

MAKING YOUR FUTURE WORK BETTER – Learning from Madiba

Insession



The official newsletter of the Parliament of the Republic of South Africa

ISSUE 3 2018



Celebrating
Freedom month



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA



Mace of National Assembly

Vision

An activist and responsive people's Parliament that improves the quality of life of South Africans and ensures enduring equality in our society.

Mission

Parliament aims to provide a service to the people of South Africa by providing the following:

- A vibrant people's Assembly that intervenes and transforms society and addresses the development challenges of our people;
- Effective oversight over the Executive by strengthening its scrutiny of actions against the needs of South Africans;
- Participation of South Africans in the decision-making processes that affect their lives;
- A healthy relationship between the three arms of the State, that promotes efficient co-operative governance between the spheres of government, and ensures appropriate links with our region and the world; and
- An innovative, transformative, effective and efficient parliamentary service and administration that enables Members of Parliament to fulfil their constitutional responsibilities.

Strategic Objectives

1. Strengthening oversight and accountability
2. Enhancing public involvement
3. Deepening engagement in international fora
4. Strengthening co-operative government
5. Strengthening legislative capacity



Black Rod of National Council of Provinces

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Strengthening oversight and accountability; enhancing public involvement; deepening engagement in international fora; strengthening cooperative government; strengthening legislative capacity.

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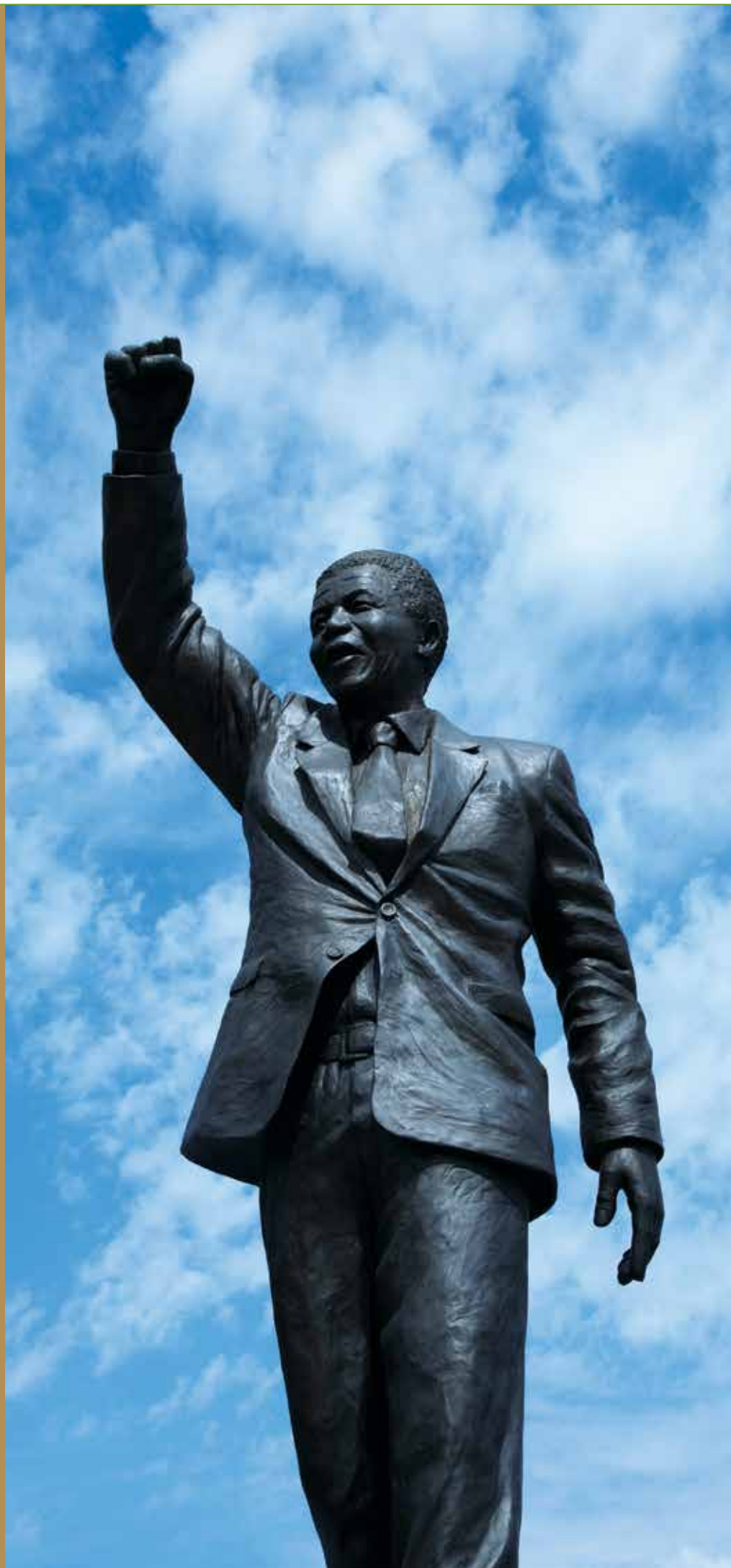
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FOUNDER OF CONSTITUTIONAL DEMOCRACY:
President Nelson Mandela delivers a
speech to a joint sitting of Parliament

Mandela Day is an occasion for everyone to take action and inspire change – United Nations

This year marks the centenary of the former president Dr Nelson Mandela's birth and is a fitting moment to remember his celebrated life that is so inextricably linked with South Africa's political history. During this centenary year, we remember his invincible courage to continue with the fight for freedom in the face of severe ongoing persecution and repression, writes *Abel Mputing*.

Mr Mandela's rise to prominence was highlighted by his tireless military agitation against apartheid, which was deemed colonialism "of a special type", due to its legalisation of racism. When he went to prison after the Rivonia Trial in 1964 he was a firebrand, but he emerged from prison almost three decades later promoting moderation. He re-entered a South Africa

that he called a "changed world", meaning that South Africa was, manifestly, a different country, and so needed new solutions to advance the cause for freedom.

When he made this ground-breaking announcement, it became clear that South Africa had reached a turning point. His new call for moderation marked his rise as an iconic figure of freedom and

democracy, despite ongoing opposition both within South Africa and around the world. Yet he never yielded.

During his rise to power, Mr Mandela acknowledged the demographic disparities that were a creation of the country's political history. He provided the moral compass to navigate them in his bid to unite the country behind its ultimate goal: freedom.

When his party won the first democratic election and he became the first democratically elected president, he re-emphasised his commitment to freedom in his first State of the Nation Address



LEADER OF THE PEOPLE: President Nelson Mandela going through speech.

on 24 May 1994. “My government’s commitment to create a people-centred society of liberty binds us to the pursuit of the goals of freedom from want, freedom from hunger, freedom from deprivation, freedom from ignorance, freedom from suppression, and freedom from fear. These freedoms are fundamental to the guarantee of human dignity. They will therefore constitute part of the centrepiece of what this government will seek to achieve.”

From being the first accused in our country’s historic treason trial to being the first democratically elected president says much about his fortitude. More compelling still was his leadership style, which was beyond reproach. His presidency was based on the bedrock of the Constitution and the legislature as legal frameworks to ensure that freedom does not remain an ideal but becomes a lived reality.

Mr Mandela convinced all South Africans to embrace reconciliation as the cornerstone of rebuilding society and the catalyst of this new-found freedom would be legislation. “Accordingly, the purpose that will drive this government shall be the expansion

of the frontiers of human fulfilment, the continuous extension of the frontiers of freedom. The acid test of the legitimacy of the programmes we elaborate, the government institutions we create, the legislation we adopt, must be whether they serve these objectives,” he said.

“Because the people of South Africa finally chose a profoundly legal path to their revolution, those who frame and enact the Constitution and laws are in the vanguard of the fight for change. It is in the legislatures that the instruments have been fashioned to create a better life for all.”

Mr Mandela presents a transformative figure in that he championed the notion of freedom both in ideas and deeds. Most significantly, he emphasised the freedom not only of the collective, but also of the individual. “Our single most important challenge is therefore to help establish a social order in which the freedom of the individual will truly mean the freedom of the individual,” he said.

The significance of his legacy goes far beyond the boundaries of this country and he is regarded as one of the most

recognisable statesman and iconic figures of this century. To affirm this status, in November 2009 the United Nations (UN) General Assembly declared his birthday, 18 July, “Nelson Mandela International Day”, “in recognition of his contribution to peace and freedom, and to encourage the international community to treasure his commitment to selflessness and freedom.

The UN resolution on the matter, resolution A/RES/64/13, recognises “Mr Mandela’s values and his dedication to the service of humanity, in the fields of conflict resolution, race relations, the promotion and protection of human rights, and reconciliation.”

It further explains what it expected of us on this day. “Every year on 18 July, the UN asks individuals around the world to mark Nelson Mandela International Day by making a difference in their communities. Everyone has the ability and the responsibility to change the world for the better, and Mandela Day is an occasion for everyone to take action and inspire change.” 🌟

Leader of the people



Ms Nontsikelelo Albertina Sisulu was a permanent source of moral support and pillar of strength to millions of South Africans during the long and dangerous struggle for freedom in South Africa. As she was part of a collective of heroes during that long and painful struggle, she distinguished herself by her own courageous actions in that collective. Notwithstanding the difficulty of the struggle, Ms Sisulu remained at the side of the people carrying her leadership responsibility even at times when that responsibility threatened her life and that of her children.

