assembly House Chairperson, Mr Cedric Frolick, asked: "How can we mainstream the NDP to the work of Parliament and provincial legislatures, embrace the NDP and make it a key element of the new strategic planning of Parliament?"

The Speaker concluded proceedings by saying the workshop would form an integral part of the strategic plan of Parliament to be carried out later this year. 🌱



TOP PRIORITIES: The Chairperson of the National Council of Provinces, Ms Thandi Modise, presides over the debate of the State of the Nation Address in a Joint Sitting in the National Assembly.

Government plans to increase SA's productive capacity

Focusing *on the government's priority areas as outlined by President Jacob Zuma during the State of the Nation Address, Elijah Moholola reflects on the views provided by leaders of political parties during the subsequent two-day debate as well as the reply by the President.*

When delivering his State of the Nation Address in Parliament in February, President Zuma said the government would prioritise nine areas this year. The nine-point plan would serve to ignite economic growth and create jobs, he said.

The plan includes energy, developing mining towns, agriculture, small business development, infrastructure development including water, transport and information and communication technologies, boosting the industrial policy action plan, attracting investments and Operation Phakisa, a government initiative to fast-track delivery in critical areas of development.

Some of these points were debated by the political parties represented in Parliament following the Address. In his reply, President Zuma addressed the concerns raised. *InSession* looks at how the main issues were addressed by MPs and how the President responded.

HEALTH

The National Council of Provinces' (NCOP's) Chief Whip, Dr Hunadi Mateme of the African National Congress, commended the government for the strides made in reversing the legacy of apartheid in the health sector.

"Among other things, we increased

the health facilities providing antiretroviral drugs (ARVs) from only 490 in February 2010 to 3 540 to date. The number of nurses trained and certified to initiate ARV treatment in the absence of a doctor was increased from only 250 in February 2010 to 23 000 nurses to date.

"Since 1994 the health sector has been radically transformed to increase access to the poor, improve their quality of life and make the system more cost-effective. Free health services are now offered at public primary health care clinics and community health care centres."

President Zuma agreed that there had been dramatic successes in the fight against HIV and Aids.

"We now have 2.7 million South Africans on antiretroviral treatment. We have 3 590 public health facilities now initiating patients on

antiretroviral treatment compared to 490 in February 2010. It is a dramatic increase.

“One of our greatest success stories remains the remarkable 67% reduction of mother-to-child transmission of HIV from 8% in 2008 to 2.6% in 2012. Remarkably, 20 million people have to date been tested for HIV through the HIV Counselling and Testing Campaign.”

UNEMPLOYMENT

The Leader of the Opposition, Mr Mmusi Maimane of the Democratic Alliance raised concerns about the unemployment rate.

“Mr President, when you stand here and promise the same jobs every year that never materialise, we simply cannot believe you. The President said that the National Development Plan’s ambition to grow at 5% by 2019 is at risk as a result of slow global growth and domestic constraints. How then are other Southern African Development Community (SADC) countries growing at an average of 5.6% [when they are] facing the same external pressures?”

“Despite all his past promises, what President Zuma failed to tell us was that, today, there are 1.6 million more South Africans without jobs than when he took office in 2009.”

President Zuma said during the State of the Nation Address that while the 5% target growth was at risk, the situation was more promising on the jobs front.

“Two days ago, Stats SA released the employment figures for the last quarter of 2014. The report shows that there are now 15.3 million people who are employed in South Africa. Jobs grew by 203 000.

“Our investment in youth employment is also paying off. The Employment Tax Incentive, which was introduced last year directed mainly at the youth, is progressing very well. To date, R2bn has been claimed by about 29 000 employers, who have claimed for at least 270 000 young people.”

LABOUR

Economic Freedom Fighters’ Mr Julius Malema presented a statistical analysis which painted a gloomy picture of the state of contract labour.

“In 2012, the labour movement reported that Checkers employs about 73 000 workers and only 35% are permanent, earning a minimum of R4 000 a month – 60% are supplied by labour brokers, earning a minimum of R1 800 a month. Pick n Pay employs 36 538, only 16 000 are full time, earning a minimum of R4 500 a month. The rest are part time, earning a minimum of R2 000 a month. At Woolworths it’s estimated that the ratio is 70% casual and 30% permanent. This excludes workers in hotels, restaurants, mining and construction sectors.”

Repeating what he said during the State of the Nation Address, President Zuma said that new labour laws or amendments were coming into effect this year.

“Honourable Malema raised concerns about workers who are employed as temporary workers for more than 10 or 20 years, and being supplied by labour brokers. In terms of the amended Labour Relations Act, Basic Conditions of Employment Act and the Employment Equity Act, the issues raised by the Honourable Member have been resolved.

“In terms of the Basic Conditions of Employment Act and the Labour

Relations Act as amended, all workers will be employed permanently. Temporary work contracts will not exceed three months. In addition, the Deputy President will continue to lead the National Economic Development and Labour Council (Nedlac) dialogue relating to a national minimum wage.”

POVERTY AND INEQUALITY

Prince Mangosuthu Buthelezi of the Inkatha Freedom Party also used numerical analysis to illustrate his point on the state of poverty and unemployment, arguing that 164 years was the difference between a child born in our poorest communities and one born in our most affluent suburbs.

“A South African household living on the poverty line would need to save every cent of its income for 164 years to put a child through one of South Africa’s elite schools; a school with a laboratory, a computer centre and a solid maths programme – 164 years. That is the level of inequality that exists after 20 years of an African National Congress government.”

President Zuma admitted that the poverty and inequality stemmed from the fact that the government had not fundamentally restructured the economy in order to effect true economic transformation.

“It is for this reason that 20 years into freedom, we are still grappling with poverty, inequality and unemployment. Inequality is still staring us in the face. Census 2011 informed us that the income of households has hardly changed and that the income of white households is still six times more than that of black households.”

AGRICULTURE

For the National Freedom Party’s Mr Maliyakhe Shelembe, the concern was

the “one-size-fits-all approach” to the limitation on the farm sizes.

“Surely the State President and his advisers must know that agriculture is not a homogeneous sector. Different farms have different needs and this applies to size too. Whereas a 1 000-hectare wine farm in a water-rich area may be productive, a 1 000-hectare farm in the Karoo will not support enough sheep or goats to make such a farm economically viable. Was this obvious distinction considered before the decision was made to restrict the size of farms across the board?”

Responding to concerns about a possible food crisis should the Land Holdings Bill be passed, President Zuma said there were two answers to this issue.

“We are taking these actions precisely because the fate of too many is in the hands of too few. The effective participation of the previously excluded black majority in agriculture and food production will only occur meaningfully when they have access to land and the means to work it.

“An inclusive and scientific process will be used to assess the situation in different commodities and in different localities, so as to make sure that nothing is done that will prejudice food security in the country.”

CRIME AND CORRUPTION

The fight against crime and corruption was one that the United Democratic Movement (UDM) has fought and will continue fighting, said Mr Bantu Holomisa.

“The UDM will continue to make our contribution in this important task. Accordingly, we have already referred to the Public Protector for an investigation

into allegations of possible wrongdoing in the Jobs Fund established in 2011 with an investment of no less than R9bn.

“The instability at the top echelons of the crime-busting institutions in the country is a cause for great concern and we invite government to give urgent attention to the resolution of this situation.”

President Zuma said: “We are taking action to improve the performance of the supply chain management system in government, to prevent the fruitless and futile expenditure, corruption and other problems.

“Honourable Holomisa, I assure you that what you called instability at the top echelons of the crime-busting institutions is being attended to. This matter is of great concern to us. There is no government that would not be worried even if it was only two or three institutions that are affected. Even if it was a single institution, it would be one too many, given that we have prioritised the fight against crime and corruption.”

ECONOMY

Mr Themba Godi of the African People's Convention argued that two decades after liberation, the country's socio-economic space was largely still reflective of the past.

“Freedom must have material meaning to the lives of the people – Africans in general and the working class in particular. We need to frontally deal with the structural challenges of our economy.

“We must build a capable state. The gap between policy and implementation is unacceptable – whether we are talking about social

and labour plans for the mines, land reform, public administration or effective and timeous implementation – monitoring is lacking. Economic development is the central task – all policies and programmes should serve it.”

Agreeing with Mr Godi, President Zuma said the government has called for radical economic transformation.

“By this we mean actions such as the industrialisation of the economy, boosting and expanding agriculture and manufacturing and adding value to South Africa's mineral wealth in order to open up opportunities for economic participation for more people and create jobs.

“As part of changing the structure and to deracialise the economy, the Broad-Based Black Economic Empowerment Amendment Act was proclaimed into law in October last year. Regulations to give effect to the Act are being finalised. A B-BBEE Commission is to be appointed this year.”

LAND

The Freedom Front Plus's Dr Pieter Mulder said restricting the ownership of land by foreigners was equivalent to scapegoat politics.

“Foreigners are buying all the land, that's why prices are so high. Figures show that foreigners own about 2% of the land but their investments, job creation and companies' contribution to tax are much more than 2%.

“The same goes for Somalians and other foreigners. TV scenes of shops being looted in Soweto are shocking. Of course it is xenophobia. The President did not say anything about it. He, however, said foreigners should not own land. Ordinary Soweto residents hear the President say that they were

right in getting rid of foreigners in advance.”

With regard to the Land Holdings Bill, President Zuma reminded Members that the Green Paper on Land Reform was first released in 2011 for public comments and that there would still be opportunity for comments once it reaches Parliament.

