



# MONITOR

*A monthly briefing sheet to keep communities informed about what is happening in Parliament*

Did you know?	The start of the Fifth Parliament
<p><b>The Minister of Rural Development and Land Reform</b> has set up a toll free eviction hotline (0800 007095) The Call Centre is not limited to evictions and farm dwellers can also enquire about other programmes available from the Department.</p> <p><b>The Department of Social Development</b> established a Gender-Based Violence Command Centre. 75 qualified social workers have been employed to serve in this 24-hour command centre, dedicated to provide psycho-social support and referral services. This work is done in collaboration with the Department of Health, the South African Police Service and NGOs. This sort of centre is unfortunately necessary given the World Health Organisation statistics, which show that between 40 and 70% of female murder victims are killed by their husbands or boyfriends in South Africa. Also, South African Police Service statistics reveal that 175 880 crimes against women and 66 387 sexual offences were committed in 2012/13.</p> <p>In addition to providing immediate intervention for victims of gender based violence, the Command Centre assists in prosecution of perpetrators as information collected throughout the intervention process by all role players can be made available to the courts as evidence. Victims of gender based violence can call: 0800 428 428 for assistance.</p>	<p>The start of the Fifth Parliament commenced with the induction, orientation and training of new and returning Members of Parliament (MPs). Known as the on-boarding programme, all MPs are acquainted with the necessary knowledge, procedures and skills to do their work as public representatives and lawmakers. In the Fourth Parliament, over 60% of the National Assembly MPs in 2009 were first time / inexperienced MPs. According to Parliament, this time approximately 52% of the 400 Members of the National Assembly (NA) are new and about 86% of the National Council of Provinces (NCOP's) 54 Permanent Delegates are new.</p> <p>After electing the President and then the presiding officers, the first important matter that the new Parliament had to consider was whether the number of National Assembly Committees should be reduced. The ANC had proposed that Portfolio Committees did not need to closely mirror national departments and they could be clustered together in a similar way to the NCOP. The ruling party argued that clustering would enhance efficiency. Opposition parties disagreed with this view and countered that this would undermine oversight and accountability. It was eventually agreed that the status quo would prevail. This meant 32 Portfolio Committees in the NA were established and 11 Select Committees in the NCOP.</p> <p>The new Parliament however changed the composition of Portfolio Committees from 13 to 11 Members, with the ANC represented by six Members, the DA by two Members and the EFF by one Member. The final two places were allocated to minority parties. If committees need to vote on a particular issue, a quorum of six Members is needed. Prior to 2009, the minimum membership per committee was 16 Members. Poor attendance at a committee meeting by a Member will now become more obvious.</p> <p>The President's State of the Nation Address and the ensuing debate took centre stage in the third week of June. While many political analysts described the speech as "muted", the debate itself was anything but. It was a heated affair, with opposition parties attacking the President and his administration and the ruling party giving it back in return. The EFF, in particular, has played a starring role in all the plenary debates and has used this platform to "step on toes and ruffle feathers". In this short period (two and a half months), it has challenged the rules, questioned why certain practices exist in the legislature, has been thrown out of the legislature and even taken the presiding officer to court over its ejection. In short, the EFF has been a vocal and colourful presence in Parliament.</p> <p>July was dedicated to the consideration of department budgets. Committees were briefed on the Strategic Plans, Annual Performance Plans and budget allocations of the government entities they oversee and had to report to the NA by 11 July on whether they approved or rejected the allocations. This was followed by the budget vote debates for each department (including Parliament). Given that this process normally takes 2-3 months, it was not surprising that many MPs expressed concern about the short timeframes for the budget approval. Despite objections from some opposition parties, Parliament met the deadline and both Houses adopted the 2014 Appropriations Bill. Where they could not meet entities owing to time constraints, committees made a commitment to do so later. They further noted that departments have to present quarterly performance reports plus their Annual Report later in the year. This will enable MPs to exercise oversight and examine if the departments are implementing their plans properly.</p>