Parliament is celebrating the centenary year of this great daughter of the African soil, Mama Sisulu, who dedicated her life to fight for the liberation of South Africa. As Parliament celebrated International Women's Day, it remembered the sacrifices women such as Mama Sisulu made to build a democratic society that respects and celebrates the crucial role women played in all walks of life.

The constitutional democracy South Africa enjoys is built on the strong foundations laid by Ma Sisulu and other heroes of the struggle, such as former president Mr Nelson Rolihlahla Mandela. These foundations will empower future generations to continue with the fight to make South African society a better place to live in.

Mama Sisulu displayed great courage and is hailed for being a unifying leader during the apartheid era. In 1956, she was instrumental in leading 20 000 women from across South Africa to march on the Union Buildings in Pretoria. The women were protesting against the so-called "pass laws", which made it an offence for black people not to carry their identity documents when visiting areas designated for white people only. Their act of defiance will forever be ingrained in the hearts and history of South Africa.

Nothing stopped or intimidated Mama Sisulu from taking part in the struggle against oppression, even threats of death to her and children. The more pressure applied by the apartheid state, the more her conviction and commitment grew to

the liberation of South Africa.

Ma Sisulu was also instrumental in the formation of the United Democratic Front (UDF) and led the organisation at a time when being a leader of the struggle was unremunerated and a threat to life. With the late Mr Oscar Mpetha and Mr Archie Gumede, she was elected as the President of the UDF responsible for the then Transvaal at its launch in Mitchells Plain in 1983.

As a veteran of the struggle, Ma Sisulu emulated the values of the revolution: discipline, accountability, commitment to the people and the creation of better life for all.

Ma Sisulu herself said that her introduction to politics was influenced by her relationship with her late husband, Mr Walter Sisulu. After the 1994 general elections, Ma Sisulu was among the first Members of the democratically constituted National Assembly and it was she who, during the election in the National Assembly of the President of the Republic of South Africa, suggested the name of Mr Mandela for President. At the end of 1999, Ma Sisulu and her husband left Parliament and retired from politics completely. 🌟

During Freedom month we also celebrate the country's gift of National Symbols

Our National Symbols include the National Flag, Coat of Arms, National Anthem, National Bird, National Fish, National Flower, National Animal, National Tree.



FLAG OF THE NATION: Junior Guards keep the national flag up.

The significance of the national flag

South Africa's transition from many years of apartheid rule to freedom and democratic government in 1994 saw not only the repeal of oppressive laws, but also the replacement of the country's national symbols with new ones reflecting the unification of a diverse society, closing a horrible past, writes *Sakhile Mokoena*.

The country could not go to the elections with the old apartheid flag that had been in use since 1928, and the public was requested to submit design sketches for a new national flag, to be ready for use on the day of the elections. More than 7 000 sketches were received from the public and one design was selected and proclaimed on 20 April by then President FW de Klerk, after consultation with African National Congress negotiations leader, the current President Cyril Ramaphosa and other members of the Transitional Executive Committee.

The national flag was first used on 27 April 1994, the day of the elections, which is now commemorated every year as Freedom Day. The design and colours represent the principal elements of the country's history.

According to the SA History website, the central design of the flag, beginning at the flag post in a "V" form and flowing into a single horizontal band to the outer edge of the fly, can be interpreted as the convergence of diverse elements within South African society, taking the road ahead in unity. The theme of convergence and unity ties in with the motto "Unity is strength" of the previous South African coat of arms.

The Government Gazette also stipulates guidelines on how to display the national flag. When the flag is displayed vertically against a wall, the red band should be to the left of the viewer with the hoist or the cord seam at the top. When it is displayed horizontally, the hoist should be to the left of the viewer and the red band at the top. When the flag is displayed next to or behind the speaker at a meeting, it must

be placed to the speaker's right. When it is placed elsewhere in the meeting place, it should be to the right of the audience.

The flag must be treated with respect at all times and must not touch the floor or ground. It also cannot be used as a table cloth or be draped in front of a platform. It must not be used to cover a statue, plaque or cornerstone at ceremonies, or used to start or finish tournaments.

When the South African flag is displayed with flags of other countries, all of them should be of equal size and flown at the same height.

In addition to these guidelines, there is also the National Heraldry Act, which governs the use of the national flag and other national symbols. The Act is currently under review by the Department of Arts and Culture and will soon be tabled before Parliament for processing.

The departments of Arts and Culture, Trade and Industry, and the Presidency are the main custodians of the national flag. 🇿🇦



A symbol of peace: the coat of arms

The national coat of arms is a symbol that constitutes the identity of the democratic South Africa, and is the highest symbol of the state. It was launched on Freedom Day, 27 April 2000, six years after the watershed 27 April 1994 elections, writes *Mava Lukani*.

A central image of the coat of arms is the secretary bird with uplifted wings. Above the bird is the rising sun, a force that gives life while representing a flight from darkness and the triumph of discovery, knowledge and understanding of things that have been hidden, and illuminating the new life that is coming into being.

Below the bird is the protea, an indigenous flower of South Africa, which represents beauty, the aesthetic harmony of all its cultures and South Africa flowering as a nation. The ears of wheat are emblems of the fertility of the land. The elephant tusks symbolise wisdom, steadfastness and strength.

At the centre stands a shield signifying the protection of South Africans from one generation to the next. Above is a spear and a knobkerrie. Together they assert the defence of peace rather than a posture of war. This shield of peace, which also brings to mind an African drum, conveys the message of a people imbued with a love of culture.

Contained within the shield are some of the earliest representations of humanity in the world. Those depicted were the very first inhabitants of the land, namely the Khoi San people. These figures are derived from images on the Linton stone, a world-famous example of South African rock art.

The motto !KE E: /XARRA //KE, written in the Khoi San language of the /Xam people, means “diverse people unite”. 🌍

The South African national anthem

Former president and international icon Mr Nelson Mandela’s legacy of reconciliation and racial unity is reflected in the country’s national anthem, writes *Abel Mputing*.

The national anthem embodies the character of the nation and our aspiration for a free and democratic South Africa. Its bedrock is the popular hymn *Nkosi Sikelel’ iAfrika*, composed in 1897 by Mr Enoch Sontonga, a devoted Methodist mission school teacher. Later, the poet Mr Samuel Mqhayi added seven isiXhosa stanzas to it.

Nkosi Sikelel’ iAfrika implores God to safeguard Africa from colonial conquest and was sung as a sign of defiance at political meetings during the South African liberation struggle. Its reference to Africa emphasised the fact that the plight of South Africa could not be divorced from that of the continent as a whole.

Because the words of the hymn resonated with the struggles for

independence in many African countries, it was adopted as a national anthem by countries such as Zambia, Tanzania and Namibia after their independence. Some of these have since composed new anthems.

In line with the ethos of reconciliation and nation-building in South Africa, *Nkosi Sikelel’ iAfrika* was revised and a new national anthem consisting of five languages: isiXhosa, isiZulu, Sesotho, Afrikaans and English was proclaimed in 1997.

Our anthem evokes key national memories that share kinship with other national symbols and embodies the new values of human liberty that have become the embodiment of the ideals of our freedom. 🌍

Language

Xhosa

Lyrics

*Nkosi sikelel’ iAfrika
Maluphakanyisw’ uphondo lwayo,
Yizwa imithandazo yethu,
Nkosi sikelela, thina lusapho lwayo.*

Zulu

*Morena boloka setjhaba sa heso,
O fedise dintwa le matshwenyeho,
O se boloke, O se boloke setjhaba sa heso,
Setjhaba sa, South Afrika, South Afrika.*

Sesotho

*Uit die blou van onse hemel,
Uit die diepte van ons see,
Oor ons ewige gebergtes,
Waar die kranse antwoord gee,*

Afrikaans

*Sounds the call to come together,
And united we shall stand,
Let us live and strive for freedom
In South Africa our land!*

English

English translation

Lord bless Africa
May her glory be lifted high,
Hear our prayers
Lord bless us, your children.
Lord we ask you to protect our nation,
Intervene and end all conflicts,
Protect us, protect our nation,
the nation of South Africa, South Africa.
Ringing out from our blue heavens,
From the depths of our seas,
Over everlasting mountains,
Where the echoing crags resound



National Bird

Blue Crane

National Animal

Springbok



National Fish

Galjoen / Black Bream

National Tree

Yellowwood



National Flower

King Protea



Youth must build society inspired by Madiba

The Deputy Chairperson of the National Council of Provinces (NCOP), Mr Raseriti Tau, has always been a champion of youth development. In his various responsibilities he has ensured that government has clear youth-targeted programmes in place. Mr Tau's conviction led him to facilitate donations of sport equipment to Molehe Mampe Secure Care Centre in Kimberley, write *Mzwandile Dlabazana* and *Mlindi Mpindi*.

Mr Tau has always pursued youth development from the basis that youth development is influenced by the historical conditions that have shaped the country and its democratic goals. He believes that youth development must be based on the principles of social and economic justice, human rights, empowerment, participation, active citizenship and promotion of public benefit.

During his visit to Molehe Mampe Secure Care Centre in July (Mandela Month) in

2017 and the interactions he had with both staff and children, he was greatly dismayed by the lack of sport equipment and sport kit for children at the centre. Mr Tau promised to approach various government departments to seek assistance. The Departments of Sport and Arts and Culture late in 2017 responded positively by providing the needed sport kit, which Mr Tau handed over on 27 April 2018.