For foreign nationals wishing to buy homes, President Zuma provided clarity that the limit on foreign ownership was confined to agricultural land. He further said that the new policy will affect multinational corporations operating in South Africa only if their future property purchases consist of agricultural land.

“Honourable Mulder, nobody is chasing the Afrikaner compatriots away from this country. I began the address last week with an affirmation of the Freedom Charter pronouncement that South Africa belongs to all who live in it. As has been said before, we condemn attacks on foreign nationals and there can be no justification for that type of conduct in any community in our country.”

EDUCATION

Congress of the People’s (Cope’s) Mr Mosiuoa Lekota provided a number of suggestions to deal with challenges in the higher education sector.

“On the never-ending crisis in education, Cope urges government to reopen colleges of education, conduct ongoing service courses, and to give full bursaries to all suitably qualified and financially constrained students who are the first in their respective families to request tertiary education.”

Mr Lekota added that it was imperative that a massive skills training programme in the requisite

skills be instituted.

The White Paper for Post-School Education and Training provides for the establishment of Community Education and Training Colleges that will primarily target youth and adults who did not complete schooling or who have never attended school, said President Zuma.

“The process of identifying nine Community Education and Training Colleges for piloting in 2015 has been completed. This initiative will be implemented in collaboration with local authorities, Sector Education and Training Authorities, community organisations and business. This is in addition to the reopening of teacher and nursing colleges.

“With regard to funding, the National Student Financial Aid Scheme (NSFAS) remains the most significant instrument available to government for opening the doors of learning to poor and working-class communities. In 1999, NSFAS paid R441m in financial aid to students and in 2014, this rose to more than R9.2bn.”

ELECTRICITY

The nation remained extremely concerned that the ongoing load shedding by Eskom might in time lead to a total blackout, said the African Christian Democratic Party’s (ACDP’s) Rev Kenneth Meshoe.

“Eskom officials have repeatedly said that we are going to have load shedding for the next three years, and experts have warned that if the national grid does collapse, it will take between two and three weeks to get it running again.

“Companies are losing business and are at the risk of having to retrench staff. We need solutions, we need successful

businesses that provide opportunities for employment and for this to happen we need a secure and stable supply of electricity.”

The ACDP proposed that maintenance at Eskom must be increased substantially and highly skilled and experienced engineers must be brought in urgently – and that the government needs to open all sectors of the market to independent power producers.

President Zuma said the government has admitted that load shedding was a serious challenge and an impediment to economic growth.

“The extensive short-, medium- and long-term plan to deal with the energy challenge requires that we work together to ensure success,” he said.

During the State of the Nation Address, President Zuma elaborated on the short-, medium- and long-term plan.

“The short- and medium-term plan involves improved maintenance of Eskom power stations, enhancing the electricity generation capacity and managing the electricity demand. The long-term plan involves finalising our long-term energy security master plan.

“As a priority we’re going to stabilise Eskom’s finances to enable the utility to manage the current period. The government will honour its commitment to give Eskom about R23bn in the next fiscal year.”

What did you think about what President Zuma said in his State of the Nation Address and the responses from the various political parties in the debate? Tell us what you think at insession@parliament.gov.za. 🗣️



HUMAN RIGHTS: Deputy Speaker of the National Assembly Mr Lechesa Tsenoli.

Can parliaments legislate on morality?

A conference on human rights organised by the Commonwealth Parliamentary Association (CPA) heard how the South African Parliament has taken an active position on passing legislation on nationally binding moral principles, writes Abel Mputing.

The Deputy Speaker of the National Assembly, Mr Lechesa Tsenoli, led a debate at the recent CPA conference on the tough question of whether legislatures should pass laws on morality in their countries.

Is good and evil a matter for the individual conscience, to be decided and imposed by the family unit, or must the state decide on broad issues of morality and legislate on them for society as a whole?

This was the challenging topic of the

debate led by Mr Tsenoli in the House of Lords at the British Parliament last month. He led an intense discussion among parliamentarians and academics about the role of legislatures in deciding moral decision-making. This was one of the final debates of the conference, arguably one of its most controversial, and it drew post-graduate Commonwealth scholarship students from all over the world.

The consensus from the debate was that legislating on morality was a deeply complex issue that had to take

into account the diversity of moral codes in different countries.

To illustrate just how complex this could be, he drew on the example of gender equality and women's rights to control over their reproductive health. "This led to their right to terminate pregnancy when, in their opinion, it was not appropriate for them in their own lives. That is an important right. It is a human right."

However, Mr Tsenoli readily conceded that there are those who consider abortion to be immoral. It is in such matters that the role of the state becomes very complex, and there is no one-size-fits-all answer when it comes to legislating on moral issues.

He said that some people believe that such matters should be left to the family. Ethics and laying the foundations of good character are, as a

norm, considered the domain of family upbringing and morals are nurtured in this way.

In the same way, society affects the conduct of families significantly. There is a “dynamic relationship” between family institutions and the public and “what happens in families has an impact on society as a whole. Certain family values may have a serious negative impact on public life.”

The Deputy Speaker emphasised the complexity of this, and pointed out that sometimes it was “unwise” to leave it to the family to enforce norms and values as they may conflict with those entrenched in our Constitution.

Another contested area within the diverse countries of the CPA was the issue of whether to recognise the rights of gay, lesbian and transgender citizens. “Of course our position is that we have legislated [to protect] the human rights of all,” Mr Tsenoli said.

Human rights should be considered within the broader context of society. He pointed out that “sometimes when the rich and well-to-do dominate in society, the rights of the poor may be trampled upon or ignored.” A very important consideration, he said, is whose interests are being protected by legislation.

“The problem of poverty and inequality is a matter of concern because it undermines the achievement of the human rights of the majority of the people in the Commonwealth. Until we reach a point where people are freed from the vagaries of poverty and unemployment their human rights are superficial,” Mr Tsenoli said.

In South Africa our Constitution is a framework to uphold our societal values and conduct our daily lives. It recognises traditional governance and

certain customs and cultural practices, but if any of these conflict with the Bill of Rights, it will be struck down. Mr Tsenoli gave as an example the traditional custom that only men can inherit leadership positions in tribal authorities. This was rejected by the Constitutional Court because it was deemed unconstitutional and in conflict with legislation on gender equality.

The South African delegation, which included a representative from the National Assembly, Ms Denise Robinson, and one from the National Council of Provinces, Mr Dumisani Ximbi, met with deputy speakers and officials from other Commonwealth parliaments. Of particular interest to them, given South Africa’s recent transition to the fifth Parliament, was learning about the UK’s preparations for its upcoming election in May where plans are already underway for the changes its parliament will undertake.

The debate was held at the UK legislature to mark the 750th anniversary of the English Parliament, considered by many to be a model of Western democracy.

Mr Tsenoli used the South African Parliament as an example of a legislature that believes it has a responsibility to address morals, even in a society as diverse as our own, where different cultures and religions co-exist, each with their own moral codes. “Sometimes human rights and morals conflict. Often this clash leads to conflict in society, but it does not absolve those in leadership from taking appropriate risks to advance human rights.”

Speaking after his return from the conference, Mr Tsenoli pointed out that unlike many democracies where parliaments hold the final say, South Africa has gone a step further to place sovereignty in our Constitutional Court.

For example, in South Africa the Constitutional Court, as the highest decision-making body in our country, enforced the constitutional principle outlawing the death penalty. 🌍

At the Commonwealth Parliamentary Association, four original hand-written copies of the Magna Carta were on display. The Magna Carta is considered one of the first charters to introduce the principles and values of democratic governance and human rights, and the originals are extremely rare. It was the first attempt to curtail the abusive power of King John held over his subjects at the time.

“Initially, there were 12 copies that were individually written, but now only four are left and it is the first time in eight centuries that they have been exhibited to the public. We happened to be the first people to be honoured with such a privilege,” Mr Tsenoli explained.

He spoke movingly about how it felt to view these historic 800-year-old documents, which have been on display in different parts of the world but were being exhibited for the first time together.

He described what it meant to him to be in the presence of what are probably the first documents to curtail the power of kings and introduce the idea of upholding the rights of ordinary people. “The significance of the Magna Carta is that it was the original statement that inspired democratic rule.”

Cooperatives are the cornerstone to small business sector

The *Portfolio Committee on Small Business Development conducted a two-week-long oversight visit in three provinces to see how small enterprises, cooperatives and rural and township business initiatives are doing. The Committee observed that there is potential in KwaZulu-Natal, the Eastern Cape is doing well, but the biggest township economy in Africa, Gauteng, is troubled. Sibongile Maputi travelled with the Committee.*



The Committee saw how shops in Soweto were doing following a violent two weeks, during which shops owned by foreign nationals were looted and destroyed. "This sector should create 80% of the job opportunities South Africa has set as a target by 2030, in line with the National Development Plan. The country cannot tolerate a situation where a sector, in which most of our people flourish as entrepreneurs, is destabilised," the Chairperson of the Committee, Ms Ruth Bhengu, said.

"Building malls in the townships has pushed locals to the periphery of the economy. They do not own shops in those malls. Furthermore, South Africans feel elbowed out of what is essentially theirs, ownership of spaza shops. They have operated spaza shops for years and now there is a perceived takeover," she said.

Ms Bhengu said the Committee condemned the violence and looting in the strongest terms. She said

the correct way to deal with the perception of a takeover of the township economy is an integrated approach among small business people. "South Africa is leading the African Renaissance project (the revival of African culture, values and identity). How then can South Africans chase foreign nationals from other African states away? The geographic boundaries used to alienate people are a human creation and were not created by Africans," Ms Bhengu said.