## Rural Development & Land Reform Issues

President Jacob Zuma signed the **Restitution of Land Rights Amendment bill** into law at the end of June 2014. The legislation re-opens the restitution claims process that closed at the end of 1998 and gives claimants five years - to 30 June 2019 - to lodge land claims. Only about 80 000 land restitution claims were lodged by the 1998 deadline and it is estimated that there are up to five times as many valid cases that can be brought by victims of apartheid-era forced removals. According to the Department of Rural Development and Land Reform, previous claims will be settled first. It was reported at the end of July that 5 495 new claims have been received across the country, with the majority of these lodged in the Western Cape (1 363 claims) followed by Gauteng (956 claims). It was also reported that the majority of those who have lodged claims since the re-opening have opted for financial compensation. The Chief Land Claims Commissioner has urged claimants to opt for land restoration rather than money, as this would help to address unequal land ownership patterns in the country. The Portfolio Committee on Rural Development and Land Reform advised the Department to develop a National Land Claims register as a matter of urgency to assist the Commission on Restitution of Land Rights to prioritise existing land claims lodged by the end of 1998. The Minister was instructed to report to the National Assembly about the plans and time frames for the development of the land claims register within three months of the adoption of the report by the National Assembly.

A new land reform proposal that involves giving 50% of land to farm workers has generated a lot of comment. According to the proposal, the government would pay for the 50% to be shared by the labourers into an investment and development fund (the IDF), to be jointly owned by the parties constituting the new ownership regime. The deadline for feedback is April 2015. Opposition Members on the Rural Development and Land Reform committee demanded that this item be placed on the Committee's agenda and were surprised that the Minister did not mention the policy proposal during his engagement with the Committee on his Department's strategic plan. The EFF feared that farmer owners would start evicting farm workers, and pointed out that presently South African farms have lost over a million farm workers even with the existing legislation in place which purports to protect such people. The DA argued that references to the policy did not constitute deliberations on the policy, and advocated that time be set aside, when the policy could be presented and deliberated on fully. The Committee gave the Department six months to produce a 'single, coherent' land reform policy interweaving the 'various policies' that have emerged from consultations on the [2011 Land Reform Green Paper](#).

Delivering his 2014/15 budget vote speech, the Minister of Rural Development and Land Reform confirmed that four new Bills will be introduced in Parliament this year:

**The Electronic Deeds Registration Bill**, which will no longer require the need for a conveyancer to physically appear before the registrar of deeds, allowing for an electronic process on exchange of property.

**The Regulation of Land Holdings Bill**, which will require a land-owner's nationality to be stated.

**The Extension of Security of Tenure Amendment Bill**: clarifies the legal position of farm workers and dwellers.

**The Communal Land Tenure Bill**, which aims to protect communal land from land sharks.

Also included in the raft of land-related legislation to be introduced this year is the **Communal Property Associations Amendment Bill**, which seeks to improve 'levels of social stability' among farm dwellers and labour tenants in communities falling under the associations. The Bill also provides for the registration of title deeds in the names of individual households, and applies to both farm labourers and dwellers.

In the same speech, the Minister reaffirmed government's commitment to expediting the promulgation of a 'new Expropriation Act', which could include provisions for 'expropriation without compensation' in respect of land 'acquired through unlawful means or used for illegal purposes'. He mentioned plans to introduce the Regulation of Land Holdings Bill to stop foreigners buying land in South Africa. According to a report in Die Burger, statistics from the 2007 land ownership study show foreign nationals own 3% of the country's land. That figure, however, does not include ownership through companies, trusts and other legal entities. In terms of the draft legislation, all natural and legal persons would have to declare land ownership. Phase 1 of the land audit, which is already under way, places this obligation on everyone, South Africans as well as foreigners. The Minister is further reported to have said that 'although we know 79% of land is in private hands, 14% in state hands and the status of 7% is not known, we have to analyse this in terms of race and nationality'.

MPs observed that the greatest share of the department budget has been allocated to the programmes of Rural Development, Restitution and Land Reform which jointly accounted for 79.4% of the allocations for the 2014/15 financial year. The three programmes are the main drivers of the agrarian transformation. Although the three programmes got the largest share of the total budget, the Committee noted that there has been reprioritisation of funds, about R2.4 billion and R2.1 billion from restitution and land reform respectively to be used as transfers to households in the rural development programme. The Committee remained concerned that funds were being shifted from Restitution, whilst this programme did not have adequate enough funding for settlement and finalisation of all outstanding claims as well as settlement of the new claims arising from the reopening of the lodgement of land claims.