In handing over the material Mr Tau remarked: "We all need to remind

ourselves of why secure care centres are built. They are built to intervene in ensuring appropriate physical, behavioural and emotional containment of young people who are charged with crimes and who are awaiting trial or sentencing. Such facilities must provide an environment and programmes conducive to the care, safety and health development of each young person, while at the same time ensuring the protection of communities."

Mr Tau further made a clarion call to all attendees to celebrate Freedom Day by playing their part in building a society inspired by the values of our first democratic President, Mr Nelson Mandela. "We all ought to unite against poverty and commit ourselves to continue Madiba's legacy of always working towards protecting the most vulnerable of our society by making everyday a Mandela Day," said Mr Tau.

Mr Tau is looking forward to engaging in more endeavours that will uplift the standard of living of the previously disadvantaged, in particular the youth. Young people are a big force in human development, often acting as key agents for social change. 🇿🇦



PRESIDING OFFICER IN ACTION:
NCOP Deputy Chairperson
Mr Raseriti Tau hands material
to the people of Kimberley.



Advancing our economy through mining

The Select Committee on Land and Mineral Resources is working hard to finalise the processing of the Mineral and Petroleum Resources Development Amendment (MPRDA) Bill. The committee went through the Bill clause by clause and will vote on the changes made, writes *Justice Molafo*.

The process to finalise the MPRDA Bill comes after the announcement by President Cyril Ramaphosa during the 2018 State of the Nation Address in which he mentioned that government is determined to work with mining companies, unions and communities to grow the mining sector.

Mr Ramaphosa also told the joint sitting of Parliament that he is looking forward to enacting the Bill into law in order to entrench existing regulatory certainty within the mining sector. His government is determined to stimulate growth in the sector, he reassured his listeners.

The Deputy Minister of the Department of Mineral Resources, Mr Godfrey Oliphant, raised a concern during the meeting about the slow pace in processing the Bill. "The investment pattern has shifted in the country and the mining sector has great potential to grow the economy. The committee should move with speed to finalise the Bill in order to provide regulatory certainty," he said.

Although committing to fast-track the Bill, committee members emphasised the need to do due diligence to allow the Bill to pass constitutional muster.

The Bill is before Parliament for the second time after it was returned by former President Jacob Zuma, with some reservations, including that there was insufficient consultation with the

National House of Traditional Leaders. The committee undertook to have another full-day meeting to finalise, clause by clause, input into the Bill.

In his speech, President Ramaphosa said, that the revival in commodity prices, government is determined to work with mining companies, unions and communities to grow the sector, attract new investment, create jobs and set the industry on a new path of transformation and sustainability.

"This year, we will intensify engagements with all stakeholders on the Mining Charter to ensure that it is truly an effective instrument to sustainably transform the face of mining in South Africa. By working together, in a genuine partnership, underscored by trust and a shared vision, I am certain we will be able to resolve the current impasse and agree on a charter that both accelerates transformation and grows this vital sector of our economy."

President Ramaphosa reminded Members of Parliament that the processing of the MPRDA Amendment Bill through both Houses of Parliament is at an advanced stage.

President Ramaphosa said that apart from entrenching regulatory certainty, the Bill will provide for security of tenure and advance the socio-economic interests of all South Africans. "We are

extremely concerned about the rise in mining fatalities last year. We call on mining companies to work together with all stakeholders to ensure that mine accidents are dramatically reduced. One mining fatality is one too many," stressed President Ramaphosa emphasised. 🇿🇦



Mineworkers at work.

Celebrating Freedom Month

What is Freedom Day?

South Africa celebrates Freedom Day on 27 April to commemorate the first democratic election in 1994. Freedom Day is an annual reflection of the first democratic elections. Most South Africans voted for the first time on this day.

Why do we celebrate Freedom Day?

Freedom Day marks the establishment of a democratic government. It represents peace, unity, and the restoration of human dignity to all South Africans.

In addition, Freedom Day encourages South Africans to participate in the commemoration of the struggle to build a non-racial democratic South Africa with the freedom to prosper.

In the spirit of nation-building, Freedom Day celebrations are intended to unite all South Africans to consolidate democracy.

Our Constitution and Freedom

The democratic rights of citizens are protected by the Constitution of the Republic of South Africa (Act 108 of 1996). History reveals that Members of Parliament worked tirelessly for all citizens to benefit from their freedom. Parliament held debates that had been preceded by an extensive consultation exercise to pass the Constitution of South Africa (which in legal terms is referred to as Act 108 of 1996). The freedoms that are enjoyed today came into being and are documented in the Bill of Rights of the Constitution, Chapter 2.

What Freedom Day means to us

The Constitution of the Republic of South Africa protects basic freedoms. Some of the examples of freedom include:

- Freedom and security of the person
- Freedom from slavery, servitude and forced labour
- Freedom of religion, belief and opinion
- Freedom of expression
- Freedom of association



PARLIAMENT'S PUBLIC EDUCATION OFFICE IN ACTION: Public Education Officers explain Parliament to different groups of tourists including school children at Parliament.



Parliament and Freedom Day

Through voting, South African citizens can elect political parties to represent them in Parliament. Citizens can also interact directly with Members of Parliament during the constituency period.

The attainment of freedom has enabled our country to have a democratic Parliament that is accessible, responsive, open and accountable to its citizens and promotes citizen participation.

Today, South Africa has a Parliament that places voters at the centre of its constitutional mandate. This is due to mechanisms that are in place for influencing decision-making in the legislative processes and other activities of Parliament. These are achieved through:

- active participation
- consultative participation
- interactive participation
- passive participation

In its efforts to deepen democracy, Parliament is collaborating with provincial legislatures to develop a public participation process that will grant ordinary citizens the freedom to influence decision-making within all three spheres of government.

Public hearings and the Taking Parliament to the People programme are examples of Parliament's mechanisms and initiatives that make real the commitment to freedom of speech, especially when oral submissions are made.

A democratic Parliament enables South African citizens to enjoy the freedom of accessing information and to openly participate in the meetings of Parliament's committees.

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New board develops a strategy to arrest the decline of South African Airways

The South African Airways (SAA) has in recent times been granted multiple government bailouts, one after the other, and is currently owing a consortium of lenders part of the R9.2 billion projected in its debt portfolio. The blame for this problem has been attributed squarely to maladministration, lack of effective internal audit instruments, ineffective governance and porous supply chain management processes, writes *Abel Mputing*.

The Standing Committee on Public Accounts (Scopa) has expressed its concern at the lack of proper record keeping at SAA and called on the national carrier to urgently curb its losses, currently exceeding R5 billion.

This follows SAA's presentation to the committee that several former employees had left the airline with files containing critical information, which is now needed for forensic investigations. Presenting their progress report to Scopa, the Chairperson of



the newly appointed SAA board, Mr Johannes Magwaza, stated frankly that they inherited a company that had no effective culture of productivity. This, Mr Magwaza warned, might impact negatively on its future success.

However, its new Chief Executive Officer, Mr Vuyani Jarana, reassured the committee that SAA has devised a new turnaround strategy that will ensure that the airline breaks even in 2021 and becomes a viable commercial entity. "This strategy seeks to restructure the

operations of SAA and to lure skilled personnel to drive this strategy," assured Mr Jarana.

He attributed the inefficiencies at SAA to lack of leadership stability dating back to 2012, a period that saw an increase in its debt portfolio. He assured Scopa the new leadership at SAA understood "the extent of the challenges they are dealing with", including the time it will take to turn SAA into a profitable business.



The committee commended the SAA executive for coming up with a strategy to arrest the decline of SAA. Scopa members, however, indicated that this would require extensive work. They proposed further extensive engagements with SAA due to the number of challenges plaguing the airline. Over and above the loan of R8.9 billion and liabilities of R17.8 billion, the airline also has fruitless and wasteful expenditure of R46 million.

SAA also appeared before the Standing

Committee on Appropriations. The committee chairperson Ms Yvonne Phosa welcomed the “frankness” and accuracy of the information supplied by SAA. “As a committee, we can only work with what you present us with,” she said.

She also proclaimed that the committee will track developments at SAA. “We have made that our priority and that is the commitment we will follow through. Most of all, we depend on you to take SAA out of this problematic stage. As you do your work, ensure that there is

good governance at SAA because good governance is critical to the optimal performance, competitiveness, respect and trust to keep the SAA brand flying high. Our contract is to monitor you very closely to ensure that you deliver on your commitments,” she said.

Committee member Mr Ndabakayise Gcwabaza said: “We are pleased with your turnaround strategy. We are now relieved that we have people on board who seem to know what it takes to turn the entity around, back to profitability.” 🇿🇦

Input from citizens is important to proposed constitutional amendment

Public interest in the issue of land expropriation without compensation increased when the National Assembly debated the issue and passed the motion, reports *Sakhile Mokoena*.

On 27 February 2018 the National Assembly (NA) instructed the Joint Constitutional Review Committee to embark on a process of reviewing section 25 of the Constitution in order to make it possible for the state to expropriate land without compensation in the interest of the public and to consult widely in that exercise.