The perception that foreigners are taking over the economy was not limited to Gauteng. People at eZinqoleni Local Municipality, in the heart of rural KwaZulu-Natal, raised the same concern. The Committee visited a greenhouse project in the Ugu District Municipality that has the potential to contribute to the economy and job creation. It is a collaborative effort between the local chief, Nkosi Nathi Maphumulo, an Israeli company called Top Green

House and a local company, Kohwa Holdings.

The Executive Chairman of Kohwa Holdings, Mr Trevor Tshuma, told the Committee that the project sells vegetables worth R60 000 a week, despite operating on a very small piece of land. "No company wants to invest in rural economies and skills. By establishing this project here we wanted to show retail businesses that it could be done with adequate training. The project employs these people who were considered unemployable by the private sector," Mr Tshuma said.

Despite a lack of infrastructure, resources and support from the government, the project has a contract to supply fresh produce to Spar while negotiations are taking place with Pick n Pay, Massmart and Nando's. Members were told the project needed land and money to expand and that there were plans to have a greenhouse in every district municipality, in collaboration with the *amakhosi*.



SMALL IS BEAUTIFUL: The government recognises that small businesses have the potential to create jobs and wealth.

Committee member Mr Thilidzi Mulaudzi said the government needed to support programmes geared towards developing rural people. Ms Bhengu agreed, saying this project emphasised the need for government departments to work together. “An integrated approach means the government would provide infrastructure, roads, electricity and water,” she said.

“All that is needed is for officials to work with the people on the ground and be visible. Bureaucracy, protocols and memorandums of understanding do not create jobs,” she said. She reminded those present that the mandate of the newly established Department of Small Business Development was to reduce poverty and create jobs through supporting small businesses.

Mr Mulaudzi wanted to know if the Kohwa project had the capacity to expand nationally if it received full support of national government. “The project should be escalated throughout

the country. The National Development Plan speaks of radical economic transformation, and that cannot be achieved with desktop presentations,” he said.

“The governing party resolved that public procurement and infrastructure development should be at the centre of radical transformation of the economy. There is nothing holding back government officials from achieving these objectives through growing the small business sector,” Ms Bhengu said.

Cooperatives the cornerstone

Ms Bhengu said rural and small businesses should consider forming cooperatives. The Committee was impressed by Self Help Associations for Paraplegics (Shap) run by people with disabilities at Mofolo Park in Soweto.

The factory employs over 60 people with disabilities to produce reflector jackets for various companies, including Transnet, and has a turnover of approximately R100 000. Shap’s

executive director, Mr Dan Kekana, told the Committee that the bulk of the money went to operational and maintenance costs, and that it worked with a supportive company called Rob Will Trading (RWT).

However, Ms Bhengu had some concerns. “An idea that is meant to be a cooperative, with some sense of collective ownership for disabled persons, is now reduced to a place where people are mere employees. RWT is not paying rent, electricity and maintenance costs, yet is getting all the money,” she said.

Structured cooperatives would ensure the sustainability of small projects, she said. “Well-established primary cooperatives result in stable secondary cooperatives, a clear value chain and discounted prices when buying in bulk,” she said. “This is an approach people in township economies or rural agri-economies could adopt and which could lessen additional costs, such as transport,” she said. 🌱

Rural parents must get involved in their children's education



Far from the high-tech classrooms of the urban areas, Ndumiso Mdunge's desire for education burns like a seasoned pine in a raging fire. For this 18-year-old Grade 12 learner from the AM Moola Secondary School, education represents the only hope to fight the grinding poverty in and around the Thafamasi Tribal Area in Ndwedwe, KwaZulu-Natal, writes *Malatswa Molepo*.

He and many other learners in the KwaZulu-Natal Province face many challenges, but chief among them is the non-participation of parents and communities in their children's education.

"Parents represent the most crucial stakeholder in every learner's journey through school. Without this involvement, the children are already at a disadvantage as their involvement is necessary to assist the school in moulding these children," said Ms Nomalungelo Gina, the Chairperson of the Portfolio Committee on Basic Education.

The Committee raised its concerns about this during an oversight visit to schools in the province to assess the state of readiness for teaching and learning for the 2015 academic year. The Committee visited the province because of the large drop in 2014 National Senior Certificate results that saw the province obtain a 69.7% pass rate. This represented a 7.7% decline from the 77.4% pass rate of 2013. Furthermore, the number of learners who gained a university entrance decreased from 32.9% in 2013 to 25.6% in 2014.

For many learners like Ndumiso, their parents' non-participation is not their

only problem. Getting to this school in hilly Ndwedwe is a challenge, roads are not tarred and there is no sign of development. "Our biggest worry is that learners from this school walk long distances to get to school as there is no learner transport. Learners walk for about five to eight kilometres just to get here and we have witnessed increased late-coming and tiredness among learners," said Ms Pinky Mqadi, the principal of the school.

The school has also seen an increase in crime against learners. "We have just buried a learner from a neighbouring school after he was accosted and shot by an unknown assailant," Ms Mqadi told the Committee.

"It is up to this community to find workable solutions to fight the crime that prevents children from receiving education, which is a constitutional imperative. The community is failing these children if their safety cannot be guaranteed. Furthermore, the Department of Basic Education must provide adequate learner transport to give these children a chance to study," said a member of the KwaZulu-Natal Provincial Legislature, Mr Siphon Nkosi.

Despite these and many other challenges, the Portfolio Committee

left the province optimistic that there will be a turnaround this year, primarily because schools have adhered to the government's policy of every learner being in class and learning from the first day of school. The Committee believes this will provide a great platform for the year, as learners strive to improve the province's overall pass rate.

The Committee also cautioned that for the province to attain its goals, much more emphasis should be placed on full implementation of turnaround strategies. "While schools showed eagerness to arrest the decline in matric results by placing concrete plans in place, non-implementation of those plans will not change the status quo. The Department of Basic Education, from national to circuit level, should play a key support role in turning this underachievement around," Ms Gina said.

The Committee was further satisfied that the province has done reasonably well with the provision of Learner Teacher Support Materials. Furthermore, the department has promised schools that it will provide further support materials especially in learning areas identified as problematic, such as mathematics and science.

As Ndumiso enters what is sure to be a challenging year, the provision of Learner Teacher Support Materials will improve his chances of passing matric and registering for an engineering degree, as he dreams of doing. "You will not find me here next year. I am going to pass this thing," he said confidently. 🙌

Move to improve education in Eastern Cape

The eradication of ‘inappropriate’ schools should take place within the broad paradigm of the creation of a better quality of education for all South African children, irrespective of where the school is located. This is what members of the Standing Committee on Appropriations told Department of Basic Education officials in Libode in the Eastern Cape, writes **Mava Lukani**.



The term “inappropriate” is used to describe all schools with structures that are unsuitable for teaching and learning, such as those made of mud or zinc. It does not matter if the school is on a farm, or in an informal settlement, township or a village, its building structure, the quality of teaching, basic services such as water, electricity, sanitation and other facilities must meet the acceptable standard, the officials were told.

Members of the Committee said the Department cannot hope to deliver the best professionals if certain resources in schools are of poor quality or do not exist at all. “We can deliver the best professionals if there is a perfect combination of all the basic resources in schools – appropriate buildings, quality teaching, water, sanitation, electricity and, above all, a conducive environment for learning and teaching,” said the Acting Chairperson of the Standing Committee on Appropriations, Mr Ndaba Gcwabaza.

The Standing Committee on Appropriations was on an oversight visit to the Eastern Cape to assess progress in the delivery of new schools through the Accelerated Service Delivery Initiative (Asidi) programme in the OR Tambo District Municipality. Asidi was established in 2011 by the Department of Basic Education and funded in the 2011/12 financial year to eradicate all “inappropriate” schools in South Africa. It also addresses the backlogs in the provision of basic services in schools, such as water, electricity and sanitation. The programme is funded through the Schools Infrastructure Backlogs Grant.

“Part of the objective behind the Accelerated Service Delivery Initiative is to deliver quality education to all South Africans,” Mr Gcwabaza said. “Should one of the other tools for the delivery of quality education deteriorate, the entire system would be compromised and will lead to poor results in the end,” he said.

According to Mr Gcwabaza, the

Committee wanted to understand the challenges that led to the delays that forced the Department of Basic Education to change its original completion deadline of 2014/15 to 2016/17. It also wanted to know if the department will be able to build the promised 442 schools by the new deadline.

When Asidi was launched in 2011, there were 510 “inadequate” schools nationally and 442 of these were in the Eastern Cape. The department’s plan to eradicate those in the Eastern Cape was 49 schools in the 2011/12 financial year, but this was changed to 2012/13, and 50 schools in the 2013/14 financial year. However, the Department has said it will not meet this target either.

The department’s list of challenges preventing delivery include work stoppages by local contractors who claim they were not invited to tender for the work; delays in starting construction due to late handing over of the site; heavy rains; errors in building plans and late consultations with contractors.

The Committee heard during a meeting with department officials that 78 of the 99 schools earmarked for completion in the 2013/14 financial year are complete. It also heard that schools that did not have water, electricity and sanitation are starting to get those resources. Department officials also said that schools are connected to municipal water infrastructure where it exists, and boreholes and rain water is used where there is no existing water infrastructure. The Committee also heard that schools are being connected to the electricity grid through Eskom and, where there is no electricity, solar power is provided.