### Sanitation, Bucket Eradication & Water Boards

Presidential Proclamation Number 43 of 2014, dated 8 July 2014, paved the way for the establishment of various departments in support of the new ministerial portfolios. This included the establishment of the Department of Water and Sanitation (DWS). DWS incorporates the mandates of the Department of Water Affairs and the sanitation function which will be transferred from the Department of Human Settlements (DHS). The transfer of the sanitation function from DHS was facilitated through the National Macro Organisation of the State Programme coordinated by the Department of Public Service and Administration, National Treasury and led by the Presidency.

The sanitation mandate is derived from section 10 of the Constitution – "Everyone has inherent dignity and the right to have their dignity respected and protected" and section 24(a) – "Everyone has the right to an environment that is not harmful to their health or well-being". The sanitation mandate is also derived from the National Water Act and the Water Services Act. These Acts deal with the accessibility and provision of water services which included drinking water and sanitation services.

The newly formed Department will oversee the implementation of the Bucket Eradication Programme (BEP). The BEP is the department's plan of action in tackling the country's sanitation problem. According to the Department, there are currently 272,995 bucket toilets spread out across all provinces, with the Free State accounting for 37% of all bucket toilets.

For the capital budget allocation and specifically the BEP, there were ring fenced budgets (funding that can be used for sanitation purposes only) per province based on the estimated use of buckets in that province with numbers provided by the various implementing agents. The total budget for BEP for 2014/15 was R899.2 million and R975.4 million for 2015/16. For 2014/15, the targeted delivery was 30, 000 units while for 2015/16 the target was 32, 500 units. During 2013/14, 28 146 toilets were delivered through the Rural Housing Infrastructure Grant (RHIG) and 6000 buckets were replaced up until 31 March 2014. For the RHIG allocation, the total allocation to provinces for 2014/15 was R113.1 million and R118.3 million in 2015/16. 3700 units were targeted in 2014/15 and 3900 were targeted in 2015/16.

MPs expressed concern that the new department would inherit the same challenges faced by the DHS. They said that the Department of Human Settlements had pointed out that funding cuts for the BEP had

contributed to the large number of bucket toilets still prevalent, and so MPs advised that the new department should ensure that enough money was allocated to meet its eradication targets.

The Department explained that bucket systems were broken down into two categories – those used in formal or established townships and those used in informal settlements. The biggest problem was with the informal settlements where the Department was chasing a moving target with approximately 200 000 buckets used. Initially there was no earmarked or ring fenced budget for bucket eradication but instead funds came from the Municipal Infrastructure Grant (MIG) or were managed as part of MIG or equitable share.

Water boards are separate legal entities that have their own governance structures and assets and are required to be self-funding. The water boards provide bulk potable water services to the municipalities in which they operate, and to other water service institutions and major consumers within the designated services areas. There are nine water boards in South Africa - Amatola, Bloem, Lepelle, Magalies, Mhlathuze, Overberg, Rand, Sedibeng, and Umgeni. located across the country and they vary in size, activities, customer mix, revenue base and capacity.

Their biggest challenge is getting the municipalities to pay them for the water they supply. Municipalities owed water boards a total of R2.9 billion. Coupled with this, water boards continue to experience various challenges, which include the lack of long-term service level agreements, aged and inadequate infrastructure, deteriorating raw water quality, water conservation, demand management and illegal connections.

The major challenges that Parliament has raised over the years include why people that live so close to the dams did not get access to clean water, which has been the cause behind many service delivery protests. They also queried the powers vested in the boards and if they were superseded by Parliament and how they determined tariffs.

The Department of Water has promised to address those concerns, although it has warned that it would cost around R570 billion to provide full universal water access at the required level. The Water Act is being used to clarify the roles and responsibilities in the sector.

## Food Security, Social Assistance & Health Matters

In his remarks to Parliament, the Minister of Agriculture, Forestry and Fisheries stated that the 2013 General Household Survey, showed that the percentage of households that experienced hunger decreased by 16% between 2002 and 2013. Despite this notable achievement, there were still 12 million South Africans who are food insecure. To alleviate this problem, government has decided to provide comprehensive support to smallholder farmers by speeding up land reform and providing technical, infrastructural and financial support. Support will be provided to communities to engage in food production and subsistence farming to promote food security, in line with the Fetsa Tlala (“End Hunger”) food production programme, which is the cornerstone of South Africa’s food-security policy.