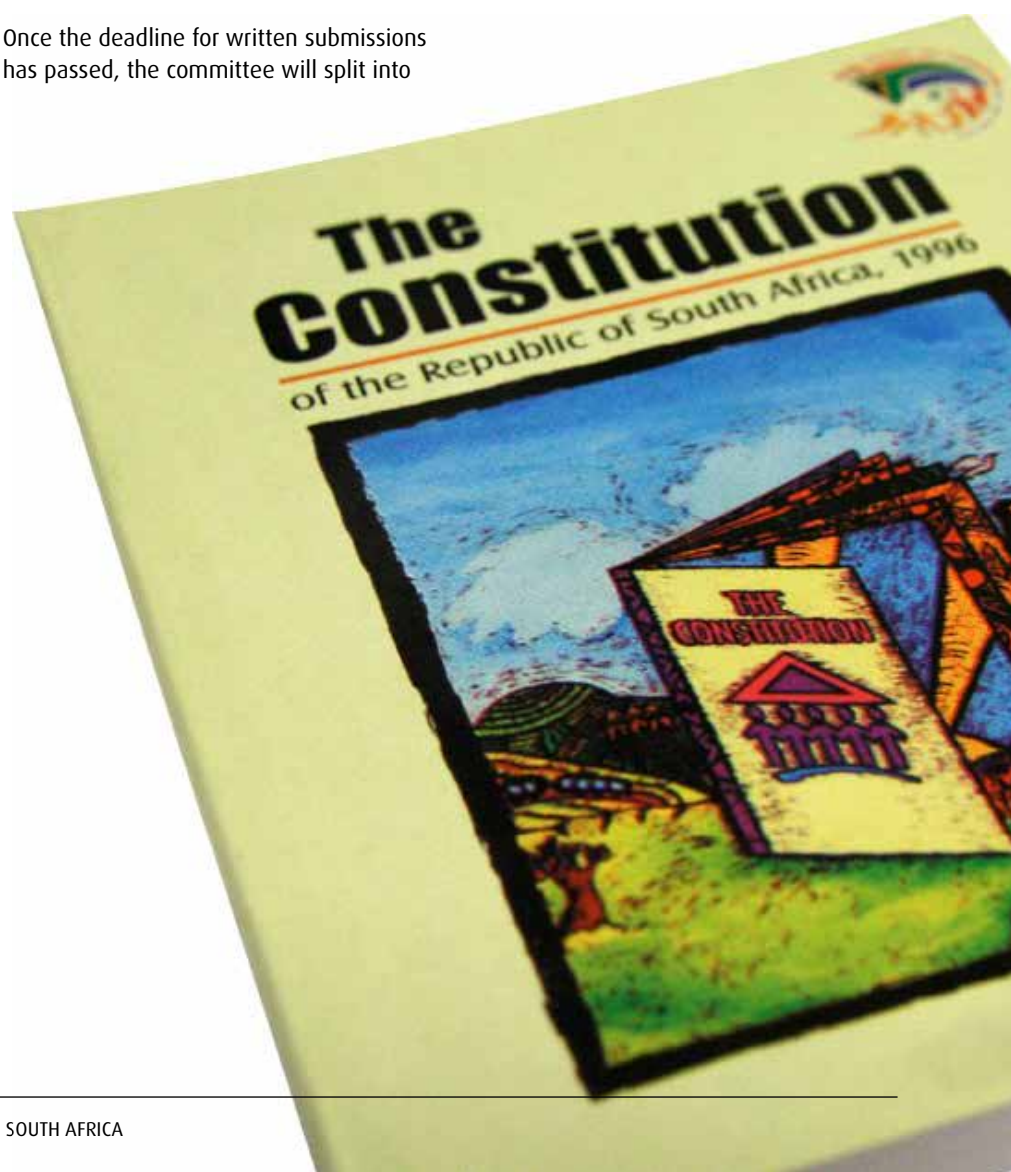
As part of its constitutional obligation to facilitate public participation, the committee has invited written submissions from all stakeholders on the necessity of mechanisms for expropriating land without compensation. In addition to the written submission, the committee urged the stakeholders to indicate their interest in making oral presentations to the committee.

Furthermore, the committee called for written public submissions on the review of section 25 of the Constitution and other sections where necessary, to make it possible for the state to expropriate land in the public interest without compensation. The committee will conduct an extensive public participation process and have public hearings in the nine provinces to get inputs from all South Africans on the matter. The closing date for written submissions and requests for oral presentation was extended to 15 June 2018.

During its first meeting, the committee agreed to work in two teams in order to have a broader reach. The Co-chairperson of the committee, Mr Vincent Smith, said that in its goal to reach as many South Africans as possible, the committee has further decided to hold some of its public hearings over weekends to ensure that everyone has an opportunity to make a contribution on this important proposed constitutional amendment.

Once the deadline for written submissions has passed, the committee will split into

two groups to conduct public hearings. First on the list of public hearings will be Limpopo province from 27 June 2018 where the communities will be given an opportunity to express themselves on the proposed constitutional amendment. The committee intends to visit three districts per province. The public hearings will end on 4 August 2018 in Parliament. 🇿🇦



Amending the Constitution continue

The proposed amendment to the Constitution to make provision for “land expropriation without compensation” with the aim of advancing South Africa’s land reform policies will not be the first revision to the supreme law of the land and probably not the last, writes *Sakhile Mokoena*.

Amending the Constitution is one of the responsibilities of Parliament provided for in law. Since its adoption in 1996, the Constitution has been amended several times and further modifications should be expected as South Africa’s democracy matures.

Parliament’s Constitutional Review Committee is a joint committee, made up of Members of the National Assembly and the National Council Provinces. As the committee prepares to conduct nationwide

consultations to hear what South Africans have to say on the matter, we take a look at a few previous occasions when the Constitution has been amended.

One of the earliest amendments was when the then Northern Province’s name was changed to Limpopo by an amendment to Section 103 of the Constitution. The amendment was passed by the National Assembly on 25 February 2002 and by the National Council of Provinces a month later.

Another amendment to the Constitution that got South Africans talking was when the law was changed to allow Members of Parliament, legislatures and municipal councillors to change party membership without losing their seats. The practice, known as “floor-crossing”, also created a mechanism where parties could merge or split, without the members losing their seats in Parliament, provincial legislature or municipal councils. However, following growing resistance to floor-crossing, the practice was abolished by Parliament through another amendment to the Constitution.

Another contentious amendment was the cross-boundary municipalities legislation, which resulted in community protests in some municipalities. Cross-border municipalities legislation made it possible for the demarcation authority to determine a municipal boundary across a provincial boundary with the concurrence of the provincial governments concerned. Communities in adjoining provinces that were linked socially and economically were able to motivate for a single municipality across the provincial boundaries.

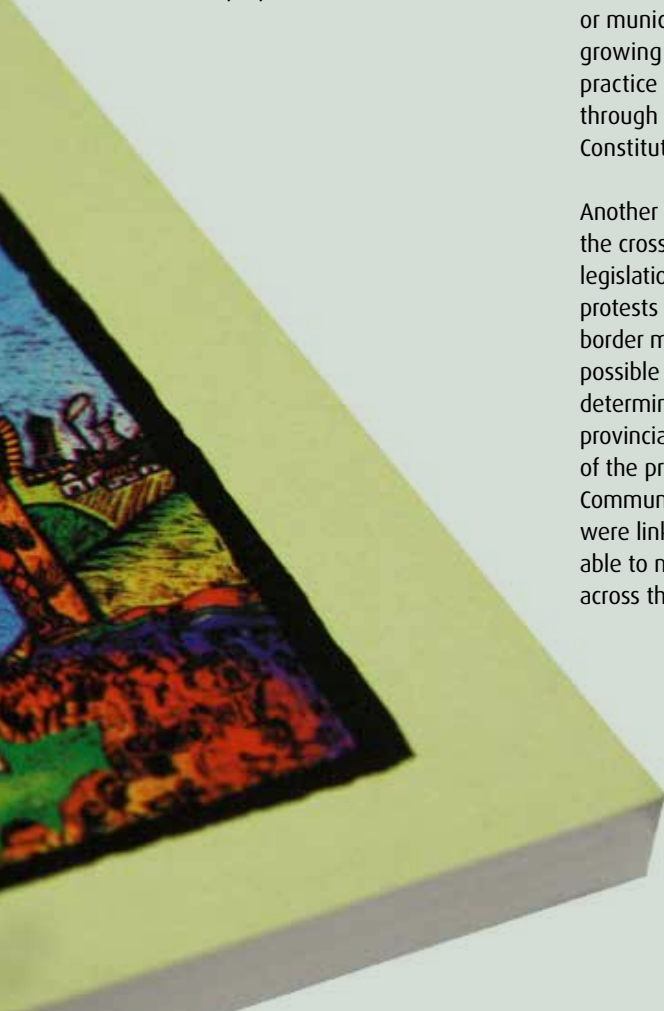
However, like the floor-crossing legislation, this law was repealed, through an amendment to the Constitution, and municipal boundaries across the country were subsequently reviewed so that all municipalities fall within one province or another.

The 12th amendment of 2005 re-determined the geographical areas of certain provinces to avoid municipal boundaries crossing provincial boundaries. This resulted in the Merafong Local Municipality, for example, being incorporated into North West province. Residents expressed opposition to their incorporation into North West, and after a lengthy battle and a Constitutional Court application, the government decided to re-incorporate Merafong into Gauteng province.

The validity of the 12th amendment of the Constitution and the cross-boundary municipalities laws repeal were challenged in the Constitutional Court in *Matatiele Municipality v the President of the Republic of South Africa and others*. This case challenged the decision to move the town of Matatiele from KwaZulu-Natal to the Eastern Cape province.

The court declared that part of the amendment that transferred Matatiele to the Eastern Cape is inconsistent with the Constitution and therefore invalid. The order of invalidity was suspended for 18 months, during which time Parliament had the opportunity to correct the constitutional defect that led to the invalidity. The order of invalidity was based on a procedural defect, which involved the failure of the KwaZulu-Natal legislature to facilitate public involvement, as required by Section 118 of the Constitution.