Members of the Committee emphasised the importance of a maintenance plan for every school. “If there is no budget for maintenance, the new schools will crumble and collapse in a few years. Department officials must work closely with the governing structures of the new schools to bring sustainable life to these schools,” Mr Gcwabaza said. 🌱

Through the lens

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THE BUDGET: Finance Minister Mr Nhlamhla Nene flanked by SARS Commissioner Mr Tom Moyane (left), Deputy Minister of Finance Mr Mncibisi Jonas (right), and Director-General of the Department of Finance Mr Lungile Fuzile (far right) before Mr Nene's first Budget Speech in Parliament on 25 February 2015.



Setbacks to government's housing plans

Government's *efforts to end homelessness and eradicate informal settlements in townships and rural areas are being hindered by incompetent officials who lack basic strategic planning skills and capacity to spend allocated funds, writes Sakhile Mokoena.*

The failure by some local municipalities to spend the Municipal Infrastructure Grant (MIG) and housing budget from the Department of Human Settlements has slowed down the government's efforts to provide free housing to poor people and eradicate informal settlements, the Portfolio Committee on Human Settlements discovered during a recent oversight visit to Limpopo.

During the visit the Committee met with the provincial Department of Cooperative Governance, Human Settlements and Traditional Affairs and municipalities to find out how they were implementing the Integrated Human Settlement Strategy in the province.

The Committee heard distressing reports of failure by municipalities to develop housing plans and spend allocated funds. Another setback to the government's housing plans is shoddy geo-technical and construction work from service providers. This costs the state millions of rands to fix damages instead of building more houses.

In Ba-Phalaborwa and Lephalale Local Municipalities more than 300 houses will have to be vacated and new houses built because they were built on a flood plain, which means that every rainy season

the occupants face the danger of flooding. Committee Chairperson Ms Nocawe Mafu labelled the situation "a disaster", "unacceptable" and a "major cause of service delivery backlogs".

"It is a disaster. There is a sense of poor planning in both district and local municipalities. It is unacceptable for municipalities to fail to spend money allocated for service delivery. If municipalities do not spend the money, there is no need for government to feel the need for more funding. If you cannot spend the little that you have, you cannot ask for more," she said.

Senior officials from the municipalities have admitted the shortcomings and accepted the Portfolio Committee's advice to turn things around. Ms Regina Makhadi, Manager for Infrastructure in the Waterberg District Municipality, said: "We are not doing well in MIG expenditure."

The Lephalale Municipality is faced with the mushrooming of informal settlements and backyard dwellers, which overload the municipality's water supply and sewerage system. Since the beginning of the construction of Medupi, the fourth largest coal power station

in the world, the town has seen an influx of people looking for work. "The backyard dwellers are burdening the municipality and our services system is now overloaded," said Acting Municipal Manager Mr Charles Dekane.

The National Department of Human Settlements has reduced Limpopo's housing budget by about R560m because the province would not be able to spend all the money. The Committee has asked the department to assist the municipalities in developing and implementing housing plans.

The Committee Chairperson said it was the task of the Committee to conduct provincial visits occasionally to interact with all spheres of government to find out about service delivery hiccups and how Parliament can intervene. "The visit to projects is to make sure that what we are told on paper matches the actual work that is happening on the ground," Ms Mafu said.

She said addressing the challenge of housing would also help to address the challenges of poverty and unemployment as people will get jobs in the construction of houses. "All these are related. 80% of delivery complaints are linked to housing and water. Local government elections are tied directly to these issues," said the Chairperson.

During a meeting with the community of Thabo Mbeki settlement in Lephalale, the Committee was told that beneficiaries of government free houses were renting them out to foreigners and went back to re-establish shacks, a practice that the Committee feels is making a mockery of efforts to end informal settlements.

How do you think the government can improve in providing low-cost housing to those who need it? Email insession@parliament.gov.za and let us know. 🌍

Delivery of water is too slow

Standing Committee unhappy with progress in Eastern Cape



WATER FLOW: The completion of water projects in the Eastern Cape has been hampered by procurement problems..

The *slow implementation of the Mt Ayliff Bulk Water Supply project in the villages of Alfred Nzo and OR Tambo District Municipalities in the Eastern Cape is the main reason for the rising cost of the project. The longer it takes, the more money will have to be spent on materials, the Acting Chairperson of the Standing Committee on Appropriations, Mr Ndaba Gcwabaza, told councillors and officials of the two municipalities during an oversight visit in February, writes Mava Lukani.*

Mt Ayliff Bulk Water Supply project managers told members of the Committee that the implementation of the project was running late for various reasons, including problems with procurement. However, Committee members did not accept this as an excuse. "Ordinarily, procurement comes before implementation, but in this case, according to your explanation, implementation started before procurement. That is unacceptable," Mr Gcwabaza said.

The Standing Committee was visiting the project to track progress in the delivery of the water infrastructure schemes in the Alfred Nzo and OR Tambo District Municipalities. The Committee visited the Mt Ayliff Bulk Water Supply Scheme, Mhleleni Storage Development, Mzimvubu River Intake Box Project and the water reticulation system in Ngquza Hill Municipality in Lusikisiki.

Mr Gcwabaza said Alfred Nzo and OR Tambo District Municipalities were among 24 districts nationally that were identified in 2012 as having the biggest water backlogs. The projects are funded through the Municipal Water Infrastructure Grant (MWIG) as

a short- to medium-term water supply solution, especially in areas identified as "hot spots". The MWIG programme was established by the Department of Water Affairs and Sanitation in 2012 as an interim water supply programme in recognition of the plight of many people, particularly in rural areas, who are still living without water, despite 20 years of democracy.

Members of the Committee could not hide their frustration at the slow pace of delivery of water to communities. Mr Gcwabaza told officials in the Department of Water Affairs and Sanitation: "It is regrettable that, two years after the implementation of the water scheme projects, water has still not reached people who have for years been denied access to clean drinking water by colonialism and apartheid."

The Deputy Mayor of Alfred Nzo District Municipality, Mr Mxolisi Mehlomakhulu, said that part of the problem was that some materials for the project were bought from outside South Africa. Mr Gcwabaza told officials from the Department of Water Affairs and Sanitation and from OR and Alfred Nzo District Municipalities that this was not allowed. "The

President made a call in 2012 against procuring materials for infrastructure projects from outside South Africa," he said. "It is clearly written in the National Development Plan (NDP) that procurement of infrastructure projects materials outside South Africa is forbidden," Mr Gcwabaza told them. He said this is a serious breach which diminishes the NDP's objectives and must be avoided in future.

Mr Gcwabaza urged the officials to increase the speed of the implementation of the water projects in both district municipalities. He also told them to put money aside for maintenance of the infrastructure. "We note that you don't put money aside for the maintenance of infrastructure. This is dangerous. As you do these projects, be driven by principles of sustainability. Construct sustainable water schemes that will be evidence of a wonderful legacy for the future," he said.

Members of the Committee were unhappy that municipal managers and chief financial officers were unavailable at the time of their visit to answer questions about the water projects.

The water supply programme was allocated R603m in the 2013/14 financial year and R1.5bn in 2014/15 but Committee members told officials that the progress they saw did not match the money allocated. "You must be aware that both over- and under-expenditure are unacceptable," Mr Gcwabaza told the officials. 🌱



Major effort to assist poor students

HIGHER LEARNING: Access and funding are two highly contested issues in the post-school education system.

A comprehensive briefing by the Department of Higher Education and Training (DHET) and the National Student Financial Aid Scheme (NSFAS) provided the Portfolio Committee on Higher Education and Training with a broad overview of the challenges in the post-school education and training system, writes **Elijah Moholola**.

Access to and funding for higher education and training were the two overriding issues in a meeting during which the Portfolio Committee was briefed by the DHET and NSFAS in February. These two biggest issues were also dominant on the agenda during the Committee's oversight visits to four institutions – the University of Mpumalanga, the Ehlanzeni Technical and Vocational Education and Training (TVET) College, the Tshwane University of Technology (TUT) and the Tshwane North TVET College.

In the meeting in Parliament, the DHET provided an overview of the registration and enrolment processes at both higher education institutions and TVET colleges, while the NSFAS briefed the Committee on the allocation of funds to students at higher education and training

institutions. The meeting was attended by, among other people, the Minister of the Department of Higher Education and Training, Dr Blade Nzimande, Deputy Minister Mr Mduduzi Manana and NSFAS CEO Mr Msulwa Daca.

The Committee identified at least six key areas that the department needed to address to deal with insufficient funding and limited access to tertiary education. Committee Chairperson Mrs Yvonne Phosa said: "While we agree that there has been some progress with both student access and funding at tertiary institutions, regardless of the challenges that have confronted the department, we are saying that this is a new year and we need to make further progress. We must commend the department on the increase of funds for higher education

and training, but the budget is still insufficient."

Ms Phosa said the areas that require immediate action from the department include increasing the NSFAS funding from the current R9.5bn for 2015; exercising control over university fees; investigating cost drivers at institutions of higher learning; monitoring infrastructure development at universities; and improving student enrolment processes and systems.

"The Department has to have some level of control over the university fees. The fee structures of some universities are a stumbling block as the more fees increase, the more students cannot access higher education opportunities. Furthermore, we would like the department to speedily look at the cost drivers at universities because these are what lead to the high fees.

"We would also like to have the department closely monitoring infrastructure development at universities. There needs to be

infrastructure expansion so that universities can take more students in the coming years and such students have to be accommodated at university residences," she said.

Ms Phosa further said there is a need for NSFAS to have an effective fundraising strategy and also called for the timely payment of funds from the department to NSFAS and from the financial aid scheme to the institutions. "We would like to have NSFAS providing us with their fundraising strategy because we will use it as a measuring tool to monitor this area and to determine progress as far as fundraising is concerned."