The Minister stated that sustainable management of the country’s natural resources, such as land, soil, water, and climate systems is critical for food security. The loss of prime agricultural land through degradation and competing demands such as human settlement, or mining, poses a serious threat to food security and the sector as a whole. To address this challenge, the Department has formulated a policy and legislative framework, namely the Preservation and Development of Agricultural Land Framework. Consultations are currently under way with all stakeholders and will be followed by a parliamentary consultation process on the draft Bill. MPs have for some time expressed concern that people are no longer choosing to farm, for various reasons such as lack of infrastructure and have asked the Department how it plans to address the specific problems. They also suggested that the 40% allocations through the food programmes, for small farmers, should rise to 100%, to achieve true transformation.

In her budget Speech, the Minister of Social Development stated that her department conducted a national audit of 19 900 Early Childhood Development (ECD) facilities throughout the country. The audit revealed the following: lack of proper infrastructure, overcrowding, the need for training of ECD practitioners and accessibility for children with disabilities, to mention a few. Another alarming discovery was that 44% of the ECDs were unregistered. The Adopt-an-ECD campaign was started in response to this and an appeal was made to the corporate sector to partner with the relevant authorities.

The Minister mentioned that child- and vulnerable youth headed households will remain a central focus for the department and there are plans to finalise the child- and youth headed households register in this financial year.

Social grants recipients continue to derive important benefits from the current social grants payment system which was introduced in 2012. The South African Social Security Agency embarked on a re-registration process that was able to save R2 billion, by cancelling 850 000 incorrect or fraudulent grants from the system. Currently over 80% of beneficiaries draw their grants within the first seven days of the month. With the new system, all social grant beneficiaries can now receive their grants from the first day of the month, through various convenient payment channels.

The Minister reported that a key part of the current payment model is the establishment of the biometric system, which offers many important benefits, both as a measure to combat fraud and corruption and as a more accurate and reliable means of beneficiary authentication.

The Department had received complaints from beneficiaries about various types of deductions from social grants payments, often without their knowledge or consent. The Department is concerned about this practice and has established a Ministerial Task Team to investigate and make recommendations. It comprises of SASSA and department officials as well as the non-government organisation, Black Sash, that has campaigned to prevent this malpractice.

During the budget statement to Parliament, the Minister of Health reported that one of the main drivers of teenage pregnancy in Sub-Saharan Africa is lack of family planning. In order to deal with this issue, the Department launched a new National Family Planning Campaign in February 2014 under the theme “Dual Protection”, i.e. consistent use of a condom together with another form of contraception device. A new contraceptive device called the Sub-dermal implant, which is implanted just under the skin on the inner upper arm was also launched at that same event. This contraceptive remains active for 3 years and is provided at all public health facilities free of charge to any woman. The Department had set a target to insert at least 320 000 implants per annum.

The Department plans to introduce a project, called MomConnect. This is a messaging service that will send texts to pregnant women appropriate to their stage of pregnancy. These messages will advise them what to do at any stage of their pregnancy. It will encourage them to start ante-natal care early, test for hypertension, HIV/AIDS, diabetes very early.

The Minister indicated that he will establish a National Health Commission, to be chaired by the Deputy President, to become the vehicle through which non-communicable diseases will be dealt with.

The Medical Research Council informed Parliament that it continued to conduct research and trials on new vaccines to prevent HIV and TB, as well as working on cures for multi-drug resistant TB.

## Legislation under consideration....

### [An update on the progress of Bills and Acts can be accessed from the PMG website](#)

The following bills - **Development Bank of Southern Africa Amendment Bill, Medicines & Related Substances Amendment Bill, Medical Innovation Bill, Financial Management of Parliament Amendment Bill, Integrated Coastal Management Amendment Bill and Appropriation Bill** automatically lapsed at the end of the Fourth Parliament but were revived by the Fifth Parliament. All the bills resumed from the stage that they reached on the last sitting day of the previous Parliament. The Financial Management of Parliament Amendment Bill and Appropriations Bill were passed by Parliament and sent to the President for assent by the end of July.

The constitutionality of certain provisions in the **Minerals and Petroleum Resources Amendment Bill** will be considered by an inter-ministerial committee established to review the proposed new statute.