When a Bill amending the Constitution is introduced, the person or committee introducing the Bill must submit any written comments received from the public and provincial legislatures to the Speaker for tabling in the National Assembly, and to the Chairperson of the National Council of Provinces for tabling there. 🗣️



Parliament moves on addressing inequality in South Africa



Farm workers in action.

The Portfolio Committee on Labour met for two days in March to deliberate on the National Minimum Wage Bill. The committee listened to various submissions from numerous stakeholders, in fulfilment of Parliament's mandate to facilitate public involvement in its processes. Sibongile Maputi attended the hearings.

South Africa is close to introducing a national minimum wage, following the tabling of the National Minimum Wage Bill before the portfolio committee in March. The Acting Chairperson of the committee, Ms Sharome van Schalkwyk, said the committee will take into consideration all the inputs submitted to the committee. The committee received 48 submissions, from civil society, academia, organised labour, the fishing industry, the security industry, the church and government.

"We received numerous concerns from opposition and other interested parties, but now more time has been made available to do justice to this process. The committee will have more time to spend on the Bill," Ms Van Schalkwyk said.

Ms van Schalkwyk said oral submissions on the Bill are part of Parliament's mandate and a demonstration of South Africa's participatory democracy.

The country has been working on introducing a national minimum wage since former President Jacob Zuma asked Parliament to look into the ways of introducing it, in concurrence with the National Economic Development and Labour Council (Nedlac) process. The national minimum wage is intended to curb inequality and poverty in South Africa.

"We have since 2014 been engaged in this process and the committee has been to all provinces. We interacted with the people and they have overwhelmingly supported the national minimum wage. The only issue concerns legislation and the figures," Ms van Schalkwyk said.

Shukumisa Coalition's Ms Lisa Vetten submitted that farm workers and domestic workers are generally the focus whenever the issue of the national minimum wage arose, however the social welfare sector is equally vulnerable. "We are asking for an exemption for this sector until such time as conditions in the sector are improved and made fair.

"We have to take seriously the role the Department of Social Development has to fulfill regarding children. There is no space given for the sector at Nedlac. This is a big sector with a large category of the workforce and it is highly feminised," she said.

An expert panel to investigate the impact of the national minimum wage should be set up and the exemption request for the sector will only be temporary, Ms Vetten said.

Mr Jordaan, from organised labour, said the minimum wage would help boost the economy. It is critical that such a wage does not erode the value of pay in kind for domestic and farm sectors.

"Parliament should make it clear to the envisaged National Minimum Wage Commission that the increases in the national minimum wage should be real and that the value of the national minimum wage cannot be eroded in any way. When the commission is considering an increase, it should not be less than the previous year's with inflation included," he said.

Ms Solomons, from Women on Farms, pleaded with the committee that the

sectoral determination must remain on farms. “We welcome the idea and the rationale for the national minimum wage as a means to tackle inequality and poverty. Women on farms are the most vulnerable and will seriously struggle to work a 40-hour week. Farmers employ women daily,” she said.

Committee member Mr Lemias Mashile said the committee needed to agree on the way forward. “The committee has a piece of legislation in front of it. Once legislation has been tabled it is for the committee to process it without delay. Workers out there want to see this legislation becoming a reality,” he said.

Members of the committee raised concerns about the time allocated to the Bill, and indicated that it would constitute a rushed job if the committee hastily forged ahead. Committee member Mr Michael Bagraim said this was an important piece of legislation and was likely to impact on the country for the next 100 years. “This will affect the entire workforce of South Africa. The committee will not do justice at all if we are looking to just meet deadlines. Some issues raised in the submissions are critical and require that we do our oversight properly,” Mr Bagraim said.

Committee member Mr Derrick America agreed with this, saying

that the committee needed to be mindful of the effort people put in to preparing submissions. “We should not treat submissions lightly for political expediency. This legislation belongs to the committee now, and we need to listen to all the submissions and ensure we pass a good piece of legislation,” he said.

Committee member Ms Lerato Theko said the committee needed to take the Bill seriously. “Members should sacrifice and deal with this matter, and come back and commit on this item. We are not doing this for ourselves, but for the people,” Ms Theko said. 🇿🇦



Workers go about their daily tasks.



Government must meet its broad-based black economic empowerment targets

The National Treasury's Office of the Chief Procurement Officer was in Parliament to brief the Standing Committee on Appropriations on the government procurement system and the reforms in the pipeline to amend certain Bills to ensure procurement meets the government's broad-based black empowerment goals, writes *Abel Mputing*.

During the briefing by the Office of the Chief Procurement Officer (OCPO), the Chairperson of the Standing Committee on Appropriations, Ms Yvonne Phosa, emphasised the significance of procurement in realising the government's broad-based black economic empowerment (B-BBEE) policy.

"As such, we have invited the OCPO to find out first-hand how it intends to leverage our procurement systems to achieve its objectives. Our vision is to turn the situation around and to conduct intense oversight to deal with issues of ineffectiveness, exorbitant pricing, poor quality and unreliable services. We hope the Bill that is currently under way will address these deficiencies," she said.

To improve its effectiveness, the OCPO has initiated the Public Procurement Bill to accelerate a fair, transparent, equitable and competitive procurement model. The OCPO aims to standardise and automate procurement activities across all spheres of government. It also wants to modernise supply chain management (SCM) technology and generally improve

government's use of this technology.

Chief Director of Policy in the National Treasury, Ms Mpho Nxumalo, told the committee that the Bill is part of reforms currently under way to change the fragmented legislation currently governing procurement in the public sector. "This Bill aims to, among other things, deal with the elimination or standardisation of fragmentation in the procurement legislative environment. The Bill is currently with the Office of the Chief State Law Advisor," she said.

Furthermore, a contract management framework is being developed to improve the government's contract to address irregular and wasteful expenditure. "This guide will know what a contract should look like and be a template for institutions to use. Its draft is being finalised," Ms Nxumalo said.

One of the innovations that has now been introduced to make government procurement transparent is the e-Tender portal. This will, among other things, ensure that there is a single point of

procurement access. Currently, 626 organs of state use the e-Tender portal. "What is significant about this portal is that all departments will be required to advise in it and it is free of charge. Before suppliers had to pay R200 000 to get tender documents and this created barriers for entry for small businesses. Now they can freely access them online."

The Chief Director of Governance and Compliance in the National Treasury, Mr Solly Tshitangano, briefed the committee on major deviations to procurement policy made by state-owned enterprises, such as Eskom, the South African Broadcasting Corporation (SABC) and the Passenger Rail Agency of South Africa (Prasa), to name but three. He painted a sorry picture of persistent deviations and flaunting of procurement procedures that bordered on corruption and financial maladministration.

"Some of the contracts entered into by these companies started off as red contracts because we never approved them, as they were granted without competitive bids. Then when entered into, they changed from red to green, which meant that their scope would be broadened and increased in value from short- to medium- and long-term contracts.

"The Moloto rail project, which we never



PROMISE OF NEW DAWN: President Cyril Ramaphosa emphasising the commitment of government to BEE during SONA.

approved, was initially budgeted for R60 billion. We had a problem on how do we procure these services. We were advised to separate funding and different processes of procurement to competitive bidding. They wanted a bank to fund and appoint service providers. This defeated the intent of government procurement policies to bring about B-BBEE.”

He urged Parliament to conduct effective oversight. “When we publish deviation, we thought they will decrease. Parliament must look for accrual and ensure that departments don’t get budgets against existing accruals. We don’t deduct accrual from the budget allocated to certain departments. This is what Parliament must look into.”

Adding to the problem, he said, is that departments get budget approvals from Parliament even if they have not produced their procurement plans. “Departments don’t submit their procurement plans to us, but submit their annual performance plans to Parliament that do not speak to any procurement plans. That is irregular. No budget allocation should be approved without procurement plans,” he said.

Many Members of Parliament in the committee wanted to know why the Bill had taken so long to be implemented, as they had known about it since 2014. In response, Ms Nxumalo said the delays

were caused by the complex nature of the Bill and the many steps it had to go through to ensure best practice.

MPs also commented on how frank the National Treasury was being when it had been less than frank about procurement deviations in the past. Mr Tshitangano, responded: “We have reports on all departments on accrual and other related reports that can give a clear picture of departments’ financial or procurement performances in various financial years. That information is available and can be provided to the committee.

The integrated management system is long overdue, said committee member Ms Shope-Sithole. “We cannot talk of these developments without it. Also, the internal audits should be appreciated as management tools, but if there are no consequences for wrongdoing, they will be rendered ineffective. Nobody has been held responsible for these deviations. The national Treasury is, according to our Constitution, mandated to look after our resources. The National Treasury has not accounted for these consequences.”

Mr Tshitangano responded: “If there are no consequences, such behaviour will not change. The Special Investigating Unit has reports in this regard, but many of them are gathering dust. For instance, the National Treasury’s forensic report on

the Estina Dairy Farm in Free State was done in 2014 and it mentioned all the irregularities, as have been reported, but the action has only been taken now.”

“The SABC, Denel and Prasa never submitted their procurement plans. Why?” asked the committee Chairperson Ms Phosa. “Should we approve their budget allocations without these plans?”

The Chief Director of Stakeholder Management, Ms Rakgadi Motetso, responded: “It means you don’t know what they are going to deliver. No strategic way of buying. The procurement plans of entities speak to their annual performance plans and strategic plans. These give them time to consult the National Treasury on how and what to buy to ensure that the department does its procurement strategically.”