Ms Phosa added: "All these gaps need to be closed and we trust that the department will find a way so that we can have a smooth running of the higher education system."

Part of the Committee's concern was that the start of every academic year has become synonymous with student protests at tertiary institutions. "In recent years during the registration period there has been a spate of student protests which, in the main, have been caused by insufficient funding for students. This year, we have witnessed protests at institutions such as the Walter Sisulu University, the University of KwaZulu-Natal, the Tshwane University of Technology and Wits University. During our recent oversight visit to Tshwane University, we learnt that about 2 000 returning students were not funded for the current academic year," Ms Phosa said.

TVETs also experienced student protests which disrupted registration at the Waterberg TVET College, Lephalale TVET College, Buffalo City TVET College and Eastcape Midlands TVET College. Dr Nzimande said it was timely for the Committee to be focusing

on the challenges relating to the higher education and training system following the conclusion of the registration and enrolment period in January. "Some of the key challenges being experienced related to NSFAS and these have led to student protests. Major issues include funding shortfalls for 2015, the perennial issue of BTEch student funding (some of whom are not funded through NSFAS), financial exclusion due to student debt, as well as unfunded historical debt."

Dr Nzimande confirmed that the NSFAS allocation for 2015 amounted to R9.5bn. This amount, according to the NSFAS presentation, comprises R4.1bn for universities, R2.2bn for TVETs, R1bn from the Department of Basic Education through the Funza Lushaka fund, a provisional R800m from the National Skills Fund and a provisional R200m from the Department of Social Development.

Further sources of funding include NSFAS recoveries (R450m), universities' own funding (estimated at R200m), Sector Education and Training Authorities' funding (estimated at R500m) and other funders (R50m). "The government continues to put in a lot of money to assist poor students and this is one of government's most important achievements over the past 20 years. In 2014, the total allocation was more than R8.2bn, which of course excluded the additional once-off allocation of R1bn, so we are practically talking of a jump from R8.2bn to R9.5bn," Dr Nzimande said.

The DHET presentation disclosed that "NSFAS will not be able to maintain current university student numbers without an additional injection of R1bn (increasing at inflationary rates) in the baseline" and that an "additional allocation of R10.2bn was required to

fully fund all qualifying NSFAS students in the 2015 cohort."

Dr Nzimande said: "The government is committed to reaching our goal to assist every deserving poor student and we are also earnestly investigating the possibility of assisting those who fall through the cracks, who do not qualify for NSFAS funding but at the same time are unable to be assisted by banks or other institutions."

Dr Nzimande further told the Committee that a forensic investigation would be conducted into the NSFAS to deal with allegations of fraud, corruption and maladministration. Furthermore, Dr Nzimande said in a meeting he held with vice-chancellors late last year it was agreed that there would be a comprehensive look at cost drivers at universities. He further reiterated that the country was spending only 1.4% of its GDP on education, which was below the continental average. "Why we are not controlling university fees? For instance, we need to deal with why one university would increase fees by 6% and another by 12%," Dr Nzimande said.

Dr Nzimande further said that there would be more efforts to secure funding from the private sector, adding that Deputy President Cyril Ramaphosa supported this. He also explained what was behind the challenge of limited access to institutions of higher learning. "The challenge is diversification of the higher education options because at the moment it's only one route and that's universities. Hence there's a need to expand and diversify the post-school education and training sector."

At the time of the meeting, there were no final enrolment figures available for universities and TVETs. 🗨️

Help at hand for new generation of farmers

Public hearings on the Recapitalisation and Development Programme

The *Portfolio Committee on Rural Development and Land Reform's public hearings on the Recapitalisation and Development Programme (RADP) held at Parliament recently uncovered some problems with the project but also the significant progress it has made since its inception in 2010, writes Abel Mputing.*

The RADP's objective was to find ways to support black commercial farmers, particularly because the 1913 Natives' Land Act destroyed this means of livelihood for black people. In her opening remarks at the public hearings, the Chairperson of the Portfolio Committee, Ms Phumzile Ngwenya-Mbila, gave some background.

"The public hearings on the RADP come out of an oversight programme adopted by the Portfolio Committee to look at progress made with the reopening of the lodgement of land claims, whilst simultaneously considering the extent to which the state has supported the beneficiaries of land reform. The Committee seeks to connect its observations from oversight visits on specific farms to observations of the public, researchers and academics, as well as civil society organisations," she said.

The Chief Director of Rural Development and Land Reform, Mr Bonginkosi Zulu, admitted that there are problems that need to be fixed to ensure that the recapitalisation project lives up to its mandate. "We have identified that many recapitalised farm lands

are not successful and this can be attributed to a lack of appropriate post-settlement support. Much land acquired by the project are on the verge of being auctioned or have been sold," he said.

"To date, the project has created 540 additional jobs on 98 farms, but the number of jobs the programme has created is too small to justify the amount invested," he said.

The Director-General of the Department of Rural Development and Land Reform, Mr Mduduzi Shabane, conceded that the government is investing a lot in recapitalisation but is not receiving value for money. "This project is saddled with ingrained disparities that have impacted negatively on it. There is a lack of integrated funding, resource allocation and support framework. When this project was established in 2009, a critical set of skills was needed but was not there. We had to build these skills as we moved forward," Mr Shabane said.

"The new generation of farmers did not have the assistance that previous farmers received. We are saddled with this legacy of inequality with

regard to access to finance and technical support. What we need to do is ensure that we devise a diverse package that will respond to the differentiated needs of the sector. The reality is that there is no one-size-fits-all approach for commercial and small-holder farmers. With the help of the National Treasury and the Land Bank we will hopefully have a funding package that speaks to the different needs of different farming sectors," Mr Shabane said.

Mr Zulu agreed that: "The best and lasting solution would entail a redesign and overhaul of all public agricultural support programmes to do away with existing silos of agricultural support services. This would entail the establishment of land acquisition, extension, mentorship, agricultural finance and market access as a single package. We have devised enforcement frameworks in terms of roles and responsibilities for farmers and their strategic partners, which will be finalised by the end of March.

"Included in these frameworks is an accreditation device to identify strategic partners' capabilities because we have realised that the relationship between farmers and partners is not firm. Some strategic partners are in these relationships for the money. Hence, we are trying to set up more stringent criteria to monitor and evaluate these relationships to ensure that there is value for money in them."



ROOM TO GROW: The government is looking for ways to support black farmers so they can reach their true potential in terms of yields and best practice.

On the second day of the public hearings, the Congress of South African Trade Unions (Cosatu) representative, Mr Neil Coleman, stated that the market-based approach to land distribution has made it difficult for government to address land reform issues. He said Cosatu rejected the proposal in the Green Paper for communal tenure to be treated separately from leasehold, freehold and precarious tenure, and outside the land reform programme.

“Some rural communities favour a more decentralised form of land redistribution. These individuals argue that the clan and family networks are more suitable for land administration. That becomes critical when one considers that institutional mechanisms for holding the traditional authorities accountable are weak. This means that these leaders can make decisions on land use without consulting their communities. This practice is supported by the

phenomenon in Africa where traditional leaders often enter into agreements with multinationals or domestic capital without the knowledge of relevant communities.”

Fiscal drain by incompetent and failed farmers who have become mentors of emerging black farmers is one of the disturbing trends that hampers the progress of the recapitalisation project, said a representative from the Institute for Poverty, Land and Agrarian Studies (Plaas), Prof Ruth Hall. “Currently, there is a trend of failed farmers who are now strategic partners and who benefit from the recap. Some of these partners are involved in multiple farming projects and their efficiency is not monitored and assessed well,” she said.

“The public hearings have demonstrated the complexities around the resolution of the land question and achieving agrarian transformation in South Africa,” Prof

Hall continued. She said there are some key areas for improvement that call for co-ordination between the Department of Agriculture and Forestry and Fisheries and the Department of Rural Development and Land Reform.

Prof Hall said she thought the public hearings succeeded in giving the Committee access to some critical insight from stakeholders. “The public hearings were a success because of the quality of the presentations and submissions that the Committee has received. It created a platform for debate on critical matters relating to the socio-economic transformation of society. Secondly, it brought together government and civil society to debate these matters. There are commitments from both government and other partners to work together to make a meaningful contribution in policy design related to the implementation and monitoring of RADP.” 🌱



Illegal mining poses danger to learners

Not only do their illegal mining operations put their own lives at risk, the lives of learners on the site are also in grave danger. A mine in Newcastle in KwaZulu-Natal has been a place of contention for a number of years and the Portfolio Committee on Mineral Resources visited the site to assess the situation, writes *Cedric Mboyisa*.

Committee members found illegal miners hard at work mining for coal. The miners said they have no choice but to resort to illegal mining to put food on the table. The Committee also visited Mzamo High School, which is located on the illegal mining site.

Upon inspection of the school, the Committee established that some classes have cracked walls due to the impact of illegal mining. It is said that the illegal mine has tunnels which run under the school, but this claim was vehemently denied by the illegal

miners. The miners did admit that there are indeed tunnels not far from the school.

The Department of Mineral Resources was on hand to brief the Committee on the situation, but the Committee members were not impressed with the presentation from the department. "There is no sense of urgency here. Maybe there will be when the school caves in (due to unstable ground as a result of illegal mining) and kids die," said the clearly concerned Chairperson of the Committee, Mr Sahlulele Luzipo.