The Minister of Justice and Correctional Services introduced the **Legal Aid Bill** and the **Attorneys Amendment Bill**. The aim of the first bill is to ensure access to justice and the realisation of the right of a person to have legal representation as envisaged in the Constitution. The latter Bill sought to terminate the continued existence of the Law Societies still operating in the former TBVC states (Transkei, Bophuthatswana, Venda and Ciskei) and incorporate them into the mainstream law societies.

The Minister for Women in the in the Presidency informed Members of Parliament that the **Women Empowerment and Gender Equality Bill** was to be withdrawn because it was tabled without sufficient consultation, and it would be re-tabled.

The Deputy Minister of Justice and Constitutional Development informed Parliament that a reworked **Traditional Courts Bill** will be re-introduced in Parliament. The amended draft would seek to address concerns expressed about provisions in the 2012 Bill.

The Minister of Justice and Correctional Services informed Parliament that eight Bills will be introduced to the National Assembly for consideration. These include, amongst others, a **Maintenance Amendment Bill** - which seeks to strengthen the investigation of maintenance complaints, a **Protected Disclosures Amendment Bill** - which seeks to 'expand the scope of application of the legislation beyond the traditional employer/employee relationship' and to 'extend the protection offered to whistle-blowers', and a **Justice Administered Fund Bill** - which seeks to create a legislative framework for regulating the management and control of third party funds - including maintenance and bail monies - and to address related accountability issues.

The Home Affairs Deputy Minister has **hinted at amendments to the Refugees Act** as well as an immigration policy document that will propose strategies for managing 'unskilled economic migration'.

The regulations which will give effect to the **National Credit Amendment Act** were published on 1 August for 30 days for the public to submit their comments. The final regulations will then be issued later and the Act is expected to come into effect in the third quarter of the financial year. These regulations are important as they are Affordability Assessment regulations, which are aimed at curbing reckless lending. Go here for more information:

[www.pmg.org.za/calls-for-comment/national-credit-draft-regulations-2014](http://www.pmg.org.za/calls-for-comment/national-credit-draft-regulations-2014)

The Department of Labour announced that the **Employment Equity Act** will come into effect on 1 August 2014 and that the **Basic Conditions of Employment Act** could be in force by the end of September.

It has been more than eight months since Parliament passed the **Protection of State Information Bill** and the President is yet to sign it into law.

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# Focusing on Social 'Protection'

July 23, 2014

By: People's Assembly

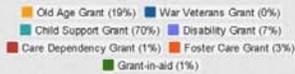
According to the Department of Social Development, the National Development Plan (NDP) 2030 vision gives a thorough reflection of the poverty, inequality and unemployment confronting most South African's, especially the youth.

"[The NDP] locates Social Development within the broader scope of 'social protection' with a key focus on creating a system that ensures that no household lives below a pre-determined social floor. The NDP 2030 conceptualises social protection as much broader and more inclusive than social security." – Department of Social Development, 22 July 2014.



## Which Grants are Beneficiaries Accessing?

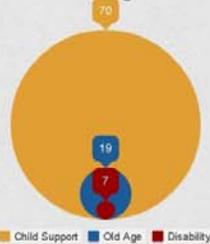
2013/14: Approx 15.9 m beneficiaries



2016/17: Approx 16.6 m beneficiaries



## According to the Department of Social Development ...



"The child support [70%], old age (19%), and disability (7%) grants make up the bulk of the programme's expenditure over the medium term, and reflect government's commitment to supporting the most vulnerable in society by providing income support."

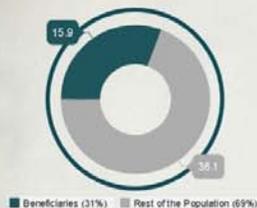
## Social Grant Beneficiary Trend: 2013-2017



The graph shows slow, steady growth in the number of social assistance grants beneficiaries.

Expenditure on social assistance grants is expected to increase over the medium term mostly due to inflation related adjustments to the grant values of the individual grant types and a slight growth in beneficiary numbers over the period 2013-2014.

## Percentage of South Africans benefiting from grants:



31%

69%

Based on a population of 52 million, the graph shows that almost a third (31%) of the South African population relies on some form of social assistance to get by every month.

The Department of Social Development expects that the number of beneficiaries will increase to approx. 16.6 million by the end of March 2017.