In her concluding remarks, the Chairperson of the committee commended the National Treasury for an informative and insightful presentation on the state of procurement in the public sector. “As members we will use this information to consolidate our oversight role in our approval of budget appropriations. We are now alive to the issues at hand and the extent of challenges around procurement. The information we got today will put us in good stead in our oversight role as a committee.”



The budget process

The budget process is an ongoing one, that continues throughout the year. February is known as budget month when the citizens and Parliament are informed of the state of the country's economy and the expenditure allocated to each government department.

The budget is not a single document. The Minister of Finance carries a number of related documents into Parliament on budget day. They include the fiscal framework, the Division of Revenue Bill, the Appropriations Bill and a number

of accompanying documents. What is more, budget day is just one day in a budget process that continues for some 18 months. The 12-month financial year, which stretches from 1 April to 31 March of the following year, is just part of that process.

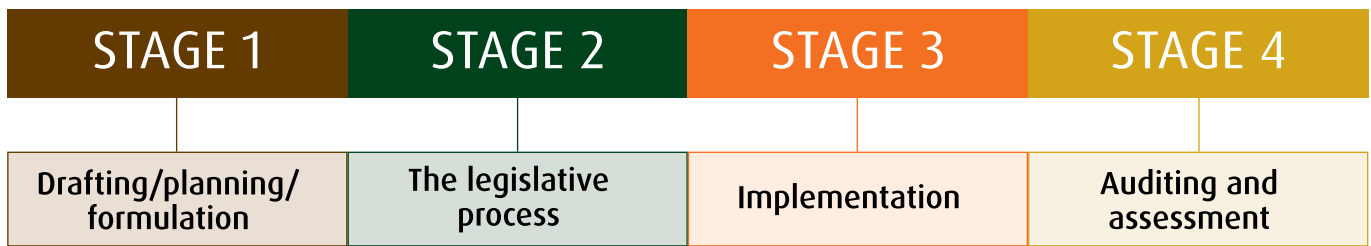
The yearly budget cycle is a four-stage process. To better understand this, let us consider a single budget process as it goes through its four stages. The stages are:

1. Drafting/planning/formulation
2. The legislative process
3. Implementation

4. Auditing and assessment.

It is important to note that these stages do not coincide with the unfolding of a single fiscal year. Stage 1 takes place before the beginning of a particular fiscal year. Stage 2 starts before the beginning of the fiscal year and continues until the passing of the budget. Stage 3 occurs during that fiscal year and Stage 4 happens after the end of the fiscal year.

Let us look at each stage in detail.



<p>1. Drafting/planning/formulation</p> <p>During stage 1, the National Treasury issues guidelines on spending to government departments. These guidelines are based on government policy, such as the National Development Plan (NDP), which is the policy framework that underpins policy decision-making for the next 20 years. The guidelines from the Treasury are also located within the Medium Term Strategic Framework (MTSF), which provides a three-year budget framework.</p> <p>In practice, the budget process starts with the State of the Nation Address (Sona) where the President outlines national priorities and gives hints of the expenditure allocations that will be needed to achieve them. Based on these guidelines, government departments and state-linked institutions submit their draft budgets. This involves detailed</p>	<p>negotiations based on assessments and revisions of earlier expenditure to help the executive make its final decisions.</p> <p>Consideration has to be given to any unspent funds in a department and decisions must be made as to whether these can be “rolled over” to the next budget. Formal roll-over requests must be made to the National Treasury, which then consolidates all the departmental budgets into the draft budget for tabling in Parliament.</p> <p>Parliament plays a role in the drafting stage through its oversight work. The role of Parliament and the various parliamentary committees is spelled out in the Money Bills Amendment Procedure and Related Matters Act 9 of 2009. This Act allows Parliament to amend the budget.</p> <p>One of the most important tools</p>	<p>Parliament uses for this purpose are the Budgetary Review and Recommendations Reports (BRRRs). These reports require committees to annually assess government performance and audit outcomes, but also allow the National Assembly (NA) to make proposals on the forward use of resources. The BRRRs provide an assessment of every government department’s service delivery performance given their allocated resources. They also report on whether expenditure has secured value for money and make recommendations on revised allocations where necessary.</p> <p>In October each year, the Minister of Finance delivers the Medium Term Budget Policy Statement (MTBPS). The MTBPS provides a window into budget policy for the next three years and allows Parliament to influence budget developments over the medium term.</p>
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<p>2. Legislative process</p> <p>The second phase of the budget process is the legislative stage when the budget package is tabled in the NA by the Minister of Finance. This is typically done in February each year.</p> <p>The Finance and Appropriations Committees in both Houses first</p>	<p>consider and hold hearings on the Fiscal framework and the Division of Revenue and Revenue Proposals. When these are adopted by Parliament, the respective portfolio and select committees consider the various departmental allocations. The NA debates each budget in extended public committees (EPCs).</p> <p>The law specifically makes provision</p>	<p>for public participation in this stage to allow for civil society and interest groups to make inputs into the legislative process. Parliament typically passes the budget four months after the start of the financial year. The adjustments budget is introduced six months into the financial year and provides for any adjustments to departmental budgets.</p>
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<p>3. Implementation</p> <p>Once the budget has been passed, funds can be allocated to government departments and other entities, and implementation of government plans and projects can begin.</p> <p>The portfolio committees of the NA and to some extent the National Council of</p>	<p>Provinces (NCOP) are mandated to then monitor and assess the performance and expenditure of the respective government departments against their budgets and ensure the funds are spent effectively and efficiently.</p>
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<p>4. Auditing and assessment</p> <p>After the financial year comes to a close, it is time to assess government departments’ spending and how it is reflected in delivery. The auditing stage involves the review of the final budget documents by independent audit institutions, such as the Auditor-General. Audit reports are published and reviewed by Parliament.</p>

The budget calendar

What follows is a month-by-month schedule showing each stage in the process that takes 18 months.

April: Planning the budget for the upcoming year starts well in advance. The National Treasury notifies all government departments of its spending guidelines for the upcoming budget. At this point unspent funds from the previous financial year are submitted to the National Treasury to assess how much can be “rolled over”. After approval by the Minister of Finance, rolled over allocation letters will be issued to departments.

May to June: The National Treasury issues the MTEF budget guidelines, and request five-year expenditure estimates or plans from government departments.

July: Based on these guidelines, government departments submit their expenditure estimates to the National Treasury for the upcoming budget. Analysis and approval of changes to government departments’ budget are considered.

August: The Minister’s Committee on the Budget (MCB) approves the preliminary division of revenue and budget priorities.

September: The Medium Term Expenditure Committee presents its initial recommendations for funding allocations for key government priorities.

October: In the middle of the financial year, the National Assembly passes the BRRRs. Among other things, the BRRRs assess each government department’s past service delivery performance and may make recommendations for changes to future allocations. The MTBPS is also tabled in Parliament in October. This must be submitted to Parliament at least three months before the introduction of the national budget. It presents a macro-economic view by highlighting key government spending plans for the next MTEF period. It also gives some indication of what the following year’s budget will include.

November: Allocations to national government departments are finalised and proposed to Cabinet in mid-November. Once Cabinet approves funding, allocation letters are sent to all government departments. The Minister of Finance receives the BRRRs from Parliament and considers how these impact on the budget and the MTEF. These reports are analysed and a response to Parliament is prepared.

February: The budget, comprising the fiscal framework, the Appropriation Bill and budget information, is finalised and tabled by the Minister of Finance in Parliament.

March: The NA and the NCOP refer the fiscal framework to their finance committees. Parliament also considers and adopts the Division of Revenue Bill for the upcoming year. Members of the public are invited to make inputs on both these instruments. Thereafter, Parliament considers and approves each departmental budget.



- April
- May
- June
- July
- August
- September
- October
- November
- December
- January
- February
- March
- April

July to April: The Appropriation Bill is passed. Funds can then be allocated to government departments and other entities that are funded by the Treasury implementation of government plans and projects can be carried out for the duration of the financial year. Throughout this time, Parliament continues to monitor and review government departments' expenditure.

December: Government spending is subjected to an auditing process to measure whether public resources have been used efficiently. The final budget documents are reviewed by independent audit institutions, such as the Auditor-General. The findings of the audit are submitted to the legislature, which is responsible for holding government departments accountable for the execution of their budgets.

Parliament and the budget process

Several key Acts govern the budget process and these are debated by Parliament before they are signed into law by the President.