The Chairperson vowed that the Committee will pursue the issue as a matter of urgency. "They (illegal



DANGEROUS GAME: Illegal miner Mr Aron Tshabalala (in hard hat) gives his side of the story as Committee Chairperson Mr Sahlulele Luzipo (far left) looks on.

mining had been allowed to go on for such a long time. He also raised a number of issues with the Department of Mineral Resources about its plans to deal with the issue. Mr Luzipo told the department officials to go back to their principals and tell them that the Committee was dissatisfied with its presentation.

Both the school governing body and the Amajuba District Municipality urged the Committee to help resolve the matter as soon as possible as the lives of learners and teachers are at risk. Their main fear is that the school could collapse at any time. They are also concerned about the polluted environment due to the illegal mining. "Mzamo High School can just cave in any time, because illegal miners have dug and mined into the school. Those kids are not supposed to be studying there. This is a disaster waiting to happen," said a local councillor.

InSession's reporter saw houses that had collapsed and others on the brink of collapse due to illegal mining activities. The representatives of the district municipality expressed serious concerns about what they perceived to be the snail's pace in addressing the issue. Speaking on behalf of the school, the governing body chairperson, Mr Bishop Mahlangu, made an impassioned plea to the Committee: "Please take this matter seriously." He said the building of a new school to replace Mzamo High School had stopped due to lack of funding. Some funders have pulled out of the project, he added. Besides, the new school is not very far from the illegal mining site.

The provincial Department of Cooperative Governance and Traditional Affairs is currently coordinating the efforts to relocate the illegal miners to another site which is said to be rich in minerals. The department is also

overseeing the construction of the new school. The department's General Manager for the Municipal Planning Unit, Mr Thulani Bhengu, briefed the Committee on their progress.

The Committee visited the new sites for the school and the mine but the situation looks far from being solved. According to some illegal miners who spoke to *InSession*, they were not prepared to leave the coal-rich site. They argued that they were "making an honest living" because the site was their main source of income. They showed *InSession's* reporter a number of tunnels they use. They said although some of their colleagues had died in the past, they would continue to mine, as this was their "profession".

One illegal miner, Mr Aron Tshabalala (58), denied that there are tunnels leading to the school. He has been involved in the illegal mining in the area for the past 15 years and said that some community members and leaders are spreading false information about the mining operations. He said illegal miners are overwhelmingly against their relocation. The miners have split into two factions over the issue of relocation, with 450 against and 125 for moving. Mr Tshabalala said they are committed to finding an amicable solution to the problem. But he warned that any forced removal would be resisted by the illegal miners.

Meanwhile, during its week-long oversight visit to KwaZulu-Natal and Eastern Cape, the Committee interacted with mining companies such as Somkhele Colliery, Richards Bay Minerals and Ikhwezi Quarries. The Committee also held a meeting with traditional leaders in Mthatha to discuss issues related to mining. The Committee also visited a One Stop Shop clinic set up to help former miners at Nelson Mandela Academic Hospital. 🗺️

miners) are not only engaged in illegal mining but pose a danger to the lives of these learners. Here we are dealing with a threat to life. Even if it means we have to go to the President or Premier to resolve this issue, we will do so," Mr Luzipo added. He sent a stern warning to the department: "We can't tolerate the level of comfort here. Are we only going to wake up when there is a disaster here? The primary objective now is to build a new school for these learners."

Other members of the Committee agreed with the Chairperson about the urgency of the matter. The Committee whip Chief Zwelivelile Mandela questioned how the illegal

‘We want to improve people’s lives’

National minimum wage public hearings

Farm, domestic and factory workers have joined a long list of low-paid labourers to submit proposals for a “decent living salary”, to the Portfolio Committee on Labour during public hearings on the national minimum wage policy, writes **Mzingezi Plum**.



A LIVING WAGE: Workers in the security industry are among the lowest paid in the country.

The Portfolio Committee on Labour recently conducted a week-long public hearings in four provinces – Gauteng, Free State, Eastern Cape and KwaZulu-Natal – on the national minimum wage. Workers came from various industries and sectors, such as manufacturing, retail, service industries, transport, finance, agriculture and mining to participate in the hearings. The Committee also heard submissions from the general public and representatives of the Congress of South African Trade Union-affiliated and non-aligned unions.

Farm workers from the Free State had many stories about difficult working conditions to tell the Committee. One worker said that although the province has 3.2 million hectares of land under cultivation and the province is considered to be the “breadbasket” of the country, the

farm workers in the province are the lowest paid in the industry.

“With the level of poverty in the province and deep economic inequalities, we suggest a single national minimum wage be set at a level of R8 000 for maximum benefit to the lowest-paid farm workers,” said farm worker Mr Thobile Mhlapo.

At the opening of the public hearings in Gauteng, the Chairperson of the Committee, Ms Lumka Yengeni, told participants: “The Committee is here to create a platform for workers to put their proposals on the national minimum wage. Workers themselves must express what their families’ basic needs are and what income is required to meet the absolute minimum needs of a household.”

A member of the National Union of Metalworkers (Numsa), Mr Dumisani

Dakile, said: “South African workers have been waiting for this opportunity to interact with government and Parliament on the important issue of a national minimum wage. Our proposal for a national minimum wage is R12 000.”

A textile factory shop steward, Ms Masabatha Mkhwanazi, proposed R7 000, saying: “The company I work for hires many women who are single parents. A national minimum wage set at such a level will help these young women to support their children.”

At the public hearings in the Eastern Cape, Ms Hombakazi Kasi, a domestic worker and member of the Federation of Unions of South Africa (Fedusa) argued that: “The national minimum wage should be increased to above the inflation level to reduce domestic workers’ income inequality.”

In KwaZulu-Natal, the Committee committed itself to ensuring that the views of all participants from all provinces will be taken into consideration when formulating a final draft on the proposals for a national minimum wage. “The final phase of the national minimum wage public engagement will take place in Parliament where all trade unions will be invited to submit their views,” Ms Yengeni explained.

At the end of the hearings in KwaZulu-Natal, Ms Yengeni said the process will assist the Committee to advise Parliament to set a minimum wage at a level which will allow a family to live a decent life. “We all have a role to play in supporting the country to achieve its national minimum wage to improve the income of the working poor and combat inequalities. Partnership is stronger than solitude and it is in this spirit that the Committee, for its last public hearing in the precinct of Parliament, invites unions to have their say,” Ms Yengeni concluded. 🌟

Economy needs ‘bold and decisive steps’

The National Assembly recently held a discussion on the topic “Bold and Decisive Steps” to deal with the structure of the economy to place it on a quantitatively different path. **Sakhile Mokoena** reports that the Chairperson of the Portfolio Committee on Trade and Industry, **Ms Joanmariae Fubbs**, opened the debate by saying that South Africa’s economic growth has been slow and not inclusive.

“The economy has been characterised by consumption-driven growth, which has contributed to the growth of household debt. Yes, the 20-year period (1994 to 2014) experienced a strong gross domestic product (GDP), but the reality is it masked the structural distortion in our economy that led to a sharp drop in the productive sectors of the economy, such as agri-processing and manufacturing,” Ms Fubbs said.

She said the impact of South Africa’s dependence on commodity exports and capital inflows increased the volatility of our exchange rates and made our economy more vulnerable to external shocks.

Mr Steve Swart of the African Christian Democratic Party said South Africa needs an economy that is more inclusive, more dynamic and in which the fruits are shared equitably. He said the broadly accepted National Development Plan (NDP) highlights solutions to deal with structural constraints in the economy. “The NDP proposes to enhance human capital, productive capacity and infrastructure to raise exports, which will increase resources for investment and reduce

reliance on cash inflows. Higher investment, supported by better public infrastructure and skills, will enable the economy to grow faster and become more productive. Rising employment and productivity will lead to rising incomes and living standards and less inequality,” Mr Swart said.

He said there was an urgent need to shift the economy towards more spending on investment and less consumption, particularly by government.

Prof Themba Msimang of the Inkatha Freedom Party said if the country was serious about being bold and decisive about qualitatively improving the economy, the government should start by providing basic service delivery and infrastructure, in order to stop the haemorrhage of the GDP through incessant power outages and e-tolls. “Being bold and decisive infers that one admits that one has been timid and indecisive for too long. It’s high time that the ruling party took the high road and actually walked the talk. The truly bold and decisive steps cannot be taken without empowering our people first –

because they are the foundations on which this very economy rests,” Prof Msimang said.

Mr Sibusiso Mncwabe of the National Freedom Party said the economy was failing to create an environment that boosted investor confidence or created jobs. “Our country has vast natural resources but the sad reality is that the white monopoly in the mining sector is party to the economic crises that we are faced with. “The time has come for a policy shift that will force the mining companies to invest half of their profits into the communities they operate in,” he said.

The African Independent Congress’s Mr Mandlenkosi Galo said: “The time has come for the power to be transferred into the hands of the people. If that could be realised in our lifetime, it would be easy to fix the structure of the economy and other challenges facing our country.”

Mr Amos Mahlalela of the African National Congress said that addressing the high levels of poverty in the country requires the total dismantling of the structure of this enclave economy in order to enable the majority of South Africans to meaningfully engage in productive economic activities. “The market on its own will not lead to more equitable development or job creation or bridge between the haves and the have-nots unless the state intervenes to mobilise stakeholders towards a common goal,” he said. 🇿🇦

Cooperation is key for traditional leaders

The *Department of Local Government and Traditional Affairs must ensure synergy and cooperation between local government and traditional leaders and should take that as a developmental imperative rather than a political issue, writes Mava Lukani.*

There is legislation in place through which that should be enforced but which is currently under-implemented, Members of the National Council of Provinces (NCOP) told the Deputy Minister of Cooperative Governance and Traditional Affairs, Mr Obed Bapela, during a debate on traditional leadership at the NCOP recently.

“It is imperative that local government and traditional leaders relate and forge a meaningful partnership based on development, transparency and accountability. Mutual acknowledgment, acceptance and respect, including appreciation of different and interdependent roles in communities we live in is a requirement,” said the permanent delegate for the Eastern Cape, Mr Lennox Gaehler.

He said the missing link in achieving cooperation between local government and traditional leadership includes poor understanding of the Traditional Leadership and Governance Framework Act (Act 42 of 2003) by councillors who are responsible for its implementation.

The debate on traditional leadership took place under the theme: “Working together to ensure synergy and cooperation between local government and traditional leaders”. During the debate members of the NCOP said that cooperation between local government and traditional leaders is not an option. “Our biggest challenge is not recognising traditional leaders, but it is the failure to integrate traditional communities into an open society,” said NCOP permanent delegate for the Western Cape, Ms Thandi Sibhukwana.

Addressing the NCOP during the debate, Mr Bapela explained the role of the

institution of traditional leadership in the democratic dispensation and told members of the NCOP that the core of the debate is the compatibility of the traditional leadership institution with democracy and human rights. He said traditional leadership will not die in the new democratic dispensation as there are more opportunities for its development. He mentioned that more than 23 million voters came from traditional communities in the 2014 general election and said this was confirmation that traditional leadership was compatible with democracy.

Mr Bapela highlighted the list of roles of traditional leadership in the democratic dispensation, among which is the participation of traditional leaders in the development of municipalities’ Independent Development Plans (IDPs). “The Traditional Leadership and Governance Framework Act of 2003, as well as the Municipal Structures Act of 2005, require that traditional leaders must be consulted on identified priorities before they are finalised in the IDPs,” stressed Mr Bapela.

Mr Bapela said that traditional leaders are expected to provide advice to the government on issues of culture, heritage, socio-economic development and service delivery. “Traditional leaders are requested and urged to continue to make valuable inputs to the processes of IDPs, participate in ward committees and in making information available to the government for planning purposes.” He said the houses of traditional leadership were established to ensure that the voice of traditional leaders

and their communities is heard in policies and legislation.

Mr Bapela said traditional leaders are the custodians of land for their communities. “Government and the private sector require land for development. Traditional leaders are urged to release land for development purposes.” He said traditional leaders are also known to be custodians of good moral fibre. “It is of utmost importance for traditional leaders to lead in the promotion of moral fibre and moral regeneration.”

Mr Bapela told members of the NCOP that according to the National Development Plan, South Africa will be mostly urbanised by 2030. He said South Africans, including Members of Parliament, should be grappling with the implications of that urbanisation for traditional leaders and their communities. “What is it that the National House of Traditional Leaders is doing to ensure that rural areas and towns are developed?” he asked.

He said traditional leaders have to work hard towards being self-reliant and self-sufficient to ensure their continued survival in a fast-changing society. Mr Bapela told members of the NCOP that the Department of Traditional Affairs has a strategy in place to ensure that both elected and traditional leaders work harmoniously to advance rural development and service delivery. He said that strategy includes the existence of regulations on the participation of traditional leaders in ward committees and municipal councils to enhance the level of accountability.

According to Mr Bapela, traditional leaders want to be represented in the NCOP, just like the South African Local Government Association (Salga). “If Salga is represented in the NCOP, representation of traditional leaders in the NCOP is possible,” Mr Bapela said. 🗣️



CENTRAL ROLE: Deputy Chairperson of the PSC, Adv RK Sizani, thanks Dr Blade Nzimande after he delivered an input at the PSC's Developmental State Conference held on 11-13 November 2014.

Improving service to the public

The *Public Service Commission (PSC) is an independent institution established in terms of Chapter 10 of the Constitution. The PSC has oversight responsibilities for the public service and monitors, evaluates and investigates public administration practices. This article is supplied by the Public Service Commission.*

The PSC derives its mandate from Sections 195 and 196 of the Constitution of 1996, which sets out the values and principles governing public administration which should be promoted by the PSC, as well as the powers and functions of the PSC. The PSC is required by the Constitution to exercise its powers and to perform its functions without fear, favour or prejudice. The Constitution links the PSC's independence firmly with its impartiality and no organ of state may interfere with the functioning of the PSC.

Apart from oversight, the PSC also has the powers to give directions regarding compliance with personnel procedures relating to recruitment, transfers, promotions and dismissals. The PSC is accountable to the National

Assembly and must annually report to the National Assembly on its activities and performance, and to provincial legislatures on its activities in a province.

Contribution towards a developmental state

The PSC has a central role in shaping the kind of public administration and public service that will help South Africa achieve its developmental goals. In this regard, the PSC hosted a three-day conference on the developmental state in 2014 on the theme: "Building a capable and professional public service to underpin a developmental state in South Africa". The outputs of the conference will help to generate debates on the nature and characteristics of the public service that should underpin a

developmental state in South Africa. The PSC has published a strategic framework with proposals for consideration.

The PSC makes proposals about measures to ensure that the best employees are recruited into the public service. Proposals are also made to ensure that employees are developed to their full potential. The PSC also makes proposals on the career paths of public service employees. With more predictable and attractive career paths, the public service will be able to develop a pool of critical skills over the long-term.

Fight against corruption

The PSC is responsible for, among other things, promoting a high standard of professional ethical conduct among public servants and also contributes towards the prevention and combating of corruption. To this end, the PSC manages the National Anti-Corruption Hotline (NACH). The NACH is an important mechanism

that government has implemented to combat maladministration and corruption in the public service. Since its inception in September 2004, the NACH has received 261 788 calls. Out of these calls, the PSC generated 21 397 reports for investigation. Out of the 21 397 reports, the PSC referred 14 992 cases to national and provincial departments as well as public entities for investigation.

As a result of the PSC's intervention, there has been an increase in the recovery of money and the number of disciplinary sanctions taken against the perpetrators. Between September 2004 and March 2014, a total of 3 439 officials were found guilty of misconduct related to corrupt activities. The successful investigation of cases of alleged corruption reported through the NACH has resulted in the recovery of R333m from perpetrators since the inception of the NACH.

Management of the Financial Disclosure Framework

The PSC is responsible for the implementation of the Financial Disclosure Framework. In terms of the framework, all senior managers in the public service have to disclose their financial interests on an annual basis. Such disclosures promote both transparency and accountability in order to detect and prevent real conflicts of interest. The PSC made a concerted effort to ensure that senior managers submit their financial disclosure forms timeously through advertising reminders to the media.

The PSC has commenced with the scrutiny of the financial disclosure forms submitted in order to identify potential and actual conflicts of interest. The scrutiny focuses, among other things, on the declaration of directorships and partnerships in companies, as well as ownership of properties.

Serving citizens

Citizens remain the most important stakeholders of government. In order to promote public participation the PSC, together with the Portfolio Committee on Public Service and Administration, developed the citizens' forums to promote the incorporation of the views and perceptions of citizens in the process of service delivery. Citizens' forums have been found to be a useful and an exciting way of drawing ordinary people into governance processes so that the concerns of grassroots communities can be better understood and addressed by official structures.

This approach of consultation is educational, empowering and partnership-based; participants are exposed, in time, to the subject for discussion to enable them to actively participate and make informed comments. During the 2014/15 financial year, the PSC conducted citizens' forums in the Thembisile Hani and Lekwa Local Municipalities in Mpumalanga province.

Also in executing its mandate of ensuring an effective and efficient public service, in 2015 the PSC conducted service delivery inspections to assess the quality of services rendered by departments, the state of facilities and the conditions at service delivery sites. Inspections relating to the availability of textbooks were conducted in selected schools in all the nine provinces.

The PSC hopes that the research reports it has produced over the years will contribute positively towards public administration. It will also continue to provide effective technical oversight over the public service at national and provincial spheres of government. 🌐



KZN municipality dissolved as a last resort

The National Council of Provinces' (NCOP's) decision to dissolve the Mtubatuba Local Municipality was the last resort after all measures had been exhausted, writes **Elijah Moholola**.

Following three years of instability at the Mtubatuba Local Municipality, the NCOP unanimously voted in favour of dissolving the KwaZulu-Natal municipality after the Chairperson of the Select Committee on Cooperative Governance and Traditional Affairs, Mr Mohapi Mohapi, tabled a report in the House in February.

"Any decision to intervene in the municipality should be guided by the principle that Section 139 is the last resort after all forms of support have been exhausted. It became clear that the municipality was regressing, mainly as a result of political instability. Hence Committee members unanimously agreed to support the dissolution of the municipality since all forms of support in terms of other interventions were exhausted," Mr Mohapi said.

In June 2012, a discretionary intervention was instituted in the Mtubatuba Local Municipality in terms of Section 137 of the Municipal Finance Management Act. This followed an assessment by the Department of Cooperative Governance and provincial treasury in KwaZulu-Natal. "The assessment established serious financial problems in respect of the 2012/13 audit opinion. There was also irregular expenditure amounting to R11.87m, unauthorised spending as well as material under-spending of conditional grants totalling R14.1m.

"The discretionary intervention was for three months and revealed serious financial problems. A support strategy was then developed and implemented

and the provincial treasury provided resources via the municipal support programme to undertake key operational activities in the treasury department of the municipality," Mr Mohapi explained.

After the problems persisted, in September 2012, the executive council decided to intervene further in terms of Section 139 (1)(b) of the Constitution. "As a result of poor progress of the intervention and political conflict which prevented the implementation of the recovery plan, on 4 December 2013 the provincial executive committee resolved to further extend the intervention in terms of Section 139 (1)(b) of the Constitution until 30 September 2014."