The Division of Revenue Bill

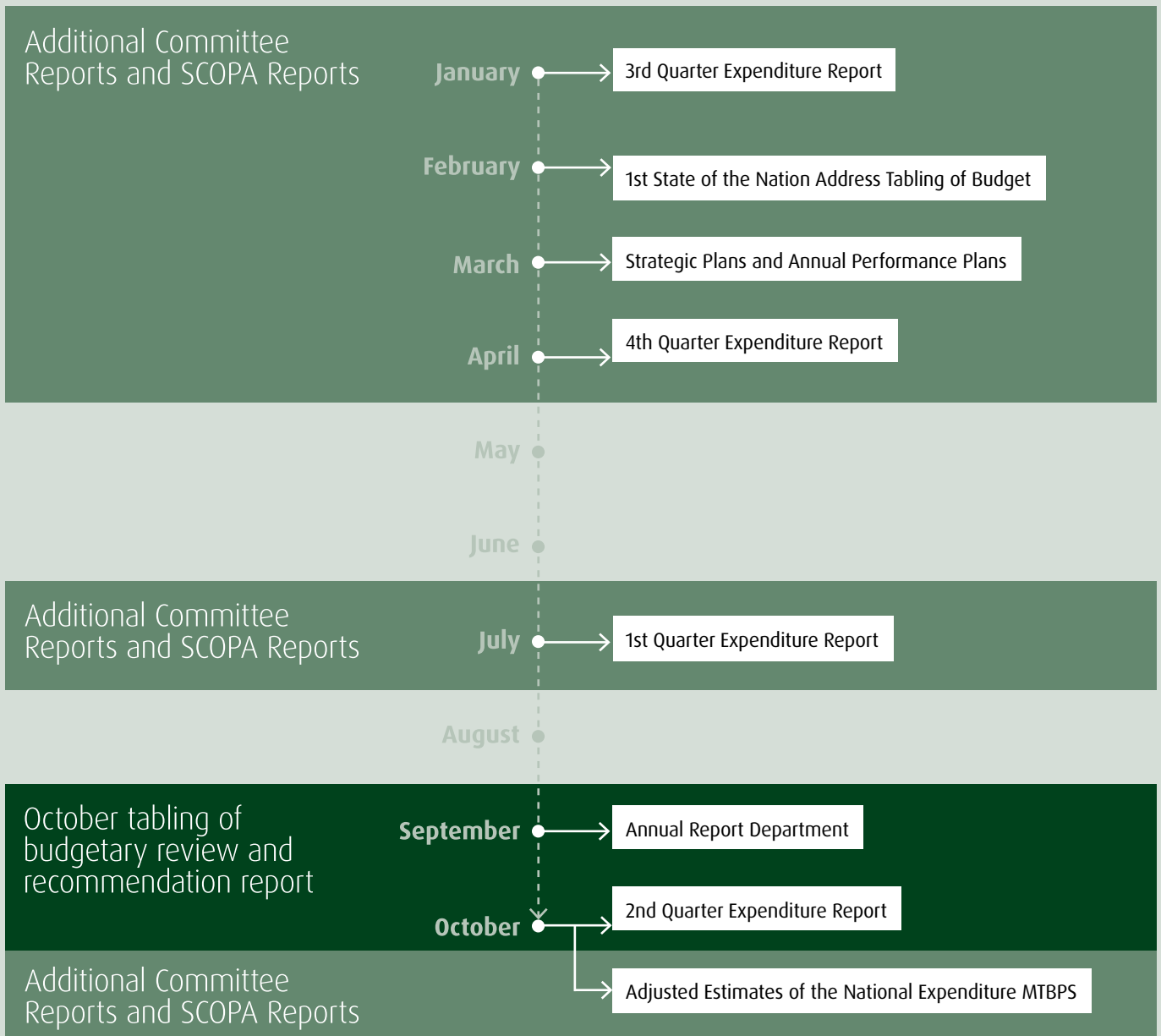
This bill provides for the equitable division of revenue raised nationally among the national, provincial and local spheres of government for the financial year, and the determination of each provinces' share and allocations to provinces, local government and municipalities. It also spells out the responsibilities of all three spheres flowing from this division of revenue and the allocations to provide for these responsibilities.

Appropriation Bill

This bill allows for the appropriation of money from the National Revenue Fund for the requirements of the state for the financial year. It also prescribes conditions for the spending of funds for the financial year before the commencement of the Appropriation Act for that financial year, and to provide for related matters.

Money Bills Amendment Procedure and Related Matters Act

In broad terms the act provides the procedure for Parliament to amend the budget, which includes the annual Division of Revenue Bill, the annual Appropriation Bill and the Adjustments Appropriation Bill, as well as revenue bills, such the annual Taxation Laws Amendment Bill and other bills.



The importance of oversight

A number of process are in place to ensure oversight over public-sector expenditure and performance. South Africa has an Auditor-General, who is responsible for auditing government departments' financial and non-financial performance.

The finding of these audits are reported to Parliament. Parliament's Standing Committee on Public Accounts ensures that the issues raised by the Auditor-General are addressed. Parliament also exercises its oversight through various portfolio committees that assess the budget and other plans, as well as the performance of each department, including their financial performance, and hold them accountable.

Parliament's standing committees, the National Treasury and the Department of Performance, Monitoring and

Evaluation analyse departmental reports on performance indicators that measure progress made in respect of their mandates, for which they are given their share of the budget. This department holds other government departments accountable on outputs, as laid out in delivery agreements, which are informed by performance agreements signed between the President and the relevant national minister.

This monitoring is done on a quarterly basis. The National Treasury holds departments accountable for their budget allocation by assessing value for money and spending patterns in relation to policy priorities.

The budget process is one of the critical instruments that Parliament uses to conduct oversight over the executive. This oversight role protects the public purse. According to the staff of the Parliamentary Budget Office (PBO), the budget system should be regarded

as the most important component of service delivery.

The PBO says that budgeting is the instrument for translating policies and plans into public goods and services. Any policy or plan without a budget attached to it is unlikely to be successfully implemented. Economic success depends on the ability of government to employ limited resources with maximum effect.

The role of Parliament in this regard cannot be overstated as it detects and prevents abuse, prevents illegal and unconstitutional budgetary operations and holds the government answerable on how taxpayers' money is spent.

Parliament can monitor and evaluate the quality of plans and examine if their outputs are relevant for Parliament's oversight. Parliament can also use the Auditor-General's report to see how recommendations of the NDP are integrated into government plans.

Parliament's work in the budget process really begins with the adoption of the BRRRs and the MTBPS. At this stage, Parliament analyses and assesses the macro-economic forecast, the fiscal framework, policy priorities and revenue, and expenditure trends and estimates. It does this by scrutinising individual government department budgets to detect historic trends on efficiency, effectiveness, responsiveness to need and alignment of policy and plans with the NDP.

During the legislative phase of the budget, the NA, the NCOP and provincial legislatures debate budget votes with the involvement of civil society. This is to ensure that they reflect national priorities and accommodate outcomes and actions required by the MTEF.

To ensure efficient and effective implementation of the budget, all government institutions submit in-year executive reports on expenditure and performance to the legislatures. Parliament's committees oversee the in-year and year-end monitoring processes.

This includes site visits and public hearings. Rigorous in-year parliamentary monitoring has the potential to minimise poor performance by the executive.

In the final audit stage of the budget process, annual reports including annual financial statements and performance information are submitted to the Auditor-General for auditing.

Parliament can make use of reports produced by the National Treasury and the

Auditor-General to hold the executive to account on their performance and finances.

The Public Accounts Committee has a significant place in the budget process because it acts as Parliament's watchdog over how taxpayers' money is spent by the executive. Among other things, it scrutinises the findings of the Auditor-General, identifies inefficiencies and mismanagement, establishes the root causes and develops recommendations for improvement. 🌱





Preventing violence at sport events

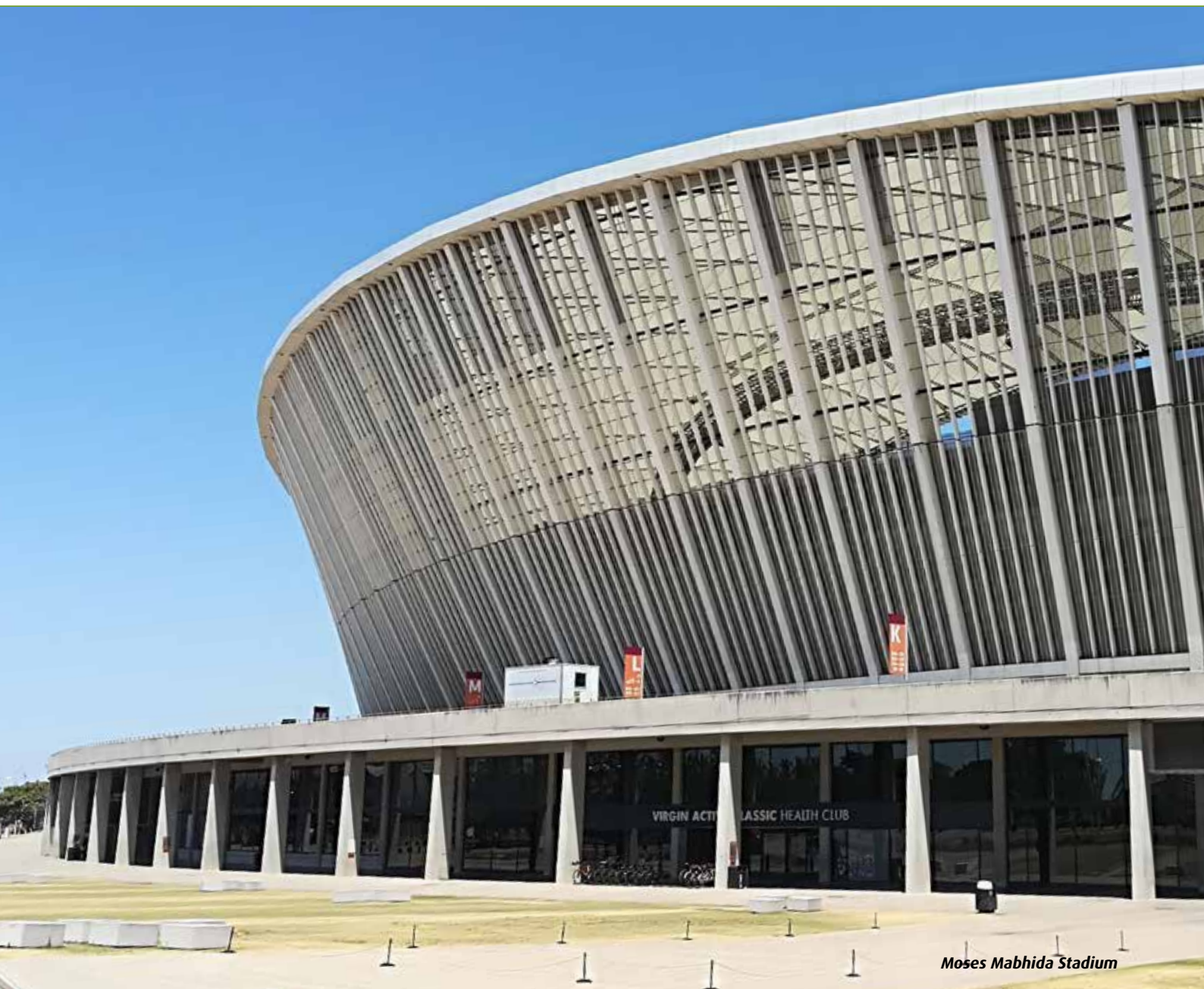
The Portfolio Committee on Sport and Recreation expressed its horror at the violence that took place at the Moses Mabhida stadium on Saturday, 21 April when Kaiser Chiefs fans went on the rampage following Nedbank Cup defeat to Free State Stars destroying all before them, injuring fellow spectators and causing damage worth millions, write *Sibongile Maputi* and *Mava Lukani*.