Mr Mohapi said despite the challenges, the intervention achieved positive progress, which included the removal of the overdraft, the Municipal Infrastructure Grant deficit of R1.2m being addressed, an audit action plan being developed and all top four management positions being filled.

"The ministerial representative subsequently reported that political instability at the municipality had reared its ugly head and political tensions became exacerbated between February and June 2014. This heightened level of tension affected the functionality of the council. In addition, the ministerial representative reported significant lack of progress in five key performance areas," Mr Mohapi said.

Based on these challenges, on 3 January



COOPERATIVE GOVERNANCE:
Mr Mohapi Mohapi.

2015 the provincial executive committee resolved to dissolve the municipal council and to appoint an administrator until a new municipal council is elected.

But the Western Cape's NCOP Member Ms Cathlene Labuschagne argued that the invocation of Section 139 must be based on constitutional and not political intervention. "This is raised due to the fact that the MEC's decision on 30 January 2015, 15 days after the ANC-NFP coalition had disintegrated and the balance of power shifted to the IFP, the KZN MEC resolved to intervene. Yet while the council was under the ANC leadership, the MEC was willing to allow the intervention, in terms of Section 139 (1)(b) initiated in September 2012, to be extended until March 2015," she said.

However, Mr Msawenkosi Nzimande from KwaZulu-Natal replied that the provincial executive had supported municipalities in the province without interfering. "There are no political aspirations on the part of the ANC to disturb any municipality under any circumstances except for service delivery, poor governance and mismanagement. We continue to support any intervention that is necessary and constitutional on behalf of the people we represent to ensure that public representatives respect their mandate by making sure that they deliver." 🗣️



The State of the Nation Address

What is the State of the Nation Address?

The State of the Nation Address is an address to the nation by the President of the Republic of South Africa as the Head of State. The President uses this occasion to set out the government's key policy objectives and deliverables for the year ahead.

Since 1994, the tone of the State of the Nation Address has been inclusive, joyful and informal. The opening of Parliament became an opportunity to showcase the country's cultural diversity and a chance for ordinary citizens, especially children, to become part of this special day.

It is one of the rare occasions where the three arms of State – the Executive (Government), the Legislature (Parliament) and the Judiciary (the Courts) – gather in one place. The Executive is represented by the President, Deputy President and Ministers. The other spheres of government are represented through the Premiers and representatives of local government. The Judiciary is represented by the country's Chief Justice and the Judge Presidents, and the Legislature is represented by the Presiding Officers and Members of Parliament.

Members of the public also attend

the State of the Nation Address and participate in the occasion in the form of the civilian guard. This is usually by invitation only.

What are some of the important Rules relevant to the State of the Nation Address?

The State of the Nation Address is a special sitting of the two Houses of Parliament, referred to as a joint sitting, and called by the President as stipulated in Section 42(5) of the Constitution.

This particular sitting is regulated by the Joint Rules of Parliament. Assembly Rules 10 & 11 state that the Speaker of the National Assembly (NA) informs and reports to the Assembly the time at which the President will open Parliament. Assembly Rule 12 states that when the President has delivered his or her opening address, the Secretary to Parliament places it on the agenda of the NA for discussion.

Council Rule 83 (1) states that when the President has delivered the opening address, the Chief Whip of the National Council of Provinces (NCOP) may place it on the agenda of the Council for discussion.

It is interesting to note that each sitting is regulated by its own rules. For

example, in the NA sitting, NCOP sitting and joint sitting the respective House Rules and Joint Rules apply according to the sitting being held.

What was the theme for this year's State of the Nation Address?

Parliament's theme for 2015 was "20 Years of a Democratic Parliament". The theme sought to reflect on how far we have come since our first democratic Parliament in 1994 with its emphasis on promoting a participatory, representative and constitutional democracy.

The State of the Nation Address took place at 7 pm on 12 February 2015. The proceedings were broadcast live from Parliament from 5 pm onwards. The proceedings could be viewed via video streaming on Parliament's website www.parliament.gov.za. The proceedings were also broadcast live on several SABC radio stations as well as on SABC TV, DSTV Channel 408, eNCA and ANN7.

How can you access more information about the State of the Nation Address or about what's happening in our Parliament?

For further information please contact Parliament at 021 403 2911 or e-mail info@parliament.gov.za 📧

Naa Polelo ya Pulo ya Palamente ke eng?

* Polelo ya Pulo ya Palamente ke polelo yeo Mopresidente wa Rephabliki ya Afrika Borwa a e fago setšhaba bjalo ka Hlogo ya Naga. Yona e tlwaelegile ka go bitšwa gore ke pulo ya ngwaga ka ngwaga ya Palamente.

* Mopresidente o šomiša tiragalo ye go ala maikemišetšo le go tsebagatša ditirelo tšeo di tla go abja ke mmušo ngwaga woo ka go fa polelo go Maloko a Palamente, e lego motheo wa mošomo wa khuduthamaga wona ngwageng woo.

* Go tloga ngwageng wa 1994, moya wa Polelo ya Pulo ya Palamente e be e le wa go akaretša bohle, wa lethabo, ebile e se wa semmušo. Pulo ya Palamente e bile monyetla wa go tšweletša bothakga bja go fapanafapana ga ditšo ebile e le sebaka sa badudi bao ba tlwaelegilego, kudu bana, go ba karolo ya letšatši le le kgethilego le.

* Ke ye nngwe ya ditiragalo tša go se tlwaelege moo maphakga a mararo a Mmušo e lego la Khuduthamaga (Mmušo), Lekgotlatheramelao (Palamente) le tša Toka (Dikgorotsheko) a kopanago gona.

* Khuduthamaga e emetšwe ke Mopresidente, Motlatša Mopresidente le Ditona

* Magato a mangwe a mmušo a emetšwe ke Ditonakgolo tša diprofense le baemedi ba mmušo wa selegae.

* Lephakga la tša Toka le emetšwe ke Moahlodi Mogolo wa naga le Dipresidente tša Baahlodi; le

* Lekgotlatheramelao le emetšwe ke

Baofisiri bao ba etilego Palamente pele le Maloko a Palamente (MPs)

* Maloko a setšhaba le bona ba tla moketeng wa Polelo ya Pulo ya Palamente gomme ba tšea karolo tiragalong ye ka tsela ya go ema molokoloko wa pharafaro ya tlhompho. Gantši se se dirwa feela ke bao ba laleditšwego.

Naa ke efe ye mengwe ya Melao ye bohlokwa go Polelo ya Pulo ya Palamente?

* Polelo ya Pulo ya Palamente ke tulo yeo e kgethegilego ya Mengwako ye mebedi ya Palamente, yeo e bitšwago gore ke Tulo ya Mohlakanelwa, yeo e biditšwego ke Mopresidente bjalo ka ge Molaotheo (Karolo ya bo 42(5) o rialo

* Yona tulo ye e laolwa ke Melao ya Mohlakanelwa ya Palamente.

* Melao ya Kopano ya bo 10 & 11 e re Sepikara sa Ngwako wa Bosetšhaba (NA) o fa Kopano tsebišo le pego gore Mopresidente o tla bula Palamente neng.

* Molao wa Kopano wa bo 12 o re ge Mopresidente a file Polelo ya gagwe ya Pulo, Mongwaledi wa Palamente o e bea lenaneong la Ngwako wa Bosetšhaba gore go boledišanwe ka yona.

* Molao wa Lekgotla wa bo 83 (1) o re ge Mopresidente a file Polelo ya Pulo, Sefepi Segolo sa Lekgotla la Bosetšhaba la Diprofense a ka e bea lenaneong la dipoledišano pele ga Lekgotla.

* Go a thabiša go lemoga gore tulo ye nngwe le ye nngwe e laolwa ke

Melao ya yona. Go fa mohlala, ka go tulo ya NA, tulo ya NCOP le tulo ya Mohlakanelwa, Melao ya Ngwako woo tulo e lego ka gona le Melao ya Mohlakanelwa e šoma ka karogano go ya ka tulo yeo e swerwego.

Naa Polelo ya Pulo ya Palamente e diragala neng, gona molaetša wa Pulo ya Palamente ya ngwaga wo ke ofe?

* Molaetša wa Palamente wa 2015 ke wa gore “Mengwaga ye 20 ya Palamente ya temokrasi”. Molaetša o lebeletše gore re tšwa bokgole bjo bokae go tloga ka Palamente ya rena ya Mathomo ngwageng wa 1994 le mokgwa wa yona wa go gatelela go godiša temokrasi ya botšeakarolo, boemedi le semolaotheo.

* Polelo ya Pulo ya Palamente e tla ba gona mantšibua ka iri ya bo 19:00, ka di 12 Febereware 2015. Ditshepetšo di tlo gašwa thwii go tšwa Palamenteng go tloga ka 5 mantšibua go iša pele. Gape ditshepetšo di ka lebeletšwa go bidio websaeteng ya Palamente: www.parliament.gov.za

* E tlo gašwa go diteišene tša diradio tša SABC tše mmalwa gammogo le go SABC TV, DSTV kanaleng ya 408, ENCA le ANN7.

Naa o ka hwetša bjang tshedimošo ka botlalo mabapi le Polelo ya Pulo ya Palamente goba ka tšeo di diregago Palamenteng ya rena?

* Go hwetša tshedimošo ka botlalo ikgokaganye le Palamente ka mogala go: 021 403 2911 goba Imeile: info@parliament.gov.za



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