On that fateful day, Kaizer Chiefs supporters invaded the Moses Mabhida pitch following their club's 2-0 loss to Free State Stars. The committee resolved to invite the Premier Soccer League (PSL) for further clarity on the incident.

The Chairperson of the Portfolio Committee on Sport and Recreation, Ms Beauty Dlulane, said it seemed that stakeholders did not coordinate their plans for big games, and that the security used lacked crowd-control expertise. The purpose of the meeting, she said, was to find a lasting solution to violence at sporting venues.

The joint meeting of the portfolio committees on sport and recreation and police was briefed by the PSL and the South Africa Police Services (Saps) on the hooliganism. It also received presentation from the department of Sport and Recreation on the horrible incident. Members of the joint committee emphasised that the meeting was to share ideas, not conduct an inquiry, because hooliganism in sport is developing into a crisis.

The PSL condemned the violence, saying incidents like these tarnished South Africa's sporting image. It claimed



Moses Mabhida Stadium

that incidents of this nature were the handiwork of organised criminals, and not genuine supporters.

Members of the joint committee asked PSL if there are guidelines for monitoring big events, such as how many security officials are required per 100 spectators. They also wanted to know why only 18 turnstiles were open at the stadium, when 40 were available; this could have frustrated the spectators, making them more likely to resort to violence. Did this mean that there was insufficient security manpower to police the match, they asked.

All the stakeholders at the meeting supported the call by the Minister of Sport for an official inquiry into the Moses Mabhida Stadium incident. It was also

suggested that the Portfolio Committee on Sport and Recreation should assist by considering amendments to the Safety at Sports and Recreational Events Act (Sasrea) to strengthen it, as currently it does not provide law enforcement agencies with enough power to combat hooliganism.

The Minister of Sport, Ms Tokozile Xasa who led the Department of Sport and Recreation, said the department was concerned by the ongoing violence at football matches. She said this trend should be stopped as it puts lives at risk and has the potential to tarnish South Africa's reputation globally.

The deputy Minister of Police, Mr Bogani Mkongi, who led the Saps delegation said Saps supported the Sasrea Act, as

it served as the foundation for security at sport gatherings. He said the growing hooliganism in sporting events was a national security threat that must be dealt with.

Mr Mkongi told the joint committee that the Department of Police supported the commission of inquiry suggested by the Minister of Sport on the Moses Mabhida and other incidents of soccer hooliganism. He said Saps would cooperate fully and ensure that it was a success.

PSL Chairperson Dr Irvin Khoza told the joint committee that the PSL was shocked by what happened at the Moses Mabhida Stadium. On behalf of PSL, he condemned what happened in the strongest terms. The PSL fully supported the call by the Minister of Sport for an official inquiry. 🇿

Committees in brief



The Chairperson of the Portfolio Committee on Police, Mr Francois Beukman, welcomed the arrest of two senior officers in the Western Cape on allegations of accepting a bribe. The arrests add impetus to the necessary drive to eradicate corrupt elements and tendencies within the South African Police Services (Saps).

“The fight against crime has to start with removing the enablers within the police service, especially at station level. The Saps must be served by committed and honest officers who have a passion for ensuring the safety and security of the country, which is a foundation for economic growth,” Mr Beukman said.

The committee is worried that the alleged bribe was in connection with obtaining a certificate to own a firearm. The issue of firearm control has been identified as being central to the fight against crime by the committee. Saps management must continue to strengthen internal control measures and the vetting of officers in the specific environment.

The committee again calls on members of the public to report any alleged corrupt activity of members to the relevant provincial commissioners and the Independent Police Investigative Directorate.

The **Portfolio Committee on Justice and Correctional Services** expressed a concern at the recent spate of escapes from correctional facilities and will take

this critical matter up with the minister and the department when they appear before the committee.

The committee Chairperson, Dr Mathole Motshekga, expressed the committee’s concern as in some instances offenders serving long sentences for serious crimes have escaped. “This puts the lives of our law abiding South Africans citizens at risk. It cannot be allowed to continue. Urgent intervention is required for the spate of escapes.

“We need the minister and the two deputy ministers to appear before the committee in public in order to give a full account as to what they have been doing to address the tide of break-outs. This has been continuing for some time and poses a great risk to the general public. It is unacceptable. The committee will also enquire about the extent to which the department have implemented policy guidelines that are clear as to what needs to be done.”

Dr Motshekga said the Department of Correctional Services will appear before the committee for the presentation of its annual performance plan and budget for 2018/19. “We expect all accounting officers – including the executive authority to inform the committee of plans on the way forward to prevent escapes. We will also enquire about investigations into what led to the escapes,” said Dr Motshekga.

The **Standing Committee on the Auditor-General** has expressed its support of the decision made by the Auditor-General of South Africa (AGSA) to terminate contracts with Nkonki and KPMG auditing firms.

The AGSA briefed the committee about its decision recently, saying the decision was made in order to protect its reputation and those of state entities. It further said that the decision was in the best interests of the international standard on quality control (ISQC1).

Co-Chairperson of the committee Mr Themba Godi said that although AGSA is a chapter 9 institution that is only accountable to Parliament, the committee still appreciates its prerogative to take independent decisions. “In this case, the AGSA took the right decision,” he said.

The committee said that until Nkonki declares its shareholdings, it should not conduct any business with state entities.

The Chairperson of the **Portfolio Committee on Higher Education and Training** has called on institutions across the country to prioritise campus access controls and security at its residences following the killing of a student at the Mangosuthu University of Technology.

The Chairperson of the committee Ms Connie September said universities needed to tighten residential security as the new-found freedom among many students could unintentionally expose them to abuse.

“The committee sends its deepest condolences to the family of the deceased. We are extremely shocked and saddened that this tragedy happened on one of our campuses. Ms (Zolile) Khumalo did not deserve to die like this,” Ms September said.



ENGINE ROOMS OF PARLIAMENT: Joint Committee meeting.

“At the committee we are interested to know who gave access to this person and what motivation did he advance. The university must investigate this incident, and make sure no stones would be left unturned.

A 23-year-old male, and former student at the same institution appeared in court this week in connection with the killing of Ms Khumalo, a student at Mangosuthu University of Technology’s Lonsdale residence on Tuesday.

Ms September said if it is found that the former student had worked with current students in accessing the residences,

those students should be identified and disciplined accordingly.

The **Select Committee on Social Services** couldn’t finalise the Border Management Authority Bill at a time it set to do so due to unavailability of the Minister of the Department of Home Affairs at the appointed date at Parliament.

The Chairperson of the committee, Ms Landulile Dlamini reiterated the importance of deliberating on the Bill, particularly the finalisation of the Bill by the committee, in the presence of the ministers or deputies.

“We are politicians and on that basis we would ordinarily discuss the Bill and ask questions when they arise to the minister, not to officials, who are here to provide support to the department,” said Ms Dlamini. According to the committee, finalisation of the Bill depends on the departments of Home Affairs, Police and Defence and Military Veterans meeting to resolve issues that are still unclear. “That meeting is crucial for the delivery of a watertight legislation,” said Ms Dlamini.

The **Select Committee on Petitions and Executive Undertakings** paid Khayelitsha Hospital an unannounced visit recently. The visit was according to the committee Chairperson Mr Dumisani Ximbi on the grounds of its constitutional oversight mandate and was guided by the hospital Chief Executive Officer (CEO) Dr Anwar Kharwa who requested the committee to go to the hospital to speak to various head nurses about the challenges faced in their various departments. Nurses spoke freely of the serious challenges not only hampering service delivery, but causing a strain on hospital personnel.

Mr Ximbi; said “Committees of Parliament are constitutionally mandated to perform oversight over the work of all organs of state, including those at provincial and local government level. Committees will not waiver from this important responsibility, especially when it relates to complaints of neglect and poor services delivery as received not only from Ms Nobuntu Fuzani, but also from various other stakeholders including the Khayelitsha Development Forum.” 🗣️



COMMITTEE CHAIR POINTS DIRECTION: The Chairperson of the Select Committee on Appropriations Mr Charel de Beer leads the questioning.



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